

ERLINDA PABALAN, COMPLAINANT, VS. JUDGE DONATO M. GUEVARRA, CITY JUDGE, CITY COURT OF MANILA, BRANCH VIII, RESPONDENT.

A.M. No. 333-CJ. November 24, 1976

Ponente: ANTONIO, J.

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ANTONIO, J.:

As an aftermath of the acquittal of Sgt. Cesar Mallari of the Manila Police in Criminal Case No. F-149450 for Slight Physical Injuries, the complainant, Erlinda Pabalan, in a letter-complaint dated December 3, 1972 to the Secretary of National Defense, charged respondent City Judge with having knowingly rendered an unjust judgment and/or with ignorance of the law or through inexcusable negligence.

The matter was referred to the Secretary of Justice, and on December 21, 1972, respondent City Judge was directed to submit his comment to the charges within seventy-two (72) hours from receipt thereof. In his comment of January 12, 1973, the respondent denied the afore-mentioned charges, citing portions of the transcript of stenographic notes of the proceedings in support of his denial.

After a careful consideration of the transcript of stenographic notes of the proceedings, We find the complaint filed against respondent City Judge Donato M. Guevarra of Manila to be without merit. Thus, the record shows that complainant's allegation, that respondent City Judge prevented the private prosecutor from cross-examining defense witness Pat. Gelvas of the Manila Metropolitan Police Force, is without factual basis. Similarly, the claim of complainant that respondent "displayed sheer ignorance of the law" in sustaining "nonsensical" objections of the defense during the hearing of August 16, 1972, is likewise not true. Thus, the Technical Staff of the Office of the Chief Justice submitted the following report on this matter:

"Pertinent portions of the transcript appearing on page 35 are:

'Q - And there was no reason at all why this incident should anger Erlinda Pabalan or was there?

'ATTY. JIMENEZ: (counsel for the defense)

Misleading, Your Honor. 'No reason at all why this incident should anger . . .' that is misleading.

'ATTY. DE LEON:

The question is very clear itself.

'ATTY. JIMENEZ:

It is misleading the witness, there is no testimony that Erlinda Pabalan got angry.

'COURT:

Objection sustained.'

"From the foregoing quoted portions, respondent averred that –

'The question is improper. It asks for an opinion of the witness. The 'reason' asked was to explain why Erlinda Pabalan should be angry. The witness would be incompetent to testify on what incident should anger another person. * * *'

"The questioned portions of the transcript appearing on page 39 are:

'Q - And Erlinda Pabalan gladly told Sgt. Mallari that they are going to remove their wares?

'ATTY. JIMENEZ:

We object more particularly to the inclusion of the word, 'gladly'. That is a conclusion, it injects the word 'gladly'. The question is a conclusion and asking for an opinion of the witness especially with the word 'gladly'.

'COURT:

Relative term, modify your question.'

"On this, respondent's view is that –

'This is a loaded question, * * * It is not even a question. It is a statement of fact. It asks for a conclusion or opinion of the witness. * * *'

"Pages 41 to 43 (August 16, 1972 transcript) have the following questioned portions:

'Q - Now, from the incident which you yourself have witnessed from the moment that you and Sgt. Mallari approached Erlinda Pabalan, together with the permit up to and until the time that you were furnished or you were able to have a xerox copy of the permit, there was no incident that would cause Erlinda Pabalan to be angry, is it not?

'ATTY. JIMENEZ:

We object to the question, Your Honor, because the question as framed is asking for a conclusion or opinion of the witness in the evaluation of the witness.

'ATTY. DE LEON:

The witness was present, Your Honor.

'ATTY. JIMENEZ:

Let's not outdo the Judge in the evaluation of the incident of the case because your question is asking the evaluation of the case.

'ATTY. DE LEON:

If Your Honor please, during the whole incident he was present and he could have witnessed as he is now testifying that the only incident that took place were those narrated by him, we are only asking a summation as to the incident to have occurred.

'ATTY. JIMENEZ:

Asking a summation of the evaluation of the incident, we leave that to the Court. We believe that this witness not he asked that question, it asks already for a conclusion.

'COURT:

Objection sustained.

"As regards the foregoing, respondent said:

'Again this calls for an opinion of the witness on a fact that he would be incompetent to testify on. It would be Pabalan who would be competent on what incident will anger her, and no other. * * *'

"The questioned portions of the transcript appearing on pages 45 to 47 of the transcript read as follows:

'Q - In other words, you were still there when Erlinda Concepcion made a response to the bad words supposedly uttered by Erlinda Pabalan?

'ATTY. JIMENEZ:

At this juncture, I would be constrained to object, on the ground that it is misleading. Apparently, the sequence of the questioning of the counsel is incompatible of what the witness stated. * * *

'ATTY. DE LEON:

My last question, if Your Honor please, to the witness was whether he immediately left after Erlinda Pabalan supposedly uttered bad words. To a subsequent question, he said and heard Erlinda Concepcion made a response, why are you pointing at me.

'COURT:

And he also mentioned at the spur of the moment only.

'ATTY. JIMENEZ:

He heard Erlinda Pabalan . . .

'COURT:

I believe that is already answered by the witness when he stated that Erlinda Concepcion answered why she was being pointed to and Erlinda Pabalan uttered bad words and then he left.'

"Respondents comment on this reads thus –

'The court did not make a ruling. It only made an observation, which observation is borne out by the rec-ords. And counsel, without waiting for a ruling, proceeded with other questions. Note that the question was proceeded by the phrase 'in other words'. Which means that the witness already stated a fact said in one way, and counsel wanted him to state it in his own manner.'

"The third instance assigned by complainant purporting to prove respondent's 'sheer ignorance of the law' appears on pages 51 and 52 of the August 16, 1972 transcript which is as follows:

'Q - Did you then see at the premises Erlinda Concepcion?

'COURT:

What would be the materiality of the series of questions?

'ATTY. DE LEON:

It would be material considering that they alleged this Erlinda Concepcion could be the cause of the injury, if Your Honor please.

'ATTY. JIMENEZ:

There is no evidence to that effect, if Your Honor please.

'COURT:

You are trying to inject on the record, there is no evidence that it was Erlinda Concepcion who caused the injury.

'ATTY. JIMENEZ:

The witness testified that there was an altercation and that there was an incident between Concepcion and Pabalan.

'COURT:

There was, but there was no fight between the 2 people.

'ATTY. DE LEON:

All right, I submit, Your Honor.'

"On this, respondent's comment reads thus –

'* * * Imagine attributing to the judge the libelous charge of gross ignorance because the judge blocked counsel's cross-examination of the witness on the testimony of another (Erlinda Concepcion) given during the preliminary investigation of the case! It is elementary that a witness cannot be cross-examined on the testimony of another, much more when the testimony was given in another proceeding! * * *

'Even so, the court only asked counsel about the materiality of the series of the questions asked, to which counsel responded that 'it would be material considering that they alleged this Erlinda Concepcion could be the cause of the injury.' COULDBE is not even a fact - it is an idea existing in counsel's mind, and not in the records of the proceedings at that stage. There was no evidence YET at this stage that the injury to Pabalan was caused by Erlinda Concepcion (see records). It was natural for the court therefore to be surprised and inquire about the materiality of the series of questions on facts that existed only in counsel's mind.'

* * * * *

In order that a Judge may be held liable for knowingly rendering an unjust judgment, it must be shown beyond reasonable doubt that the judgment ad-verted to 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. We find no evidence in the record that the judgment is unjust as being contrary to law, or is not supported by the evidence, or that the same was rendered with conscious and deliberate intent to commit an injustice.

The whole thrust of complainant's accusations is predicated upon her contention that respondent erred in his appraisal of the evidence. We find no basis of such contention. Even on the assumption that the judicial officer has erred in the appraisal of the evidence, he cannot be held administratively or civilly liable for his judicial action. A judicial officer cannot be called to account in a civil action for acts done by him in the exercise of his judicial function, however erroneous. In the words of *Alzua and Arnalot v. Johnson*,^[1] " * * * it is a general principle of the highest importance to the proper administration of justice that a judicial officer, in exercising the authority vested in him, shall be free to act upon his own convictions, without apprehension of personal consequences to himself." This concept of judicial immunity rests upon consideration of public policy, its purpose being to preserve the integrity and independence of the judiciary.^[2] This principle is of universal application and applies to all grades of judicial officers from the highest judge of the nation and to the lowest officer who sits as a court.

WHEREFORE, in view of the foregoing, the complaint against respondent City Judge Donato M. Guevarra is hereby DISMISSED for lack of merit.

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

[1] 21 Phil. 308, 337-338, citing *Bradley v. Fisher*, 80 U.S. 335.

[2] *Gomel v. Ernst & Ernst*, 245 Minn 249, 72 NW 2d 364, 54 ALR 2d 316.

[3] *Hoppe v. Klapperich*, 224 Minn 224, 28 NW 2d 780, 173 ALR 819.

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