

**ARTURO B. PASCUAL, MAYOR OF SAN JOSE CITY, COMPLAINANT,
VS. JUDGE LEOVIGILDO T. GOTICO OF SAN JOSE CITY,
RESPONDENT.***A.M. No. 337-CJ. December 19, 1975*

Ponente: FERNANDO, J.

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The power of this Tribunal to supervise inferior courts dates only from the effectivity of the present Constitution.[1] Nonetheless, enough time has elapsed to indicate how easily charges, on their face serious, could be concocted against judges as a result of personal differences, giving rise to a feeling of hostility and animosity. From the findings made in the investigation of the two administrative complaints against respondent City Judge Leovigildo Gotico of San Jose, Nueva Ecija, filed by complainant Arturo B. Pascual, the mayor of such city, conducted by Deputy Clerk of Court Artemon D. Luna and concurred in by Judicial Consultant and retired Justice Manuel P. Barcelona, these two cases, one imputing to respondent the dispensation of compartmentalized justice[2] and the other accusing him of serious misconduct in office,[3] appear to be of that kind. There are indications to that effect, as shown in the background facts, gleaned from the report of Deputy Clerk of Court Artemon Luna. Thus: "When respondent gave an opinion that Mayor Pascual had no power to stop the election of the barrio council during the 1959 election for Barrio Lieutenants, the Mayor, thru the phone, lambasted and hurled insult[s] at Judge Gotico ***. When Mayor Pascual assaulted Judge Gotico in April 1959, the Judge in turn filed a case against the Mayor. The mayor then filed a number of cases against the Judge ***. A complaint for grave coercion was filed against Mayor Pascual ***. Judge Gotico conducted the requisite preliminary investigation and found that a prima facie case existed against the Mayor. To free Judge Gotico from any suspicion, the petition to inhibit him from hearing the case was granted by the Executive Judge of the Court of First Instance of Nueva Ecija ***. In a criminal case for coercion (PP vs. Soriano) where Mayor Pascual 'was the lawyer against Soriano,' the mayor complained in the Department of Justice that Judge Gotico knowingly rendered an unjust judgment when Judge Gotico acquitted Soriano. The then Secretary Juan Ponce Enrile decided the case in favor of Judge Gotico ***. The respondent's salary voucher has to be stamped 'Authorized for Payment' before payment could be effected but this is not required by auditing rules. Respondent's increase in salary under P.D. No. 516 has not been implemented ***. On February 13, 1970 Mayor Pascual again assaulted Judge Gotico at the Office of the City Treasurer ***. On November 7, 1972, the Mayor recommended the acceptance of Judge Gotico's resignation on an unsupported statement that respondent is partial in dispensing justice." [4]

It would appear that such ill-feeling on the part of complainant against respondent must have motivated the filing of the two above charges, for when inquired into by Deputy Clerk of Court Luna,⁵ he found the evidence of guilt lacking in persuasiveness. As noted in his 41 -page detailed report to the then Acting Chief Justice Fred Ruiz Castro: "After a careful evaluation of all the complaints and respondent's comments/answers thereto, we believe and respectfully submit that there are good reasons to support the outright dismissal of both administrative cases.

Administrative Matter No. 337-CJ may be dismissed because (a) the charge is not made under oath; (b) it is not supported by evidentiary documents or affidavits of persons who have personal knowledge of the alleged compartmentalized justice ***; (c) the complaint is too general when the rules require that the charges shall set out distinctly, clearly, and concisely the facts complained of as constituting the alleged misconduct; and that (d) respondent's answer appears satisfactory, wherein he apprised the Court that the charge of compartmentalized justice is without basis whatsoever. The charges in Administrative Matter No. 905-CJ may also be dismissed outright. It will be observed that respondent's answer is supported by documents and affidavits of impartial credible witnesses as against complainant's supporting affidavits which were executed by persons, who in one way or another, are beholden or related to the complainant and, therefore, are susceptible to lie and exaggerate. Respondent could not have abandoned his wife and family. The natural source of such complaint, if he did, should have come from his wife or children. Yet, Adora C. Gotico, respondent's seventeen-year old daughter, described this charge as 'devoid of truth,' and asserted the truth that respondent 'has never been remiss nor has he wavered in performing his duties as a good father.' *** Complainant tried to convey that respondent uses his (Judge's) chamber as his private quarters because respondent has no house and home of his own, surprisingly, though, complainant's own Annex 'A' *** which is an affidavit of his witness, Oscar Bumatay, categorically states that respondent has a residence at 51 Cadhit Street, San Jose City. Definitely, owning a dog named 'Justice' is not inconsistent with competence, integrity or performance of duty and may be dismissed in the light of the concept enunciated in *Maspil, et al. v. Romero*, Adm. Mat. No. P-44, Nov. 26, 1974, and on the strength of the affidavit of a lawyer, Domingo V. Pascua, attached to respondent's [Comment/Answer] to the effect that the dog has never been a nuisance in the courtroom. It is difficult to even believe that respondent acted as 'soltador for the fighting cocks of Barrio Captain Francisco Antonio, because said Antonio categorically stated under oath that he has no fighting cocks ***. Also, because respondent has ever been conscious of complainant's scrutinizing eyes since 1959, and therefore possesses that natural and instinctive tendency to be most careful in his actuations. Complainant's claim that the decision of respondent in the Balangue case is, in effect, biased may be discarded. That decision, though appealed, was subsequently remanded to the Court a quo because the appeal was abandoned and therefore could be surmised that the appeal was not meritorious. As in the case of *Kuan Sing v. Baltazar* ***, charges against judges for rendering malicious decisions must be proven by strong and convincing evidence. This is not so in the Balangue case. The charge that respondent plays mahjong with constant frequency is belied by the sworn statement of a certain Miguel Hizon, complainant's Annex 'C' ***. Inconsistent and diametrically opposite to the charge that respondent 'led a life of debauchery' is complainant's own Annex 'R' ***, the minutes of the regular meeting of San Jose City Lawyer's League. The second to the last paragraph thereof reads: 'The [Chairman] after calling for further business to be taken up had asked [Judge Leovigildo T. Gotico] to give a short talk and the [Honorable Judge] stood and spoke a while and indicated his stand for [the] principle of law no matter what it may cost in the attainment of the ends of justice and he also had indicated San Jose City as his city and that he loves the atmosphere of the league; *** after some other words, the [Chairman Ben Francisco] ruled that a resolution be passed commending and giving citation for Judge [Gotico] for his services and [for a] job well done ***' (italics supplied.)"[6]

The matter was then referred to the Judicial Consultant, who thereafter submitted the following memorandum to Chief Justice Querube C. Makalintal: "A conscientious and deliberate examination of the pleadings and their respective annexes fails to show a prima facie case against respondent to warrant the latter's formal investigation, not only because it is crystal clear from the records that complainant preferred the instant charges [(1) 'compartmentalized justice' in Administrative Case No. 337-CJ and (2) serious misconduct in office, disgraceful and immoral conduct and acquiring an interest in the property of a party litigant in Administrative Case No 905-CJ], merely to harass respondent against whom he has serious differences. Besides, complainant's prospective witnesses are apparently biased, they being in one way or another beholden to him, whereas, respondent's likely

witnesses are disinterested, and therefore, credible." [7]

It is the recommendation of the Judicial Consultant in line with the finding and the report of Deputy Clerk of Court Luna, that the charges against respondent Judge should be dismissed. This Court is in conformity. It cannot be otherwise, considering the antecedents of the case and the circumstances that attended the filing of such complaints. To say that there is paucity of evidence against respondent Judge is to put it at its mildest.

It is a truism that harmony, not friction, should mark the official relationship of a city mayor and a city judge. There should be mutual respect for each other's sphere of competence. Personality differences are to be minimized. A line has to be drawn, however. A judge should maintain his independence. There is more than just a hint of respondent incurring the enmity of complainant mayor because of his insistence that the judicial function should be impervious to any political influence. Thereafter, a series of incidents narrated above culminated in the open antagonism between the two. Hence the filing of these charges. Ordinarily, a formal investigation ought to have been ordered. A scrutiny of the records of these administrative charges, however, did not justify any further action on the matter. No purpose would be served. What is worse, the impression may be created that this Court is not duly sensitive to the plight of municipal judges who, in view of their independent attitude, would fall from the good graces of prominent politicians. It is essential, if the rule of law be adhered to, that cases be decided solely on their merit according to the appraisal of the Court in the light of their learning and their conscience. While this Court, therefore, should not condone any failure of inferior court judges to live up to their exacting responsibility, still, where, as shown in these two cases, no culpable conduct could with reason be imputed to respondent Judge, the dismissal of the charges is more than justified.

WHEREFORE, the complaints in Administrative Matters No. 337-CJ and No. 905-CJ are hereby dismissed.

Barredo, Antonio and Concepcion Jr., JJ., concur.

Aquino, J., concurs in the result.

[1] According to Article X. Section 6 of the Constitution: "The Supreme Court shall have administrative supervision over all courts and the personnel thereof."

[2] Administrative Matter No. 337-CJ.

[3] Administrative Matter No. 905-CJ.

[4] Report of Deputy Clerk of Court Artemon D. Luna dated October 6, 1975, 38-39.

[5] He was assisted by Judicial Assistant Asisclo Jimenez.

[6] Memorandum of Deputy Clerk of Court Artemon D. Luna to Acting Chief Justice Fred Ruiz Castro dated October 6, 1975.

[7] Memorandum to Chief Justice Querube C. Makalintal dated November 11, 1975.

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