

IGLESIA NI CRISTO, COMPLAINANT, VS. JUDGE LEOPOLDO B. GIRONELLA, COURT OF FIRST INSTANCE OF ABRA, RESPONDENT.*A.M. No. 2440-CFI. July 25, 1981*

Ponente: FERNANDO, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-2440/>**FERNANDO, C.J.:**

It is easily understandable why Mr. Teofilo C. Ramos, Sr. on behalf of the Iglesia ni Cristo would take umbrage on the portion of the opinion of respondent Judge Leopoldo B. Gironella in the course of acquitting the defendants accused of Triple Rape. Thus: "It will also be observed that Florencio Ola was released on July 27, 1979, yet no action was taken by him from July 28, 1979, to August 21 to denounce to the proper authorities what allegedly had happened to his wife Merlinda Ola. Merlinda Ola, however, is a member of the Iglesia ni Cristo. Her husband Florencio Ola and her in-laws were still in the process of being convinced to become members of the Iglesia ni Cristo. As testified to by complainant Merlinda Ola, she also consulted her brothers of the Iglesia ni Cristo as it was thru their assistance that made possible the institution of this action. Her husband and in-laws are now members of the Iglesia ni Cristo. It cannot, therefore, be discarded that the filing of the charge was resorted to as a gimmick of showing to the community of La Paz, Abra in particular and to the public in general that the Iglesia ni Cristo unhesitatingly helps its member of his/her problem." [1] There was absolutely no need for the last sentence therein being included. Respondent judge was charged with ignorance of the law and conduct unbecoming a member of the bench. While the offending portion of such opinion is not impressed with such gravity, disciplinary action nonetheless is warranted.

As noted in the report of Court Administrator Lorenzo Relova, adopting the memorandum of Deputy Court Administrator Romeo D. Mendoza: "Respondent judge, in his comment dated January 20, 1981, alleged that the charges made against him by herein complainant are unfair and unfounded as the decision rendered by him in Criminal Case No. 2003, acquitting the three (3) accused of Triple Rape, was prepared by him in the honest conviction that the evidence adduced at the trial of said case was not sufficiently clear to establish the guilt of the accused beyond reasonable doubt. Respondent judge further contended that the statements complained of are his honest appraisal and evaluation of the evidence for the prosecution, particularly the statement of the complainant witness (Merlinda Ola), in addition to the fact that she had always been accompanied in court during the trial by Ministers of the Iglesia ni Cristo and numerous members of the sect." [2] There was a reply on the part of complainant, Teofilo Ramos, Sr. who, according to the report, "claimed that the statement made by the herein respondent judge that the complaining witness had always been accompanied in court during the trial by Ministers of the Iglesia ni Cristo and numerous members of said sect, was uncalled for and intended to further malign the Iglesia ni Cristo, thereby seriously putting under doubt respondent judge's competency and integrity as a magistrate of the law. He also claimed that the inconsistencies in the testimony of the rape victim in the said criminal case were minor matters that did not disprove the commission of the crime of rape by the members of the police authorities as well as their identities. Complainant proffered as an excuse for said inconsistencies the fact that the victim is a simple and unlearned housewife and no malicious motive or evil intent had been shown at the trial which had impelled said victim to point an accusing finger against the three (3) accused in the subject

criminal case." [3] In the state of the record, it was submitted in such report that "on the basis of the pleadings and other documents of record, respondent judge's liability or lack of it can already be determined without need of further investigation. Accordingly, the undersigned finds it unnecessary to refer this case to a Justice of the Court of Appeals for investigation. This Court, in the case of Sta. Maria.v. Ubay, held that 'cumbersome, time-consuming procedure of investigation need not be resorted to if the allegations in the complaint, the comments thereon, and the documents presented provide ample basis for a resolution of the complainant's charges.' "[4]

This administrative complaint, therefore, is ripe for resolution. The use of the word "gimmick" could offend the sensibilities of the members of Iglesia ni Cristo. It is not inaccurate to state that as understood in the popular sense, it is not exactly complimentary. It may indicate lack of sincerity. It is a ploy or device to persuade others to take a course of action, which without it may not be acceptable. While it would be going too far to assert that intentional deceit is employed, it could have that effect. The Latin maxim, *Suggestio falsi est suppressio veri*, comes to mind. It is to be expected that a religious sect accused of having to resort to a "gimmick" to gain converts would certainly be far from pleased. Freedom of religion [5] implies respect for every creed. No one, much less a public official, is privileged to characterize the actuation of its adherents in a derogatory sense. It should not be lost sight of either that the attendance at a trial of many members of a religious sect finds support in the Constitution. The right to a public trial is safeguarded by the fundamental law. [6] No adverse implication can arise from such an occurrence. It goes without saying that if their presence would create disorder, it lies within the power of a trial judge to maintain the proper decorum.

The Court, however, takes into consideration the fact that the right of a court to give expression to its views is equally deserving of protection. At any rate, it is not an affront to rationality if note be taken that not all members of the bench are possessed of such an extensive vocabulary in the English language that the misuse of a word is to be followed automatically by reprisal of a severe character. While under the circumstances, some members of the Court are of the opinion that censure is warranted, it is the view of the majority that an admonition would suffice.

WHEREFORE, Judge Leopoldo B. Gironella is hereby admonished to be much more careful in the use of language likely to offend an individual or religious sect.

Teehankee, Barredo, Makasiar, Aquino, Conception Jr., Fernandez, Guerrero, Abad Santos, De Castro and Melencio-Herrera, JJ., concur.

[1] Rollo, decision, 10-11.

[2] Report dated July 6, 1981, 2.

[3] Ibid, 2-3.

[4] Ibid, 4. Sta. Maria v. Ubay, Adm. Matter No. 595-CFI, December 3.1, 1978, is reported in 87 SCRA 179.

[5] According to Article IV, Section 8 of the Constitution: "No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights.

[6] According to Article IV, Section 19 of the Constitution: "In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be

informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, * *

*."

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.