

ANICETO C. LOPEZ, COMPLAINANT, VS. MUNICIPAL JUDGE CASTOR B. CORPUZ OF KIAMBA, SOUTH COTABATO, RESPONDENT.*A.M. No. 425-MJ. August 31, 1977*

Ponente: FERNANDO, Acting C.J.

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FERNANDO, Acting C.J.:

The accusation filed against respondent Municipal Judge Castor B. Corpuz of Kiamba, South Cotabato, who was likewise acting in a concurrent capacity as the Municipal Judge of Maasim of the same province, was the willful violation of Republic Act No. 6036, the complainant being a certain Aniceto C. Lopez of General Santos City. All that was imputed to him was that in his order of June 30, 1972, he released on the basis of an affidavit of recognizance a provisionally detained accused, Luis Gonzales, the lone suspect in a criminal case for estafa. The complainant was the alleged offended party in such criminal case. When asked to comment, respondent Judge denied that there was such a violation on his part, alleging at the same time that he was being subjected to harassment.

The complaint was referred to Judge Pedro Animas of the Court of First Instance of General Santos City for investigation and report. He inquired into the matter. The complainant declared that he was no longer interested in pursuing the charge. This notwithstanding, respondent asked that he be heard as the complaint involved his integrity. Thereafter, Judge Animas submitted his report recommending dismissal of the complaint. Pertinent portions of his findings read as follows: "It appears that on April 27, 1972, complainant filed a criminal case of estafa against Luis Gonzales for the reason that the latter took his cow worth P1,000.00 in his ranch in Maasim, South Cotabato, without his knowledge and the accused failed to pay him inspite of repeated demands. A warrant of arrest was issued and the bail bond for his provisional liberty was fixed at P2,000.00. Arrested on June 7, 1972, accused was detained for almost a month for failure to put up a bail bond. Thereafter, he filed a petition with the lower court presided by respondent allowing him to avail of the privileges provided for by Republic Act No. 6036 with Councilors Aquino and Muñasque of Maasim, South Cotabato acting as his custodian and witness, respectively. No opposition was filed to this petition; hence, he was released on a bail of recognizance on June 30, 1972 with Councilor Ruben Aquino as custodian and Councilor Pompei Muñasque and Emiliana Vda. de Lopez (relative of complainant) as witnesses. Neither was there any motion for reconsideration to said order. For having failed to report on October 19, 1972 and to explain satisfactorily his failure, the affidavit of recognizance was cancelled and the accused rearrested on November 1, 1972. That was a few days before respondent received a copy of the letter-complaint of Mr. Aniceto Lopez. The estafa in question is punishable by arresto mayor in its maximum period to prision correccional in its minimum period (Art. 315, Revised Penal Code). Strictly speaking, the case of Luis Gonzales is not covered by Republic Act No. 6036 as it applies only 'to a person charged with violation of a municipal or city ordinance, a light felony and/or a criminal offense the prescribed penalty of which is not higher than six months and/or a fine of P2,000.00 or both * * *.' There is evidence, however, per explanation of respondent Judge that the accused acted only upon instruction of Arpa Macalancom and Baby Niera who employed him as a helper and who instructed him to get the cow because there was already a previous understanding between them and the complainant. There is no showing here, as there is no evidence to the

contrary that said explanation of the accused was not true. Respondent Judge construing [the law] as well as the right to bail, liberally in favor of the accused, as it should be, then believed that the accused was entitled to the benefits of Republic Act 6036 as the penalty imposable under the circumstance would then not be over arresto mayor. That he acted maliciously is not even alluded to and the mantle of legal presumption of having acted in good faith covers his official actuation. Such being the case, coupled with the open manifestation of the complainant that he has lost any interest whatsoever in the further prosecution of his administrative complaint, it is our conviction that this case has no leg to stand [on]."[1]

There is no question about the good faith of respondent Judge. He was quite sympathetic to the plight of the accused in case for estafa. All that he did as a lowly paid employee was to follow instruction given to him. Then he found himself prosecuted for estafa and apparently no payment was made by his employer for the cow taken from the ranch of complainant. The latter's sense of grievance for what he believed to be an affront to his property rights was so great that he would go to the extent of asking for the dismissal of respondent Judge, who ordered the release on the recognizance of two prominent citizens, as the accused had been detained for over a month. Judge Corpuz thought he could do so by virtue of the spirit, if not of the letter, of Republic Act No. 6036.

At the most then, there was an error of law. As was pointed out by the then Justice, later Chief Justice, Makalintal, in *Vda. de Zabala v. Pamaran*,[2] mere errors should not be visited with a penalty rather severe in character, which is what is sought by complainant in this case, although he had the good sense to desist from further prosecuting his charge when the investigation was held. This sentence in the opinion of the then Justice Makalintal finds relevance: "No one, called upon to try the facts or interpret the law in the process of administering justice, can be infallible in his judgment."[3]

WHEREFORE, the administrative complaint against respondent Judge Castor B. Corpuz is dismissed. Let a copy of this resolution be spread on his record.

Barredo, (Acting Chairman), Antonio, Aquino, Concepcion, Jr., and Santos, JJ., concur.

[1] Order dated March 13, 1973 of Inquest District Judge Pedro Animas, 1-3.

[2] Adm. Case No. 200-J, June 10, 1971, 39 SCRA 430.

[3] Ibid, 433.

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