

NICOLAS A. SUPERABLE, JR., COMPLAINANT, VS. HON. GODOFREDO ESCALONA, RESPONDENT.*Adm. Case No. 122-J. July 31, 1968*

Ponente: ZALDIVAR, J.

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Nicolas A. Superable, Jr., City Judge of Tacloban City, filed before this Court a formal complaint, on January 2, 1968, supported by affidavits, charging Hon. Godofredo Escalona, Presiding Judge of Branch I of the Court of First Instance of Leyte, with (1) "inefficiency, incompetency and falsification of public documents"; and (2) "serious misconduct due to violation of oath of office and/or incompetency".[1]

Anent the first charge, complainant alleges that the respondent was not holding session for five hours in hearing cases every day, as in fact he oftentimes held session for only one hour, or less, a day, then would suspend the session till the next day, and as a result "the grinding of the wheel of justice in his court is very slow"[2] that respondent Judge was not rendering his decisions within 90 days after the sub-mission of the cases for decision, as exemplified by Civil Case No. 3616 entitled "Cesarea Metran vs. Victor Tuazon" which, having been submitted for decision on March 23, 1967, was decided only in November, 1967, although the decision was dated July 2, 1967, and that from this very fact alone it was obvious that when respondent collected his salary for the months of July, August, September, and October, 1967, he falsified his certificate of service.

Anent the second charge, complainant alleged that respondent Judge allowed himself to be influenced or pressured by the Hon. Marcelino R. Veloso, Majority Floor Leader of the House of Representatives, in his actuaciones in Administrative Case No. 26 involving the complainant as the City Judge of Tacloban City, wherein respondent Judge, as investigator, made in his report findings of facts not supported by the evidence and the law, and instead of recommending the dropping of the case because it had already been the subject matter of another investigation - Administrative Case No. 25 - he recommended that herein complainant be severely reprimanded.

The complaint prayed that the corresponding disciplinary action be meted against respondent Judge.

In his answer, supported by affidavits, respondent Judge urges that the instant complaint has become moot and academic because he had been automatically retired on January 12, 1968 for having reached the retirement age of seventy years. In answer to the first charge, respondent Judge denied the charge that he was holding sessions for only one hour a day, and in support of said denial he attached the affidavit of Atty. Filomeno D. Arteché, Jr., the President of the Leyte Bar Association, who stated that the Leyte Bar Association holds high esteem the integrity and honesty of Judge Godofredo Escalona and that it is not true that Judge Godofredo Escalona was holding court sessions only one hour a day.[3] Respondent Judge likewise denied the charge that he was inefficient and incompetent, the denial being supported by the certificate of the Clerk of Court regarding the number of cases that he disposed of yearly[4] and by the fact that he had decided all the cases, civil and criminal, that were pending in his court before his retirement. Respondent Judge explained that his decision in Civil Case No. 3636 was not rendered within the reglementary period of ninety days from the date the case was submitted for decision

because from the number of days that elapsed from March 13, 1967 when the case was submitted for decision, until July 2, 1967 when the court stenographer wrote on the typewriter the decision, 25 days, that is, from March 14 to March 28, 1967 and from June 10 to June 19, 1967 when he was on sick and vacation leaves, had to be deducted, and that the delay in the advice of the notices of the decision to the parties was due to lack of personnel in the office of the Clerk of Court, which fact is certified to by the Special Deputy Clerk of Court.[5] Respondent Judge denied that he had allowed himself to be influenced by Congressman Marcelino Veloso in his actions in Administrative Case No. 26, and in support thereof he attached supporting affidavits, including that of Congressman Veloso himself who stated that he had never seen the respondent Judge about any case pending in the latter's sala.[6]

We have examined carefully the record of this case, and We are persuaded that the charges against respondent Judge have no merit, hence the complaint should be dismissed.[7]

The charge of inefficiency cannot be sustained. Respondent Judge's output of decided cases from the year 1964-65 to the date of his retirement on January 12, 1968, compares favorably with that of the Judges of the other branches of the Court of First Instance of Leyte. The certificate of the Clerk of Court shows that during the fiscal year 1964-65 respondent Judge disposed of 224 cases, while the Judge in Branch II disposed of 273 cases, and the Judge of Branch IV disposed of 298 cases; in 1965-66, respondent Judge disposed of 291 cases, the Judge in Branch II disposed of 295 cases, and the Judge in Branch IV disposed of 288 cases; in 1966-67, respondent Judge disposed of 188 cases, the Judge in Branch II disposed of 221 cases, and the Judge in Branch IV disposed of 269 cases. From January 2, 1968 to his retirement on January 12, 1968, respondent Judge disposed of 7 cases. The reason why respondent Judge disposed of only 188 cases in the fiscal year 1966-67 was because he had been on sick leave for one month.

The charge of alleged falsification of the service certificate by respondent Judge in order to collect his salary, is a mere presumption and conclusion of complainant - this fact is evident even from the wordings of the complaint. We find satisfactory the explanation of respondent Judge regarding his failure to decide Civil Case No. 3636 within the period of ninety days from the date the case was submitted to him for decision.

The charge of alleged serious misconduct on the part of respondent Judge cannot be entertained. The alleged conversation between respondent Judge and Congressman Marcelino Veloso whereby the Judge was alleged to have been pressured by the Congressman to recommend the dismissal of the herein complainant, in Administrative Case No. 26, has been vehemently denied not only by the Congressman himself but also by the very person who, according to the affidavits (Annexes F and G) supporting the complaint, were present during said conversation (Exhs. 7, 8, and 9). Even if it be assumed that said conversation did take place, there is no clear showing that the actuation of respondent Judge in Administrative Case No. 26 was in any way influenced by Congressman Veloso. The complainant claims that Congressman Veloso pressured respondent Judge to recommend his dismissal, yet it appears that respondent Judge simply recommended that complainant be reprimanded. A charge of partiality against a Judge, this Court has said, is to be expected from disgruntled lawyers.[8] It is to be expected also from disgruntled respondents in administrative cases. Furthermore, even if it were true, as alleged in the complaint - although this is not clearly shown - that respondent Judge, in his report in Administrative Case No. 26, made findings of fact not supported by evidence, such would be error of judgment, and there being no proof that such actuation was due to an intention to violate the law or was in disregard of well-known rules, that actuation would not suffice to constitute "serious misconduct." [9]

WHEREFORE, the Court resolved that the complaint in the instant administrative case should be, as it is hereby, DISMISSED.

IT IS SO ORDERED.

Concepcion, C.J., Reyes, JBL, Dizon, Makalintal, Sanchez, Angeles, and Fernando JJ., concur.
Ruiz Castro, J., took no part.

[1] As quoted from complaint.

[2] Quoted from complaint.

[3] Exhibit 2.

[4] Exhibit 3.

[5] Exhibit 5.

[6] Exhibits 7, 8 and 9.

[7] Section 2, Rule 140, Rules of Court.

[8] In re Impeachment of Flordeliza, 44 Phil. 608, 611.

[9] In re Impeachment of Horilleno, 43 Phil. 212, 214.

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