



Republic of the Philippines
Supreme Court
 Manila

EN BANC

**OFFICE OF THE COURT
 ADMINISTRATOR,**
 Complainant,

A.M. No. MTJ-05-1574
 (Formerly A.M. No. 04-8-199-MTC)

Present:

SERENO, C.J.,
 CARPIO,
 VELASCO, JR.,*
 LEONARDO-DE CASTRO,**
 PERALTA,
 BERSAMIN,
 DEL CASTILLO,*
 PERLAS-BERNABE,**
 LEONEN,
 JARDELEZA,***
 CAGUIOA,
 MARTIRES,
 TIJAM,
 REYES, JR., and
 GESMUNDO, JJ.

- versus -

**JUDGE CONRADO O. ALINEA,
 JR., MUNICIPAL TRIAL
 COURT, IBA, ZAMBALES,**
 Respondent.

Promulgated:

November 7, 2017

[Signature]

x-----x

DECISION

PER CURIAM:

This administrative matter filed by the Office of the Court Administrator (OCA) stemmed from a news report in the June 19, 2004 issue of the Philippine Daily Inquirer¹ regarding an entrapment operation conducted by the National Bureau of Investigation (NBI) against Respondent Judge Conrado O. Alinea, Jr. (Judge Alinea) of the Municipal Trial Court of Iba, Zambales (MTC), for demanding and receiving the amount of ₱15,000.00 from the plaintiffs in a land dispute case pending in the said court.

* On official time.

** On official business.

*** On leave.

¹ Entitled "Zambales judge falls in entrapment" (see OCA Memorandum dated August 8, 2016, p. 2; rollo, p. 331). Please note that no copy of the said newspaper report was attached to the records.

The undisputed facts, as borne by the records, are as follows:

Raul A. Neria (Neria) and his uncle, Cesar Abadam (Abadam), were among the plaintiffs in Civil Case No. 785² (subject case). The MTC ruled in favor of the plaintiffs, which ruling was affirmed by the Regional Trial Court, Branch 69, Iba, Zambales (RTC) on appeal by the defendants therein.³ On August 24, 2001, the RTC issued a Notice to Vacate,⁴ ordering the defendants to vacate the premises subject of the case. However, defendants refused to do so,⁵ prompting the RTC to issue an Order⁶ dated September 15, 2003 for the issuance of a Writ of Demolition (Writ). Thereafter, in another Order⁷ dated October 6, 2003, the RTC remanded the subject case to the MTC for execution of the Writ.

Judge Alinea issued an Order⁸ dated November 7, 2003, directing the sheriff to enforce the Writ. On December 23, 2003, defendants filed an Urgent Motion to Quash Writ of Demolition,⁹ but this was denied in a Resolution dated May 3, 2004.¹⁰ On Motion for Reconsideration¹¹ by the defendants, Judge Alinea, in an Order¹² dated June 3, 2004, recalled the Writ and set the motion for hearing on June 11, 2004. Immediately after the hearing on the said date, Neria and Abadam asked Judge Alinea why he recalled the Writ. However, instead of giving any satisfactory answer, Judge Alinea told them to give him ₱15,000.00 in exchange for a favorable resolution.¹³

Surprised by Judge Alinea's directive, Neria and Abadam filed on June 15, 2004 with the NBI a complaint¹⁴ for Direct Bribery, and an entrapment operation was arranged. On June 17, 2004, Neria and Jose Abadam, together with NBI agents and Simeon Soriaga of the television program *Magandang Gabi Bayan*, proceeded to Iba, Zambales for the operation. Judge Alinea sent a text message to Neria, directing them to proceed to Bon's Restaurant. Upon reaching the restaurant, Neria and Jose Abadam handed over an envelope containing the marked money in the amount of ₱15,000.00 to Judge Alinea. After Judge Alinea acknowledged receipt of the money and placed them on the table, the NBI agents immediately arrested him and thereafter subjected

² Entitled *Heirs of Agueda Giron, et al. v. Heirs of Roque Edejer* for Recovery of Ownership and Possession; *rollo*, pp. 12, 22.

³ Records did not show when the RTC's decision became final and executory, nor was a copy of the RTC's decision attached to the records.

⁴ *Rollo*, p. 17.

⁵ Per the Sheriff's Return dated September 10, 2001; *id.* at 18-19.

⁶ *Rollo*, p. 20.

⁷ *Id.* at 21.

⁸ *Id.* at 22.

⁹ *Id.* at 23-26.

¹⁰ *Id.* at 29-30.

¹¹ *Id.* at 32-34.

¹² *Id.* at 35.

¹³ *Id.* at 5.

¹⁴ *Id.* at 11-13.

99 Bon's Restaurant - Iba

him to an ultraviolet light examination by the NBI forensic chemist. Per the NBI's Report¹⁵ dated June 21, 2004, Judge Alinea was tested positive for specks of fluorescent powder from the marked money.¹⁶

The Office of the Ombudsman filed an *Information*¹⁷ for Direct Bribery¹⁸ against Judge Alinea with the Sandiganbayan, docketed as Criminal Case No. 27994, thus:

That on or about 17 June 2004 at around 2:00 o'clock in the afternoon, sometime prior or subsequent thereto, in Iba, Zambales, Philippines and within the jurisdiction of this Honorable Court, the above-named accused CONRADO ALINEA y OBISPO, a public officer, being then the Presiding Judge of the Municipal Trial Court of Iba, Zambales, taking advantage of his official position and with grave abuse of authority, did then and there willfully, unlawfully and feloniously demand FIFTEEN THOUSAND PESOS ([P]15,000.00) but received only the amount of TEN THOUSAND PESOS [P]10,000.00] consisting of Three (3) pieces [P]1,000 bills, six (6) pieces of [P]500 bills and forty (40) pieces [P]100 bills, dusted with fluorescent powder and invisible ink, from Raul A. Neria in exchange for a favorable resolution that he will render in connection with Civil Case No. 785 entitled Heirs of Agueda Giron, et al. vs. Heirs of Roque Edejer, et al. to the damage and prejudice of said private complainant and the public interest.

CONTRARY TO LAW.¹⁹

Meanwhile, the OCA instituted the instant administrative matter against him for the same offense. In its Resolution²⁰ dated January 17, 2005, the Court ordered Judge Alinea to: (1) comment on the NBI report dated June 21, 2004,²¹ the *Information* filed with the Sandiganbayan against him,²² and the *sinumpaang salaysay* of Neria;²³ and (2) show cause why he should not be suspended, disbarred, or otherwise disciplinarily sanctioned as a member of the Bar for Violation of Rule 1.01,²⁴ Canon 1 of the Code of Professional Responsibility (CPR) within ten (10) days from notice.

In his Comment,²⁵ Judge Alinea denied having demanded any amount of money from Neria and having taken the marked money, and even accused Neria of attempting to bribe him. He alleged that he refused to accept the said envelope and simply left it at the table before walking away. In its Resolution²⁶

¹⁵ Id. at 3-7.

¹⁶ Id. at 5-6.

¹⁷ Id. at 130-131.

¹⁸ REVISED PENAL CODE, Art. 210.

¹⁹ *Rollo*, p. 130.

²⁰ Id. at 195-196.

²¹ Id. at 3-7.

²² Id. at 130-131.

²³ Id. at 12-13.

²⁴ Rule 1.01 - A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

²⁵ *Rollo*, pp. 203-208.

²⁶ Id. at 235.

By Sandiganbayan - Alinea

dated June 20, 2005, this Court held in abeyance the administrative proceedings pending resolution of the criminal case against Judge Alinea.

Subsequently, the Sandiganbayan promulgated a Decision²⁷ dated January 25, 2010, finding Judge Alinea guilty beyond reasonable doubt of Direct Bribery, finding that the series of circumstances established Judge Alinea's intent to extort money from Neria and Abadam in exchange for a ruling in their favor, thus:

WHEREFORE, judgment is hereby rendered finding the accused Conrado O. Alinea, Jr. **GUILTY** beyond reasonable doubt of the crime of Direct Bribery, defined and penalized under the second paragraph of Article 210 of the Revised Penal Code, as amended.

In the absence of any mitigating or aggravating circumstance, the accused is sentenced to an indeterminate penalty of imprisonment of 1 year, 1 month and 11 days of *prision correccional*, as minimum, to 3 years, 6 months and 20 days of *prision correccional*, as maximum, and a fine of Twenty Thousand Pesos (P20,000.00).

The accused shall also suffer the penalty of special temporary disqualification.

SO ORDERED.²⁸

On *petition for review on certiorari*,²⁹ the Court's Third Division affirmed Judge Alinea's conviction in its Resolutions dated July 19, 2010³⁰ and November 17, 2010,³¹ finding no reversible error on the part of the Sandiganbayan in convicting him of the said offense. An Entry of Judgment was subsequently issued on January 24, 2011.³² Thereafter, in its Resolution³³ dated January 13, 2016, the Court ordered the resumption of the administrative proceedings against him. However, Judge Alinea had reached the compulsory retirement age of 70 on August 16, 2013,³⁴ three (3) years before the resumption of the said proceedings.

The OCA's Report and Recommendation

In its Memorandum³⁵ dated August 8, 2016, the OCA found Judge Alinea guilty of gross misconduct for Violation of Republic Act No. 3019,³⁶

²⁷ Id. at 276-293. Penned by Associate Justice Alex L. Quiroz, with Associate Justices Francisco H. Villaruz and Efren N. De La Cruz concurring.

²⁸ Id. at 291-292.

²⁹ Docketed as G.R. No. 190979.

³⁰ *Rollo*, pp. 294-295.

³¹ Id. at 296.

³² Id. at 297.

³³ Id. at 326-327.

³⁴ See id. at 337.

³⁵ Id. at 330-338.

³⁶ The OCA cited Violation of R.A. No. 3019 instead of Direct Bribery under the Revised Penal Code for reasons unclear in the records, even though Judge Alinea was convicted of the latter offense.

(R.A. No. 3019) and Section 8, Rule 140 of the Rules of Court, as well as Canon 1, Rule 1.01 of the CPR, and recommended that he be disbarred, citing his conviction by the Sandiganbayan for Direct Bribery, which was affirmed by the Court. It opined that allowing Judge Alinea to continue serving as a judge after his conviction would unduly tarnish the image of, and the people's confidence in, the judicial system, and would be an insult to the legal profession. Moreover, it cited Section 27, Rule 138 of the Rules of Court in relation to A.M. No. 02-9-02-SC,³⁷ which provides that administrative cases against a judge of a regular court based on grounds which are identical to those for disciplinary action against a member of the bar, shall be also considered as a disciplinary case against him as such member of the Bar, and that judgment in both respects may be incorporated in one decision or resolution. However, the OCA anchored its finding of gross misconduct on the violation of R.A. No. 3019 instead of Direct Bribery under the Revised Penal Code despite Judge Alinea's conviction on the latter offense.

The OCA also took into account that Judge Alinea had already reached the compulsory retirement age of 70, hence dismissal from the service would be impossible to impose. Thus, it recommended the following:

RECOMMENDATION: It is respectfully recommended for the consideration of the Honorable Court that:

- a) respondent Judge Conrado O. Alinea, Jr., Municipal Trial Court, Iba, Zambales, be found **GUILTY** of gross misconduct for violation of the Anti-Graft and Corrupt Practices Act (R.A. No. 3019), the Code of Judicial Conduct under Section 8, Rule 140 of the Rules of Court, and the Code of Professional Responsibility under Rule 1.01, Canon I. In lieu of dismissal from the service, which may no longer be imposed owing to his retirement, as penalty for his offense, all his retirement benefits, except accrued leave credits, be **FORFEITED**, and with prejudice to reemployment in the Government or any of its subdivisions, instrumentalities, or agencies including government-owned and -controlled corporations; and,
- b) respondent Judge Alinea be likewise **DISBARRED** and his name be **STRICKEN** from the roll of attorneys.³⁸

The Court's Ruling

After a judicious review of the records, the Court has no cogent reason to diverge from the findings and recommendations of the OCA.

³⁷ Re: Automatic Conversion of Some Administrative Cases Against Justices of the Court of Appeals and the Sandiganbayan; Judges of Regular and Special Courts; and Court Officials Who are Lawyers as Disciplinary Proceedings Against Them Both as Such Officials and as Members of the Philippine Bar; September 17, 2002.

³⁸ *Rollo*, p. 338.

J. A. Alinea - Jr.

Direct Bribery involves, among others, the act of a public officer in accepting an offer or promise, or receiving a gift, by himself or another, with a view to perform a crime or an unjust act, or commit an omission, which is connected to his official duties.³⁹ It is a crime involving moral turpitude, an act which is “done contrary to justice, honesty, modesty, or good morals,” and involves “an act of baseness, vileness, or depravity in the private duties which a man owes his fellowmen, or to society in general, contrary to the accepted and customary rule of right and duty between man and woman, or conduct contrary to justice, honesty, modesty, or good morals,”⁴⁰ and which renders any person convicted of the said offense unfit to continue discharging his duties as a public official or a lawyer.⁴¹ It is also among the serious charges enumerated in Section 8,⁴² Rule 140 of the Rules of Court, which may be punished by, among others, dismissal from the service and forfeiture of benefits.⁴³ Moreover, it is a violation of Canon 1, Rule 1.01 of the CPR, and a ground to disbar or suspend a lawyer as gross misconduct under Section 27,⁴⁴ Rule 138 of the Rules of Court.

In this matter, the OCA observed that the Sandiganbayan and the Court had held Judge Alinea guilty beyond reasonable doubt of the crime of Direct Bribery, finding that: (1) Judge Alinea demanded ₱15,000.00 from Neria in exchange for a favorable resolution of the latter’s case; (2) while at Bon’s Restaurant in Iba, Zambales, Judge Alinea had indeed accepted the said amount from Neria, after which the NBI agents arrested him; and (3) the NBI forensic chemist subjected Judge Alinea to an ultraviolet light examination, which tested him positive for fluorescent specks from the money he received from Neria. Hence, it concluded that the foregoing are more than sufficient evidence to find Judge Alinea administratively liable for the said offense as a member of both the Bench and the Bar.

³⁹ See *Re: Decision dated 17 March 2011 in Criminal Case No. SB-28361 Entitled “People vs. Barrozo,”* 764 Phil. 310, 317-318 (2015).

⁴⁰ *Id.* at 316-317.

⁴¹ See *Office of the Court Administrator v. Ruiz*, A.M. No. RTJ-13-2361, February 2, 2016, 782 SCRA 630.

⁴² SEC. 8. *Serious charges.* - Serious charges include:

1. Bribery, direct or indirect; x x x

⁴³ RULES OF COURT, Rule 140, Sec. 11 provides:

SEC. 11. *Sanctions.* - A. If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:

1. Dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits; x x x

⁴⁴ SEC. 27. *Disbarment or suspension of attorneys by Supreme Court, grounds therefor.* — A member of the bar may be disbarred or suspended from his office as attorney by the Supreme Court for any deceit, malpractice, or **other gross misconduct in such office**, grossly immoral conduct, or by reason of his **conviction of a crime involving moral turpitude**, or for any violation of the oath which he is required to take before admission to practice, or for a willful disobedience of any lawful order of a superior court, or for corruptly or willfully appearing as an attorney for a party to a case without authority so to do. The practice of soliciting cases at law for the purpose of gain, either personally or through paid agents or brokers, constitutes malpractice. (Emphasis supplied)

Judge Alinea

The Court agrees with the OCA. It cannot emphasize enough how bribery, whether direct or indirect, can seriously affect the public's trust in every subdivision and agency of government, more so in the judiciary. As the branch of government responsible for interpreting laws and settling controversies brought to it by any person, it has the duty to observe fairness and neutrality in hearing the sides of all the parties to a case,⁴⁵ and make a resolution thereon based solely on the merits of the evidence presented by the parties and the laws and jurisprudence applicable thereon.⁴⁶

As gleaned above, the evidence had fully established Judge Alinea's criminal intent to extort money from Neria and Abadam, from demanding ₱15,000.00 in exchange for a favorable decision, to actually accepting the said amount when they met at Bon's Restaurant. Thus, Judge Alinea not only gravely violated his duty to dispense justice solely in accordance with the merits of the case, but also put the trust and confidence of the people in the judiciary and the rule of law into serious peril, hence rendering him utterly unfit to continue dispensing his duties as a public official and a member of the Bar.⁴⁷

As for the imposable penalty, the Court agrees with the OCA that Judge Alinea should be disbarred and the benefits he received as a judge be forfeited. It is important to stress anew that Direct Bribery is not only a serious charge which would merit the dismissal from the service of a judge and the forfeiture of his benefits, but also a crime involving moral turpitude which is a ground for the disbarment of a lawyer.

In this regard, it is relevant to note that the Court has, in the past, dismissed erring judges from the service and disbarred them in a single decision on the ground of conviction of a crime involving moral turpitude,⁴⁸ and forfeited the benefits of other judges similarly situated, who had already retired prior to the resolution of the administrative matters against them,⁴⁹ all in accordance with Section 27, Rule 138 of the Rules of Court in relation to A.M. No. 02-9-02-SC. In view of the seriousness of the offense, and considering that Judge Alinea had already reached the compulsory retirement age of 70 on August 16, 2013, the Court hereby imposes the forfeiture of benefits as a former judge.

In addition, the Court hereby disbars him. In imposing the supreme penalty of disbarment, the Court is also aware of its recent decision in *Office of the Court Administrator v. Judge Eliza B. Yu*.⁵⁰ In the said case, the Court dismissed Judge Eliza B. Yu from the service for gross insubordination,

⁴⁵ See *Angping v. Ros*, 700 Phil. 503 (2012).

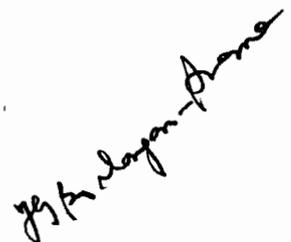
⁴⁶ See *Re: Decision dated 17 March 2011 in Criminal Case No. SB-28361 Entitled "People vs. Barrozo,"* supra note 39.

⁴⁷ See *id.* at 319.

⁴⁸ See *Office of the Court Administrator v. Ruiz*, supra note 41.

⁴⁹ See *Villaceran v. Judge Rosete*, 661 Phil. 380 (2011).

⁵⁰ A.M. No. MTJ-12-1813, November 22, 2016.

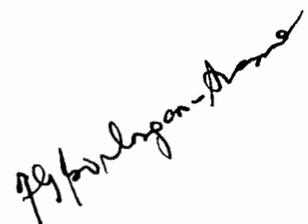


gross misconduct, gross ignorance of the law, grave abuse of authority, oppression, and conduct unbecoming of a judicial official in, among others: (1) resisting the implementation of the Court's Administrative Order No. 19-2011 in designating her to render night court duties; (2) refusing to honor the appointment of court personnel; (3) issuing show-cause orders against fellow judges and court personnel; and (4) sending e-mails, and Yahoo and Facebook messages, which contained sexual innuendos to a fellow female judge. However, while the offenses charged against her were also considered as violations of the Lawyer's Oath, the Code of Professional Responsibility, and the Canons of Professional Ethics, it was shown that she was not yet given an opportunity to explain why she should not be disbarred or otherwise disciplined as a member of the Bar. Thus, in its decision dated November 22, 2016, the Court, in dismissing Judge Yu from the service, and as part of due process, directed her, among others, to show cause in writing why she should not be disbarred for her acts, and it was only after she submitted her written explanation, and after judiciously studying the merits thereof, that the Court disbarred her in its Resolution dated March 14, 2017.

Here, on the other hand, the Court, in its January 17, 2005 Resolution, explicitly directed Judge Alinea to show cause why he should not be suspended, disbarred, or otherwise disciplinarily sanctioned as a member of the Bar for Violation of Rule 1.01, Canon 1 of the CPR, to which he complied. Hence, he was undeniably accorded due process insofar as the disbarment matter against him is concerned. Finally, considering that the offenses charged against him were also grounds to disbar him, the supreme penalty of disbarment, as recommended by the OCA, should be, as it is hereby, imposed against Judge Alinea, aside from forfeiture of all of his benefits, except his accrued leave credits, as a former member of the judiciary.

WHEREFORE, Judge Conrado O. Alinea, Jr. of the Municipal Trial Court of Iba, Zambales is found **GUILTY** of Gross Misconduct for Direct Bribery under Section 8, Rule 140 of the Rules of Court, and violation of Canon 1, Rule 1.01 of the Code of Professional Responsibility. All of his benefits, except accrued leave credits, if any, are hereby **FORFEITED**, and he is **PERPETUALLY DISQUALIFIED** from reinstatement or appointment to any public office or employment, including to one in any government-owned or government-controlled corporations. Moreover, he is hereby **DISBARRED** pursuant to A.M. No. 02-9-02-SC, and his name is ordered **STRICKEN** from the Roll of Attorneys effective immediately upon the date of his receipt of this Decision.

Judge Alinea is hereby **DIRECTED** to immediately file a Manifestation to the Court that his disbarment has commenced, copy furnished to all courts and quasi-judicial bodies where he has entered his appearance as counsel.



Let copies of this Decision be furnished to: (a) the Office of the Court Administrator for dissemination to all courts throughout the country for their information and guidance; (b) the Integrated Bar of the Philippines; and (c) the Office of the Bar Confidant to be appended to Judge Alinea's personal record as a member of the Bar.

SO ORDERED.



MARIA LOURDES P. A. SERENO
Chief Justice



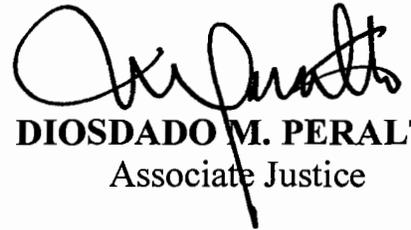
ANTONIO T. CARPIO
Associate Justice

(On official time)

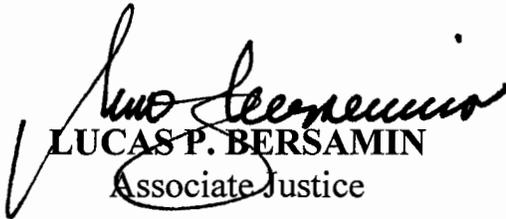
PRESBITERO J. VELASCO, JR.
Associate Justice

(On official business)

TERESITA J. LEONARDO-DE CASTRO
Associate Justice



DIOSDADO M. PERALTA
Associate Justice



LUCAS P. BERSAMIN
Associate Justice

(On official time)

MARIANO C. DEL CASTILLO
Associate Justice

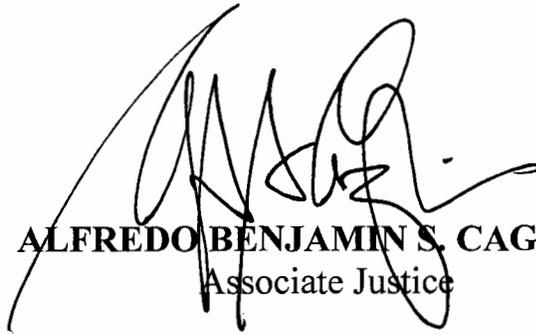
(On official business)

ESTELA M. PERLAS-BERNABE
Associate Justice



MARVIC M.V.F. LEONEN
Associate Justice

(On leave)
FRANCIS H. JARDELEZA
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



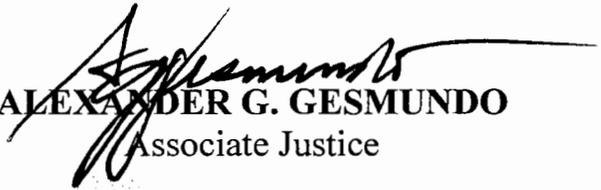
SAMUEL R. MARTIRES
Associate Justice



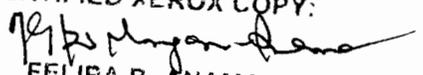
NOEL GIMENEZ TIJAM
Associate Justice



ANDRES B. REYES, JR.
Associate Justice



ALEXANDER G. GESMUNDO
Associate Justice

CERTIFIED XEROX COPY:

FELIPA B. ANAMA
CLERK OF COURT, EN BANC
SUPREME COURT