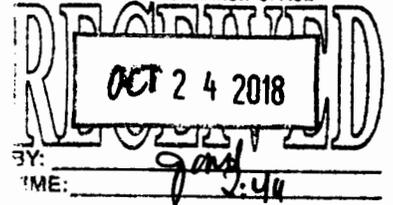




Republic of the Philippines
Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
 PUBLIC INFORMATION OFFICE



FIRST DIVISION

**EDGAR A. ABIOG, Court
 Stenographer I, Municipal Circuit
 Trial Court, Brooke's Point-
 Española, Bataraza, Palawan,**
Complainant,

A.M. No. MTJ-18-1917
(formerly OCA IPI No. 15-2812-MTJ)

Present:

- versus -

**LEONARDO-DE CASTRO, C.J.,
 BERSAMIN,
 DEL CASTILLO,
 JARDELEZA, and
 TIJAM, JJ.**

**HON. EVELYN C. CAÑETE,
 Presiding Judge, Municipal Circuit
 Trial Court, Brooke's Point-
 Española, Bataraza, Palawan,**
Respondent.

Promulgated:

OCT 08 2018

x-----x

DECISION

DEL CASTILLO, J.:

This is a complaint filed by Edgar A. Abiog (complainant), Court Stenographer I of the Municipal Circuit Trial Court (MCTC), Brooke's Point-Española, Bataraza, Palawan against Judge Evelyn C. Cañete (respondent judge) of the same court.

In his Complaint,¹ complainant charged respondent judge with serious misconduct, dishonesty, conduct unbecoming of a judge, and conduct prejudicial to the best interest of service committed, as follows:

That [in] August 2011 and subsequent thereafter up to this day, Presiding Judge Evelyn C. Cañete x x x moved by personal gain, without justifiable reason, in a scandalous manner, and in an act debasing the dignity of the exalted position of a Municipal Circuit Trial Court Presiding Judge, did then and there stayed and resided at her chamber[s] and the extension of her chamber[s] which was constructed under her direct supervision x x x

¹ Rollo, p. 2.

utilizing the same as her living and residential quarter[s], and from time to time her families' and her visitors' living and residential quarter[s] with the Municipal Government paying their electric bills and water bills thereby inviting public criticism and criticism among the employees of the Judiciary.²

In her Comment,³ respondent judge denied the charges against her. She averred that there was no such extension to her chambers; that the living quarters referred to by complainant was actually occupied at one time by the public prosecutor, public attorney, and the clerk of court; that when the premises were vacated, the municipal government had it repaired "as a way of thanking [her] for the contribution that [she] made in the community;"⁴ that she gave up the apartment she was renting upon her designation as Assisting Judge in Puerto Princesa City in September 2012 and transferred to the "living quarters assigned to [her] by the Municipal Government";⁵ that since she normally rendered overtime work, it was "very convenient and safe for [her] to stay at the quarters";⁶ that prior to the filing of this complaint, she again rented an apartment but "still utilize[d] [her] quarters in the many instances that [she had] to work overtime;"⁷ and, that she would not have been nominated as Outstanding MCTC Judge if there was any truth in the allegations of complainant.

In a Report⁸ dated September 8, 2016, the Office of the Court Administrator (OCA) found substantial evidence to hold respondent judge guilty of improper conduct prejudicial to the efficient administration of justice and best interest of the service, *viz.*:

Respondent Judge herself has admitted that she accepted the offer of the municipal government x x x of the free use of the newly-repaired living quarters as dwelling house, which premises is adjacent to the trial court's chambers. x x x

Respondent Judge committed an act of impropriety when she accepted the local government's offer of free use of its facilities ostensibly in recognition of her excellent service to the community. x x x

x x x x



² Id.
³ Id. at 24-27.
⁴ Id. at 25.
⁵ Id.
⁶ Id.
⁷ Id. at 26.
⁸ Id. at 92-98.

Respondent Judge's justification that she was compelled to give up her apartment of more than four (4) years in exchange for the controversial living quarters due to her additional court assignment as an assisting judge, stationed at the MTC, Puerto Princesa City, Palawan, is not persuasive. The same with her claim that the distance from Brooke's Point, Palawan to Puerto Princesa City, Palawan would entail a four (4)-hour travel.

Indeed, respondent Judge's explanations deserve scant consideration because her action cannot, by any stretch of the imagination, be considered right and proper. Quite frankly, respondent Judge exploited her title in office to enjoy privileges accorded to her by the local government of Brooke's Point, Palawan.

As an administrator of justice, respondent Judge should have avoided any form of accommodation or privileges to her office so as to steer away from being involved in situations that would tend to taint the integrity and independence of the judicial system.

In *Mah-Arevalo v. Judge Mantua*, A.M. No. RTJ-13-2360 (Formerly A.M. OCA IPI No. 08-3010-RTJ), 19 November 2014, the Court declared:

x x x

SC Administrative Circular No. 3-92 explicitly states that the Halls of Justice may only be used for functions related to the administration of justice and for no other purpose:

x x x x

Given the foregoing, it is evident that there is substantial evidence to establish the culpability of respondent Judge in the instant case. Moreover, respondent Judge's insistence that the living quarters she is occupying do not form part of the court's chambers cannot serve as a valid defense and will not exculpate her from administrative liability. The truth remains that she has desecrated the essence of the Halls of Justice that the same should solely be devoted for the dispensation of justice.⁹

The OCA thus recommended that respondent judge be found guilty of violation of Administrative Circular No. 3-92 in relation to A.M. No. 01-9-09-SC and fined the amount of ₱11,000.00 with warning that a repetition of the same or similar infraction shall be dealt with more severely.¹⁰

Our Ruling

We agree with the findings and recommendation of the OCA.

⁹ Id. at 95-97.

¹⁰ Id. at 98.



It is beyond cavil that respondent judge occupied a portion of the Halls of Justice at Brooke's Point as her residential quarters.

In a number of cases,¹¹ this Court has consistently reminded government officials that the Halls of Justice must strictly be used for official functions only, in accordance with Administrative Circular No. 3-92, which partly states:

ADMINISTRATIVE CIRCULAR NO. 3-92 August 31, 1992

TO: ALL JUDGES AND COURT PERSONNEL

SUBJECT: PROHIBITION AGAINST USE OF HALLS OF JUSTICE
FOR RESIDENTIAL AND COMMERCIAL PURPOSES

All judges and court personnel are hereby reminded that the Halls of Justice may be used only for purposes directly related to the functioning and operation of the courts of justice, and may not be devoted to any other use, least of all as residential quarters of the judges or court personnel, or for carrying on therein any trade or profession.

x x x x

FOR STRICT COMPLIANCE.

Section 3 of A.M. No. 01-9-09-SC reiterates the said prohibition, thus:

SEC. 3. Use of [Halls of Justice] HOJ.

SEC. 3.1. The HOJ shall be for the exclusive use of Judges, Prosecutors, Public Attorneys, Probation and Parole Officers and, in the proper cases, the Registries of Deeds, including their support personnel.

SEC. 3.2. The HOJ shall be used only for court and office purposes and shall not be used for residential, i.e., dwelling or sleeping, or commercial purposes.

SEC. 3.3. Cooking, except for boiling water for coffee or similar beverage, shall not be allowed in the HOJ.

Moreover, the justifications proffered by respondent judge fail to persuade. For one, it is irrelevant whether or not the living quarters she

¹¹ *Plaza v. Atty. Amamio*, 630 Phil. 181 (2010); *Paas v. Almarvez*, 448 Phil. 670 (2003); *Atty. Santos v. Judge Bernardo*, 581 Phil. 286 (2008).

occupied was an extension of her chambers; the fact remains that the same was inside and part of the Halls of Justice. In any event, the Court held in *Bautista v. Costelo, Jr.*¹² that “[t]he prohibition against the use of Halls of Justice for purposes other than that for which they have been built extends to their immediate vicinity including their grounds.”

Also, her denial of having solicited from the local government the provision of a living quarters does not deserve credence. According to Atty. Mary Jean D. Feliciano, Municipal Mayor of Brooke’s Point, Palawan, in her July 23, 2015 letter¹³ addressed to complainant:

“a **verbal agreement** was made between the Local Chief Executive and the Presiding Judge, Hon. Evelyn C. Cañete, that **instead of granting the latter an additional Representation Allowance and Transportation Allowance (RATA)**, the local government gave her the privilege to use the extension of the said office, which was constructed by the municipal government, as her living quarter[s].

Such arrangement was made as the municipal government’s way of **compensating the services of the Presiding Judge** whose presence paved the way for a speedy decision on complaints filed not only by the residents of Brooke’s Point but of the neighboring municipalities which redound to the convenience and comfort of the transacting public.

Further, said arrangement was in consideration of the safety and security of the Presiding Judge and the risk posed by travelling to and from her office. Living in the premises where offices of other national agencies are located x x x provides more security.¹⁴ (Emphasis supplied)

Respondent judge ought to have known that the local government was not obligated to pay her additional allowance or RATA.¹⁵ She was already properly compensated for her services by the Court. Besides, it appears that the local government could not afford to grant her the usual RATA; in lieu thereof, the local executive agreed to provide free quarters to respondent judge at the local government’s expense. Propriety demands that respondent judge should have refused the offer; she ought to have exhibited enough good sense to decline it especially since the provision of a residential quarters is not among her privileges as a judge. Neither should respondent judge expect the local government to “compensate” her for services rendered, particularly as

¹² 324 Phil. 375, 385-386 (1996).

¹³ *Rollo*, p. 38.

¹⁴ *Id.* at 38.

¹⁵ Representation and Transportation Allowance.

regards the speedy disposition of complaints, since this is the very essence of, and expected from, her office. Moreover, the claim that living within the premises of the Halls of Justice provides more convenience, safety and security to respondent judge fails to sway. On the contrary, respondent judge's use of the courthouse as dwelling "brings the court into public contempt and disrepute"¹⁶ "in addition to exposing judicial records to danger of loss or damage."¹⁷ Besides, if we give weight to respondent judge's explanation, then all judges might as well reside within the premises of the Halls of Justice.

Respondent judge must know that there is always a price to pay for tainted offerings, however innocuous or harmless they may appear. And the price is almost always loss of integrity or at the very least, compromised independence. Needless to say, that is a stiff price to pay, especially by a member of the judiciary, whose basic, irreducible qualification, is unimpeachable integrity.

Finally, her being a nominee as Outstanding MCTC Judge will not in any manner erase or justify her infraction. On the contrary, she ought to have lived up to the standards of judicial excellence by strictly adhering to laws and rules, directives, and circulars of the Court. Under A.M. No. 01-8-10-SC, violation of Supreme Court rules, directives, and circulars is considered a less serious charge punishable by (1) suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or (2) a fine of more than ₱10,000.00 but not exceeding ₱20,000.00. Considering the prevailing circumstances, a fine in the amount of ₱11,000.00 is appropriate.

WHEREFORE, this Court finds Judge Evelyn C. Cañete, Municipal Circuit Trial Court-Brooke's Point-Española, Bataraza, Palawan, **GUILTY** of violating SC Administrative Circular No. 3-92 and is hereby ordered to pay a **FINE** of ₱11,000.00, with a **STERN WARNING** that a repetition of the same or kindred offense shall be dealt with more severely.

Let copies of this Decision be attached to the personnel record of respondent in the Office of Administrative Service, Office of the Court Administrator.



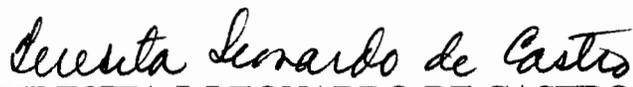
¹⁶ *Bautista v. Costelo, Jr.*, supra note 12 at 386.

¹⁷ *Id.* at 385.

SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:


TERESITA J. LEONARDO-DE CASTRO
Chief Justice

(On official leave)
LUCAS P. BERSAMIN
Associate Justice


FRANCIS H. JARDELEZA
Associate Justice


NOEL GIMENEZ TIJAM
Associate Justice