

MARCELO B. ASUNCION, LUCITA ASUNCION, JOSEFINA DEL ROSARIO, MIRIAM ASUNCION, AND MARILOU ASUNCION, COMPLAINANTS, VS. HON. K. CASIANO P. ANUNCIACION, JR., PRESIDING JUDGE, METROP...

A.M. No. MTJ-90-496. August 18, 1992

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PER CURIAM:

Respondent Metropolitan Trial Court Judge K. Casiano P. Anunciacion, Jr. of Manila was charged with (1) ignorance of the law and judicial incompetence, (2) oppression and arbitrary exercise of power, and (3) violation of human rights.

Herminio Samson filed an action for ejectment against Marcelo Asuncion which was docketed as Civil Case No. 132534-CV in the Metropolitan Trial Court of Manila-Branch XI over which the respondent Judge presides. Samson alleged that Asuncion, through force, intimidation, threats, strategy and stealth, against the will, and without the consent, of the plaintiff, entered the latter's property and constructed a house thereon.

Asuncion in his Answer, alleged that he owns the land, attaching thereto a copy of his Transfer Certificate of Title No. 187364.

Upon being apprised of the conflicting claims of the parties during pre-trial, respondent Judge issued an Order directing the Bureau of Lands to make a verification and relocation survey of the respective lots of the parties.

In the morning of September 18, 1990, employees from the Bureau of Lands, headed by Elpidio T. Lara, went to Asuncion's residence at 2162 President Quirino Avenue, Pandacan, Manila. Asuncion asked De Lara to produce a court order. When he could not show any, Asuncion called for CAPCOM patrol cars.

Some fifty (50) meters away from Asuncion's residence, stands his newly-constructed house on Lot 1-B (2110 President Quirino Avenue) which is occupied by his daughters.

De Lara proceeded to Lot 1-B but the team was also refused entry by Josefina and Miriam Asuncion who allegedly shouted invectives at the team members. Marilou allegedly swung her umbrella, hitting some members of the survey team.

Samson, the plaintiff in the ejectment case, filed a motion to cite the defendants for contempt. He alleged that Marcelo's wife, Lucita, and daughters, committed acts of violence against the survey team, thereby preventing them from conducting the survey.

The hearing of the motion was set on September 25, 1990. Respondent Judge allegedly asked Marcelo Asuncion to narrate what actually transpired during the survey of the lots and, to his surprise, Marcelo admitted that his wife and daughters committed the acts complained of which prevented the survey team from performing their assigned task. Respondent Judge alleged that the admission of Asuncion, who is a sheriff of the Regional Trial Court of Manila, "done in the presence of his wife and daughters in open court" sounded "as if he was daring the court to

do its worst.” His wife and daughters allegedly stood up insolently and one of them shouted “Anong karapatan nilang pumasok sa amin? Bakit sila magsusukat nang wala kaming pahintulot?” (p. 37, Rollo).

Because of Asuncion’s admission and the allegedly defiant attitude of his wife and daughters, respondent Judge adjourned the proceedings and issued an Order, the dispositive portion of which reads:

“WHEREFORE, in view of their admission, the court finds no more need for a hearing, LUCITA, JOSEFINA, MIRIAM and MARILOU all surnamed ASUNCION, are hereby cited for contempt and ordered to be committed in jail for twenty four (24) hours.” (p. 24, Rollo.)

On the other hand, according to Asuncion, when the ejectment case was called, he stood up and requested a postponement because his lawyer was not available. Immediately, the respondent Judge, in a loud voice, declared that he would put Asuncion’s wife and daughters in jail. When respondent Judge called the branch sheriff to enforce his order, Marcelo Asuncion stepped out of the courtroom because his wife was about to be taken to jail.

Asuncion filed a Motion for Reconsideration and Explanation which he personally handed to the Judge that afternoon. His wife and three (3) daughters were released in the evening. Thereafter they filed this administrative charge against respondent Judge.

The case was raffled to the Regional Trial Court of Manila, Branch 27, for investigation, report and recommendation. On June 8, 1992, Judge Edgardo P. Cruz submitted an Investigation Report, recommending that respondent Judge be fined and given an appropriate warning.

After reviewing the records of the proceedings before respondent Judge, the Court agrees with the investigating Judge that respondent Judge Anunciacion acted arbitrarily, despotically and with complete disregard for the complainants’ rights, when he ordered them to be jailed without even informing them of the charge against them, either by furnishing them with a copy of the contempt motion or reading it to them. Respondent Judge did not inform the complainants of the nature and cause of the accusation against them contrary to the directive in Sec. 3, Rule 71 of the Rules of Court. Neither did he give the complainants a chance to explain their side.

The ladies were strangers to the ejectment case. They did not know about the court’s order to conduct a verification survey of the lot where they live. Since the survey team could not produce the court’s order, they refused to allow the team to enter their property. Their refusal did not constitute disobedience or unlawful interference with an order of the court of which they knew nothing about and which the survey team did not and could not produce. The remarks which one of them uttered in court were not contemptuous. Their outburst was simply an assertion of their right to be respected in the possession of their property. The vehemence of that assertion was not sufficient cause for their incarceration. Moreover, respondent Judge denied them the right to be assisted by counsel and the right to defend themselves, even as their father, Marcelo Asuncion, pleaded for postponement of the proceedings because his lawyer was not available at the time. By his oppressive and precipitate action, respondent Judge displayed arrogance and gross ignorance of the law and violated the complainants’ human rights.

But he apparently is now aware of the seriousness of his misfeasance for he has acknowledged that his action was “a mistake” and has expressed “repentance” for it.

WHEREFORE, the Court finds respondent Judge K. Casiano P. Anunciacion, Jr. guilty of serious misconduct, oppression and ignorance of the law and sentences him to pay a fine of P10,000 to the cashier of the Supreme Court. He is warned that a repetition of the offense in the future will be dealt with more severely.

SO ORDERED.

Narvasa, C.J., Gutierrez, Jr., Cruz, Feliciano, Padilla, Bidin, Griño-Aquino, Medialdea, Regalado, Davide, Jr., Romero, Nocon, and Bellosillo, JJ., concur.

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