

SANTIAGO RODRIGO, COMPLAINANT, VS. HON. SABAS QUIJANO, MUNICIPAL JUDGE OF DA-ANBANTAYAN, CEBU, RESPONDENT.

A.M. No. 731-MJ. September 09, 1977

Ponente: CONCEPCION, JR., J.

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CONCEPCION, JR., J.:

Sworn complaint of Santiago Rodrigo charging Judge Sabas Quijano of the Municipal Court of Da-anbantayan, Cebu with gross dishonesty and patent partiality in the evaluation and appreciation of facts adduced during the trial of Criminal Case No. 1869, entitled, "People of the Philippines, plaintiff, versus Santiago Rodrigo, defendant," and rendering judgment therein contrary and foreign to the facts and evidence adduced therein.

The complaint was referred to the respondent judge for comment and the said respondent answered that the decision rendered in Crim. Case No. 1 869 was made in good faith and is sufficiently supported by ample evidence of record.

It appears that on May 20, 1972, two criminal cases[1] were filed against the complainant and his wife with the Municipal Court of Da-anbantayan, Cebu. Trial of the two cases was held jointly and at the conclusion thereof, judgment was rendered finding the complainant and his wife guilty, as charged.[2] On appeal, the judgment in Crim. Case No. 1864 was modified, while the decision in Crim. Case No. 1869 was reversed and the herein complainant acquitted.[3] Thereafter, Santiago Rodrigo filed his complaint charging the respondent judge of having maliciously convicted him in the said Crim. Case No. 1869.

In order that a judge may be held liable for knowingly rendering an unjust judgment, it must be shown beyond doubt that the judgment is unjust as it is contrary to law or is not supported by the evidence, and the same was made with conscious and deliberate intent to do an injustice.[4]

The complainant contends that the respondent judge found him guilty in Crim. Case No. 1869, "as there is no question that the accused Santiago Rodrigo had altered the pile of stones which marked the boundary between his land and that of the complainant,"[5] although the evidence of record, as testified to by prosecution witness, Felix Manzanares, indicated that the boundary between the land of Bernardito Lucbe and that of Santiago Rodrigo are coconut trees, and Jose T. Singson, the commissioner appointed by the court, and Felix Pino stated that there is hardly any visible mark now left in the surface of the land to show the existence of such pile of stones.

However, it cannot be concluded that the respondent's decision in said Crim. Case No. 1869 is without basis, notwithstanding the foregoing allegation, because the said Felix Manzanares also declared that the transfer of the boundary line was done ahead of the removal of the pile of stones which previously served as the demarcation line,[6] and Jose T. Singson stated, in his report,[7] that there is still visible in the area, a 'formation of stones mostly about fist-size still in place and embedded in the soil, but partly concealed by growing vegetation."

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.[8]

There is also no apparent reason to sustain the claim of partiality. It appears that the respondent judge had initially requested the District Judge of the Court of First Instance of Cebu to assign another judge to continue with the hearing of the cases because Santiago Rodrigo had sent complaints to the President and the Secretary of Justice "all tending to cast shadow of suspicion on his integrity and impartiality," but this request was denied.^q Moreover, the complainant never objected to the proceedings notwithstanding the strained relations between him and the court and no motion was filed for the disqualification of the respondent judge. It was only after the rendition of an adverse judgment that the complainant alleged partiality.

WHEREFORE, there being no evidence to prove the charges, judgment is hereby rendered dismissing the same for lack of merit.

SO ORDERED.

Barredo (Acting Chairman), Antonio, Aquino, and Santos, J.J.. concur.

[1] Crim. Case No. 1864. People vs. Gaudiosa Rodrigo, for Oral Defamation; and Crim.. Case No. 1869. People vs. Santiago Rodrigo, for Altering Boundaries and Landmarks.

[2] Rollo, p. 35

[3] Id., p. 6.

[4] In re: Rafael C. Climaco, Adm. Case No. 134-J, Jan. 21, 1974; 55 SCRA 197.

[5] Rollo, p. 6.

[6] Id., p. 27,

[7] Id., p. 34.

[8] Dizon vs. De Borja, Adm. Case No. I63-J, Jan. 28. 1971. 37 SCRA 46; Urbina vs. Maceren, Adm. Case No. 288-J, June 19, 1974, 57 SCRA 403.

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