

PEDRO S. CASTILLO, COMPLAINANT, VS. HON. VICENTE BULLECER, RESPONDENT.*Adm. Case No. 119. January 30, 1971*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/18fb010166b1/>**PER CURIAM:**

This administrative proceeding started with a complaint for serious misconduct and inefficiency against respondent Judge on July 10, 1967. The complainant, Pedro S. Castillo, specified five charges: (a) During the pendency of a special proceeding in the testate estate of deceased Don Amadeo Matute in one of the branches of the Court of First Instance of Manila, a certain tenant of a property located in Davao, by the name of Chua Wan, erroneously deposited from time to time to the Clerk of Court of Davao, the rentals due to the said estate, which by March 1966 amounted to P1,207.00. Then in that month, a co-administrator of the said estate filed an ex-parte motion in the sala of respondent Judge, who, with full knowledge that there was no such proceeding before him, the matter being within the jurisdiction of the Court of First Instance of Manila, granted the said motion of the co-administrator to with-draw such amount; (b) In April 1966, as a result of a criminal case filed in the Municipal Court of Lupon, Davao, for murder against the person of a certain Niceto Te, resulting in a warrant of arrest with no bail recommended for the accused, respondent Judge, before such warrant could be served and without any petition for admission to bail, "fixed, granted and approved" bail for the accused Niceto Te, knowing that he was without jurisdiction over said case; (c) In a decision in the case of Mariano Nasser vs. Jose S. Matute, Civil Case No. 4968, with defendant being declared in default for failure to file the proper answer within the reglementary period, respondent Judge granted "a fabulous amount as damages" which was not part of the prayer in the main complaint; (d) In Civil Case No. 5002, Oppus v. Tionko, respondent Judge "with obvious partiality because the plaintiff therein is a fellow Boholano, harassed, badgered and otherwise abused the defendant during the pre-trial proceedings of the said case"; and (e) In Special Case No. 1421 entitled "Intestate Estate of the deceased Aurelio Q. Pizarro" pending before him, respondent Judge had one of the heirs occupying a portion of the estate left by the deceased summoned and "threatened her and her lawyer with contempt of Court and with a jail term" if she would not vacate the same, there being a lease in the meanwhile executed by the administrator appointed by the court.[1]

In the answer filed by respondent Judge on September 14, 1967, there was a denial of the above allegations "not only because they are full of inaccuracies and falsities but are so flimsy [as] to be considered as misconduct or acts of inefficiency",[2] More specifically, respondent Judge would justify the issuance of the order allowing the withdrawal of the deposit mistakenly made in his court on the ground that it was "in the interest of justice" precisely "to remedy an error which did not prejudice any party." [3] As to the issuance of the bail in the case of the accused Niceto Te, respondent Judge maintained that "he acted legally and within his jurisdiction when he took cognizance of the urgent petition" to fix such bail.[4] Respondent Judge would justify the grant of damages in his decision on a case where the defendant was declared in default from the fact that there was a general prayer in the complaint for such relief and other equitable remedy that a court could grant in the premises.[5] He denied that there was anything reprehensible or abusive in his conduct in the Oppus case and that if there were judicial intemperance, if that is the basis of the complaint, the same was warranted under the circumstances.[6] He would

justify the conduct complained of as to the threat to send the parties to jail for disobedience to a lawful order of the court as being within the judicial power necessary to maintain judicial dignity and to see to it that a lawful order is executed.[7] He sought the dismissal of the complaint for lack of merit.

The matter was then referred for investigation to the Honorable Magno S. Gatmaitan, Associate Justice of the Court of Appeals, who submitted his Report and Recommendation dated January 31, 1968. Its concluding portion follows: "[In view whereof], in summary, the Investigator finds that Respondent is, as to Charge No. : 1. - not guilty; 2. - guilty of usurpation of judicial functions of another Court and gross imprudence; 3. - not guilty; 4. - guilty of judicial intemperance with mitigating circumstance; 5. - not guilty; and recommends punishment, but the totality of the proofs not going so far as to convince that he had wilfully perverted his position to wreak deliberate wrong, on the contrary, giving unto him the benefit of the doubt, the evidence can as well be interpreted to mean that he was only trying to do what he probably believed in conscience was the correct justice, only that he went quite far and exceeded the boundaries, - because of this, the Investigator being enjoined by this Honorable Supreme Court as he is to make his recommendation, would recommend a penalty less than dismissal." [8]

After carefully going over such Report as well as the records of this administrative proceeding, we reach the same conclusion. It would be unjust to find respondent Judge guilty of the first charge merely as a result of his granting a motion of the co-administrator of the testate estate of Don Amadeo Matute for the withdrawal of deposits erroneously made in his sala even if the proceeding were pending in the Court of First Instance of Manila as in the language of the Report of Justice Gatmaitan "it is not easy to deny that there was some plausible ground in the conduct of the respondent that he had really felt that there was authority in himself to issue that directive to the Clerk of Court if the incident were to be viewed in the light of the fact that he was exercising not a purely judicial function but rather one in connection with his duties as the administrative superior of his Clerk and as neither is it debated not only were all the parties agreeable to the withdrawal both the lessee and the administrators to whom the money had to be paid after all, but also that after the payment nobody complained, the Investigator is impelled to the conclusion that this charge has not been shown to be with sufficient merit," [9] Nor could he be found guilty of the third charge which would hold him culpable for granting damages even if it were not sought in a complaint with the defendant being declared in default for as noted in the Report of Justice Gatmaitan, there was a prayer in the complaint for such other relief as the court may deem justified in the premises and admittedly evidence was presented as to damages and attorney's fees. Equally so, the conduct imputed to respondent Judge with allegedly threatening one of the heirs and a lawyer in an intestate case before him with contempt of court if there would be no compliance with a valid court order for the severity of the language used cannot amount to that serious misconduct or inefficiency penalized by law when the sole objective of respondent Judge was to assure compliance with a court order which had not been set aside.

Insofar, however, as respondent Judge was found guilty of usurpation of judicial functions and gross imprudence as well as judicial intemperance with mitigating circumstance, the Report of Justice Gatmaitan, as above noted, meets with our approval.

There is no question insofar as the second charge is concerned, where liability was sought to be fastened on respondent Judge by virtue of his granting a petition for bail in a murder charge pending before another court, the Municipal Court of Lupon, Davao, that an ex-parte hearing did constitute an unwarranted performance or interference, and in the language of the Report, of usurpation "of judicial functions of another Court" although respondent would seek exculpation under a Rules of Court provision, empowering a judge in the event the arrest occurs outside of the jurisdiction of the court, which did happen here, to accept bail which previously had been fixed.[10] Here the municipal judge of Lupon did not consider the offense bailable. Moreover, respondent Judge heard the petition for bail without ascertaining what the evidence really consisted or to determine whether the

evidence was strong. The attempted justification that the fiscal was notified but did not appear is not persuasive for as noted in the Report, even if he were present there is no showing that he could have presented the record pending before the Municipal Court of Lupon, the result being the grant of a bail by respondent Judge on a unilateral submission of the case by the accused and his attorney, the record of which was not even shown to the investigator.[11]

As to the alleged abusive conduct manifested by respondent Judge when he "harassed, badgered and otherwise abused the defendant during the pre-trial proceedings" in the case of *Oppus v. Tionko* pending before him, it appears clear that the Judge did lose his temper and permitted himself the use of abusive language against the defendant therein. It was noted, however, in the Report that the blame could be mitigated by the fact that there was evasiveness on the part of defendant who moreover had given the impression to respondent Judge that she was taking advantage of the situation. Such behavior cannot be accorded the seal of approval. It cannot be accurately characterized though as serious misconduct and inefficiency for which respondent Judge is sought to be held accountable.

WHEREFORE, respondent Judge is, as noted above, found guilty in the two counts above specified and meted out a penalty of severe reprimand with admonition that hereafter he should be more careful in the performance of his judicial functions.[12]

Concepcion, Jr., C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Castro, Fernando, Teehankee, Barredo, Villamor, and Makasiar, JJ., concur.

[1] The above is a summary of the Complaint.

[2] Answer.

[3] *Ibid*, p. 2.

[4] *Ibid*, p. 3.

[5] *Ibid*. pp. 3 and 4.

[6] *Ibid*, pp. 4 and 5.

[7] *Ibid*, pp. 6 and 7.

[8] Report and Recommendation, p. 23.

[9] *Ibid*, p. 7.

[10] Sec. 7, Rule 112, Rules of Court.

[11] Report and Recommendation, p. 10.

[12] Cf. *In re Flordeliza*, 44 Phil. 608 (1923) and *San Luis v. Montejo*, Adm. Case No. 74, March 30, 1962, 4 SCRA 645.

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