

JESUS O. TUAZON, PETITIONER, VS. HON. ELVIRO L. PERALTA, RESPONDENT.

Adm. Mat. No. 2428-CFI. July 31, 1981

Ponente: DE CASTRO, J.

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DE CASTRO, J.:

This is an administrative case against Judge Elviro L. Peralta of the Court of First Instance of Manila, Branch XVIII. The verified letter-complaint dated August 25, 1980 of Jesus O. Tuazon charges respondent Judge for actuations unbecoming of a member of the bench. The charges arose from the proceedings had in Criminal Case No. 29114 for estafa entitled "People vs. Lucio Co and Fe Corazon Valencia, accused." In particular, the accusations are:

"1. The respondent Judge was biased in favor of the accused during the hearing of the criminal case for estafa filed by complainant Tuazon against accused Lucio Co and his common-law-wife;

"2. The imputation of dishonesty against the respondent Judge when he finally rendered the decision acquitting the accused."

Under the first accusation, the complainant alleges that the respondent made the former feel as though he was the accused and not the accuser; that the role assumed by respondent was far from that expected of an unbiased judge; that before any prosecution witness could be presented, respondent gave his opinion that the case is civil in nature; that should complainant fail to prove the criminal case, the accused might sue him for damages; that respondent made all sorts of remarks intended to make complainant desist from prosecuting the aforesaid case. In short, complainant claimed that the respondent had argued partially for the accused so that when his lawyer questioned respondent's actuations, the latter would not want to argue with complainant's counsel; that in one of the hearings, the respondent suspended the proceedings and asked him why he would not accept payment in order that the case could be dismissed; and that what the accused was offering were post dated checks and respondent offered to help complainant collect payment in the event the postdated checks bounced.

As to the second accusation, complainant wrote a letter dated August 18, 1980 to His Excellency, President Ferdinand E. Marcos which reads among others;

"The judge set the case for the reading of the sentence. The reading of the sentence was postponed because the Chinese did not appear. Last Thursday the Chinese appeared. He approached me, offering to have the case postponed, he offered to give me P10,000.00 in cash and a postdated check for the balance of the amount he owed me.

"The Judge heard what the Chinese told me. The Judge signalled to the defense counsel, they talked together. Then the defense counsel talked to the Chinese. Afterwards, the Chinese did not talk to me anymore. The session opened and when the case was called he said he was ready for the decision.

"That Judge himself read his decision. He dismissed the case.

"I sincerely believe that a decision for conviction was prepared, but the Judge heard about the P10,000.00 he changed his mind, he changed the decision. I believe he was not actually reading his decision, he was only simulating reading one. All came orally from him as if he were dictating one. After all, it was only the last portion acquitting the accused that he read.

"One thing struck me as very strange, why did the Judge himself read the decision? It was very unusual. The clerk of court ordinarily reads it for him. Did the P10,000.00 make the Judge more industrious?"

In his comment, respondent vehemently denied the abovementioned accusations, and he stressed that his decision would show that the acquittal of the accused was forthcoming not because of any favor extended to the accused and their counsel or any bias against complainant; that the complainant's sales manager, Ricardo S. Santos, had supplied evidence to show that the liability of the accused was civil and not criminal; that he has always been upright in the discharge of his duties during the twelve (12) years of his tenure in the bench; and that he has records which could speak of him with justifiable pride.

On October 27, 1980, this Court resolved to refer this case to Associate Justice Isidro C. Borromeo of the Court of Appeals for investigation, report and recommendation.

After due investigation, the Investigating Justice submitted on February 5, 1981 his report containing the following findings and recommendation:

"FINDINGS

"As already adverted to, the complainant did not present any other witness but himself. Although he was placed at the witness stand by his counsel, complainant did not testify in detail regarding the charges he imputed against the respondent judge. All what he did was to identify some transcripts of stenographic notes taken during the hearings of the criminal case which he brought against Lucio Co and his common-law-wife in the CFI of Manila presided by the respondent judge. As a matter of fact, these transcripts of stenographic notes were submitted and presented by him as the only evidence in support of his charges against the respondent.

"A careful reading of said transcripts of stenographic notes which had been marked by complainant as Exhibits B, B-1, B-2, C, C- and C-1 will readily reveal the absence of evidence therein which can sufficiently support the charges hurled by the complainant against the respondent as embodied in his letter-complaint (Exhibit A). It is noteworthy that some of the exhibits of the complainant like Exhibits B, C, and D have been adopted by the respondent as his own exhibits and likewise marked them as his evidence in support of his defense.

"As to complainant's first charge of bias against the respondent judge, all that can be gleaned from the exhibits he has presented was the apparent enthusiasm of the judge to settle the civil aspect of the case. This act of the judge must have peeved the complainant coupled by his extensive questioning of the accused during the hearing which indeed was interpreted by the complainant as to favor the accused. However, this charge was vehemently denied by the respondent judge and in his memorandum, he claims that while he admitted his participation, he did so "in his desire to elicit the facts far from showing bias against the complainant." Besides, from the evidence as presented there is no showing that the complainant was deprived of the opportunity to present fully his case or that his rights were substantially prejudiced thereby. Thus, in the case of *People vs. Ancheta*, G.R. No. L-29581-82, October 30, 1974; 60 SCRA 333, this Honorable Court has stated;

'... It is evident that the only object of the trial judge in propounding his questions was to endeavor, as far as possible, to get to the truth of the facts which the witnesses had testified. We declared in a previous case that 'there are obviously certain rights inherent in a trier of facts due to the nature of his function. Among these is the right to question a witness with a view to satisfying his mind upon a material point which presents itself during the trial and as to the credibility of such witness.' As long as the same is exercised within reasonable bounds and does not amount to a denial of the fundamental rights of the accused to a fair and impartial trial,

such conduct of the trial judge is not a cause that would affect the validity of the judgment.'

"The undersigned respectfully submits that the charge of bias against the respondent judge has not been proven satisfactorily by the complainant.

"With respect to the second charge which is an imputation of dishonesty against the judge, the undersigned likewise finds no evidence whatsoever to support such charge and such insinuation against the integrity of the respondent judge is not well-founded. The fact that in the end, the judge rendered the decision of acquittal should not be taken against him as deliberate act of his to favor the accused in the absence of evidence in support thereof.

"CONCLUSION AND RECOMMENDATION

"In view of the foregoing, the undersigned respectfully submits that the complainant has failed to prove his charges as embodied in his letter-complaint and recommends to this Honorable Court that the respondent Judge, Honorable Elviro L. Peralta be exonerated from these charges."

After going over the records, this Court finds the findings and recommendation of the Investigating Justice to be supported by substantial evidence and are also in accordance with law. Accordingly, this Court approves and adopts the said findings and recommendation.

WHEREFORE, this administrative complaint should be, as it is hereby dismissed for lack of merit.

Fernando, CJ., Barredo, Makasiar, Aquino, Concepcion, Jr., Fernandez, Guerrero, and Abad Santos, JJ., concur.

Teehankee, J., took no part.

Melencio-Herrera concurs in the result.

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