

PEDRO G. VALENTIN, COMPLAINANT, VS. JUDGE MARIANO P. GONZALES, RESPONDENT.

Adm. Mat. No. 2247-MJ. August 19, 1982

Ponente: DE CASTRO, J.

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DE CASTRO, J.:

An administrative complaint, under oath, dated August 7, 1979, was filed by Pedro G. Valentin against Judge Mariano P. Gonzales of the Municipal Circuit Court of Dingras-Piddig-Carasi, Ilocos Norte for acts unbecoming of a judge.

The complaint[1] alleged that respondent judge, conspiring and confederating with Lagrimas Tabios Valentin who claims ownership over the properties of the complainant, unlawfully issued a subpoena ordering the complainant and his sisters to appear before him in his court in the morning of July 25, 1979; that on such date, although respondent judge has no authority to issue subpoena as it involves ownership, complainant together with his sisters appeared before his court; that while they were in court on the aforesaid date, respondent judge, with deliberate intent of bringing the complainant and his wife into discredit, disrepute and contempt, uttered in an arrogant loud voice the following insulting and defamatory words, to wit: "agumcayo, suitic, balangkantis" (grabber, swindler, prostitute) and other words of similar import causing great damage and prejudice to them; that as a result of the malicious and insulting public utterances of respondent judge, the complainant immediately filed a complaint against respondent judge with the Office of the Provincial Fiscal of Ilocos Norte; that these unlawful acts of the respondent judge are conducts unbecoming of a judge and that he acted with grave abuse of authority and usurpation of powers in illegally issuing a subpoena where the questions involve ownership which is beyond his jurisdiction.

In his letter-explanation dated April 2, 1980[2] to this Court, the respondent judge averred that on July 18, 1979, Lagrimas Tabios Valentin, widow of the late brother of complainant, went to his office at the Piddig Municipal Circuit Court requesting him to invite the brothers and sisters of her deceased husband for the purpose of confrontation regarding the properties of her late husband and to settle her property rights with them; that on July 25, 1979, the parties appeared before his court and after Lagrimas Valentin explained her side, complainant informed the Court that the house, refrigerator and some other personal properties of Lagrimas and her husband were sold a few days before the latter died; that complainant bought the above-mentioned properties and he admitted that Lagrimas was driven away from their house by his sister, Luisa Valentin; that after the complainant's explanation, respondent judge admonished him in the Ilocano dialect which is translated as follows: "You Pedro Valentin, you have told earlier that Arsenio sold his house and refrigerator just at the moment of his death, and you were the ones who bought them. This should not have happened because you also know that the wife of Arsenio is still living and those are their conjugal properties. And you chanced to buy all this just before the death of Arsenio so you could get all of his properties. That shows that it gives you the mark of being greedy and a chancer. You should have known that before you bought all his properties, the consent of Lagrimas is needed."

Respondent judge thus admitted having said the words "kinaagum and pananggundaway" (greediness and opportunism) but it was, according to him, a way of admonishing complainant with no intent to malign nor defame him, and adverted to a criminal case having been filed against him for grave oral defamation in connection with this incident, but the Provincial Fiscal's Office of Ilocos Norte dismissed it on September 10, 1979.

The instant administrative complaint was referred to the Executive Judge of the Court of First Instance of Ilocos Norte for investigation, report and recommendation. In the course of the investigation, complainant filed a motion to dismiss dated December 11, 1981[3] for loss of interest in prosecuting the case. On even date, Investigating Judge Florentino de la Peña issued the following order:[4]

"O R D E R

"When this case was set for investigation on November 27, 1981, the undersigned investigator asked the complainant if there is any possibility of settling the case amicably. The complainant manifested that he is amenable to an amicable settlement of this case, but he needs time to think it over and so the hearing was reset for December 11, 1981.

"On the latter date, the complainant and his counsel, Atty. Guillermo Pasion and, likewise, the respondent and his counsel, Atty. Marciano Asencion, all appeared. Atty. Pasion manifested that the complainant has filed a motion to dismiss marked as Exhibit A stating that he is no longer interested in the further investigation of this complaint because his witnesses have already gone to Mindanao without any hope of their return to attend the investigation. The complainant affirmed and confirmed before the undersigned that the motion to dismiss was his voluntary act and without any consideration nor use of threat or intimidation. Considering this development, the undersigned hereby recommends the dismissal of the complaint and thereafter, that the matter be considered closed."

Justice Lorenzo Relova, then Court Administrator, and Deputy Court Administrator Romeo D. Mendoza, disagreed with the Investigating Judge and recommended that respondent be reprimanded and warned that he be more careful in his conduct and actions, otherwise a repetition of the same or similar acts shall be dealt with more severely.

It is a time-honored principle that the complainant's loss of interest in prosecuting a case does not warrant the dismissal of an administrative case[5] especially if from the records of the case the guilt of the respondent can be established either by documentary evidence already in the records or by respondent's own admission. Furthermore, if the continuance of administrative actions is made dependent upon the will of every complainant, who may, for one reason or another, lose interest in prosecuting a case, this Court would be stripped of its supervisory power to discipline erring members of the judiciary.

Respondent judge admitted having issued a summons ordering complainant and his sisters to appear before him, although no formal complaint has been filed in his sala. Thus he stated the following in his own affidavit:[6]

"That on July 18, 1979, Lagrimas Tabios Valentin, widow of the late Arsenio Valentin came to my office at Piddig Municipal Court, to request the help of the Court to invite and summon the brother and sisters of her late husband, Arsenio Valentin, most of all for the purpose of confrontation, regarding the whereabouts of the property of her husband and to settle if possible their property rights with them; and which summons was issued to them to appear in Court on July 25, 1979."

While a summons can be issued only upon filing of a complaint pursuant to Section 3, Rule 5 of the Rules of Court, which means a written complaint, the respondent issued the questioned summons on the basis of the oral request of Lagrimas T. Valentin, a sister-in-law of complainant, who complained orally against certain acts of

complainant involving properties of her deceased husband. What was issued was, therefore, a summons, not a subpoena which is what is alleged in the complaint to have been issued by respondent judge.

Respondent also admitted having uttered words considered defamatory by complainant, but he claimed that he had no evil motive in saying them. Thus—

"That the undersigned admits having said the words "kinaagum and pananggundaway" "greedy and chancer" but it was a way of admonishing them and these were not said to malign or with intent to defame them. That I have no evil motive of saying them." [7]

The dismissal of the criminal complaint filed by complainant with the Fiscal's Office attests to the complaint being without sufficient merit, particularly as to the existence of any malice on the part of respondent. It might be the awareness of this fact that made complainant choose to ask his complaint to be dismissed so that he would not have to take the stand and possibly expose the lack of merit on his complaint.

We, accordingly, fail to see that respondent judge has failed to conduct himself within the confines of propriety, for him to deserve punishment. He did not admit having directly called complainant "greedy" and "chancer." What he stated in his answer is that the acts of complainant as complained against by her sister-in-law bear signs of "greediness or opportunism."

Complainant's willing submission to the invitation by summons for him to appear in the office of the respondent judge gave the latter reason to feel that he might use the influence of his office to effect a conciliatory understanding among relatives with the best of intentions and in all good faith, consistent with the nature of his function, and the respect that should be accorded him by those who invoke his good offices to avoid or prevent a court litigation. We perceive no improper, much less a reprehensible motive in respondent's actuation not even in his admonition of complainant's acts which evidently caused some resentment on the part of complainant which unjustifiably prompted him to file both criminal and administrative actions against respondent. As the criminal action was dismissed by the Fiscal much against the wish of complainant, the instant administrative action which complainant himself asked to be dismissed must, perforce, be given no different treatment.

WHEREFORE, respondent is hereby exonerated from the charge, but cautioned to be more careful in his language in order to avoid offending the sensibilities of those he deals with both officially and privately.

SO ORDERED.

Barredo (Chairman), Concepcion, Jr., Guerrero, Abad Santos and Escolin, JJ., concur.
Aquino, J., I dissent. I vote for the dismissal of respondent judge.

[1] p. 1, Rollo.

[2] pp. 6-7, Rollo.

[3] p. 20, Rollo.

[4] p. 19, Rollo.

[5] Advincula vs. Malicudo, 100 SCRA 39; Beduya vs. Alpuerto, 96 SCRA 673; Bais vs. Tuagaeon, 89 SCRA 101; Vasquez vs. Malvar, 85 SCRA 10.

[6] p. 8, Rollo, Annex A of letter of respondent.

[7] p. 7, Rollo.

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