

100 Phil. 324

[G.R. No. L-9523. November 15, 1956]

GALICANO E. YAP, PLAINTIFF AND APPELLANT, VS. FRANCISCO BOLTRON, ET AL., DEFENDANTS AND APPELLEES.

D E C I S I O N

BAUTISTA ANGELO, J.:

This is an action for damages instituted by plaintiff against defendants in the Court of First Instance of Cebu.

The action is predicated on certain administrative charges filed by defendants against plaintiff with the Secretary of Justice which were dismissed after proper investigation, the theory of plaintiff being that said charges were filed maliciously thereby subjecting him to "physical suffering, mental anguish, serious anxiety, besmirched reputation, wounded feelings, moral shock and social humiliation." He asks that defendants be made to pay P35,000 as damages and P4,000 as attorney's fees.

Defendants filed a motion to dismiss on two grounds: (1) that the action has prescribed and (2) that the facts alleged in the complaint are insufficient to constitute a cause of action. The court sustained the motion and dismissed the complaint, whereupon plaintiff took the present appeal.

It appears that on December 20, 1952, defendants filed a petition with the Secretary of Justice complaining against certain official actuations of plaintiff as Justice of the Peace of Dumanjug and Ronda, both of the province of Cebu, and the praying that administrative action be taken against him. The acts complained of are:

"1. That in any court action under his jurisdiction, the herein justice of the Peace, gives opinion as to the merits of the case before trial which we honestly believe is against the procedure which regulates the conduct of the Justice of the Peace;

“2. That we honestly believe, the said Justice of the Peace, ever since his incumbency, refuses to solemnize civil marriages under his jurisdiction which greatly prejudices the residents of the towns of Dumanjug and Ronda, Cebu;

“3. That he is using his position to subordinate the inhabitants of the aforementioned towns, and even come to the extent of saying that he is the God of these towns;

“4. That the said Justice of the Peace, often times render orders which in our opinion is a clear abuse or whimsical and capricious exercise of his own discretion.”

The complaint was referred to the Court of First Instance of Cebu for investigation, and after this was conducted, the court submitted its report to the Secretary of Justice recommending the exoneration of plaintiff. In affirming the findings of the court, the Department of Justice made following comment: “After (a) perusal of the attached record of Administrative Case No. 24, * * * this Department agrees in the Judge’s conclusion that the charges against the respondent have not been established and are, therefore, hereby dismissed; although, as recommended, he is hereby enjoined to exercise patience and be more tactful in his dealings with people going to his Court.”

It is now contended that because of the exoneration of plaintiff of the charges preferred against him, defendants have acted with malice and, therefore, must answer for the moral suffering plaintiff has undergone.

We believe that the lower court has properly dismissed the complaint on the ground of lack of sufficient cause of action. While it may be true that the charges preferred by defendants were found not sufficient to warrant disciplinary action, they are not however wanting of merit as shown by the admonition given to plaintiff by the Department of Justice in connection with the performance of his official duties. Thus, the Department admonished him “to exercise patience and be more tactful in his dealings with people going to his Court”, which in a way constitutes some justification on the part of defendants to be dissatisfied with the officials’ actions of the plaintiff. Considering this circumstance, it cannot logically be asserted, as plaintiff now contends, that defendants, in lodging their complaint against him, were motivated by a desire to malign or injure his feelings, and much less besmirched his name and reputation as a public official.

A justice of the peace, like any other public official, should not begrudge any complaint or criticism against his official actuations if that is done in the proper spirit. Such is the right of every citizen under our Constitution. Sound and constructive criticism is essential in a democracy for only in that way can we put to a test the proper discharge of his duties by a public official. As this Court aptly said: "The guaranties of a free speech and a free press include the right to criticize judicial conduct. The administration of the law is a matter of vital public concern. Whether the law is wisely or badly enforced is, therefore, a fit subject for proper comment. If the people cannot criticize a justice of the peace or a judge the same as any other public officer, public opinion will be effectively muzzled." (U. S. vs. Bustos, 37 Phil., 731, 741.) In the light of this ruling, we find nothing improper, and much less malicious, in the action taken by the defendants in the exercise of what they believe to be their rights as a citizen.

Wherefore, the order appealed from is affirmed, without costs.

Paras, C. J., Bengzon, Padilla, Montemayor, Labrador, Concepcion, Reyes, J. B. L., Endencia, and Felix, JJ., concur.