

QUIRINO GONZALES, COMPLAINANT, VS. HONORABLE VICTORINO C. TELERON, RESPONDENT.*Adm. Case No. 287-J. October 22, 1973*

Ponente: MAKASIAR, J.

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In a sworn complaint dated March 21, 1973 docketed on April 11, 1973, complainant Quirino Gonzales charges respondent Judge Victorino C. Teleron of the Bohol Court of First Instance (Branch III), with arbitrary detention and with being "very strict, almost drunk with his power and a person who does not temper justice with mercy becoming in effect notoriously undesirable xx x." Complainant avers that in L-36334-5 entitled "Quirino Gonzales, et. al. vs. Honorable Victorino C. Teleron, et. al.," this Court issued a resolution on March 5, 1973 ordering the release from confinement for contempt of complainant upon his posting a bond of P500.00 either in the Court of First Instance of Bohol, Branch III, Tagbilaran City, or with this Court; that said resolution was received on or about 4:30 P.M. of March 13, 1973 by his counsel, who immediately advised him thereof by telegram; that at 11:47 A.M. of March 14, 1973, thru counsel, he filed an ex parte motion for his immediate release from jail, attaching thereto a bond of P500.00 issued by the Central Surety & Insurance Company; and that respondent Judge denied said motion on the ground that respondent has not yet received his copy of Our resolution, disregarding the presumption of regularity of performance of official function by, as well as the presumption of familiarity with the signature of, the clerk of court of the Supreme Court, resulting in complainant's being arbitrarily detained for about twenty-four (24) hours from 11:47 A.M. of March 14, 1973 to 11:26 A.M. of March 15, 1973, in violation of Article 124 in relation to Article 126 of the Revised Penal Code.

In his 3rd Indorsement dated August 17, 1973, respondent Judge recounted that it was only in the morning of March 15, 1973 that he received a copy of Our resolution ordering the release of complainant from jail for contempt upon his posting a bond of P500.00; that forthwith, he issued an order for the release from jail of complainant who actually was released that same morning of March 15, 1973; that respondent is not therefore guilty of arbitrary detention nor abuse of authority because he is "supposed to take official cognizance of and to act accordingly on the matter, which he did, only upon receipt of official notification therefor from this Honorable Supreme Court"; that complainant's petition before the Supreme Court in L-36334-5 for certiorari, mandamus and prohibition was dismissed for lack of merit on April 23, 1973 and May 28, 1973; that said dismissal in effect sustains the legality of the orders issued by the respondent Judge in the civil cases against complainant, directing the indefinite confinement in jail of complainant for contempt of court until he complies with his previous orders in said cases; that complainant, to intimidate respondent, previously filed a criminal complaint against respondent with the military tribunal at Camp Aguinaldo, Quezon City, for issuing the interlocutory orders in the aforesaid civil case pending before him, which complaint was dismissed by the military tribunal for "lack of merit and legal insufficiency of evidence."

WE are persuaded that respondent Judge was just trying to be duly cautious and must have acted in good faith in not precipitately taking as genuine the copy shown to him by counsel. On the other hand, We feel that he could

have acted with more concern for the personal liberty of the complainant, if, instead of awaiting his own copy of this Court's resolution, which might have taken sometime, he took immediate steps to verify the authenticity of said copy. Indeed, he could have examined the same more carefully, and, on the basis of his experience with similar notices, assured himself provisionally of such fact. What he was being called upon was simply to release the complainant on bail, not to absolve him. And, even if it should turn out that he had been misled by complainant, respondent Judge has the power to take remedial and punitive measures, by causing his rearrest and dealing with him and his counsel for contempt. In this manner, he would have vindicated the sacred right of the complainant not to be detained a minute longer than is absolutely necessary under the law and, at the same time, complied with the technical demands of his duties as a judge.

WHEREFORE, THE COMPLAINT IS HEREBY DISMISSED, WITH THE ADMONITION THAT HENCEFORTH, RESPONDENT SHOULD ACCORD PRIMACY TO THE CIVIL LIBERTIES OF THE INDIVIDUAL.

Zaldivar, Ruiz Castro, Fernando, Barredo, Antonio, and Esguerra, JJ., concur.
Makalintal, Acting C.J., and Teehankee, J., no part.

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