

Title: Johwell W. Tiggangay vs. Judge Marcelino K. Wacas (707 Phil. 245)

Facts:

Johnwell W. Tiggangay filed an electoral protest case, Election Case No. 40, against Rhustom L. Dagadag after losing the mayoralty of Tanudan, Kalinga in the May 14, 2007 elections by 158 votes. Judge Marcelino K. Wacas of Regional Trial Court (RTC) Branch 25 in Tabuk City presided over the case. On August 8, 2008, Judge Wacas rendered a decision confirming Dagadag's victory but reducing his winning margin to 97 votes.

Tiggangay appealed the decision to the Commission on Elections (COMELEC) Second Division which dismissed his appeal on November 4, 2008. His motion for reconsideration was also denied by the COMELEC En Banc on January 12, 2011.

On July 31, 2009, Tiggangay filed a verified letter-complaint against Judge Wacas, alleging Impropriety and Partiality. He claimed that Judge Wacas was Dagadag's second cousin by affinity and should have inhibited himself from the case. Additionally, he accused Judge Wacas and his wife of attending Dagadag's victory party on August 23, 2008. Tiggangay supported his claims with affidavits from his driver, Fidel Gayudan, and an alleged close friend, Corazon Somera.

Judge Wacas denied the relationship by affinity, asserting no motion to inhibit was filed during the entire proceedings and provided affidavits from his wife and relatives affirming his absence from the victory party on August 23, 2008. The Supreme Court referred the matter to the Court of Appeals (CA) for investigation and report with recommendations.

Justice Socorro B. Inting of the CA conducted hearings on multiple dates, during which only Tiggangay and Gayudan testified for the prosecution, while Palicpic, Aggal, Mrs. Wacas, and Judge Wacas testified for the defense. The affidavit of Somera was expunged as she did not appear to testify.

On October 18, 2012, Justice Inting submitted her report recommending dismissal of the complaint for lack of substantial evidence.

Issues:

1. Whether Judge Wacas should have been disqualified under Rule 137 of the Revised Rules of Court due to a relationship by affinity with Dagadag.
2. Whether Judge Wacas and his wife attended Dagadag's victory party, exhibiting impropriety and partiality.

3. Whether substantial evidence was presented to substantiate the allegations of impropriety and partiality.

Court's Decision:

1. The Supreme Court agreed with Justice Inting's findings that no substantial relevant evidence established the alleged relationship by affinity between Judge Wacas and Dagadag. Even if Judge Wacas's aunt was married to Dagadag's uncle, this did not create a mandatory disqualification under Sec. 1 of Rule 137, as there was no direct affinity relationship between Judge Wacas and Dagadag.

2. The Court found the testimony of Tiggangay's driver Gayudan unconvincing, unsupported, and inconsistent with the affidavits from witnesses for the defense. There was persuasive evidence, including affidavits from other witnesses and Judge Wacas himself, demonstrating Judge Wacas' presence at a different event on the day of Dagadag's alleged victory party. The testimony of defense witness Aggal, placing Judge Wacas at a clan gathering, was particularly compelling.

3. The Court held that Tiggangay did not meet the burden of proof required for administrative proceedings, namely substantial evidence, to support his allegations. Mere allegations do not suffice to establish administrative liability.

Doctrine:

- Relationship by affinity as a disqualification for a judge under Sec. 1 of Rule 137, Revised Rules of Court, does not extend to relationships beyond direct in-laws and does not encompass affinitas affinitatis.
- Imputed bias or partiality without substantial evidence fails to meet the administrative law standard of substantial evidence.

Class Notes:

- **\*\*Key Elements: Disqualification of Judges, Administrative Complaints, Affinity, Bias, Partiality.\*\***
- **\*\*Rule 137 of Revised Rules of Court, Sec. 1: "No judge... shall sit in any case in which he is related to either party within the sixth degree of consanguinity or affinity..."\*\***
- **\*\*Burden of Proof in Administrative Proceedings: Substantial Evidence, defined as adequate relevant evidence which a reasonable mind might accept to support a conclusion.\*\***
- **\*\*Affinity: Relationship by marriage, limited to direct in-laws, not extending to the**

spouses' relatives by marriage, utilizing definitions from Black's Law Dictionary.\*\*

Historical Background:

This case reflects continuing efforts to ensure judicial impartiality and integrity. It highlights protections against unfounded allegations of bias while emphasizing strict procedural standards for judicial disqualification. This decision underscores the necessity for concrete evidence in administrative complaints, reinforcing judicial policies to prevent frivolous claims post adverse rulings.