

LETECIA MIL CAAMIC, COMPLAINANT, VS. JUDGE VICTORIO GALAPON, JR., MUNICIPAL TRIAL COURT, DULAG, LEYTE, RESPONDENT.

A.M. No. MTJ-93-887. October 07, 1994

Ponente: DAVIDE, JR., J.

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DAVIDE, JR., J.:

In a letter addressed to the Court Administrator dated 9 August 1993, to which she attached her affidavit of the same date, complainant charges respondent Judge Victorio Galapon, Jr. of the Municipal Trial Court (MTC) of Dulag, Leyte, with grave coercion.

In the affidavit, she states that on 3 August 1993, she was served by police officer Alberto Peque a subpoena issued by the respondent commanding her to appear before him at 10:00 a.m. of 4 August 1993; she was surprised because she does not know of any pending case or any complaint against her; when she appeared before the respondent at the time and on the date designated in the subpoena, respondent threatened, berated, and coerced her to produce and give him the amount of P8,000.00 which she received as her lawful share as beneficiary in a life insurance policy obtained by her common-law husband, Edgardo Sandagan, who had died; and as a consequence of the threats and coercion, she "suffered sleepless nights, serious anxiety, mental anguish and similar moral pains."

In his Comment dated 7 February 1994 which he submitted even prior to his receipt of this Court's Resolution of 26 January 1994 requiring him to comment on the complaint, the respondent avers that the instant complaint was masterminded by SPO4 Rogelio Asis who had earlier filed fabricated and concocted charges against him (Adm. Matter No. MTJ-93-742), which this Court dismissed on 1 June 1993 for lack of merit, and against whom he, in turn, filed administrative complaints, one of which resulted in Asis' suspension for one month.

As to the complainant's specific charge in this case, the respondent avers that the former lied when she claimed to have been surprised to receive the subpoena because she could not have failed to read in the subpoena that it was issued upon request of Generosa Sandagan; he did not coerce and berate her, nor try to exact money from her as he is not a pauper as shown by the fact that last December 1993, he even voluntarily offered for sale to the CARP program of the Department of Agrarian Reform about 50 hectares of agricultural land for over P2 million. He admits, however, that he "caused to be issued" to the complainant the subpoena in question which was signed by his Clerk of Court, Blandino Bautista, an uncle of the complainant.

In the affidavit of Generosa Sandagan, attached to the Comment as Annex "I," she states that the subpoena was issued to the complainant upon her request so that she can have a confrontation with the complainant before the respondent Judge. Generosa further declares that she is the mother of Edgardo Sandagan, who was lawfully married to Jeana Lagunzad; the complainant was Edgardo's paramour who, however, got the death benefits of Edgardo after the latter died; in order that she could get a share of the death benefits which the complainant refused to give, Generosa then asked the help of the respondent; and at the confrontation, the respondent

"advised" the complainant "to share [with Generosa] some of the proceeds of the death benefits" of her deceased son.

In his affidavit, attached as Annex "L" of the respondent's Comment, Blandino Bautista declares that the respondent directed him to issue the subpoena to the complainant requiring her to appear for a confrontation with Generosa on 4 August 1993.

The other affidavits and documents attached to the respondent's Comment seek to prove the bad reputation of the complainant -- being not only a paramour of the late Edgardo Sandagan, a married man, but also the common-law wife of Policarpio Bautista by whom she has two children; and that having just "reached Grade II" and unable "to read and write" very well, she could have been manipulated by Rogelio Asis who is her distant relative by affinity (Annexes "J," "K," "M," and "N"; Comment).

On 11 May 1994, this Court required the parties to manifest whether they are willing to submit this case for decision on the basis of the pleadings already filed. In compliance therewith, the respondent submitted a manifestation dated 30 May 1994, informing the Court that this case be now decided on the basis of the pleadings already filed. No compliance has been received from the complainant. This Court cannot wait for that. Anyway, the issue is quite simple in view of the admissions of the respondent in his Comment and the annexes attached thereto.

While the charge is for grave coercion, which is a crime under the Revised Penal Code, for purposes of administrative discipline, which is actually the complainant's main objective, this complaint shall be treated as one for ignorance of law and oppression.

The subpoena which the respondent caused to be issued reads as follows:

"Republic of the Philippines
Municipal Trial Court
8th Judicial Region
Dulag, Leyte

The People of the

Philippines

Plaintiff, Crim. Case No.

-vs- For:

_____ ADMINISTRATIVE CONFERENCE_

Accused.

X- -----X _____

SUBPOENA

TO : LETECIA MIL OF BRGY. CABACUNGAN, DULAG, LEYTE _____

OF _____

REQUESTED BY: OF _____

OF _____

GENEROSA SANDAGAN OF DO _____

OF ____

G R E E T I N G S:

You are hereby commanded to be at and appear, before this Court at the Municipal Building, Dulag, Leyte on the 4 day of August 1993 at 10:00 o'clock in the morning then and there to testify in the above-entitled case.

FAIL NOT, under penalty of the law.

WITNESS the Honorable Victorio L. Galapon, Jr. judge of this Court this 3rdth dya (sic) of August 1993 at Dulag, Leyte, Philippines.

VICTORIO L. GALAPON, JR.
Municipal Trial Judge

by:

(SGD) BLANDINO C. BAUTISTA
(TYP) BLANDINO C. BAUTISTA
Clerk of Court"

As a Municipal Trial Court Judge, who, as asserted by him in his Comment, is "well known in the legal profession, here in Leyte Province, and in the town of Dulag," as "being considered by the Judicial and Bar Council for promotion as RTC Judge in either Branch 15, Burauon, Leyte or Branch 36, Carigara, Leyte" and, anteriorly, for having been "nominated for promotion as Presiding Judge of Branch 13, RTC, Carigara, Leyte," which he nevertheless, failed to get as "someone else more lucky was appointed," respondent should have known or ought to know that under Section 1, Rule 23 of the Rules of Court, a subpoena "is a process directed to a person requiring him to attend and to testify at the hearing or the trial of an action, or at any investigation conducted under the laws of the Philippines, or for taking of his deposition." Although the subpoena he caused to be issued purports to be in a form for criminal cases pending in his court, it was not, in fact, issued in connection with a criminal case or for any other pending case in his court nor for any investigation he was competent to conduct pursuant to law or by direction of this Court. It was designated for a specific purpose, viz., administrative conference. That purpose was, in no way connected with or related to some of his administrative duties because he knew from the beginning that it was for a confrontation with the complainant as solicited by Generosa Sandagan for the latter to get a share in the death benefits of Edgardo Sandagan which was received by the complainant. Generosa had not filed any action in respondent's court for her claim; neither is there any case in respondent's court concerning such death benefits. What Generosa wanted was for respondent to act as mediator or conciliator to arrive at a possible compromise with the complainant, which was, obviously, non-official and absolutely a private matter. Not being then directly or remotely related to his official functions and duties, accommodating the request and using his official functions and office in connection therewith was, by any yardstick, improper. The public trust character of his office would have been enough reason for him to decline the request. And, there being no case in his sala in connection with which complainant could be subpoenaed, respondent then had absolutely no power or authority to issue one to the complainant. He thus exhibited his ignorance of the elementary rule on issuance of subpoenas.

There is something more, however, in this case. In using the subpoena form for criminal cases, which was never explained by respondent, nothing could have been intended but to sow fear in the mind of the complainant and compel her attendance, for her failure to do so would have subjected her to "the penalty of law." There was, therefore, some element of intimidation, oppression or abuse of authority, which aggravates his apparent

ignorance of the law on issuance of subpoenas. Considering that it was done upon request of a party which has no case before his court, he invited legitimate criticism against his office as an instrument of oppression.

The courts exists to promote justice (Canon 2, Canons of Judicial Ethics); accordingly, a judge's official conduct should be free from appearance of impropriety, and his personal behavior, not only upon the bench and in the performance of official duties, but also in his every day life, should be beyond reproach (Canon 3, id.). He is the visible representation of the law and, more importantly, of justice (Office of the Court Administrator vs. Gines, 224 SCRA 261 [1993], Inciong vs. De Guia, 154 SCRA 93 [1987]; De la Paz vs. Inutan, 64 SCRA 540 [1975]). He should administer his office with a due regard to the integrity of the system of the law itself, remembering that he is not a depositary of arbitrary power, but a judge under the sanction of law (Canon 18, id.). Never for a moment must he act like a petty tyrant or provide any opportunity to be perceived as such through the abuse or misuse of the compulsory processes of the law, otherwise the faith of the people in the courts could be irreparably eroded.

WHEREFORE, judgment is hereby rendered finding respondent Judge Victorio Galapon, Jr. guilty of ignorance of law and oppression and he is hereby ordered to pay a fine of FIVE THOUSAND PESOS (P5,000.00). He is further admonished to exercise greater care and be more circumspect in the performance of his duties for a repetition of the same or the commission of similar acts in the future would be dealt with more severely by this Court.

SO ORDERED.

Cruz, (Chairman), Bellosillo, Quiason, and Kapunan, JJ., concur.

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