

ATTY. FRIOLO R. ICAO, JR., CHIEF, N.B.I., PAGADIAN DISTRICT OFFICE, COMPLAINANT, VS. HON. REINERIO B. RAMAS, RESPONDENT.

A.M. No. RTJ-04-1827 (Formerly OCA IPI No. 03-1907-RTJ). June 30, 2005

Ponente: PUNO, J.

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PUNO, J.:

Before us is an administrative complaint filed by complainant Atty. Friolo R. Icao, Jr against Hon. Reinerio B. Ramas[1] alleging that the latter colluded with the Prosecutor to frustrate the ends of justice in dismissing Criminal Case Nos. 6515-2K2 and 6516-2K2.

Complainant is the Chief of the National Bureau of Investigation's Pagadian Office. His office conducted an investigation and applied for the issuance of a search warrant against Rogelio Pangasian, Eliong Sumalpong and Daisy Catipay (hereafter referred to as the "Accused"). Complainant claims that the respondent judge 1) deferred the arraignment of the Accused *motu proprio* to give the defense counsel time to file their motions to quash; 2) drafted the Prosecutor's "Comment to the Motions to Quash" and 3) made him sign the same.[2] To support his allegations, the complainant alleged that the typewritten comment of Prosecutor Briones dated 2 August 2002 and the order of Judge Ramas dated 8 October 2002 were drafted using the same typewriter. Respondent judge averred that the complaint was baseless.[3]

On 9 February 2004, we referred the administrative complaint to Justice Aurora Santiago-Lagman of the Court of Appeals for investigation, report and recommendation.

Justice Lagman submitted her report on 18 May 2004. Her findings are reproduced below:

A very careful study of the records and the evidence adduced by both parties in the instant case, discloses that the complaint is devoid of merit.

Except for his bare allegations, complainant has failed to adduce any shred of evidence to substantiate his charge of collusion against respondent.

The complainant's assertion that no initiative was taken by the defense counsels to defer the arraignment on June 24, 2002 was refuted by the defense counsels themselves in their Joint Affidavit dated June 5, 2003, filed by registered mail and received by the Office of the Court Administrator on June 26, 2003. Moreover, as admitted by the complainant himself, he was not present during the scheduled arraignment. Hence, he could have no personal knowledge as to what had transpired during the said hearing. The defense counsels positively affirmed that they moved to defer the arraignment and manifested their desire to file a motion to quash or other pleadings. In fact, they had filed their respective motions to quash with the court.

Aside from the fact that complainant never presented any iota of evidence, even of the slightest, to establish his claim that the Order dated October 8, 2002 of the respondent and the Comment dated August 2, 2002 filed by the prosecutor were prepared in one and the same typewriter, he (complainant) also failed to specify any particular act or participation of the respondent in the preparation of the prosecutor's said comment.

Manifestly, complainant never saw the respondent preparing or typing the prosecutor's comment in an unspecified typewriter.

Even assuming arguendo that said Order and Comment were prepared in the same typewriter, complainant's speculation that there existed a collusion between the respondent and the prosecutor, on that basis alone, holds no water. It does not, in any way, establish any agreement between them.[4]

The quantum of evidence required to hold a judge administratively liable is only a preponderance of evidence.[5] A preponderance of evidence is defined as "evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is evidence which as a whole shows that the fact sought to be proved is more probable than not." [6] Given the foregoing standard, and the disputable presumptions of innocence,[7] and proper discharge of duty by public officers,[8] it is manifestly clear that the Complainant has miserably failed to satisfy this burden of proof. As pointed out by the investigating Justice, no evidence was presented by the Complainant to corroborate his bare assertions.

IN VIEW WHEREOF, the administrative case against respondent Judge Reinerio B. Ramas is dismissed for lack of merit.

SO ORDERED.

Austria-Martinez, Callejo, Sr., Tinga, and Chico-Nazario, JJ., concur.

[1] Regional Trial Court, Branch 18, Pagadian City.

[2] Rollo, p. 6.

[3] Rollo, pp. 21-22.

[4] Report, Court of Appeals Justice Aurora Santiago-Lagman, pp. 8-9.

[5] Medina vs. de Guia, 219 SCRA 153 (1993); Sabitsana, Jr. vs. Villamor, 202 SCRA 435 (1991).

[6] Black's Law Dictionary, p. 1182 (6th ed.), citing Braud vs. Kinchen, 310 So.2d 657, 659.

[7] Rules of Court, Rule 131, Section 3(a).

[8] Rules of Court, Rule 131, Section 3(m).

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