

## ATTY. PEDRO H. YARANON, PETITIONER, VS. MUN. JUDGE ANTONIO RUBIO, RESPONDENT.

*A.M. No. 449-MJ. August 07, 1975*

Ponente: BARREDO, J.

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### BARREDO, J.:

Administrative complaint against respondent Judge Antonio Rubio of the Municipality of Inopacan, Leyte for alleged (1) incompetence and/or ignorance of the law and (2) delaying justice. Respondent who is now dead, having died on May 15, 1975, denied all the charges. We could have dismissed this case for being academic, but We have decided to make this resolution of exoneration in order to clear his name and to entitle his widow and legal heirs to receive what is due them under the law.

It appears that complainant, Atty. Pedro H. Yaranon filed a charge of estafa with respondent's court against the spouses Florderico Puzon and Vitaliana Mandac Puzon, his tenants or overseers who had earlier filed a case against him and his wife for reinstatement as such tenants in Civil Case No. 1351 of the Court of Agrarian Relations at Ormoc City, which said complainant eventually lost. Complainant accused said tenants with having failed to account for agricultural items given to them in trust. After due trial wherein the only witness of complainant was himself, respondent acquitted the accused. Complainant charges that said decision of acquittal constitutes knowingly rendering an unjust and/or unfair decision. On the other hand, explaining the acquittal, respondent commented thus:

"On November 3, 1972, or about 4 months after CAR Case No. 1351 was filed Pedro Yaranon, as complaining witness caused to be filed with the Municipal Court of Baybay, Leyte, Criminal Case No. R-8821 for Estafa against the couple Florderico Puzon (plaintiff in CAR Case No. 1351) and his wife Vitaliana Mandac Puzon alleging that the accused while being his overseers in his riceland at Barrio Santa Cruz, Baybay, Leyte (the same land involved in CAR Case No. 1351) received from Pedro Yaranon various items of agriculture recited in the complaint in trust and with the obligation to return when demanded and that when said demand for their return was made the accused refused and instead appropriated to themselves all of the said articles. (Copy of the Criminal Complaint is hereto attached as Annex 'D'.)

In the trial, the complaining witness Pedro Yaranon, himself being a lawyer, personally handled the prosecution. The prosecution presented only one witness, Pedro Yaranon, the complaining witness, then rested its case with reservation to present rebuttal evidence.

Pedro Yaranon concentrated most of his evidence in proving that the accused were his overseers rather than his tenants.

He likewise tried to prove that he entrusted with the accused couple the items of agriculture mentioned in the criminal complaint with a duty to return them to him when demanded; and that when he demanded from the accused the return of these items the accused, instead, denied having received the articles mentioned in the complaint. This particular evidence was contradicted by accused Florderico Puzon in the witness stand testifying that he never received any of the said articles. The other portion of his testimony referred to his being

a share-tenant in that land of Pedro Yaranon.

"On cross-examination Pedro Yaranon admitted that he had no written inventory of the articles mentioned in the complaint. He could not show any receipts and/or invoices to show that he ever owned the things he mentioned in his complaint.

The Court also took note that while the criminal complaint alleged that the articles therein mentioned as the object of the estafa case were allegedly entrusted into the custody of the accused between December 15, 1970 to the middle part of January 1971, he did not mention these articles among his claims in his counterclaim in the CAR case mentioned above when this particular claim was supposed to exist already at that particular time. Your respondent gave this portion of the evidence a good amount of significance. Your respondent also did not lose sight of the wide disparity between the economic, social and educational status of the parties, the accused being an underdog, they being old, poor and ignorant couple-farmers who are merely tenants and/or overseers of the complaining witness who is a politician-lawyer having been a municipal councilor of Baybay, Leyte and a landowner of means if only to give meaning and substance to the now famous dictum of President Magsaysay that those who have less in life should have more in law. In this particular case your respondent did not give them any undeserved favors but he simply kept close guard that their ignorance and poverty may not be abused.

All the above circumstances being considered, your respondent felt hesitant in giving credence to what he honestly considered weak and uncorroborated testimony of the complaining witness and, therefore acquitted the accused. (Copy of decision inclosed as Annex 'E')." (Pages 2-4, Record).

We have read the decision in question, and We are satisfied that absent any evidence of ill-motive or improper consideration, the same cannot by itself prove the charge laid against respondent. The decision discusses creditably the evidence of the parties and We see no indication therein of any untoward factor that could have induced respondent to be unfair to complainant. The latter may have a different view of his case, but mere error of judgment, assuming its existence, and We hold that here there was none, cannot serve as basis for a charge of knowingly rendering an unjust judgment, there being no proof or even allegation of bad faith.

The charge that respondent had mislabeled the case of estafa as one for slander is inconsequential, the mistake being purely clerical.

With respect to the alleged delay in rendering his decision in the case in question, We find sufficiently justified the excuse given by respondent that the delay was due to "honest oversight" as explained by respondent. The record of his performance when he was assigned to assist the Municipal Judge of Baybay, Leyte is impressive. We are inclined to accept the following explanation of respondent:

"On the matter of deciding the case beyond the 90-day period, your respondent respectfully submits the following comment:

From the months of October to November but for only 2 days a week, your respondent was assigned by the Honorable Presiding Judge of the Court of First Instance of Baybay, Leyte to assist the Municipal Judge of Baybay who had a clogged docket. Within 8 or 10 days your respondent was able to dispose about 70 cases and not one was being appealed. (Monthly report being attached as Annex 'D').)

When your respondent was relieved of his temporary assignment in Baybay and was allowed to return to his court in Inopacan, Criminal Case No. R-8821 was still pending decision. Your respondent one month after the submission of the case prepared the draft of his decision. But because this particular case was included in the monthly report in Baybay and was not reflected in the monthly report of Inopacan, by honest oversight, overlooked to finalize the draft of the decision until his attention was called by the Municipal Judge of Baybay. Hence the decision was actually handed beyond the 90-day period." (Pages 4-5, Record.)

WHEREFORE, this case is dismissed and respondent is exonerated.

Makalintal, C.J., Fernando, (Chairman), Aquino, and Concepcion, Jr., JJ., concur.

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