

BENJAMIN MARAVILLA, COMPLAINANT, VS. JUDGE GUMERSINDO ARCILLA, RESPONDENT.

A.C. No. 401-CJ. August 31, 1976

Ponente: BARREDO, J.

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BARREDO, J.:

Administrative complaint against respondent City Judge charging him with "grave abuse of authority, assault upon a person in authority and acts unbecoming a public officer."

Allegedly, respondent laid hands on complainant who as sheriff had earlier "tumbled down a beach house of respondent's wife" in the course of executing an order of demolition issued by the Court of First Instance of Davao City in its Land Registration Case No. N-77, entitled "In Matter of the Petition of Jose S. Magallanes for Land Registration", the respondent acting in the belief that complainant had abused his authority, the land on which respondent's wife's beach house was built being outside of the property of Jose S. Magallanes. The scene of the incident was the Office of the Clerk of Court of the City Court, the date, September 22, 1972, on the occasion when complainant was in the process of putting up a P300 bailbond for his provisional release as an accused in Criminal Case No. 6649-A of the City Court of Davao City, the very one in which he was charged by the Fiscal with malicious mischief in connection with what he had done to the beach house of the wife of respondent.

Upon directive of the Court, due investigation was conducted by Judge Dominador Zuño, Sr., Executive Judge of the Court of First Instance of Davao, who has submitted a report with the recommendation that respondent be found guilty of "1. abuse of authority, and 2. conduct unbecoming a public officer (of a judge)" and penalized with "suspension for a period of six (6) months, without pay."

After a careful review of the evidence on record, We have arrived at the conclusion that such recommendation is rather harsh.

At the outset, it is relevant to note that, according to the record of this case, the complainant had as early as October 9, 1972 executed an affidavit stating that he had "patched up our (with respondent) differences relative to" the incident in question, and had asked in said affidavit that "the controversy between me and Judge Arcilla be considered definitely closed and totally disregarded", for which reason, on November 2, 1972, he addressed a letter to Judge Antonio Martinez, who was then Executive Judge of the Court of First Instance of Davao, wherein he "earnestly requested that the case be considered closed and my complaint be disregarded", and in consequence, Judge Martinez recommended to the Secretary of Justice "that this matter be considered closed." In other words, as far as the pro-tagonsists were concerned, this case could have been terminated four years ago, if it were not for the fact that the Department of Justice had made complainant understand that "appropriate disciplinary action (would) be taken against (him) for having compromised a matter of public interest." Indeed, when the Court issued the resolution of November 12, 1972 referring this case for investigation to the Executive Judge of Davao, after the records were transferred to Us pursuant to the Constitution, which was after the complaint had already been endorsed to respondent on January 23, 1973, for comment, notwithstanding complainant's desistance, said

resolution was interpreted by complainant as an order of the Court for him to prosecute his complaint. Before the Investigator, he testified thus:

"ATTY. MAMUTUK:

Q Mr. Maravilla, are you the same complainant in this case?

A Yes sir.

Q Are you still interested in the prosecution of this case?

A Because it was ordered by the Supreme Court to continue the case, I can not say yes, I can not say no.

INVESTIGATOR:

That is equivocal. Answer categorically the question. Repeat the question.

ATTY. MAMUTUK:

Q Are you still interested in prosecuting this case Mr. Maravilla, personally?

A I am interested because it was indorsed by the Supreme Court to this court. "

(Pp. 13-14, T.S.N.)

It is quite clear from this testimony that as far as complainant is concerned, this case should have been dismissed already. And this attitude of complainant may be attributed to his own realization that what had happened could as well be forgotten, taking all surrounding circumstances into account. His own unexplainable conduct in going beyond the terms of the writ he was implementing must have bothered him.[1]

At any rate, We are not persuaded that a case of actual assault has been established. Even considering the inconsistencies noted by the Investigator in respondent's statements on the different occasions he gave written and verbal explanations, it would not appear clearly that respondent had succeeded in actually laying hands on complainant. The most that the evidence shows is that respondent made a move as if to dash towards complainant but was unable to really reach him because of the intervention of the other persons then present. The medical evidence presented to prove complainant suffered physical injuries is inconclusive and did not impress the Investigator. Besides, respondent did not persist in his apparent intention.

But such aggressive posture of respondent, albeit understandable because of the unwarranted inclusion by complainant of respondent's wife's hut in complying with the order of demolition complainant was implementing, was uncalled for, considering his position as City Judge, and may not therefore, be totally excused. As a member of the judiciary, respondent should have refrained from dealing with complainant directly, whatever it was that he personally felt aggrieved about. As a judge, he should have considered that there are adequate remedial measures for all kinds of improper or even illegal acts, which are always available to aggrieved parties either in the courts or in the corresponding administrative agencies for the purpose. As a judge, he is not supposed to forget any time that no one is permitted to take the law in his hands, except perhaps when acting in justifiable self-defense, which is not the case here.

All things considered, the Court holds that even if respondent may not be found guilty, for insufficiency of evidence, of grave abuse of authority and highly improper and illegal conduct amounting to assault, he should, however, be reprimanded for having committed acts unbecoming of his position as a judge. Being one of those in the forefront of our judicial system with which the people are in close and constant contact, and whose actions are bound to be considered as reflective of the standards of moral integrity and proper decorum supposed to be

observed by members of the judiciary who must indispensably remain in their high esteem, if faith in and due respect for our courts of justice are to be preserved, respondent must endeavor in all the things he does, whether in the performance of his judicial functions or in the handling of his private affairs, to control his feelings whenever under stress or pressure to redress any wrong he suffers, thereby serving as the example for the emulation of everyone in seeking justice through the means provided by the rule of law, instead of being carried by passion and the wish to retaliate or avenge any aggression, real or fancied.

IN VIEW OF ALL THE FOREGOING , and it appearing that the special circumstances which induced respondent to act the way he did may not always be easy for a man to undergo with real composure, the Court rules that the charge against respondent for abuse of authority or assault has not been proven, but for having allowed his personal feelings of being aggrieved to get the better of him, thereby adopting an aggressive stance against complainant in a manner unbecoming of his position as a judge, even considering that he so acted because of the belligerent and disrespectful conduct of complainant, respondent should be as he is hereby reprimanded and admonished that henceforth he should be careful not to repeat any similar attempt to secure redress by trying to physically lay hands on someone, instead of resorting to corresponding legal remedies. Respondent must understand that were it not for his long public service and that this is the first occasion he is charged administratively, the Court would have dealt with him more drastically.

SO ORDERED.

Fernando, Acting C.J., (Chairman), Antonio, Aquino, and Concepcion, Jr., JJ., concur.

[1] In a separate case, the Court found him guilty of grave misconduct and ordered his removal from the service. (Tinaha vs. Maravilla, Adm. Matter No. P-1, July 25, 1975.)

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