

ANONYMOUS COMPLAINT AGAINST DISTRICT JUDGE GIBSON A. ARAULA, COURT OF FIRST INSTANCE OF SOUTHERN LEYTE, BRANCH X.

A.M. No. 1571-CFI. February 07, 1978

Ponente: BARREDO, J.

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BARREDO, J.:

Administrative complaint in the form of two identically worded anonymous letters, one addressed to the Chief Justice and the Associate Justices, the President of the Integrated Bar of the Philippines, signed merely by "A CONCERNED CITIZEN and TAXPAYER" and dated December 10, 1976 and the other addressed to the Solicitor General and the Director of the National Bureau of Investigation, signed by "A TAXPAYER" and dated February 15, 1977, charging respondent as follows:

"This is to inform you that one of the judges of the Court of First Instance for the Province of Leyte, GIBSON A. ARAULA, District Judge, 10th Judicial District, Branch X, San Juan, Southern Leyte, has a criminal record for FRUSTRATED HOMICIDE at the time of his application and appointment for a seat in the judiciary, a copy of the INFORMATION is hereto attached marked as ANNEX 'A', and has persistently and continued to withhold his criminal record from the Supreme Court in his PERSONAL DATA SHEET for 1975, a copy of which is hereto attached marked as ANNEX 'B'."

Although the Court does not as a rule act on anonymous complaints, cases are excepted in which the charge could be fully borne by public records of indubitable integrity, thus needing no corroboration by evidence to be offered by complainant, whose identity and integrity could hardly be material where the matter involved is of public interest. And as it is obvious that the above charge comes within this exception, respondent was required to comment and the case was referred to Justice Nestor B. Alampay for investigation and recommendation.

It appears that the personal data sheet mentioned in the charge was prepared by respondent on May 30, 1975. It required inter alia the filling of blanks regarding "Record of Criminal and/or Administrative Cases". Respondent mentioned therein only an administrative case wherein he was investigated, filed on December 19, 1972, but which was dismissed after the investigation on December 18, 1973. He failed to state the criminal case referred to in the complaint: a criminal case for alleged frustrated homicide docketed as Criminal Case No. 7986 of the Court of First Instance of Negros Oriental filed on July 5, 1966 and subsequently dismissed upon motion of the fiscal on June 17, 1970.

The excuse given by respondent for such omission is oversight. The incident involved in that criminal case occurred about ten years before he prepared his data sheet and he had actually forgotten the same already. Besides, as just stated, it was dismissed without any trial, and the blanks to be filled did not specifically refer to the fact alone of his being charged regardless of the result, but to criminal and/or administrative cases, which usually connote trial and conviction or acquittal.

In any event, the Investigator has found that actually, in respondent's application for appointment to the judiciary as well as in his information sheet submitted to the Commission on Appointments, he mentioned the said criminal case. It is, therefore, clear that the omission complained of was not motivated by malice, bad faith or deliberate intent to mislead anyone concerned. While it is best that respondent should complete his personal data sheet in order to include the criminal case in question, it is Our view that his failure to mention that case in his personal data sheet referred to in the complaint is not of such a nature as to warrant administrative sanction, albeit respondent should be admonished to be more careful in the future in submitting information required for his personal service record.

WHEREFORE, this case is dismissed. Respondent is however admonished to be more careful in preparing his personal service and data record.

Antonio, Muñoz Palma, Aquino, Concepcion, Jr., Martin, Santos, Fernandez, and Guerrero, JJ., concur.

Castro, C.J., Fernando, and Makasiar, JJ., in the result.

Teehankee, J., no part.

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