

**DEMETRIO AZUPARDO, ANASTACIO BANGATE, DOMINADOR CAMILLO, HOTELLO PALACIO, CIRIACO SAMBAJON, RAYMUNDO VIRAY, FELIX ARMENTA, AND ELIONISTO CANILLO, COMPLAINANTS, VS. DISTRICT JUDG...**

*A.M. No. 567-CFI. April 25, 1978*

Ponente: FERNANDO, J.

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**FERNANDO, J.:**

It is a source of regret that appointment to the bench, far from insulating a judge against unwarranted charges, would be the occasion for unfounded complaints from parties whom apparently he had at one time or another displeased. There are a few cases where the resentment could be traced to an act or acts attributed to him as a private individual. This is one of them. Respondent Carlos R. Buenviaje, a former City Judge of Iriga City, and now a Judge of the Court of First Instance at Camarines Sur, was the object of a letter-complaint dated October 3, 1973 addressed to Secretary Juan Ponce Enrile of the Department of National Defense. The complainants were Demetrio Azupardo, Anastacio Bangate, Dominador Camillo, Hotello Palacio, Ciriaco Sambajon, Raymundo Viray, Felix Armenta and Elionisto Canino, all from Albay. These complainants alleged that they represented three hundred (300) or more aggrieved families of Pioduran and Ligao, Albay. Respondent was accused of landgrabbing, corrupt practices, using a fake title to oust alleged actual possessors and owners of the land in question, and having collected rentals from said persons by force and intimidation through the police and the Philippine Constabulary.

The matter was referred to this Court on March 18, 1974. Respondent Judge was asked to comment on such charges and to explain his side of the question. On April 3, 1974, he did submit such comment consisting of a categorical denial of the charges which, as he pointed out, were not supported by facts appearing in court and government records. He explained further that the title alluded to is Original Certificate of Title No. 3947 (RO-10848) issued by the Register of Deeds of Albay in 1926 to the Ribaya spouses; that it was only in 1968 that the title was questioned as fake by certain persons, upon instigation of a certain Attorney Amado Garrovillas; that in Civil Case No. 3754, Court of First Instance of Albay, the validity of the title had been questioned but it was sustained; that before the appointment of respondent to the bench, he was the lawyer for the Ribaya heirs, being the son of Andrea R. Buenviaje who now owns 1/4 of the estate; that if he intervened at all lately in the matter, it was in an advisory capacity and due to an earnest desire to put an end to the controversy.

The Legal Staff of the Chief Justice first noted that as far back as 1955, there were attempts already made to set aside the titles issued in 1926 after the proper registration proceedings. They were unsuccessful. Apparently, complainants would now direct their ire against respondent Judge, perhaps due to the fact that he is the son of Andrea R. Buenviaje, who thereafter acquired 1/4 of the estate. It was found that there was no evidence of the alleged corrupt practice or the use of fake title to oust actual possessors of the land. The recommendation was for the dismissal of the charges for lack of merit.

The matter was then referred to the then Acting Judicial Consultant, Justice Lorenzo Relova, who, on January 3, 1977, submitted his report to the Court, concurring in the conclusion reached by the Legal Staff of the Chief Justice that the administrative charge against respondent Judge should be dismissed. He explained why: "Except for the bare allegations of complainant, there appears to be no basis in the records to warrant the above charges against respondent. \* \* \* Moreover, herein complaint is admittedly a mere continuation of earlier complaints 'since 1955' of which respondent was not a party. Finally, it is not within the province of this Office to reinvestigate the Ribaya title as requested by complainant." [1]

Such a recommendation of the dismissal of the charges against respondent Judge merits the approval of this Court. It has been the constant doctrine of this Court, since the leading case of *In re Horilleno*, that only on evidence sufficient to demonstrate the culpability of a judge should he be subjected to a disciplinary measure. [2] The vague and general charges against respondent are mere conclusions of law. Moreover, they were belied by public records. There is no need, therefore, for further proceeding on the matter. [3] Respondent Judge, however, should refrain as much as possible from even acting in an advisory capacity in matters affecting the Ribaya estate, except where the consultation is sought by his mother. To maintain the respect and confidence of the public, more specifically of complainants and others like them who apparently belong to the poorer elements in the community, members of the bench should refrain from any conduct that would in any way give rise to a suspicion, whether unfounded or not, that he exhibits more concern for those blessed with affluence. It would be less deplorable if the object of such interest on his part were those who, in the language of the late President Magsaysay, have "less in life and therefore should have more in law."

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

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

Barredo, J., vote for the dismissal of the charges against respondent because they have not been substantiated.

Aquino, J., in the result.

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[1] Memorandum of Acting Judicial Consultant Lorenzo Relova, 2.

[2] 43 Phil. 212.

[3] Cf. *Enriquez v. Araula*, Adm. Case No. 270-J, Dec. 18, 1973, 54 SCRA 232; *Tombo v. Medina*, Adm. Case No. 929, Jan. 17, 1974, 55 SCRA 13; *Lampanog v. Villarojo*, Adm. Case No. 381-MJ, Jan. 28, 1974, 55 SCRA 304; *Bartolome v. de Borja*, Adm. Case No. 1096, May 31, 1976, 71 SCRA 153; *De Guzman v. De Leon*, Adm. Case No. 1328-MJ, July 30, 1976, 72 SCRA 177; *Meimban v. Balite*, Adm. Case No. 131-MJ, Aug. 21, 1976, 72 SCRA 380; *Tolentino v. Tiong*, Adm. Case No. 535-MJ, Aug. 21, 1976, 72 SCRA 315; *Amosco v. Magro*, Adm. Case No. 439-MJ, Sept. 30, 1976, 73 SCRA 107; *Cortez v. Constantino*, Adm. Case No. 1393-CTJ, Jan. 20, 1977, 75 SCRA 12.

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