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[Adm. Matter No. 2278-MJ. July 11, 1986]

SERGIO V. BAUTISTA, *complainant, vs.* **LORETO GUEVARRA,** *respondent.*

SYLLABUS

REMEDIAL LAW; JUDICIARY REORGANIZATION ACT (BP 129); SUPREME COURT; JURISDICTION OVER ADMINISTRATIVE CASES FILED AGAINST JUSTICES, JUDGES AND COURT PERSONNEL.— Executive Judge Flordelis O. Navarro took the view that all administrative cases against justices, judges, and court personnel pending as of January 17, 1983, should be considered moot and academic on account of the implementation of the judicial revamp provided for in Batas Pambansa Blg. 129, in line with a pronouncement in this regard made by this Court in an *en banc* resolution dated February 15, 1983. Said resolution of the Court, however, provides in itself the exception and that is, "where there are compelling reasons to the contrary." We find said Order of Executive Judge Navarro dated February 24, 1983, untenable. Under the resolution of this Court dated October 4, 1982, We referred this case to Executive Judge Navarro for her to submit to this Court after conducting an investigation, her findings of facts and conclusions of law, together with the corresponding recommendation. However, it is this Court alone that should be left to decide the appropriate action to be taken in this case. The order issued by Executive Judge Navarro, dated February 24, 1983, dismissing this administrative case for being moot and academic is, therefore, not proper nor well-taken. The ultimate action on this case should have been left to this Court.

APPEARANCES OF COUNSEL

Emerito M. Salva & Associates for respondent.

R E S O L U T I O N

ALAMPAY, *J.*:

In the complaint for disbarment filed with this Court by Mr. Sergio V. Bautista, dated September 10, 1979, against then

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Municipal Judge Loreto Guevarra of Sto. Tomas, Batangas, it is alleged that said respondent received from the complainant the amount of P600.00 asked for by said respondent in order that the complainant herein can obtain the dismissal of a criminal complaint filed by the local PC authorities against him and his nephew for Violation of Art. 195 of the Revised Penal Code (Jueteng). Complainant further averred that in connection with this same matter, the respondent Judge had previously received from him an amount of P500.00; that due to the initiative taken by herein complainant, the respondent Judge was, on October 4, 1978, arrested by NBI agents while in the act of receiving at the 3M Kitchenette, Poblacion, Sto. Tomas, Batangas, the marked money of P600.00 being asked for from complainant Sergio Bautista.

After the respondent's Comment to the complaint was received by the Court and acting on the Memorandum of Deputy Court Administrator Arturo B. Buena, the Court, in its resolution dated October 4, 1982, ordered respondent Judge to refrain from performing the duties of his office during the pendency of this case. The instant case for disbarment and suspension from office of respondent Judge Guevarra, was then referred to Executive Judge Flordelis O. Navarro, of the Court of First Instance of Batangas, at Lipa City, for investigation, report and recommendation. In the Court of First Instance of Batangas, Branch VI, this administrative matter was docketed as Administrative Case No. T-317.

In his motion to dismiss dated January 17, 1983, filed in the court below, respondent Judge prayed therein that the complaint against him be dismissed – for being patently politically inspired. He also disclosed that:

"2. The instant complaint of Sergio Bautista, dated September 10, 1979, refers to the same incident complained of by the same Sergio Bautista in Crim. Case No. 687 of the Sandiganbayan entitled *People vs. Loreto M. Guevarra*; judgment of conviction was rendered in that case, which was eventually brought to the Supreme Court on appeal by *certiorari* in G.R. No. L-56692 entitled *Loreto M. Guevarra vs. the Sandiganbayan and the People of the Philippines*; said *certiorari* case, which may be taken judicial notice of by this Court, is still

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pending decision in the Supreme Court, and is therefore *sub judice*. x x x"

Respondent Judge averred in his motion that the duty of the said Executive Judge should be to refer and bring to the attention of the Supreme Court his motion to dismiss for appropriate resolution.

On February 24, 1983, Executive Judge Navarro, however, issued an order which We hereunder quote:

"With the implementation of Batas Pambansa Blg. 129 the instant administrative case has become moot and academic as of January 17, 1983 and is considered dismissed.

"Let the records of the instant case be returned to the Supreme Court.

"SO ORDERED.

"Tanauan, Batangas, 24 February 1983."

Apparently, Executive Judge Flordelis O. Navarro took the view that all administrative cases against justices, judges, and court personnel pending as of January 17, 1983, should be considered moot and academic on account of the implementation of the judicial revamp provided for in Batas Pambansa Blg. 129, in line with a pronouncement in this regard made by this Court in an *en banc* resolution dated February 15, 1983. Said resolution of the Court, however, provides in itself the exception and that is, "where there are compelling reasons to the contrary."

We find said Order of Executive Judge Navarro dated February 24, 1983, untenable. Under the resolution of this Court dated October 4, 1982, We referred this case to Executive Judge Navarro for her to submit to this Court after conducting an investigation, her findings of facts and conclusions of law, together with the corresponding recommendation. However, it is this Court alone that should be left to decide the appropriate action to be taken in this case. The order issued by Executive Judge Navarro, dated February 24, 1983, dismissing this administrative case for being moot and academic is, therefore, not proper nor well-taken. The ultimate action on this case should have been left to this Court.

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Dismissal of this administrative case would be all the more highly improper because respondent Judge was convicted for violation of the Anti-Graft and Corrupt Practices Act, by the Sandiganbayan in Criminal Case No. 687 and the same judgment was affirmed by this Court in G.R. No. 56692 when the petition for review by way of *certiorari* of said decision of the Sandiganbayan, was dismissed for lack of merit. This Court ruled that the questions raised in said petition for review are factual and there is no showing that the lower court's findings of facts are unsupported by substantial evidence. The subsequent motion for reconsideration filed by respondent Judge Loreto Guevarra was denied under the resolution of this Court dated January 10, 1984. In another resolution dated February 2, 1984, this Court directed entry of final judgment.

The Court takes notice that in the final judgment rendered by the Sandiganbayan against herein respondent Judge Loreto Guevarra in Criminal Case No. 687-MJ, the latter was found guilty of violation of the Anti-Graft and Corrupt Practices Act and sentenced to serve the penalty of an indeterminate prison term of from four (4) years and one (1) day, as minimum to seven (7) years and one (1) day, as maximum, and to further suffer perpetual disqualification from public office and to pay the costs.

Under Our resolution dated October 4, 1982, respondent Judge Loreto Guevarra was ordered to refrain from performing the duties of his office of Municipal Judge of Sto. Tomas, Batangas during the pendency of this case, and We find that the said position is now being occupied by Municipal Trial Court Judge Concepcion B. Gonzaga, as of November 28, 1985.

IN VIEW OF ALL THE FOREGOING, the Court resolved to consider the aforesaid judgment against respondent Loreto Guevarra as sufficient ground for his disbarment and, therefore, ORDERS his name stricken from the Roll of Attorneys.

SO ORDERED.

Teehankee, C.J., Abad Santos, Feria, Yap, Fernan, Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, and *Paras, JJ.*, concur.