

ALBERTO C. IGNACIO, COMPLAINANT, VS. HONORABLE PEDRO C. NAVARRO, RESPONDENT.

Adm. Case No. 246-J. May 31, 1973

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

In a complaint dated June 7, 1972 addressed to the Secretary of Justice, who indorsed the same to this Court, complainant Alberto C. Ignacio charges respondent Judge Pedro C. Navarro of the Rizal Court of First Instance with falsification, thus:

"In Civil Case No. 6715, entitled 'VICENTE C. IGNACIO vs. ALBERTO C. IGNACIO' there were three (3) motions that were considered submitted for resolution by the Honorable Judge Pedro C. Navarro on February 19, 1966, which motions are the following: 1) Motion to set aside and lift writ of execution; 2) Motion for approval of record on Appeal; and 3) Motion to Dismiss Appeal.

x x x x x x x x

"As a result of this falsification of Judge Navarro, I filed with the Fiscal's Office in Manila, a case for falsification of public documents against Judge Pedro C. Navarro, docketed as Case No. I.S. No. 67-5837 sometime in 1967. Up to now, I have not yet been furnished a copy of the resolution of the fiscal on the said case, although the same was investigated by Asst. Fiscal Marcos Valentin and the investigation was terminated sometime in 1968.

"Due to the fact that there seems to be no remedy left for me, I have thought of bringing this matter to your attention, in the hope that somehow, in my own little way, be able to help you and our people obtain speedier justice. I would also like to go on record that I will at any time be available as a witness to testify against Judge Navarro if the need arises." (Pp. 3 & 4, rec.).

In his answer dated July 15, 1972, respondent Judge denies the charge and avers:

"That Civil Case No. 6715 entitled Vicente C. Ignacio vs. Alberto C. Ignacio was transferred to Branch I of this Court since February 21, 1968, for the reason that in order not to allow the image of the judiciary to be tarnished with suspicion of bias it was thought best for the good of the service that respondent refrains from sitting further on the case after the complainant filed a criminal case for falsification of public document with the City Fiscal's Office in Manila.

"That, like the complainant, neither the respondent nor his counsel in that investigation case was furnished copy of the resolution by the Fiscal's Office after the preliminary investigation was terminated, altho respondent was made to believe that the complaint was dismissed.

x x x x x x x x

"That the herein complaint strikes us as at once vindictive because of the delay in the filing of this complaint, the respondent's act complained of having supposedly occurred in 1966, or eight years from today. This is now barred by laches.

"That as to the falsification aspect of the charge respondent respectfully submits that the administrative function of a court of justice is not alone the responsibility of a judge. It is a joint effort of many minds starting from the Clerk of Court down to the lowest personnel. Monthly reports of a district judge are prepared and signed by his Branch Clerk of Court which he invariably approves if he finds nothing visibly wrong with it. The judge had no time to minutely verify the correctness of the report otherwise, if he does so, he can hardly have time enough to do anything else. The Branch Clerk of Court, in submitting the monthly report for approval, assures the judge that all matters submitted for decision and resolution within 90 days have been disposed of, on the basis of which the judge signs the certification of his service that all such matters submitted for consideration within 90 days have been disposed of. Now, even granting without admitting that the respondent erred in relying on his Clerk of Court and making the certification, it is most humbly and respectfully submitted that he must not and should not be made to answer for falsification because such error is not willful and the same not conceived in malice otherwise public service in the judiciary may become a constant nightmare. It can hardly be imagined how a trial judge can maintain his equanimity if in every resolution he makes he can be subjected to harassment by a party who may be adversely affected by filing charges against him. Every resolution will then hang like a sword of Damocles over a judge's head. Then the Judge, even if he still chooses to remain in the service in pursuance of his love for service in the judiciary which he has chosen as his life's career will be devoting most, if not all of his time, to answering and facing administrative and other complaints against him and can hardly pursue his primordial duty of hearing and deciding cases.

"In this particular case respondent denies having willfully neglected or failed to resolve the motion made the basis of this administrative charge against the respondent. In support of this denial we hereto attach as Annex X of this answer the affidavit of respondent's Branch Clerk of Court which he made in connection with the criminal charge the complainant filed with the City Fiscal's Office of Manila against the respondent.

x x x x x x x x

"In the particular case of herein respondent there were some 1,500 cases left by the late Hon. Eulogio Mencias after his retirement from the bench in 1965 and herein respondent inherited them. Since 1965 respondent labored to clear the backlog in spite of the inflow of an average of 30 to 40 cases coming to his sala every month. Respondent worked to dispose more cases than the number coming in and he succeeded in reducing the number of our pending cases to 533 as of his June, 1972 report. This is stated just to show that we worked under a condition that we hardly have enough time to personally devote our time to detail management of the administrative functions which are left to the Clerk of Court. This we do for the sake of expediency and to promote the smooth progress of the function of the Court." (Pp. 9-15, rec.).

Commenting on the aforesaid answer of the respondent, complainant states:

"1. Re Par. 2, affirmative defenses: That the undersigned complainant is motivated solely by his desire to help the government in ridding it of people who, in one way or another, helps the people lose faith in the just and speedy administration of justice. As a matter of fact, I filed a case for falsification against respondent Judge before the City Fiscal's Office of Manila as early as 1967, hence, it cannot be said that vengeance motivated me in filing the present administrative complaints, and at the time I filed the administrative complaint, I was not yet furnished a copy of the resolution of the Honorable City Fiscal of Manila on the case of falsification case, which fact is also admitted impliedly by the respondent in par. III of his answer when he said that he also was not furnished a copy of the resolution of the City Fiscal on the said falsification case;

2. Re par. 3, affirmative defenses: That it would seem that the respondent Judge is passing the blame to his clerk of court for the falsification he has committed by saying that he just approve the monthly reports. It is respectfully submitted that before he affixes his signature to the monthly reports he must be sure that what is stated there is correct, for the duty of the judge cannot be done haphazardly. At any rate the falsification here consists not in the approval of the monthly reports prepared by his clerk of court but by making it appear in the

certification he submitted to the Secretary of Justice that all pending matters, motions have been resolved by him - referring to all motions filed 90 days before the certification; and on the basis of this certification, the respondent was able to collect his monthly salary. In other words, when he submitted his certification for purposes of collecting his salary for the months of June, July, August and September, 1966, he made it appear that he has already resolved all pending motions within the prescribed period of 90 days, when in truth and in fact such certification was false(;)." (Pp. 43-45, rec.).

Despite his pledge that he "will at any time be available as a witness to testify against Judge Navarro if the need arises," complainant had repeatedly requested for the postponement of the investigation, which prompted the investigator to recommend the dismissal of this administrative case. Thus, the investigator recounts in his report:

"3. - Proceedings before Investigator. - Since complainant in par. 5 of his complaint stated that,

'I will at any time be available as a witness to testify against Judge Pedro C. Navarro if the need arises.',

therefore, Investigator set the case for hearing for 6 December, 1972, p. 61;

"But complainant moved for postponement, p. 69-a; and Investigator re-set for December 18 and 19, 1972, p. 69-a;

But thereafter, complainant once again moved for postponement on the ground that his counsel could not appear;

"Therefore, Investigator re-set again for January 31, 1973, p. 72;

"But instead of appearing, complainant sent a telegram asking for postponement once more on the ground that his lawyer was out of town, p. 72;

"So, Investigator postponed, this time over the objection of respondent's counsel, to February 14, 1973;

"But again instead of appearing, complainant sent a motion for postponement on the ground that his confidential lawyer had left for Legaspi.

"4. - Investigator's Final Action. - Since in all the instances above recited, Investigator had noticed that no lawyer had appeared for complainant, even the lawyer named, by him, Atty. Emeterio Baluma had not presented his appearance, and more especially since, notwithstanding complainant's promise to the Honorable Secretary of Justice in his complaint that he would be available as witness at any time the need arises, yet, he had never come, - therefore, Investigator issued the resolution of 14 February, 1973 with the following dispositive part,

'In view whereof, Investigator believes that the time has come to deny further postponement and therefore, this case is considered closed without evidence on the part of the complainant.' p. 77 (;)." (Pp. 81-84, rec.).

The delay of the investigation at the instance of the complainant appears intolerable, for which he should be rebuked.

FINDING THE RECOMMENDATION JUSTIFIED, THIS ADMINISTRATIVE CASE AGAINST RESPONDENT JUDGE PEDRO C. NAVARRO IS HEREBY DISMISSED.

Makalintal, Acting C.J., Zaldivar, Ruiz Castro, Fernando, Teehankee, Barredo, Antonio, and Esguerra, JJ., concur.

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