

**ARMANDO B. CLEDERA, COMPLAINANT, VS. DELFIN VIR. SUNGA,
DISTRICT JUDGE, BRANCH I CFI, CAMARINES SUR, RESPONDENT.**

A.M. No. 1106-CFI. January 24, 1977

Ponente: MUÑOZ PALMA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-1106/>

MUÑOZ PALMA, J.:

Respondent Judge Delfin Vir. Sunga of the Court of First Instance of Camarines Sur, Branch I, was charged in a complaint filed by Atty. Armando B. Cledera with "dishonesty, partiality, abuse of authority, insubordination and falsification of official documents." We required respondent to comment on the complaint and upon receipt of the same (pp. 41-45, rollo) the matter was referred to Justice Vicente Santiago, Jr. of the Court of Appeals for investigation, report and recommendation. (p. 118, rollo)

The Report of Justice Vicente Santiago, Jr. dated August 9, 1976 shows the following:

The case was set for hearing on several dates with notices to both complainant and respondent but the hearing could not proceed due to motions for postponement of Atty. Cledera on the ground of ill health, he having suffered mild strokes which resulted in paralysis of half of his body and confinement in a hospital. Sometime on August 6, 1976, respondent Judge filed with the Honorable Investigator a motion to dismiss the complaint for the reason that the complainant had died and was interred on July 10, 1976, thereby rendering the charges moot and academic. A certification on the death of Armando B. Cledera was submitted by respondent.

In view of the death of the complainant and there being no testimonial or documentary evidence submitted to substantiate the charges, the investigating Justice recommends the dismissal of this complaint.

PREMISES CONSIDERED, this administrative complaint is dismissed without prejudice however to its rein-statement by any other interested party.

So Ordered.

Teehankee, Barredo, Makasiar, Antonio, Aquino, Concepcion, Jr., and Martin, JJ., concur.

Fernando, J. see concurring and dissenting opinion.

Castro, C.J., concurs in J. Fernando's concurring and dissenting opinion.

Clean Clean 6 pt 6 pt 0 3 MicrosoftInternetExplorer4 /* Style Definitions */ table.MsoNormalTable {mso-style-name:"Table Normal"; mso-tstyle-rowband-size:0; mso-tstyle-colband-size:0; mso-style-noshow:yes; mso-style-parent:""; mso-padding-alt:0in 5.4pt 0in 5.4pt; mso-para-margin:0in; mso-para-margin-bottom:.0001pt; mso-pagination:widow-orphan; font-size:10.0pt; font-family:"Times New Roman";}

CONCURRING AND DISSENTING OPINION

FERNANDO, J.:

To my mind, there is no question about the correctness of the result reached. The case must be dismissed. This brief opinion therefore is primarily a concurrence. That would be in line with the well-settled principle first announced by Justice Malcolm in the leading case of *In re Horrilleno*,^[1] decided as far back as 1922, to the effect that the guilt of a judge against whom an administrative complaint is lodged "must be proved beyond reasonable doubt."^[2] Here there is no proof at all. To repeat, concurrence is more than indicated. The dissenting part then is certainly minimal. It is induced by caution, *ex abundante cautela*, to repeat a well-worn phrase. As far as the opinion of the Court goes, it can be truly said that Justice Muñoz Palma has lived up to the usual care with which she handles her assignments as ponente for the Court. If I add a few words of dissent then, it is only to express my conviction that with the administrative supervision over inferior courts now vested in this Tribunal, I would not rule out the power of this Court in appropriate cases to look into an administrative complaint through an investigator, whether from its staff or from the judiciary, even if the complainant is no longer available. There may be reliable witnesses, and the liability of respondent, if any, ascertained. That to me is to assure effectiveness of the competence now vested in this Court. Hence this observation by way of a dissent.

However, to repeat, as to this particular case, I am in agreement with the result reached.

[1] 43 Phil. 212.

[2] *Ibid*, 215. Cf. *Enriquez v. Araula*, Adm. Case No. 270-J, Dec. 18, 1973, 54 SCRA 232; *Tombo v. Medina*, Adm. Case No. 929, Jan. 17, 1974, 55 SCRA 13; *Lampauog v. Villarojo*, Adm. Case No. 381-MJ, Jan. 28, 1974, 55 SCRA 304; *Bartolome v. de Borja*, Adm. Case No. 1096, May 31, 1976, 71 SCRA 153; *De Guzman v. De Leon*, Adm. Case No. 1328-MJ, July 30, 1976; *Meimban v. Balite*, Adm. Case No. 131-MJ, Aug. 21, 1976; *Tolentino v. Tiong*, Adm. Case No. 535-MJ, Aug. 21, 1976; *Amosco v. Magro*, Adm. Case No. 439-MJ, Sept. 30, 1976.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.