

LEONILA S. SALOSA, COMPLAINANT, VS. FELIZARDO PACETE, IN HIS CAPACITY AS MUNICIPAL JUDGE OF PIGCAWAYAN, COTABATO, RESPONDENT.*A.M. No. 107-MJ. August 27, 1980*

Ponente: MELENCIO-HERRERA, J.

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In a verified Complaint dated July 13, 1972, Leonila Seguinte Salosa charged respondent Municipal Judge of Pigcawayan, Cotabato (now the Municipal Judge of the 5th Municipal Circuit Court of Pigcawayan-Alamada, North Cotabato), with grave abuse of discretion, gross ignorance of the law, serious misconduct in office, oppression and neglect of duty.

Complainant alleged that after the agricultural harvest in May, 1972, she and her husband requested their landlord, Mateo Barte, for a change in their crop-sharing agreement from 2/3 - 1/3 to 75% - 25% in favor of the tenant but that Barte was not receptive to the idea. On June 30, 1972, she was surprised to receive a summons from the Chief of Police requiring them to appear before him. Complying, they were told of Barte's intention to eject them from their landholding. As the Chief of Police was unable to settle the controversy, complainant was taken to the office of respondent Judge where, in the presence of Barte, her first cousin Alfredo Seguinte, and Jorge Arandilla, respondent scolded her by saying: "you vacate the land because that land is just enough for the owner to farm. If you will not vacate, you might go to jail. You will be charged criminally. You might be liable to pay the damages." Later on she learned that a Forcible Entry case was filed by Barte against her. After she filed the present administrative case against respondent, the land was returned to her on a 75% - 25% sharing basis.

In respondent Judge's 4th Indorsement dated October 16, 1972, he alleged that complainant's charges were similar to those filed by Mansueto Patricio and by 134 FFF members, Pigcawayan Chapter, who filed a petition for his dismissal. And, in answer to the Complaint and "to belie the charges", respondent attached Barte's Affidavit reading as follows:

"That on June 12, 1972 my tenant Roberto Umagap reported to me that Abelardo Monsindo had plowed about one fourth of the one hectare land holding formerly occupied by my tenant Alfredo Seguinte but which land holding was already returned to me by said Alfredo Seguinte after the last harvest of May, 1972. That I sent my son Jorge Barte to verify the report of Roberto Umagap and he found out that really one fourth of a hectare was plowed. I reported the matter to the Chief of Police of Pigcawayan, Cotabato and he summoned both Leonila Seguinte and Abelardo Monsendo. However, only Leonila Seguinte appeared in the Office of the Chief of Police

"The Chief of Police advised her not to continue plowing the land of Mr. Barte but she said that she is a member of the FFF Pigcawayan Chapter and refused to heed the advise of the Chief of Police saying that she would only listen or respect the settlement by the CAR. So the Chief of Police indorsed us to the Office of the Municipal Judge.

"The Municipal Judge asked me whether Leonila Seguinte and Abelardo Monsindo are my tenants. I told the Judge that they had never been my tenants and I do not even know this Leonila Seguinte. Thereupon, the Municipal Judge advised her that it would be better for her not to continue working on the land of Mr. Barte in order to avoid further trouble. Mr. Barte might be compelled to file a case against you if you continue working on this land.

"That in spite of the advise of the Chief of Police and Municipal Judge Felizardo Pacete, Leonila Seguinte refused to get out from my land and she even continued the plowing until the whole one hectare was fully plowed. This Leonila Seguinte and her family had never lived on my land. They are living on the land of Mr. Jacinto Presbitero the owner of Hacienda Maria which hacienda is separated only by a homestead road from my land holding. They are working on the land of Ricardo Presbitero located south and adjacent to my land holding in Capayuran, Pigcawayan, Cotabato."

On November 20, 1972, Hon. Efren I. Plana, then Undersecretary of Justice, referred the case to the Executive Judge of the Court of First Instance of Cotabato City for investigation, report and recommendation.

In the meantime, on February 14, 1973, complainant and respondent arrived at an "Amicable Settlement Agreement" in this tenor:

"1. That after several negotiations, both parties have agreed, as they hereby agree, to settle the instant case amicably due to the following reasons:

a) Respondent admits that his behaviour during the confrontation with herein complainant on June 30, 1972, in the sala of the Municipal Court of Pigcawayan, Cotabato, was not meant to harass or intimidate complainant but an effort to promote a harmonious relations between complainant and her landlord, a certain Mateo Barte;

b) Respondent herein is willing and has agreed to make amends with complainant;

c) Complainant is convinced with the explanation of respondent and that she is willing to forget this case against the respondent;

2. In view of the foregoing developments, herein complainant is hereby desisting from pursuing the prosecution of the instant case any further."

At the hearing on February 15, 1973, upon complainant's Motion, through counsel, the Investigating Judge, then District Judge Mama D. Busran, dismissed the case on the basis of the Amicable Settlement and directed the transmittal of the records to the Secretary of Justice for his information and further disposition.

On October 4, 1973, (the administrative supervision over inferior Courts having been transferred to this Court in the meantime), this Court directed the District Judge of the Court of First Instance of Cotabato City to continue with the investigation of respondent, it appearing that the Amicable Settlement submitted by the parties as the basis of the dismissal was not satisfactory.

During the investigation conducted by District Judge Glicerio V. Carriaga, Jr. complainant declared substantially as set out above. For his part, respondent denied having threatened complainant to vacate the land, otherwise, she would go to jail. He further denied having used his office as an instrument of oppression. Respondent Judge testified that on June 30, 1972, when complainant, Barte, Alfredo Siguiente, and Gregorio Randilla went to his office, Barte complained to him that complainant had entered his land and plowed the same without his consent. He advised complainant to secure the services of counsel because if she would not vacate, Barte was going to file a case against her. Barte did file a case for Forcible Entry against complainant on July 12, 1972, with a prayer for Preliminary Mandatory Injunction. Complainant presented her Answer on July 25, 1972. Because complainant failed to appear at the Injunction hearing, he declared complainant in default. The Forcible Entry case was

eventually dismissed after the parties entered into an amicable settlement whereby complainant promised to vacate the land after the harvest of the crops.

In his Report, Judge Carriaga recommended the dismissal of this case based on the amicable settlement arrived at between the parties and the failure of complainant to prove her charges.

Deputy Court Administrator, the Hon. Leo D. Medialdea, however, in his Memorandum of July 10, 1980, has recommended differently, as follows:

"The admission of the respondent that he declared complainant in default despite their answer to the complaint for forcible entry when they failed to appear at the hearing of the motion for preliminary injunction only proved that the respondent was actually partial in favor of the landlord (Barte). The respondent even violated the rules on procedure by declaring the herein complainant in default despite the answer to the complaint filed by them. For such infractions committed by him, the respondent exposed himself to the imposition by this Court of an appropriate administrative disciplinary sanction. However, the penalty should not be grave considering the fact that the forcible entry case filed against the complainant was already dismissed and there is no showing that said complainant suffered damage in connection therewith. Therefore, the penalty of severe reprimand with a stern warning that repetition of similar dereliction in the future will be dealt with more severely will already suffice."

The latter recommendation is more in keeping with the factual situation herein. Indeed, in our Resolution of October 4, 1973, we found the Amicable Settlement entered into between the parties in this case unsatisfactory, and stated that the purpose of an administrative investigation "with respect to judicial officials (is) to maintain the confidence of the people in the courts, and preserve their integrity and the impartiality of their actuations." The fact that in the Amicable Settlement respondent Judge was "willing" and had "agreed to make amends with complainant" substantiates the latter's declaration regarding the threats made by respondent and his biased actuations against her. Overtly, the declaration of a party in default despite the filing of an Answer also reveals respondent Judge as wanting in knowledge of legal fundamentals. But, as the Deputy Court Administrator has observed, the default Order exhibited more of bias rather than of ignorance of the law.

WHEREFORE, respondent Judge is hereby administered a severe reprimand with a warning that a repetition of similar acts in the future will be dealt with more stringently.

SO ORDERED.

Fernando, C.J., Teehankee, Barredo, Makasiar, Aquino, Concepcion, Jr., Guerrero, and De Castro, JJ., concur.
Fernandez and Abad Santos, JJ., on official leave.

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