

ARACELI F. GAMAT, COMPLAINANT, VS. NICANOR J. CRUZ, JR., MUN. JUDGE OF PARAÑAQUE, RESPONDENT.

A.M. No. 467-MJ. October 22, 1975

Ponente: BARREDO, J.

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BARREDO, J.:

Administrative complaint charging respondent of being "notoriously undesirable, biased, partial, incompetent and ignorant of the law." Asked to comment, respondent vehemently denied the charges and so, the Court designated the Honorable Reynaldo P. Honrado of the Court of First Instance of Rizal to conduct the appropriate investigation.

In his report submitted to the Court after proper hearing, the Investigator states:

"The main thrust of the administrative charge against respondent Municipal Judge Nicanor J. Cruz, Jr. of Parañaque, Rizal consists in 'apparent partiality and biasness of Judge Cruz 'in favoring respondents (accused) in Criminal Case No. 31898, before the Municipal Court of Parañaque, Rizal entitled 'People vs. Cleofe Tabora and Pilar Gabriel, 'wherein respondent Municipal Judge Nicanor J. Cruz, Jr. per Resolution dated June 5, 1973, dismissed the complaint against the said two accused.

"The partiality and 'biasness' of the respondent consists of:

1. At the start of the preliminary investigation in December, 1972, respondent Judge Cruz allegedly 'commented and prejudged the case when he stated in open court that there is no estafa in this case because of the Report submitted to him by a 'Committee' who allegedly made an 'ocular inspection of the land subject matter of the complaint in (Crim. Case No. 31898);'
2. That the defendants in Criminal Case No. 31898 of the Municipal Court of Parañaque, Rizal told the complainant Araceli F. Gamat in the vernacular, 'Wala kang panalo hawak namin yata si Judge N. Cruz, at sayang na lamang ang aming regalang mga montagut at barong tagalog, madalas pa yata namin kasama si Judge N. Cruz, sa kainan;' and
3. That, on one occasion, and during the pendency of the above mentioned Criminal Case No. 31898, complainant Gamat saw respondent and the accused in Crim. Case No. 31898, namely, Cleofe Tabora and Pilar Gabriel; Atty. Gabriel, defense counsel; Maximo Tabora, (husband of Cleofe Tabora); Pablo Pagtakhan (driver of Judge Cruz); Yolanda S. Pagtakhan and Sonia Sarmiento, dining together at the Henry Restaurant in Parañaque, Rizal during the time when the said case was scheduled for hearing at 2:00 p.m.

The first charge of partiality and bias has been satisfactorily rebutted by the respondent himself in his resolution of the said case dismissing the complaint on June 5, 1973 as follows:

'The respondents stand charged for Estafa, a crime, the elements of which in general are: (1) that the accused defrauded another – a) by abuse of confidence, or b) by means of deceit, and (2) that damage or prejudice capable of pecuniary estimation is caused to the offended party or third person. The issue to be determined now before the Court is whether on the basis of the evidence presented, there is a probable cause to show that

the crime charged has been committed and the respondents are probably guilty thereof. The complaining witness wanted to impress the Court that respondents made her believe that there was a lot being sold to her and for which she paid the amount of P6,000.00. On the other hand, respondents claimed that they did not deceive the complaining witness because she has been informed and was fully aware that what is being sold is only the rights over a certain lot and not the lot itself. Based on the evidence presented, there is no doubt in the mind of the Court that respondent Cleofe Tabora has a right over the property in question. This is very well established by Exhibit '1' and the testimony of witness Leon Angeles. Furthermore, the ocular inspection of the place and the testimonies of the adjoining owners and the Barrio Captain, as contained in the Report of Mr. Jose Ison of this Court, coupled by Exh. '2', clearly proved this fact. Such being the case, the only issue left is whether the Deed of Sale in question refers to the land itself or to rights over the same. The Deed of Sale, denominated as 'Kasulatan ng Bilihan ng Lupa' is the best evidence on this question.'

'After a judicious appraisal of the evidence presented by the parties, the Court is fully convinced that the Deed of Sale, although denominated or entitled 'Bilihan ng Lupa' is in truth and in fact only a sale of rights. This is very apparent from the contents of the deed itself which states in the vernacular, 'ang lahat o ano mang karapatan (rights), interes (interests) at partisipasyon (participation) sa isang lagay na lupa (over a parcel of land)'. It is likewise very apparent from a perusal of the deed that the property so covered is a national government property. Furthermore, the deed itself made reference to another deed Exhibit '1', from which document one can readily see that what has been sold to spouses Maximo and Cleofe Tabora were only the rights and interests over said government property and which rights and interests were in turn sold to Araceli Ferrer Gamat. The complainant admitted that there was not even a Tax Declaration appearing on Exhibit 'A' and this is sufficient to inform her that there was no tax declaration really in the name of vendor Cleofe Tabora. Complainants claim that she did not read the deed but relied only on the explanation and assurance of Atty. Felipe rebutted by Atty. Felipe himself. The sole declaration of the complainant, being denied by Atty. Felipe, would not be sufficient to rebut the presumption that a person who signs a document had read it, (*Jojuyco vs. Medel*, CA-G.R. No. 12480-R, September 2, 1958) and signers of documents are presumed to know its contents (*Dir. of Lands vs. Abarcar*, CA-G.R. No. 1169-R, June 7, 1958). It is therefore, clear that the respondents Cleofe Tabora and Pilar Gabriel did not deceive the complaining witness Araceli Ferrer Gamat, who from the evidence presented was fully aware that what she was then buying were only rights and interests.'

"The second charge as stated above was vehemently denied by the Respondent.

"To the specific charge that he dined with the respondents and other persons during a certain date alleged by the complainant, the respondent categorically denied the charge presenting in evidence Exh. '5' which is an invitation-letter dated March 12, 1973 of Municipal Councilor Casiano I. Sta. Agueda of Parañaque, Rizal to a luncheon meeting in the office of the Vice-Mayor of Parañaque, Rizal which he attended. Mun. Councilor Ernesto Leuterio y Gabriel of the Municipality of Parañaque, Rizal, testified that he together with Respondent Judge Nicanor Cruz, Jr. were present in the luncheon in the Office of the Vice-Mayor pursuant to the invitation-letter dated March 12, 1973, presented in evidence as Exh. '5'. At all event, after the dismissal of Criminal Case No. 31898 by the Municipal Court of Parañaque, Rizal, presided by Respondent Judge Nicanor J. Cruz, Jr., the record of said case was forwarded to the Office of the Provincial Fiscal of Rizal for review. The Prov'l Fiscal of Rizal in his First Indorsement dated March 18, 1974, xerox copy of which is hereto attached as Annex A informed the respondent that said office 'CONCURS' with the order of dismissal by said court. The record further shows on page 59 thereof that in connection with the administrative complaint filed by Araceli F. Gamat against Mun. Judge Nicanor J. Cruz, Jr. of Parañaque, Rizal, Judicial Supervisor Santiago V. Corpuz of the Supreme Court of the Philippines recommended that for lack of merit this complaint against Mun. Judge Nicanor J. Cruz, Jr. be hereby dismissed.

"The record of this case shows therefore that: 1) per Annex 'A', hereto attached, the Prov'l Fiscal of Rizal has

concurred with the order of dismissal of Criminal Case No. 31898 by the respondent Municipal Judge of Parañaque, Rizal; 2) that Judicial Supervisor Santiago V. Corpuz of the Supreme Court of the Philippines has recommended that this complaint against Municipal Judge Nicanor J. Cruz be dismissed for lack of merit. Further, in *Dizon vs. Juan de Borja*, 37 SCRA, 46, our Supreme Court speaking thru Chief Justice Makalintal held that:

"To hold a judge administratively accountable for every erroneous ruling or decision he renders, assuming that he has erred, would be nothing short of harassment and would make his position unbearable."

We have carefully reviewed the record and We are satisfied that the foregoing conclusions of the Investigator are fully supported by the evidence presented by the parties.

WHEREFORE, the report of the Investigator and his recommendation that the complaint against respondent be dismissed are approved. Respondent judge is accordingly exonerated.

Antonio, Aquino, Concepcion, Jr., and Martin, JJ., concur.

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