

GIL F. ECHANO AND CAYETANO LUKBAN, COMPLAINANTS, VS. HON. DELFIN VIR. SUÑGA, RESPONDENT.

A.M. No. 1578-CFI. February 20, 1981

Ponente: ABAD SANTOS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-1578/>

ABAD SANTOS, J.:

This is an administrative case against Judge Delfin Vir. Suñga of the Court of First Instance of Camarines Sur, Branch I. The verified complaint of Attorneys Gil F. Echano and Cayetano Lukban charges respondent judge with (1) serious misconduct in office; (2) inducing a court stenographer to falsify a court record; and (3) acts highly prejudicial to the best interests and to the proper administration of justice.

The charges stemmed from the proceedings had in Civil Case No. R-512, Jovito Cu vs. Lorenzo Bienvenuto, et al.

As to the first and second charges, it appears that during the hearing on February 10, 1977, a motion to lease a rice mill and a bodega which were under receivership was opposed by Atty. Echano. In the course of the hearing, the following took place:

"ATTY. ECHANO: The leasing will be improper because it will become moot and academic.

COURT: Submitted.

ATTY. ECHANO: We have a right - this is already dictatorship. We have the right to speak. It is miscarriage of justice and

COURT: The case is submitted. Call the sheriff. Sheriff, sheriff, take this man away.

ATTY. ECHANO: We have a very good argument to advance.

COURT: Submitted. Buntalin kita dian. Do not take that.

ATTY. ECHANO: Let it appear in the record that the Honorable Judges said to counsel, buntalin kita dian.

COURT: Next case." (TSN of Mrs. Consolacion B. Bulao, pp. 5-6)

The respondent did not dispute the above-quoted proceedings but explained his behavior thus:

"x x x Since said complainant's arguments had already been the subject of his written opposition, and that there were many other cases waiting to be called, respondent considered the matter submitted. But said complainant

insisted on speaking, saying 'This is already dictatorship' and 'It is miscarriage of justice'. Again, respondent said that the case is submitted, and when said complainant was acting in a defiant manner, respondent had to call for a sheriff to bring him away so as to restore order in the courtroom. Because there was no sheriff who came, said complainant more defiant than before, shouted to respondent that he had a good argument to advance. To stop said complainant's already unruly conduct, respondent once more said, 'Submitted'. However, due to emotional stress precipitated by said complainant's defiant attitude and derogatory statements which were aggravated all the more by disorder resulting therefrom without any sheriff on hand with the milling of people as in a market place on the groundfloor temporarily occupied by the court with other offices of the government, respondent involuntarily uttered the words: 'Buntalin kita diyan,' in a soft voice without addressing the same to anyone in particular, much less to complainant Echano. The said words translated into English, are: 'I box you there', which obviously were in the present tense. The statement was never meant to be a threat, otherwise it would have been, 'Bubuntalin kita diyan', in the future tense. Rather, it was an entirely innocent and harmless utterance in the present tense, without any intent whatsoever, as in fact, it was not accompanied by the corresponding act. It may just be deemed a mere 'slip of the tongue'. But involuntary as it was, the said statement made by respondent at least relieved him of his emotional stress, so much so that he then no longer thought of punishing said complainant for contempt of court, for his derogatory remarks of 'dictatorship' and 'miscarriage of justice' against respondent, in the light of the ruling of this Honorable Tribunal, that 'Imputations derogatory to the character of a judge expressed in intemperate language and amounting to vilification are contemptuous.' (Fontolera vs. Judge A. Amores, G.R. No. L-41361, March 8, 1976). However, realizing that he actually uttered the words, 'Buntalin kita diyan', which is clearly an off the record statement, respondent asked the stenographer not to take the same in the record, just like any person who would not want his statement which is irrelevant or immaterial to be placed on record. Nonetheless, complainant Echano taking undue advantage of such statement, asked the stenographer to put it on record, that the words: 'Buntalin kita diyan' were uttered by respondent against him, obviously in order to make it appear, as he has now made it appear, that respondent threatened him with fistic blow, when he fully well knew that respondent never did so. To this act of said complainant asking the stenographer to put on record said words, respondent did not make any counter-move, thinking that the same was merely trivial and that he had other important work to do which was the consideration of other cases waiting to be called." (Comment, pp. 3-5.)

The charge that the respondent committed acts highly prejudicial to the best interests and to the proper administration of justice also relates to his actuations in the aforesaid civil case where the complainants were unable to obtain what they desired. Suffice it to say that the specifications in this charge are not appropriate in an administrative proceeding; the appropriate venue to ventilate them is in a judicial forum.

As to the first and second charges, we find that the respondent did not comport himself in a manner that befits one who holds the exalted office of dispenser of justice which requires serenity and the ability to keep one's cool. However, we find the respondent's explanation to be extenuating.

WHEREFORE, the respondent is hereby admonished to be more prudent and restrained in his judicial behaviour. Let a copy of this resolution be placed in his personal file.

SO ORDERED.

Barredo (Chairman), Aquino, Concepcion, Jr., and De Castro, JJ., concur.

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.