



Republic of the Philippines
 Supreme Court
 Manila

EN BANC

OFFICE OF THE COURT
 ADMINISTRATOR,
 Complainant,

A.M. No. RTJ-08-2140
 (Formerly A.M. No. 00-2-86-RTC)

Present:

- versus -

EXECUTIVE JUDGE OWEN B.
 AMOR, REGIONAL TRIAL
 COURT, DAET, CAMARINES
 NORTE,
 Respondent.

SERENO, C.J.*
 CARPIO,**
 VELASCO, JR.,***
 LEONARDO-DE CASTRO,
 BRION,
 PERALTA,
 BERSAMIN,
 DEL CASTILLO,
 VILLARAMA, JR.,
 PEREZ,
 MENDOZA,
 REYES,
 PERLAS-BERNABE,
 LEONEN, and
 JARDELEZA, JJ.

Promulgated:

OCTOBER 07, 2014

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RESOLUTION

PERLAS-BERNABE, J.:

Before the Court is a Memorandum¹ dated November 23, 1999 filed by Acting Presiding Judge Manuel E. Contreras (Judge Contreras) of the

* On leave.

** Acting Chief Justice per Special Order No. 1823 dated October 7, 2014.

*** On leave.

¹ Rollo, pp. 5-8.

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Municipal Trial Court (MTC) of Paracale, Camarines Norte for the Office of the Court Administrator (OCA) against respondent Executive Judge Owen B. Amor (respondent) of the Regional Trial Court of Daet, Camarines Norte (RTC), accusing him of Grave Abuse of Authority, Grave Misconduct, and Acts Inimical to Judicial Service.

The Facts

In the Memorandum which he submitted pursuant to the verbal instruction of then Court Administrator Alfredo L. Benipayo,² Judge Contreras reported on the alleged acts of respondent, as follows:

First, on October 1, 1999, respondent impounded the tricycle of a certain Gervin Ojeda at the Hall of Justice of Daet, Camarines Norte, when the latter bumped the former's vehicle and was unable to pay the amount demanded for the incurred damages. As such impounding was entered in the Guard's Logbook, Judge Contreras was able to secure a certification regarding the same from Security Guard Virginia Morico (SG Morico). However, SG Morico inadvertently dated the certification October 11, 1999, instead of November 11, 1999. When Judge Contreras called the attention of SG Morico of the wrong date, the latter took the certification and went straight to respondent's chambers. After leaving the chambers, SG Morico became "belligerent and discourteous" and refused to return the certification to Judge Contreras. Thus, Judge Contreras sought the assistance of Judge Sancho Dames and 2nd Assistant Provincial Prosecutor Leo Intia in order to retrieve the aforesaid certification from SG Morico, but to no avail. Thereafter, Judge Contreras learned that respondent had berated the guards of the Hall of Justice, including SG Morico, for issuing the certification, and that SG Morico and Head Guard Quintin Fernandez tried to conceal the alleged acts of grave abuse of authority by respondent.³

Second, during the latter part of October 1999, Acting Presiding Judge Rosita Lalwani (Judge Lalwani) of the MTC of Mercedes, Camarines Norte called respondent to seek reconsideration of her detail to another station. Respondent then berated Judge Lalwani and accused her of being lazy and abusive like the other judges of Camarines Sur who were also detailed at Camarines Norte. Further, respondent instructed Judge Lalwani to go slow with the trial of a BP 22⁴ case as the accused therein was his friend.⁵

² Id. at 5. See also id. at 18.

³ Id. at 5-7. See also id. at 18-19.

⁴ Referring to Batas Pambansa Blg. 22, entitled "AN ACT PENALIZING THE MAKING OR DRAWING AND ISSUANCE OF A CHECK WITHOUT SUFFICIENT FUNDS OR CREDIT AND FOR OTHER PURPOSES."

⁵ *Rollo*, p. 7. See also id. at 19.

Third, on October 27, 1999 and under the pretext of a judicial visit, respondent visited Judge Contreras at the latter's chambers and personally intervened for one Atty. Freddie Venida (Atty. Venida), who was previously arrested and charged with indirect contempt for his failure to appear in three (3) criminal cases for which he stood as an accused. Respondent then told Judge Contreras that he does not mind Atty. Venida's abusive practice as he gives him gold which was abundant in Paracale, Camarines Norte. Respondent further sneered at Judge Contreras for "not exploiting the situation" and intimated to the latter that Atty. Venida would give him gold. Judge Contreras rejected respondent's indecent overtures, resulting in the latter publicly announcing in open court that he is an abusive judge for persecuting Atty. Venida.⁶

Fourth, lawyers, prosecutors, and litigants complained about the habitual absenteeism of respondent, especially during Mondays and Fridays, resulting in delays in the disposition of cases in violation of existing laws and circulars on speedy trial.⁷

Lastly, upon assumption as Executive Judge, respondent ordered Clerk of Court Atty. Perfecto Loria (Atty. Loria) to submit all petitions for extra-judicial foreclosures to him for scrutiny, especially those requiring publication upon filing, resulting in the delay in the proceedings. Respondent also ordered Atty. Loria to ask for "grease money" from the newspaper publishers under the pain of being blacklisted. Atty. Loria, however, never obeyed respondent regarding this matter.⁸

Pursuant to the OCA's Report⁹ dated February 3, 2000, the Court issued a Resolution¹⁰ dated February 28, 2000 treating Judge Contreras's Memorandum as an administrative complaint to which respondent was required to comment, but to no avail. Thus, the Court issued a Resolution¹¹ dated July 2, 2001, ordering respondent to show cause why he should not be disciplinarily dealt with or held in contempt for such failure, and to submit his comment on Judge Contreras's Memorandum. As respondent continued to ignore the said directives, the Court issued a Resolution¹² dated January 30, 2008 referring the matter to the OCA for evaluation, report, and recommendation.

⁶ Id. at 7-8. See also id. at 19.

⁷ Id. at 8. See also id. at 19.

⁸ Id.

⁹ Id. at 1-2. Signed by Senior Deputy Court Administrator Reynaldo L. Suarez and approved by Court Administrator Alfredo L. Benipayo.

¹⁰ Id. at 14.

¹¹ Id. at 16.

¹² Id. at 17.

Meanwhile, respondent filed his certificate of candidacy (COC) for the 2002 Barangay Elections, resulting in his automatic resignation from the service effective June 7, 2002.¹³

The OCA's Report and Recommendation

In a Memorandum¹⁴ dated July 25, 2008, the OCA found respondent administratively liable as charged, and accordingly recommended that: (a) the case be re-docketed as a regular administrative matter; (b) respondent's retirement benefits be ordered forfeited; and (c) respondent be disqualified from reinstatement or appointment to any public office, including government-owned and controlled corporations.¹⁵

The OCA found that respondent's failure to comment on the administrative complaint despite being given an opportunity to do so is tantamount to an admission of the truth of the allegations against him. Thus, the OCA found respondent to have gravely abused his authority, committed grave misconduct, and performed acts inimical to judicial service.¹⁶

The OCA also found respondent guilty of gross misconduct and insubordination for unduly refusing to obey the Court's repeated orders for him to file his comment on the instant administrative case against him.¹⁷

Further, the OCA considered respondent's filing of a COC for the 2002 Barangay Elections that resulted in his automatic resignation "as a mere convenient ploy for a 'graceful exit' from the judiciary and to evade liability on his part."¹⁸ In this relation, the OCA opined that respondent's automatic resignation during the pendency of the case did not divest the Court of its jurisdiction to pronounce whether or not respondent was guilty or innocent of the charges against him.¹⁹

Finally, the OCA held that respondent's acts would have warranted the imposition of the penalty of dismissal but due to his automatic resignation, it recommended, instead, that he be meted the aforesaid penalties.²⁰

¹³ Id. at 22.

¹⁴ Id. at 18-23. Signed by Court Administrator Jose P. Perez (now a member of the Court) and Deputy Court Administrator Antonio H. Dujua.

¹⁵ Id. at 22-23.

¹⁶ Id. at 20-21.

¹⁷ Id. at 21-22.

¹⁸ Id. at 22.

¹⁹ Id.

²⁰ Id. at 22-23.

The Issue Before the Court

The essential issue in this case is whether or not respondent should be held administratively liable for Grave Abuse of Authority, Grave Misconduct, Gross Insubordination, and Acts Inimical to Judicial Service.

The Court's Ruling

The Court concurs with the OCA's findings and recommendation.

Grave abuse of authority is defined as a misdemeanor committed by a public officer, who, under color of his office, wrongfully inflicts upon a person any bodily harm, imprisonment, or other injury; it is an act characterized with cruelty, severity, or excessive use of authority.²¹

Misconduct, on the other hand, is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer. To warrant dismissal from service, the misconduct must be grave, serious, important, weighty, momentous, and not trifling. The misconduct must imply wrongful intention and not a mere error of judgment and must also have a direct relation to and be connected with the performance of the public officer's official duties amounting either to maladministration or willful, intentional neglect, or failure to discharge the duties of the office. In order to differentiate grave misconduct from simple misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of established rule, must be manifest in the former.²²

Needless to say, these acts are inimical to judicial service, and thus, constitute conduct prejudicial to the best interest of the service as they violate the norm of public accountability and diminish – or tend to diminish – the people's faith in the Judiciary.²³

In the instant case, the OCA correctly found respondent guilty of the charges against him. As aptly pointed out, respondent's failure to file a comment despite all the opportunities afforded him constituted a waiver of his right to defend himself. In the natural order of things, a man would resist an unfounded claim or imputation against him. It is generally contrary to human nature to remain silent and say nothing in the face of false

²¹ See *Vicsal Development Corporation v. Dela Cruz-Buendia*, A.M. No. P-12-3097, November 26, 2012, 686 SCRA 299, 308, citing *Rafael v. Sualog*, A.M. No. P-07-2330, June 12, 2008, 554 SCRA 278, 287.

²² See *Echano, Jr. v. Toledo*, G.R. No. 173930, September 15, 2010, 630 SCRA 532, 535, citing *Bureau of Internal Revenue v. Organo*, 468 Phil. 111, 118 (2004).

²³ See *Buenaventura v. Mabalot*, A.M. Nos. P-09-2726 and P-10-2884, August 28, 2013, 704 SCRA 1, 19-20, citing *Ito v. De Vera*, 540 Phil. 23, 33 (2006).

accusations. As such, **respondent's silence may thus be construed as an implied admission and acknowledgement of the veracity of the allegations against him.**²⁴ Hence, the Court upholds the OCA's findings that respondent: (a) abused his authority in impounding the tricycle and exerted undue influence on the security guards of the Hall of Justice in his attempt to obstruct the investigation of Judge Contreras; (b) was discourteous in dealing with a fellow judge when the latter was merely asking for reconsideration of her detail to another station; (c) used his office and position to intervene in behalf of Atty. Venida and tolerated the latter's abusive practice as a lawyer in exchange for gold; (d) was habitually absent; and (e) gave orders to Atty. Loria to submit all petitions for extra-judicial foreclosures to him which resulted in delays in the proceedings and asked the latter to demand "grease money" from newspaper publishers in order not to be blacklisted.²⁵

Further, the OCA properly found respondent guilty of Gross Misconduct and Insubordination for refusing to comply with the numerous directives of the Court to file a comment on the administrative complaint against him. Verily, a judge who deliberately and continuously fails and refuses to comply with the resolution of the Court is guilty of the same.²⁶ Such willful disobedience and disregard of the directives of the Court constitute grave and serious misconduct affecting his fitness and worthiness of the honor and integrity attached to his office.²⁷ In this case, it is noteworthy that respondent was afforded several opportunities, not to mention a generous amount of time to comply with the Court's lawful orders, but he has failed and continuously refused to heed the same. This continued refusal to abide by the lawful directives issued by the Court is glaring proof that he has become disinterested to remain with the judicial system to which he purports to belong.²⁸

Finally, the OCA correctly noted that respondent's automatic resignation due to his filing of a COC for the 2002 Barangay Elections did not divest the Court of its jurisdiction in determining his administrative liability. It is well-settled that resignation should not be used either as an escape or an easy way out to evade an administrative liability or administrative sanction.²⁹ In this light, respondent's administrative liability for his acts stands.

²⁴ See *Mendoza v. Tablizo*, 614 Phil. 30, 35 (2009).

²⁵ *Rollo*, p. 21.

²⁶ See *OCA v. Go*, A.M. No. MTJ-07-1667, April 10, 2012, 669 SCRA 1, 10, citing *Guerrero v. Judge Deray*, 442 Phil. 85, 95 (2002).

²⁷ *Id.*, citing *Longboan v. Polig*, A.M. No. R-704-RTJ, June 14, 1990, 186 SCRA 557, 561.

²⁸ See *id.* at 11, citing *Parane v. Reloza*, A.M. No. MTJ-92-718, November 7, 1994, 238 SCRA 1, 4.

²⁹ *Rojas, Jr. v. Mina*, A.M. No. P-10-2867, June 19, 2012, 673 SCRA 592, 600, citing *Banaag v. Espeleta*, A.M. No. P-11-3011, November 29, 2011, 661 SCRA 513, 521.

The totality of respondent's acts warrant the imposition of the penalty of dismissal from service. Corollary thereto, such penalty carries with it the following administrative disabilities: (a) cancellation of civil service eligibility; (b) forfeiture of retirement and other benefits, except accrued leave credits, if any; (c) perpetual disqualification from re-employment in any government agency or instrumentality, including any government-owned and controlled corporation or government financial institution; and (d) bar from taking the civil service examinations.³⁰

In this instance, since respondent had been deemed to have automatically resigned from his position due to his filing of a COC in the 2002 Barangay Elections, only the aforesaid administrative disabilities can be imposed upon him.

It must be emphasized that those in the Judiciary serve as sentinels of justice, and any act of impropriety on their part immeasurably affects the honor and dignity of the Judiciary and the people's confidence in it. The Institution demands the best possible individuals in the service and it had never and will never tolerate nor condone any conduct which would violate the norms of public accountability, and diminish, or even tend to diminish, the faith of the people in the justice system. As such, the Court will not hesitate to rid its ranks of undesirables who undermine its efforts towards an effective and efficient administration of justice, thus tainting its image in the eyes of the public.³¹

WHEREFORE, respondent Executive Judge Owen B. Amor of the Regional Trial Court of Daet, Camarines Norte, is found **GUILTY** of Grave Abuse of Authority, Grave Misconduct, Acts Inimical to Judicial Service, and Insubordination and would have been **DISMISSED** from service, had he not been deemed automatically resigned effective June 7, 2002. Accordingly, his civil service eligibility is **CANCELLED**, his retirement and other benefits, except accrued leave credits which he had already claimed, are hereby **FORFEITED**. Further, he is **PERPETUALLY DISQUALIFIED** from re-employment in any government agency or instrumentality, including any government-owned and controlled corporation or government financial institution.


³⁰ See Section 52(a) of the Revised Rules on Administrative Cases in the Civil Service (2011), which provides:

Section 52. *Administrative Disabilities Inherent in Certain Penalties.* –

- a. The penalty of dismissal shall carry with it cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification from holding public office and bar from taking civil service examinations.


³¹ See *Judge Lagado v. Leonido*, A.M. No. P-14-3222, August 12, 2014, citing *OCA v. Acampado*, A.M. Nos. P-13-3116 and P-13-3112, November 12, 2013, 709 SCRA 254, 273.

SO ORDERED.



ESTELA M. PERLAS-BERNABE
Associate Justice

WE CONCUR:

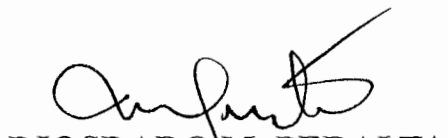
On leave
MARIA LOURDES P. A. SERENO
Chief Justice

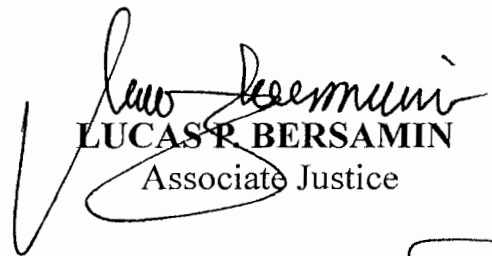

ANTONIO T. CAPIO
Acting Chief Justice

On leave
PRESBITERO J. VELASCO, JR.
Associate Justice



TERESITA J. LEONARDO-DE CASTRO
Associate Justice



ARTURO D. BRION
Associate Justice


DIOSDADO M. PERALTA
Associate Justice


LUCAS P. BERSAMIN
Associate Justice


MARIANO C. DEL CASTILLO
Associate Justice


MARTIN S. VILLARAMA, JR.
Associate Justice

No part. Acted on matter as Court Administrator

JOSE PORTUGAL PEREZ
Associate Justice


JOSE CATRAL MENDOZA
Associate Justice


BIENVENIDO L. REYES
Associate Justice


MARVIC M.V.F. LEONEN
Associate Justice


FRANCIS H. JARDELEZA
Associate Justice