

**CRISOSTOMO D. MONTE, FELINA D. MONTE, HONORIO D. MONTE
AND MATEO D. MONTE, JR., COMPLAINANTS, VS. JUDGE BENIGNOM.
PUNO, COURT OF FIRST INSTANCE OF BULACAN, BALIUAG BRANCH
IV, NO...**

Adm. Mat. No. 1220-CFI. March 17, 1981

Ponente: AQUINO, J.

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AQUINO, J.:

In a verified complaint dated March 5, 1976, the complainants denounced Judge Benigno M. Puno for having acted with grave abuse of authority in issuing certain orders in the intestate case of the late Clara Difio, Special Proceedings No. 447-B of the Court of First Instance of Bulacan, Baliuag Branch IV.

The complainants specifically referred to respondent's order in that proceeding dated July 10, 1975 wherein he found that Solomon Difio was born to Magdalena de la Cruz in 1938 when she was already sixty-eight (68) years old (the supposed father, Conrado Difio, was sixty-four years old).

In that order, respondent Judge held that Solomon Dino, as the brother of the deceased Clara Difio, was entitled to one-half of her estate. The other half was the hereditary share of the herein complainants.

Thereafter, respondent Judge in an order dated October 14, 1975 authorized Solomon Dino to sell or mortgage any of the properties listed in the inventory. The respondent allegedly hastily approved the sale made by Difio. The lawyer for the buyers was former Fiscal Doroteo Daguna, a supposed close friend of the respondent. The two used to work together in the office of the city fiscal of Manila.

The complainants also charged that the respondent held informal hearings in the said special proceeding and that the transcripts of the stenographic notes for said hearings refer to matters which were not actually taken up.

Thus, according to the complainants, at one hearing, when petitioner Solomon Difio was seated between the lawyers of the parties and was not on the witness stand, respondent Judge interrogated him. Difio was not cross-examined. On the following day, the respondent issued an order which was adverse to the herein complainants who were the oppositors in the aforementioned intestate proceeding. The transcript of the stenographic notes for that hearing shows that the respondent "was the sole talker".

The complainants further charged that the orders issued by the respondent in the intestate proceeding were "dictated and typed right in the apartment house of the lady clerk of the judge with the assistance of his branch clerk of court, Atty. Corpus" {p. 3, Rollo}.

The complainants asked that the respondent be inhibited from acting in the intestate proceeding because they could "not get justice" from him. They prayed that the respondent be also inhibited from hearing a related case, Civil Case No. 652-B, Solomon Dino vs. Crisostomo Dino-Monte, et al. because the respondent would ignore "with impunity" complainants' rights and interests.

Respondent Judge in his comment on the complaint did not deal specifically with the allegations thereof. He said that he had no personal interest in the subject matter of the intestate proceeding and that the Court of Appeals denied complainants' petition for certiorari wherein they assailed his order of July 10, 1975 (CA-G. R. No. SP-05119).

The respondent disclosed that the intestate proceeding and the other case would be heard by Judge Mariano Castaneda, Jr. who later rendered a summary judgment in the latter case.

The complainants in their reply to respondent Judge's comment noted that he "did not meet squarely the charges levelled against him".

The complainants said that Solomon Difio's lawyer in the intestate proceeding, wherein his filiation was in issue, was Jose T. Sumat, a neighbor and fellow townsman of Judge Puno in Tarlac, Tarlac.

They called attention to the fact that the deeds of sale executed by Solomon Dino, as judicial administrator, were notarized by the clerk of court of Judge Puno's sala.

To show Judge Puno's bias for Solomon Dino, they also recalled an incident in the hearing when their counsel presented a letter to prove that Solomon was not the brother of the deceased Clara Diflo because he called her "Auntie". Judge Puno remarked that the mode of addressing a person was not important because he (the judge) allegedly used to address his father "compadre".

The complainants said that they were 'the victims of (a) grave injustice' committed by Judge Puno who had given them a "horrible trouble" and that they would pursue their cause of action against him and prove their charges "to all and sundry" (pp. 17-18, Rollo).

Not content with their complaint in this Court, they denounced Judge Puno to the President of the Philippines in their letter in Tagalog dated August 22, 1976 for his "kawalang katarungan at pagmamalabis". They invoked the objectives of the New Society.

They reinforced that letter with another letter in English dated August 27, 1976. They averred that at the hearing in the aforementioned intestate proceeding on July 2, 1975 Judge Puno acted as the counsel of Solomon Difio alias Barcelona. There was a dialogue during the recess between Judge Puno and Dino who was not placed on the witness stand. In spite of the informal character of the hearing there was a transcript of that dialogue wherein the stenographer indicated that Judge Juan F. Echiverri was the Presiding Judge (pp. 143-151 and 163-171, Rollo).

The complainants alleged that on the basis of that informal dialogue, Judge Puno in an order dated July 10, 1975 declared that Solomon Difio was a legal heir of Clara Diflo. The complainants were surprised that the court declared that Solomon Difio, an alleged impostor, was regarded as the son of complainants' grandmother who allegedly begot him when she was already sixty-eight years old (pp. 24-26, Rollo).

The complaint addressed to the President was referred to this Court and then to Judge Puno who furnished this Court with copies of some of the orders in the two cases already mentioned.

The complainants also aired their grievances with the "Action Line" of Radio Veritas as shown in their letter of September 22, 1976 (pp. 89-90, Rollo).

In their letter to the Chief Justice dated March 7, 1977, the complainants once more ridiculed the ruling of Judge Puno that Magdalena de la Cruz gave birth to the impostor, Solomon Difio alias Barcelona, when she was already sixty-eight years old. They also alleged that the transcripts of the stenographic notes for the hearings in the intestate proceedings were tampered with.

In that same letter the complainants said that Judge Castafieda allegedly told one of their lawyers that he sustained Judge Puno's order because the latter was his (Castafieda's) nephew ("Kung hindi lang pamangkin ko iyang si Puno ay lalabanan natin siya ng husto") (p. 133, Rollo).

They also charged that Eugenio Baluyot, the supposed bodyguard and mechanic of Judge Puno, on one occasion asked complainant Honorio D. Monte how much they could offer Judge Puno in order to reverse his order of July 10, 1975, declaring the "impostor Solomon" as the child of Magdalena de la Cruz-Difio. On another occasion, Baluyot allegedly asked the complainants for three hundred pesos to be used in buying a pig and a bottle of wine for Judge Puno (p. 134, Rollo).

Later, Baluyot allegedly advised the complainants to pay four thousand pesos to Judge Puno so that their case may be decided in their favor (p. 134, Rollo).

It should be noted that the complainants' lawyer, instead of appealing from Judge Puno's holding that Solomon Difio was begotten by the sixty-eight-year-old Magdalena de la Cruz-Difio, resorted to the special civil action of certiorari. Justice Magno S. Gatmaitan in a resolution dated March 3, 1976 held that that ruling should have been the subject-matter of appeal and not certiorari (pp. 76-86, Rollo).

On October 14, 1977, the President of the Philippines accepted the resignation of Judge Puno on the basis of reports, confirmed by documentary evidence, that he had issued questionable orders and approved the sale of portions of the so-called estate of the late Mariano San Pedro (p. 226, Rollo).

On April 2, 1979, Judge Puno was appointed Judge of the Court of First Instance of Quezon Province, Lucena City Branch II, the position which he is holding up to the present.

Complainants Honorio D. Monte and Crisostomo D. Monte in their letter to the Chief Justice dated July 26, 1979 "begged with tears" for the investigation of this case (p. 247, Rollo).

It was referred on September 19, 1980 to Justice Simeon M. Gopengco of the Court of Appeals for investigation, report and recommendation.

At the hearing on October 10, 1980, complainants Mateo, Crisostomo, Honorio and Felina, all surnamed Monte, submitted a manifestation withdrawing their complaint for lack of evidence and dropping their charges against respondent Judge (pp. 262-263, Rollo).

Justice Gopengco recommended the dismissal of the complaint because of the complainants' desistance and there being no evidence to substantiate the complaint.

In view of the foregoing, this case is terminated and considered closed. A copy of this resolution should be attached to respondent Judge's personal record.

SO ORDERED.

Barredo (Chairman), Fernandez, Guerrero, and De Castro, JJ., concur.

Concepcion Jr., J., did not take part.

Abad Santos, J., is abroad.

Fernandez and Guerrero, JJ., were designated to sit in the Second Division.

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