

ESTEBAN UBONGEN, COMPLAINANT, VS. CITY JUDGE TORIBIO S. MAYO OF BAGUIO, RESPONDENT.

A.M. No. 1255-CTJ. August 06, 1980

Ponente: AQUINO, J.

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AQUINO, J.:

In Criminal Case No. 30665 of the city court of Baguio, Paulino C. Lopez and two other persons were charged with having falsified the signature of Francisca Ubuñgen in a document, denominated "Agreement", dated July 14, 1969, and with having used that falsified document to enable Lopez (after Francisca Ubuñgen's death in 1972) to transfer in his name in the office of the city assessor of Baguio Francisca's rights over Lot 13, Block 7, Cabinet Hill, Baguio, thus causing damage to her successors-in-interest. Francisca was the common-law wife of Lopez.

After trial, respondent judge, in his decision dated September 23, 1975, acquitted Lopez and his two co-accused on the ground of reasonable doubt. The judge noted that "the prosecution was able to prove that there is a variance in the signature of Francisca Ubuñgen appearing in the agreement and that of her voter's ID, but the prosecution failed to show that one of the accused made the falsified signature." The judge said that the prosecution merely suspected, conjectured or presumed "the three accused as having caused the falsification".

Respondent judge in his decision also noted that the deputy assessor testified that Lopez was the one who presented the falsified document to the city assessor's office so that the rights of Francisca Ubuñgen over the lot could be transferred to Lopez.

Aggrieved by that judgment of acquittal, Esteban Ubongen, the father of Francisca, in a verified complaint filed in this Court on April 27, 1976, charged respondent judge with having rendered an unjust decision for not applying the rule that the holder of a falsified document is presumed to be the falsifier thereof.

The respondent stated in his answer to the complaint that his conclusion in his decision was that he "seriously doubted" whether Francisca Ubuñgen's signature was falsified.

That statement of the respondent is not accurate because the tenor and context of his decision clearly show that he found the questioned document to be falsified. What he doubted was whether the three accused were the forgers.

Hence, the respondent committed a distortion or misrepresentation in his answer. His attempt to mislead this Court is highly censurable.

The respondent in his answer admitted that he was not cognizant of the rule that the holder of a falsified document is presumed to be the forger thereof. He pleaded that he did not act with malice in acquitting the accused and that his mistake, if any, "was an error of judgment which does not warrant a disciplinary action".

Considering respondent's answer, it was not necessary to refer this case to the Executive Judge of the Court of First Instance of Baguio for investigation. It can be decided on the basis of the complaint and answer and the record of Criminal Case No. 30665 which was elevated to this Court.

The rule, which the respondent failed to apply, is stated as follows:

"Criminal law; Estafa through falsification of public document; Presumption that user of forged document is its forger. - Where the accused is shown beyond doubt to have used the forged document, it is presumed that he is its forger." (Syllabus, *People vs Caragao*, L-28258, December 27, 1969, 30 SCRA 993, 1001-2 and cases cited therein.)

As previously stated, it was alleged in the information in Criminal Case No. 30665 that Lopez used the falsified document to the prejudice of the successors-in-interest of Francisca Ubuñgen.

If the respondent doubted that Lopez was the forger, and that, therefore, he should not be convicted of falsification, nevertheless, respondent (a former assistant city fiscal) should have known that Lopez could be convicted of having used the falsified document, an offense alleged in the information and duly proven during the trial.

The use of a forged document, like falsification committed by a private person, is penalized in article 172 of the Revised Penal Code. It was specifically cited in the information.

For not studying conscientiously the legal rules applicable to Criminal Case No. 30665, the respondent deserves an admonition and warning to be more careful and prudent in the performance of his functions.

As observed by Chief Justice Fernando, judges of inferior courts are called upon to exhibit more than just a cursory acquaintance with statutes and procedural rules. "Moreover, while it becomes hourly difficult to keep abreast of our ever-increasing decisions, a modicum of effort should be exerted by them not to lag too far behind. Nor is it too much to expect that they betray awareness of well-settled and authoritative doctrines. If such were the case, then resort to us would be less frequent." (*Aducayen vs. Flores*, L-30370, May 25, 1973, 51 SCRA 78, 83.)

While judges should not be disciplined for inefficiency on account merely of occasional mistakes or errors of judgment committed by them, yet it is highly imperative that judges should be conversant with basic legal principles (*Ajeno vs. Inserto*, Adm. Matter No. 1098-CFI, May 31, 1976, 71 SCRA 166).

"Mere errors in the appreciation of evidence, unless so gross and patent as to produce an inference of ignorance or bad faith, or that the judge knowingly rendered an unjust decision, are irrelevant and immaterial in an administrative proceeding against him. No one, called upon to try the facts or interpret the law in the process of administering justice, can be infallible in his judgment." (*Makalintal, C.J., in Vda. de Zabala vs. Pamaran*, Adm. Case No. 200-J, June 10, 1971, 39 SCRA 430.)

"All that is expected of him is that he follow the rules prescribed to ensure a fair and impartial hearing, assess the different factors that emerge therefrom and bear on the issues presented, and on the basis of the conclusions he finds established, with only his conscience and knowledge of the law to guide him, adjudicate the case accordingly." (*Makasiar, J., in Bondoc vs. De Guzman*, Adm. Case No. 279-J, May 30, 1974, 57 SCRA 135.)

"A judicial officer, when required to exercise his judgment or discretion, is not criminally liable for any error he commits provided he acts in good faith." "He may be held liable for knowingly rendering an unjust judgment only if it is shown beyond cavil that the judgment is unjust as being contrary to law or as not supported by the evidence, and the same was rendered with conscious and deliberate intent to do an injustice" or "he failed to observe in the performance of his duty that diligence, prudence and care which the law is entitled to exact in the rendering of any public service" (*Evangelista vs. Baes*, Unnumbered CAR Case, and four other cases against Judge Baes, December 26, 1974, 61 SCRA 475, 479; *In re Climaco*, Adm. Case No. 134-J, January 21, 1974, 55 SCRA 107).

WHEREFORE, the respondent (1) is admonished to exercise more prudence and circumspection in the discharge of his duties and (2) is reprimanded for attempting to mislead this Court. A copy of this decision should be

attached to his personal record.

SO ORDERED.

Barredo, (Chairman), Concepcion, Jr., Guerrero,[*] and De Castro,[*] JJ., concur.

[*] Justices Guerrero and De Castro were designated to sit in the Second Division.

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