

FELIPE MOLINA, COMPLAINANT, VS. MUNICIPAL JUDGE NATIVIDAD SABATER-DONATO OF BAGGAAO, CAGAYAN, RESPONDENT.*Adm. Matter No. 257-MJ. January 30, 1976*

Ponente: FERNANDO, J.

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There appears to be a tendency, rather marked of late, judging from a number of administrative complaints, to impute to hapless municipal judges reprehensible actuations even if not borne out by facts known to the party alleging grievance. That is a sad reflection on the sense of justice of such person. Nonetheless, as there is no way of anticipating in advance what the hearing will disclose, an inquiry into the truth of the accusation is the usual course followed. That way, there is the opportunity afforded respondent to demonstrate the lack of basis for any charge thus recklessly hurled. That was what transpired in the investigation of the complaint for misconduct and abuse filed by a certain Felipe Molina against Judge Natividad Sabater-Donato of Baggao, Cagayan.

The accusation against respondent Judge for being guilty of misconduct and having committed abuses was set forth thus: "1) For not releasing the Title of my land with an area of 13:68:03 which she has kept in her possession for a year despite the fact that I owe her nothing; 2) For conniving with one Pedro Carodan of Tuguegarao, Cagayan and assisting said Carodan in taking away four (4) hectares in the guise of securing the Title of my Land in question; 3) Unilateral in judgment favoring my tenants to get five (5) hectares of my land in question which tenants promising in return the amount of P5,000.00 but not enforced by the respondent; 4) Threats and intimidation that if I bring this matter to proper authorities, she would press me in such a way as to make me suffer for the rest of my life." [1]

Required to explain, respondent did so in a detailed manner. Thus: "That the complainant in No. 1 alleged that I have in my possession for a year the Title of his land despite the fact he owes me nothing. That Original Certificate of Title No. 0-1455 in the name of Felipe Molina, covering a parcel of land situated at Balba, Baggao, Cagayan and with an area of 13.88.35 hectares (not 13.00.03 as alleged) is in the possession of one Mr. Humberto Herrero of San Jose, Baggao, Cagayan, as per his affidavit, subscribed and sworn to before the Hon. G. Jesus B. Ruiz, * * * That on the 30th day of August 1971, Felipe Molina sold two (2) hectares of said land embraced in OCT No. 0-1455 to Mr. Humberto Herrero of San Jose, Baggao, Cagayan, as per Doc. No. 982, Page No. 20, Book No. III and Series of 1971, as found in my notarial register as the Municipal Judge and notary public ex-officio of Baggao, Cagayan, * * *. That on the 10th day of September, 1971, Felipe Molina mortgaged one (1) hectare of said land embraced in OCT No. 0-1455 to the same Humberto Herrero, as per Doc. No. 1009, Page No. 26, Book No. III and Series of 1971 as found in my notarial register, as the Municipal Judge & Notary Public ex-officio of Baggao, Cagayan, * * *." [2] As to the second charge she had this to say: "That the complainant in No. 2 alleged that I had connived with one Pedro Carodan of Tuguegarao, Cagayan and assisting said Carodan in taking away four (4) hectares in the guise of securing the Title of his land in question. That if said Pedro Carodan had in his possession four (4) hectares of the land of Felipe Molina, it is but right and legal, for Felipe Molina had sold same to Mr. Pedro Carodan on the 3rd day of May 1970, as per Doc. No. 120, Page No. 74, Book No. XI and

Series of 1970, as found in the notarial register of Atty. Pedro N. Laggui of Tuguegarao, Cagayan * * *. That this real and true fact is further supported by the affidavit of Mr. Pedro Carodan subscribed and sworn to on November 3, 1972 before Hon. G. Jesus B. Ruiz * * *." [3] She clarified the third charge in this manner: "To clarify things, the facts are these: the land embraced in OCT No. 0-1455, was the subject matter in Civil Case No. 449 entitled Martin Remudero, Domingo Somera, Angela Javier y Sebastian Remudero (Demandantes) contra Felipe Molina y Julian Guerra, filed before the Court of First Instance of Tuguegarao, Cagayan. That on October 1, 1951, the late Hon. B. Quiteriano penned the decision, stating among other things that defendants Felipe Molina and Julian Guerra are the lawful owners and possessors, * * *. That on appeal, said decision was modified and declaring thereof that defendants Felipe Molina and Julian are not lawful owners but lawful possessors, * * *. That on the 30th day of August 1971, Felipe Molina executed an affidavit, stating among other things that upon mutual agreement with his brother-in-law, Julian Guerra, they divided the property which is the subject matter of the above-entitled civil case and they further agreed that same property be titled in his name (Felipe Molina). Upon the death of Julian Guerra, his son Cresencio Guerra demanded from Felipe Molina, the share of his deceased father in the land which is no other than the very land embraced in OCT No. 0-1455. Felipe Molina asked me to make a Deed of Sale conveying five (5) hectares of his land to Cresencio Guerra wherein he asked me to place the amount of P5,000.00, and which according to him that from the time he did not give the due shares of the Guerras, he had not only benefited from the illegal use of the land of the Guerras in the amount of P5,000.00 but more than that. * * * It could be gleaned from the above that the five (5) hectares conveyed by Felipe Molina to Cresencio Guerra is just a portion of the participation of his father Julian Guerra. The heirs of Julian Guerra could even demand from Felipe Molina the one-half share of their father from the 13.88.35 hectares, which is 6.94.17 hectares and for which Felipe Molina must convey to the heirs of Julian Guerra 1.94.17 hectares more." [4] The baseless character of the fourth charge was set forth by her in this wise: "Your Honor, the complaint of Felipe Molina spread like wildfire not only in Baggao, Cagayan, which is my official station, not only in Amulong, Cagayan, which is my residence, not only in the whole province of Cagayan but everywhere and the whole world had known it. Felipe Molina and the persons who are responsible in the fabrication and manufacture of those lies, punctured with malice and evil motives are very contented and happy for they had tainted and besmirched the honor and reputation not only of myself, but including my husband, several children and two grandchildren." [5]

The said complaint was then referred to Judge Jesus B. Ruiz of the Court of First Instance of Cagayan, First Judicial District. He scheduled hearings for three successive days, March 1, 2 and 3, 1973. Complainant Felipe Molina failed to appear. Respondent Judge Donato and her witnesses were present and testified. The refutation made in the answer of respondent Judge was supported by the evidence submitted. The recommendation of the investigating Judge, therefore, is as follows: "Finding the charges preferred in the letter-complaint of Felipe Molina against Judge Natividad S. Donato to be without legal and factual basis, it should be dismissed." [6] The records were then transmitted to this Court for review and evaluation. Thereafter, the then Judicial Consultant Manuel P. Barcelona, retired Justice of the Court of Appeals, endorsed the findings of the investigating Judge and likewise recommended that this administrative case be dismissed.

Wherefore, this administrative complaint filed by Felipe Molina against respondent Judge Natividad Sabater-Donato is dismissed for lack of merit.

Barredo, Antonio, Aquino, and Concepcion Jr., JJ. , concur.

[1] Complaint dated July 11, 1972.

[2] Explanation dated December 23, 1972, 1-2.

[3] Ibid, 2.

[4] Ibid, 3-4.

[5] Ibid, 4-5.

[6] Report and Recommendation, 6.

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