

OSCAR PALMA PAGASIAN, COMPLAINANT, VS. JUDGE CESAR P. AZURA, RESPONDENT.*A.M. No. RTJ-89-425. April 17, 1990*

Ponente: NARVASA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/2156aa14922b/>**NARVASA, J.:**

In the administrative proceedings at bar, Judge Cesar P. Azura is charged with having knowingly rendered an unjust judgment against Oscar Palma Pagasian. The latter's sworn complaint draws attention to a decision rendered on September 21, 1989 by His Honor in a criminal prosecution for theft of large cattle (Crim. Case No. 922-M [87]) entitled "People v. Vicente Dumo, Sr. and Vicente Dumo, Jr.," in which the complainant, the barangay captain in the locality, was one of the witnesses for the prosecution. The complaint alleges that although the complainant, Pagasian, was "not in any manner, shape or form an accused in said *** case," respondent Judge -- in his decision acquitting both accused "for utter lack of evidence" -- nevertheless declared him guilty of "clear violations of the provisions of the fundamental law of the land and against human rights," and sentenced him to pay a fine of P200.00.

The decision in question recites inter alia the acts supposed to have been done by Barangay Captain Pagasian after receiving a report from Luciana Degala that she had lost a male carabao, to wit: he and his "vigilante" had found the bull, dead, early in the morning of July 20, 1986, near the house of the accused Vicente Dumo, Sr.; accompanied by a policeman, he had later gone to see Dumo, Sr. and asked him "if the cart under his house was his," and on receiving an affirmative answer, "he borrowed the cart and issued a receipt therefor (Exh. 'E');" he used the cart to haul the bull away and then deposited the cart at the municipal building of Talisayan "for safe-keeping." After pronouncing the government evidence insufficient to prove the defendants' guilt, the decision went on to characterize the taking of the cart as a "confiscation," as "a seizure *** made without any search or seizure warrant issued by any judge," and its use in evidence as violative of the Constitution. The decision ended with the following disposition:

"WHEREFORE, for utter lack of evidence, the accused Vicente Dumo, Sr. and Vicente Dumo, Jr., are hereby acquitted ***

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For clear violation of the provisions of the fundamental law of the land and against human rights so sacred in a democracy, Barangay Captain Oscar Pagasihan is hereby fined in the sum of TWO HUNDRED PESOS (P200.00) payable in a period of fifteen (15) days from date of the promulgation of this judgment and failure to pay within the said period, he shall be imprisoned for a period of two (2) days."

Respondent Judge, in his comment dated January 18, 1990, concedes that Pagasian was not an accused in the case, but insists that his search of the house of Vicente Dumo, Sr., his seizure of the latter's cart and deposit thereof in the municipal building, "without being armed with any warrant issued by any judge," was a "violation of Sec. 2 of Art. III of the Constitution." He asserts that while there was no "law in implementation of any violation of the provisions of the constitution," he felt it to be "his solemn duty to defend and protect the

constitution,” and not to “decline to render judgment by reason of the silence, obscurity or insufficiency of the laws” (Art. 9, Civil Code), and adopt “any suitable process or mode of proceeding *** which appears most conformable to the spirit” of the Rules of Court (Sec. 6, Rule 135, Rules of Court). He finally declares that as a judge, he “‘cannot be held to account or answer, criminally, civilly, or administratively for an erroneous decision rendered by him in good faith.’ (In Re Judge Baltazar R. Dizon, Adm. Case No. 3086, promulgated 31 May 89).”

Respondent Judge appears to have regrettably lost sight of an even more fundamental and familiar constitutional precept: “No person shall be deprived of life, liberty or property without due process of law” (Sec. 1, ART. III, Constitution). This safeguard, the first listed in the Bill of Rights, includes what is known as procedural due process that guarantees a procedure which, according to Daniel Webster, “hears before it condemns, which proceeds upon inquiry and renders judgment only after trial.” It is made more particular in a subsequent section: “No person shall be held to answer for a criminal offense without due process of law” (Sec. 14 [a]). In said Criminal Case No. 922-M (87), the complaining witness had absolutely no idea that he himself was on trial, like the very persons he was accusing, for the commission of some offense (or perhaps for constructive contempt); he consequently had no opportunity whatsoever to present any evidence in his behalf to exculpate him from the offense which was known to nobody except the Judge. What is worse, the complainant was punished for acts not declared by any law to constitute a penal offense and prescribing a specific penalty therefor, in violation of another equally familiar precept, which also appears to have escaped respondent Judge’s attention, that no act may be deemed to be, and punished as, a crime unless so declared by law. Under the circumstances, the Court must hold that the complainant was clearly denied due process by respondent Judge. He was subjected to no small injustice. He was, by a process of specious, sophisticated reasoning on the part of the respondent Judge, sentenced to a penalty without justification whatever, in infringement of basic principles of which all judges are charged with knowledge.

WHEREFORE, the Court finds respondent Judge guilty of gross ignorance and hereby sentences him to pay a fine of Two Thousand Pesos (P2,000.00). The Court further directs that a copy of this judgment be entered in the Judge’s record.

SO ORDERED.

Fernan, C.J., Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, Cortes, Griño-Aquino, Medialdea, and Regalado, JJ., concur.
Sarmiento, J., on leave.

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