

CECILIA A. DE LA PAZ, COMPLAINANT, VS. MUNICIPAL JUDGE SANTIAGO INUTAN, RESPONDENT.

A.M. No. 201-MJ. June 30, 1975

Ponente: MARTIN, J.

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MARTIN, J.:

Respondent Municipal Judge Santiago Inutan of Sta. Maria, Davao del Sur, stands charged by complainant Cecilia A. de la Paz with (1) Disgraceful and Immoral Conduct; (2) Drunkenness; and (3) Conduct Prejudicial to the Judiciary, in that:

"At around 2:30 to 3:00 o'clock in the afternoon of August 19, 1972; inside Digosena Restaurant in Digos, Davao del Sur, respondent Judge, in a state of heavy intoxication, cocked his revolver causing panic to the people who were present, poked his gun on the person of Roberto Doromal and threatened to kill him, and lasciviously held the arm of complainant, Cecilia de la Paz, who is the incumbent Vice Governor of Davao del Norte, and uttered some disgraceful and immoral words, to the prejudice of herein complainant and to public service."

On December 16, 1972 respondent Judge filed his comment, vehemently denying the charges. On January 5, 1973, Undersecretary of Justice Efren Plana, now Associate Justice of the Court of Appeals, referred the complaint to Executive District Judge Marcelino M. Francisco, of the Court of First Instance of Davao del Sur, at Digos for investigation, report and recommendation.

On February 27, 1973, the Investigating Judge submitted his Report finding that "the evidence presented had established satisfactorily, adequately and conclusively that the respondent committed the acts complained of." The Investigating Judge however opted to submit his report "without any definite recommendation as to the penalty to be meted out to the respondent."

From the evidence it appears that on August 19, 1972, between 2:30 and 3:00 o'clock in the afternoon, complainant Cecilia de la Paz, the incumbent Vice-Governor of Davao del Norte, together with her husband, Ludovico de la Paz, and her son-in-law, Roberto Doromal, were inside the Digosena Restaurant in Digos, Davao del Sur, seated in front of a long table — Ludovico de la Paz at the end and facing towards the door while Cecilia de la Paz was on the left side and Roberto Doromal on the right side of Ludovico de la Paz. After a while respondent Judge, who was unknown to complainant and her companions, entered the restaurant. He was obviously drunk as he could not walk straight, his hair was untidy, unkempt and falling on his forehead, and his face and eyes red. Respondent Judge approached complainant and her companions, shook hands with them and then seated himself near a table about 2 1/2 meters away behind them, and there drank beer. While complainant and her companions were eating, respondent Judge transferred to a table in front of them and continued to drink beer. After a few moments, some of the waitresses started scampering away when respondent held his revolver in his right hand with his thumb arched over the firing pin and with his other hand rolling the ball of his gun. As complainant Cecilia de la Paz saw this, she whispered to her husband, Ludovico de la Paz, to transfer to another seat since respondent's gun was pointed towards his direction. Ludovico de la Paz stood up and went to the

comfort room. While the latter was away, respondent Judge put back his gun on its holster, pulled a chair, seated himself near Roberto Doromal and said: "You are very handsome and I respect you but to prove I am a man I will fire this gun". He said this while simultaneously pulling out his gun from his waist and poking it at the left side of Roberto Doromal. Upon seeing this complainant stood up and went near the respondent Judge and pleaded to him by saying "Judge, Judge, please don't do it, he is my son-in-law" and likewise telling him that she is the Vice-Governor of Davao del Norte. By this time, Ludovico de la Paz has returned from the comfort room and as he came nearer the respondent Judge, he told the latter: "Yes Judge, she is the younger sister of Senator Almendras." Upon hearing the name of Senator Almendras, respondent Judge got angry and said: "God damn it (Goddemit) that Senator Almendras, were it not for him, I would be in a higher position now." He then held complainant's left arm rubbing it up and down. After respondent Judge released complainant's arm, the owner of the restaurant took him out, with his gun remaining on the table. Complainant took the gun and placed it in her handbag but when she saw respondent Judge coming back, she went to the counter and deposited the gun with the cashier of the restaurant.

After the incident in the restaurant, complainant Cecilia de la Paz, Ludovico de la Paz, Roberto Doromal and one Max Fernandez went to the police precinct of Digos to report the matter and accordingly a criminal case was filed against the respondent Judge in the Municipal Court of Digos, Davao del Sur. According to the complainant, on several occasions after she has filed the case, respondent Judge and his wife went to her residence at Tagum, Davao del Norte and asked for forgiveness. He even sent a written apology (Exhibit D) for the unpleasant incident that has befallen the complainant.

In his defense, respondent Judge gave a different version of the incident. Thus, according to him, on August 19, 1972 there was a meeting of the Municipal Judges League of Davao del Sur scheduled at 4:00 o'clock in the afternoon at the Nenseng Restaurant in Davao City. At around 1:00 o'clock, he went to the premises of the Court of First Instance where the municipal judges were supposed to meet to take a chartered bus from there. Finding no one of his colleagues in the area, he proceeded to the parking place for buses at the Digos Public Market and while waiting for the bus he took a couple of drinks in a nearby store. Believing that Judge Ireneo Lopez was still at the Digosena Restaurant, he went there. He noticed that most of the tables were already occupied and so he took the last table at the end of the dining room. As he was passing by the table where complainant and her companions were seated, he heard someone called "Judge". He tried to recognize them but could not recall who they were. Ludovico de la Paz then introduced complainant as the younger sister of Senator Almendras. Upon hearing the name of the latter, the respondent Judge immediately remarked: "God damn it. Senator Almendras is the one who placed me in this position as Judge". As he made the remark, he held complainant's forearm and continued to talk and jerk her hands. It was allegedly on this occasion that his gun, tucked in his waist, slipped and he tried to take hold of it to prevent it from falling. He then went to the table near Roberto Doromal and there pulled out the gun and placed it on top of the table. As he was doing this, he was saying: "By golly this gun respects no handsome man - - it is misbehaving". He then attended to the call of nature and left for the comfort room. Upon his return, he noticed that his gun was no longer on the table and that the complainant and her husband and son-in-law had already left. He asked the cashier of the restaurant, Mrs. Barcelona, where his gun was but the latter could not tell it. It was then that he saw two policemen, Patrolmen Villaba and de la Cerna near the door of the restaurant. He told the policemen about the loss of his gun.

After a careful assessment of the records on hand and the twenty-nine page report of the Investigating Judge, We are inclined to give credence to the version given by the complainant.

At the outset, We agree with the observation of the Investigating Judge that:

"The complainant has no ulterior motives to testify falsely against the respondent because she never knew the

respondent prior to August 19, 1972. Even the respondent in his Answer to the administrative complaint states inter alia 'up to the present, however, I do not entertain the belief that the Vice-Governor is motivated by malice in filing the complaint. Perhaps she is guided by good intention to help make this society cleaner one more disciplined and more efficient . . .'. As for Roberto Doromal, he like the complainant, did not have any misunderstanding with the respondent before August 19, 1972 for in fact, he did not know him previously thereto."

This case does not appear to be one filed by a lawyer or a party litigant disgruntled at the outcome of a suit. Complainant Cecilia de la Paz has no case before respondent Judge. If she had no valid cause to complain against respondent Judge, she could not have filed the present charges against him. And our examination of the evidence shows that she had.

Thus, on the charge of drunkenness, We find that the evidence amply supports the charge that respondent was in a state of heavy intoxication in the afternoon of August 19, 1972. Complainant declared that when she, her husband and son-in-law saw the respondent Judge enter the Digosena Restaurant his face was red, hair uncombed and could not walk straight. Roberto Doromal, complainant's son-in-law, also testified as to the drunken condition of the respondent Judge. Likewise Anastacio Cabrillos declared that between 12:00 and 1:00 o'clock in the afternoon of August 19, 1972, he saw the respondent Judge in the courtroom of Branch V of the Court of First Instance of Davao del Sur talking aloud, his mouth smelling of liquor and he could not walk straight. Significantly, respondent Judge's intoxication was immediately reported to the Police Precinct No. 2 at Digos, Davao del Sur. As the Investigating Judge noted:

"the matter of respondent being intoxicated on said date had been duly reported to Police Precinct No. 2 of Digos, Davao del Sur although the name of Roberto Doromal was erroneously placed as Bobby de Loma but there could be no mistaking of the informant as being this witness because it is a known fact that the nickname of Roberto "is Bobby (Bobbie) and Patrolman Melquiades Lopez, the one who prepared the auxiliary detail from which the police blotter entry was copied therefrom stated that the Bobby de Loma written therein is the son-in-law of the complainant. In any event, on August 26, and 28, 1972, the complainant and Roberto Doromal executed their respective sworn statements before 1st Assistant Provincial Fiscal Rodolfo Escovilla stating that respondent was drunk on said occasion."

Patrolman Domingo Villaba also testified that acting on the report of complainant about the incident, he proceeded to the Digosena Restaurant and there he noticed the respondent Judge talking harshly, misbehaving and under the heavy influence of liquor. He did not only refuse to go with Patrolman Villaba to the precinct but also insultingly pointed his right index finger at him and even threatened to shoot him and called him ignorant.

Respondent Judge vehemently denies that he was drunk on August 19, 1972. He admits though that at the Digosena Restaurant he drank beer; but claims that he took only a bottle of beer to while away his time. He insists that he could not have been drunk when he entered the Digosena Restaurant because all that he took at the Digos Public Market was a couple of soft drinks - not liquor. It is unfortunate that respondent Judge's testimony found no corroboration from anyone of his witnesses. On the contrary, Municipal Judge Martinez testified that respondent Judge was among those who drank during the parties of the Municipal Judges League of Davao del Sur of which he happens to be the President. On the charge, therefore, of drunkenness, the weight of evidence leans heavily against the respondent.

On the charge of conduct prejudicial to the Judiciary, the respondent Judge's act of cocking his revolver and pointing it at the side of complainant's son-in-law Roberto Doromal is cited. This the respondent Judge denied, although he has admitted that he had with him his revolver (Exhibit B) inside the Digosena Restaurant on August 19, 1972. According to him while he was holding the arms of complainant, his revolver slipped down from its holster which was already defective and as he tried to catch it from his waist, he allegedly made the remark: "by

golly --- this gun respects no handsome man --- it is misbehaving." He then placed the revolver on top of the table. Again the respondent Judge's denial that he poked his gun at the side of complainant's son-in-law was uncorroborated. The following observation of the Investigating Judge on this point is worth considering:

"... As a matter of fact, in the Digos "Times issue of September 11, 1972 (Exhibit 3), he stated inter alia". 'At this juncture, I noticed that the holster of my revolver loosened downward and was about to fall because the clip is very weak, so I held it. In this, the Vice-Governor and others perhaps misunderstood my gesture and they seemed to be frightened of something because they hurried outside' (Exhibit 3-b found in Exhibit 3). If all the respondent did was to hold the holster of his revolver from slipping, there is no reason for the complainant and the others to be frightened. This tends to show that the version of the respondent on this score is not true and thereby giving credence to the version of the complainant and her witnesses."

On the other hand, complainant's testimony that the respondent Judge, in the height of intoxication and without provocation on the part of Roberto Doromal, pointed his gun at the side of the latter was corroborated by Roberto Doromal himself. And this act of the respondent Judge was even immediately reported to the Police Precinct No. 2 at Digos, Davao del Sur and was duly recorded in the police blotter (Exhibit A). At such a short time, therefore, it would be incredible for complainant to fabricate the serious charge that respondent Judge pointed a gun at her son-in-law, if the same did not really happen. What is more, complainant has no ill motive to file false charges against the respondent Judge. But, perhaps, the most convincing evidence of respondent Judge's commission of the acts charged is his very own apology, joined by his wife and children conveying "our deep regrets, concern and regards to Vice-Governor Cecilia Almendras de la Paz, and son-in-law Roberto Doromal and herein wish to make entreaties and apologize for the unpleasant incident and seemingly callous reception that the illustrious lady became a recipient" (Exhibit D). If indeed, he was not guilty of the charges against him, he had no reason to make such an apology.

On the charge of disgraceful and immoral conduct, in that respondent Judge held the arm of complainant and rubbed it up and down and uttered the statement "God damn it (Goddemnit) that Senator Almendras, if it were not for him, I would be in a higher position now", Our appraisal of the evidence substantiates the findings of the Investigating Judge that respondent committed the acts complained of. However, We do not believe that said acts were prompted by lustful desire. At most, they were the evil effects of his drunkenness. As aptly observed by the Investigating Judge:

"The malevolent actuations of the respondent as herein narrated taken in conjunction with the afore-quoted utterances can only disclose one thing and it is that the respondent, because of intoxication lost his equanimity as well as his dignity leading to the commission of the reproachable acts and utterances stated herein before."

As thus presented, there can be no doubt that the respondent Judge has flagrantly transgressed upon the established norm for judicial behavior that "a judge's official conduct should be free from appearance of impropriety, and his personal behavior not only upon the bench and in the performance of judicial duties, but also in his everyday life, should be beyond reproach." [1]

The undue surrender of respondent Judge to the proddings of his self-defined pleasure failed him in his duty to conduct himself within the confines of propriety and to behave in a manner shorn of reproach. When he yielded to the strength of the "spirit", losing judicial composure and acting like an uninhibited drunkard in the streets and public places, he not only stripped himself of his dignity as a man but disrobed the court of the respect of the people it serves. Such act demeans his judicial office and elicits suspicion of his capacity to discharge justice. The apprehension may lie where such suspicion may be stretched too far by the people themselves and may unduly include the whole judicial machinery. And that would lay the way for the people to weaken, if not lose, their faith in the administration of justice.

The judge is the visible representation of the law and, more importantly, of justice. From him, the people draw their will and awareness to obey the law. They see in him an intermediary of justice between two conflicting interests, specially in the station of municipal judges, like respondent Judge, who have that close and direct contact with the people before anybody else in the judiciary. Thus, for the judge to return that regard, he must be the first to abide by the law and weave an example for the others to follow. He should be studiously careful to avoid even the slightest infraction of the law.[2]

But, here is a judge who stands across the path of the law. Unperturbed by judicial conscience, he breached the very law he was sworn to uphold. Perhaps in a misplaced display of the influence of his office, he unrestrainedly and openly intoxicated himself in a public place, caused disturbance and alarm, and poked his gun at an innocent man. He wilfully moved away from the behavioural injunctions of his office and let himself caught by the reaches of misconduct and misdeeds. Such conduct need be sanctioned and must, therefore, be drawn to a close. It throws an indelible stain on the judiciary.

IN VIEW OF THE FOREGOING, the respondent Judge is found guilty of the charges of drunkenness and conduct prejudicial to the judiciary and is hereby dismissed from the service. So ordered.

Makalintal, C.J., Castro, Fernando, Barredo, Makasiar, Antonio, and Concepcion Jr., JJ., concur.

Esguerra and Aquino, JJ., concur in the result.

[1] Sec. 5, Canons of Judicial Ethics.

[2] Canons of Judicial Ethics, Sec. 24.

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