

VIRGINIA DE GUZMAN, COMPLAINANT, VS. JUDGE ROMEO C. DE LEON, RESPONDENT.*A.C. No. 1328-MJ. July 30, 1976*

Ponente: FERNANDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-c-no-1328/>**FERNANDO, J.:**

The feeling of resentment, understandably deep-seated, on the part of petitioner, Virginia de Guzman, against respondent Judge Romeo C. de Leon of the Municipal Court of Antipolo, Rizal, arose from his issuance of a writ of pre-liminary mandatory injunction in Civil Case No. 817, a forcible entry suit against her and her husband Roman de Guzman filed by a certain Mario G. Carlos. As a result, the couple lost possession, and, it was further alleged, their hut was demolished. The motivation is quite clear, but the justification for the administrative complaint for oppression and grave misconduct filed on December 8, 1975 is something else. Petitioner in support of the charges would impute to him bad faith and malice in its issuance. More specifically, she cited his refusal to admit in evidence during the hearing on the application for the issuance of the writ certain exhibits which in her opinion ought to have cautioned him against granting the motion, for to do so would have the effect of rendering nugatory the efforts of the government to cancel and revoke certain titles in Antipolo, Rizal, the subject matter of Civil Case No. 18914, pending in the Court of First Instance of Rizal, included in which is the lot in dispute.[1] Her petition then alleged: "That notwithstanding the clear knowledge of the respondent judge to the effect that the action filed by Mario G. Carlos (Civil Case No. 817, for forcible entry) is merely a diversionary tactic intended to sidestep the main case, Civil Case No. 18914, * * * filed by the Solicitor General which is pending before the Court of First Instance of Rizal, Branch XI; of the fact that Mario G. Carlos, by virtue of the cancellation and reversion proceedings filed by the Solicitor General does not have any clear legal right nor title to the land in question; of the fact that the writ of preliminary mandatory injunction is not a mode of recovering possession and that injunction is an extraordinary civil remedy which according to this Honorable Court should be sparingly issued; the respondent judge acting in grave abuse of discretion and behaving like a tool to the devious scheme of Mario G. Carlos, had allowed his good office to be used as an instrument to defeat the interest of justice, frustrate the proceedings filed by the State in Civil Case No. 18914, * * * and thereby violated his sworn duty to do justice to everyone to uphold the interest of the State and to protect the rights of all the parties without fear or favor".[2] She further complained that the writ complained of, giving her and her husband twenty-four hours to vacate the premises was issued on a Saturday, the unlawful demolition having taken place the following Sunday.[3] The removal of respondent Judge was sought.

Respondent Judge was required to comment by resolution of this Court. In compliance therewith, he stated that there was nothing irregular or improper in the issuance of the assailed order granting the motion for a preliminary mandatory injunction, as he did so only after a full-dress hearing with the transcript of the stenographic notes consisting of ninety-eight pages and after three postponements had been previously granted. He was not precipitate, much less arbitrary. Further, he pointed out that it was only after the filing of the charges against him that he came to know of Civil Case No. 18914 of the Court of First Instance of Rizal. He alleged the same thing with reference to the communication attributed to the Assistant Solicitor General Santiago M. Kapunan.

Moreover, he pointed out that Civil Case No. 18914 had reference to a tract of land applied for by one Alfonso Doronilla, not Mrs. Leoncia Cabrera Chuatoco, the lessor of petitioner and that the Original Certificate of Title No. 6252, covering the parcel of land in the forcible entry case before him, was not one of those sought to be annulled by the Office of the Solicitor General. It is his submission, therefore, "that he has not committed any of the acts imputed to him by petitioner, considering that he has given both parties every opportunity to present evidence in support of their respective sides of the case." [4]

The complaint was then referred by resolution of this Court to Executive Judge Ramon V. Jabson for investigation, report and recommendation. Accordingly, the investigation was conducted. He scheduled the hearings, with both petitioner and respondent being afforded the full opportunity to present evidence. Afterwards, the parties submitted their respective memoranda, petitioner's counsel likewise filing a reply memorandum.

The report of Executive Judge Jabson, consisting of nineteen pages, recommended the dismissal of the complaint and exoneration of respondent Judge. He explained why: "1. There is nothing in the transcripts of the notes taken during the proceedings on the hearing of the application for the issuance of a writ of preliminary mandatory injunction that will tend to show that Atty. Villarica [counsel for petitioner] had in fact offered the said documents in evidence. If it were really true, as claimed by Atty. Villarica, that the stenographer who attended the hearing did not take down notes when he offered the documents in evidence, then he should have invited the attention of the Court to see to it that his offer was properly recorded. Yet, as Atty. Villarica admitted, in spite of the fact that he subsequently noticed from the transcripts that his manifestations were not recorded, he did nothing about the matter. These facts tend to confirm the assertion of the respondent that no such documents were offered in evidence. It is a fundamental and an elementary rule on our procedural law that the Court must consider only the evidence on record. 2. The writ merely directs the defendants to vacate the premises and does not order the demolition of the hut. As borne out by the Sheriff's Return, which was not disputed by the petitioner, the defendants voluntarily vacated the premises in question on April 26, 1974. The sheriff who implemented the writ testified that he found the hut intact when he returned to the premises on May 26, 1974. Moreover, petitioner's claim that the hut in question was demolished is belied by her own evidence, * * *. As can be clearly seen from these pictures, the hut was not demolished. Granting in arguendo that Mario G. Carlos demolished the hut, he alone has to be blamed. He did it not as an officer of the Court and without the sanction of the Court. The writ merely directs the eviction of the defendants and it was endorsed to the Provincial Sheriff of Rizal for implementation. As in fact the petitioner admitted that the Sheriff who served to her the writ was not present during the alleged demolition." [5] It was therein likewise set forth: "1. Civil Case No. 18914, entitled 'Republic of the Philippines vs. Alfonso de Jesus, et al.' is an action for the annulment of judicial and administrative proceedings against Land Registration Case No. N-1715 including all decrees, patents, titles and derivative titles granted or issued pursuant thereto. Accordingly, there is no truth to the charge of the petitioner that the action of the respondent judge in issuing the writ of preliminary injunction in Civil Case No. 817 would render nugatory the action taken by the Government in the cancellation and re-vocation of the titles subject matter of Civil Case No. 18914. The action taken by the respondent in Civil Case No. 817 has no bearing at all or would not affect in any way the outcome or result of the action of the Government in Civil Case No. 18914. The title of Mario G. Carlos, OCT No. 6252, is not a subject of Civil Case No. 18914. 2. There is no truth to the charge that the respondent illegally allowed Mario G. Carlos and his cohorts to implement the writ and to demolish the hut. As heretofore discussed, the writ was implemented by the new sheriff of the Office of the Provincial Sheriff of Rizal. The writ directed merely the eviction of the defendants and did not order for the demolition of the hut. 3. The charge that the respondent acted with grave abuse of discretion and behaved like a tool to the devious scheme of Mario G. Carlos, allowed his good office to be used as an instrument to defeat the interest of justice and to

frustrate the proceedings filed by the Government in Civil Case No. 18914 was not substantiated. 4. There is no evidence to show that the respondent exercised his judgment in a capricious and whimsical manner; that he had exercised or inhibited flagrantly or shamefully wrong or improper conduct; nor did he act with cruelty, severity, unlawful exaction, domination or excessive use of authority. 5. If the respondent had committed an abuse of discretion in issuing the writ in Civil Case No. 817, the defendants should have availed themselves of the remedies provided by the Rules. A complaint for removal or disbarment under the foregoing circumstances would be without any legal nor factual basis."^[6] Necessarily for him, the only conclusion is the dismissal of the complaint. The matter was subsequently referred to the Acting judicial Consultant, Justice Ricardo C. Puno of the Court of Appeals. In his recent memorandum dated May 31, 1976 submitted to the Court, he analyzed the circumstances attending the alleged oppression and grave misconduct on the part of respondent Judge and carefully went over the report of Executive Judge Jabson. He concurred with the findings as well as the recommendation therein made that the complaint be dismissed and respondent Judge be exonerated.

This Court is in agreement. To restate the doctrine in the leading case of *In re Horrilleno*^[7] for a complaint of this character to succeed, there must be proof beyond reasonable doubt "that respondent Judge has acted partially, or maliciously, or corruptly, or arbitrarily, or oppressively."^[8] Respondent had shown that in issuing the writ of preliminary mandatory injunction, he did comply with the procedural requirements and did reach the conclusion that the granting of a motion to that effect was warranted. Nor could he be held accountable for the alleged failure to accept in evidence certain documents when he had no opportunity to rule on their admissibility as they were not even presented. As noted at the outset, it must have been the deep feeling of resentment that motivated the filing of these charges. Had there been a realization on the part of petitioner that respondent Judge was merely acting according to his best lights and in consonance with the obligation of his office, it is likely that no such complaint would have been presented. While the dismissal of the complaint is, therefore, more than warranted, it may not be amiss to state that where an order of this nature is sought, the effect of which may be to cause great inconvenience, if not hardship, to a litigant, a municipal judge should avoid issuing it on a Saturday and should give more than twenty-four hours for its being implemented. That is to manifest greater fealty to the concern shown by the government for the plight of the underprivileged.

WHEREFORE, the complaint against respondent Judge for grave misconduct and oppression is dismissed. Let a copy of this resolution be entered into his record.

Barredo, Antonio, Aquino, and Martin, JJ., concur.

Concepcion, Jr., J., is on leave.

[1] Petition par. 5. Reference was made in the petition to the Complaint in Civil Case No. 18914, Exhibit E thereof; the First Indorsement dated February 26, 1974 of the Assistant Solicitor General, Santiago M. Kapunan, Exhibit F; the Letter of the Acting Chief of the Legal Division for the Director of Lands, Exhibit G; and a Plan SWO 41654 (Sheet 2), Exhibit N.

[2] *Ibid*, par. 6.

[3] *Ibid*, par. 7.

[4] Comment of Respondent Judge, 7.

[5] Report of Executive Judge Ramon V. Jabson, 13-14.

[6] *Ibid*, 17-19.

[7] 43 Phil. 212 (1922).

[8] Ibid, 215. The Horrilleno case was cited with approval in *Enriquez v. Araula*, Adm. Case No. 270-J, December 18, 1973, 54 SCRA 232; *Tombo v. Medina*, Adm. Case No. 929, Jan. 17, 1974, 55 SCRA 13; *Lampauog v. Villarojo*, Adm. Matter No. 381-MJ, Jan. 28, 1974, 55 SCRA 304.

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