

**ESPIRIDION CUTANDA & IRENEO EVANGELISTA,
COMPLAINANTS, VS. HON. VICTORINO C. TELERON, RESPONDENT.***Adm. Case No. 157-J. March 29, 1972*

Ponente: MAKALINTAL, J.

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These two administrative cases arose from certain incidents during the trial of a civil case before respondent Judge, wherein the complainants were witnesses and counsel for the plaintiffs, respectively. After said respondent filed his answer to the complaint the cases were referred to Hon. Jose N. Leuterio, Associate Justice of the Court of Appeals, for investigation, report and recommendation.

Under date of March 10, 1972 the Investigator rendered his report, which is reproduced in toto as follows:

"In a complaint filed by Atty. Sulpicio Tinampay, he charged the Hon. Victorino Teleron, Judge of the Court of First Instance of Bohol, with grave abuse of judicial discretion, oppression, partiality, and arrogance. The charges arose principally from the incidents which took place in Civil Case No. 1923 entitled, The Heirs of Deceased Spouses Macario Evangelista and Hilaria Evardo vs. Victor Bunado, et al., of the CFI of Bohol. In the course of the hearing, a heated argument took place between Atty. Tinampay, representing the heirs of the spouses Macario Evangelista and Hilaria Evardo, and the Honorable Judge Victorino C. Teleron. Judge Teleron found Atty. Tinampay in contempt of court and sentenced him to pay a fine; and because Atty. Tinampay left the courtroom, he further ordered his arrest, found him in contempt of court, and sentenced to imprisonment. The other charges refer to the actuations of the respondent Judge in other cases.

The answer of the respondent Judge to the charges consists of 96 pages. At the same time he filed six counter charges covering about 20 pages. The first charge is gross misbehavior and gross disrespect to the court arising from the actuations of the complainant, Atty. Tinampay in the hearing of Civil Case No. 1923 entitled, The Heirs of Evangelista, et al., vs. Victor Bunado, et al., which is the subject of the complaint of Atty. Tinampay against the respondent Judge. The respondent Judge also charged Atty. Tinampay with willful disobedience to the lawful orders of a competent court and for willfully misinterpreting the law to frustrate its due enforcement. This charge refers to the order of contempt of court and arrest entered by Judge Teleron against Atty. Tinampay in the course of the hearing in the case of Evangelista, et al., vs. Victor Bunado, et al. The third charge is for maliciously conducting a campaign of lies, hate, intrigues, and villifications against the respondent Judge in order to promote public distrust and loss of faith in the administration of justice in his court. Judge Teleron also charged Atty. Tinampay for being mentally dishonest and morally corrupt; that Atty. Tinampay had invariably filed and threatened to file administrative charges against public officials who had the courage to stand up against his improper demands in his professional activities. And finally, Judge Teleron charged Atty. Tinampay for being absolutely devoid of any sense of fairness and justice and camaraderie and professional ethics in his relations with his colleagues in the profession whom he insults no end during court proceedings.

Atty. Tinampay does not in fact charge the respondent Judge with serious misconduct or inefficiency which are

grounds for the separation or removal from office of a Judge of the Court of First Instance as provided for in Sec. 67 of the Judiciary Act of 1942. Neither does Judge Teleron charge Atty. Tinampay with "any deceit, malpractice or other gross misconduct in such office, grossly immoral conduct, or by reason of his office conviction of any crime involving moral surptitude or for conviction of the oath which he is required to take before admission to practice or for a willful disobedience of any lawful order of a superior court, or corruptly or willfully appearing as an attorney for a party to a case without authority to do so" (Sec. 27, Rule 138). No charge of corruption, bribery, dishonesty, or immoral conduct is imputed to the respondent Judge. The same thing is true with the charges of Judge Teleron against Atty. Tinampay. The charges and counter charges are all based upon incidents arising from cases pending before Judge Teleron.

Atty. Tinampay is a resident and practicing lawyer of Bohol where Judge Teleron is one of the presiding judges. Their relationship had always been cordial and even friendly prior to the hearing of the case of Evangelista, et al., vs. Victor Bunado, et al., which trigered the present complaint and counter complaint. At the hearing, both Judge Teleron and Atty. Tinampay appeared. Atty. Tinampay and Judge Teleron engaged in a more friendly conversation, and finally realized that the complaint and counter complaint were the product of misunderstanding, arising from the zeal of Atty. Tinampay in protecting what he believed to be rights of his client; and on the other hand the desire of Judge Teleron to protect the dignity of the Court.

The other complainants who were witnesses in Civil Case No. 1923 and against whom, according to the complainant, Judge Teleron had been arrogant, had filed affidavits withdrawing their complaint, stating that they now realize that both Atty. Tinampay and Judge Teleron had acted in good faith and, that they had misunderstood the remarks of Judge Teleron, and both made the following manifestation:

ATTY. TINAMPAY:

In connection with this case of which I am the complainant in Administrative Case No. 162-J, I would like to manifest in all candor before the Honorable Justice who is investigating this case that heretofore I have not had any personal misunderstanding with the Honorable Presiding Judge, Branch III, of the Court of First Instance of Bohol, in the person of Honorable Victorino C. Teleron, who is the respondent in this case. The incident I had which gave rise to the filing of this case was not predicated on any evil motive. I had thought that I was defending the rights of my clients and of their witnesses in connection with the hearing on trial before said court on August 19, 1969. If I uttered anything which the Court then believed that it was derogatory to its dignity I certainly did not have that in mind, because, as I said earlier, I thought that in doing the act that I did, I was doing in the best interest of my client. There was no had faith on my part when I appeared before Judge Teleron, particularly when the incident took place. Everything that I did was done in good faith and if there was any differences between this representation and his Honor, the Presiding Judge, of said Court, the differences was perhaps on point of defending its dignity. In view of the above considerations, I therefore submit the case to the Honorable Justice taking charge of this investigation to make whatever recommendation he deems fit not only in the interest of both parties but in the interest of justice.

INVESTIGATOR:

In other words, you are pressing another charge?

ATTY. TINAMPAY:

I am not, Your Honor, pressing another charge, because I believe that by so doing, the same would not serve the better end of justice.

INVESTIGATOR:

How about you, Judge, you have countercharges?

JUDGE TELERON:

With the permission of the Honorable Justice investigating this case, I would like to make the observations. I agree with the opening manifestations of Atty. Tinampay that we had no personal difference before this incident now in question under investigation. I would like only to make of record that whatever actuations I did during the incident in question, it was in my honest opinion, in the due performance of my official duty, to protect the dignity of the Court, which I believed at the time was the object derogatory remarks by Atty. Tinampay. However, after a preliminary observation of opinions before the Honorable Justice yesterday afternoon, in connection with the investigation of this case, I am convinced then that Atty. Tinampay, during the incident in question, had had no malicious ulterior motive at all to disparage the integrity of the Court. For that reason, I believe that, in the interest of justice, there would be no more point, Mr. Justice, in the pressing against Atty. Tinampay my countercharge for disbarment and also suspension and then with our agreement in principal, to settle this case amicably that my countercharge be considered as withdrawn. (pp. 2-5, t.s.n., Nov. 17, 1970).

WHEREFORE, it is respectfully recommended that the charges of Atty. Tinampay against the Honorable Judge Victorino C. Teleron of the Court of First Instance of Bohol, and the counter charges of the latter against the former, be DISMISSED."

In view of the findings of the Investigator and of the manifestations made before him by the parties, showing that the charges and countercharges resulted merely from some incidents during the trial of one particular case and that these were not really meant to reflect upon the character and integrity of either of said parties, this Court hereby approves the recommendation of the Investigator and dismisses both the charges and the countercharges.

Concepcion, CJ., Reyes, J.B.L., Zaldivar, Castro, Fernando, Teehankee, Villamor, and Makasiar, JJ., concur.

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