

FR. GERMAN CABILLO, COMPLAINANT, VS. MUNICIPAL JUDGE ANGELO R. CELIS OF PAMPLONA, CAGAYAN, RESPONDENT.*A.M. No. 825-MJ. June 16, 1978*

Ponente: FERNANDO, Acting C.J.

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FERNANDO, Acting C.J.:

In this administrative case against respondent Angelo R. Celis, Municipal Judge of Pamplona, Cagayan, the complainant is a priest, Director of the SVD District Social Action, Federation of Free Farmers, Sanchez Mira, Cagayan. On the face of the complaint, respondent Judge certainly had much to account for. He was accused of "using his office to harass the ignorant, [being] discourteous in the course of his official duties, [sabotaging] the Presidential Decrees No. 2 and 27, [being] ignorant of Agrarian Laws particularly R.A. 1199, R.A. 3844, R.A. 6389 and worst of all [of violating] P.D. No. 316 with malicious intent." [1] The above imputation of the unfitness of respondent for a judicial office had its origin, in the language of the complaint, "from an agrarian problem between Mr. Claudio Ruiz, a landlord and his tenant, Rodolfo Vicente. Said landlord illegally ejected his tenant in 1973. The ejected tenant sought the legal advice of the Department of Agrarian Reform lawyer. The decision of the DAR was to reinstate the tenant but the landlord started to harass the tenant. Since the tenant is unable to read and write except to write his name, the landlord who is moneyed and influential took advantage over the tenant by using the Chief of Police of Sanchez Mira, Cagayan to carry out his evil designs. Said Chief of Police made a compromise note written in English which the tenant did not understand. The compromise note is precisely made in such a way that the tenant could be sued in court. What is lamentable was that the tenant did not know the contents of the compromise note. Then the case in connection with this particular compromise note was filed in the Municipal Court of Sanchez Mira, Cagayan for collection of alleged lease rental Civil Case No. 74, entitled Claudio Ruiz v. Rodolfo Vicente. Upon filing said case, the lawyer of the tenant answered the complaint by informing the court that it has no jurisdiction, but the Judge insisted that the case be heard in his Sala. Since the distance between Quezon City, the home place of the lawyer and Sanchez Mira, Cagayan where the case is filed is around 600 kilometers, communication by mail takes for four weeks to travel sometimes, so the fastest and most practical means of communication is by way of telegrams which was used by the tenant's lawyer in postponing the case. Before the date of the hearing of the case, I, myself and the tenant's lawyer went to the office of the Judge to make inquiry about the hearing. At this particular hour of the visit, the Court was in session, so we could not make inquiry about the case. When Judge Celis came to know about our presence, he stopped the session of the court, and immediately he started berating us and insulting us in the presence of so many people. What is lamentable is that he knows that I am a priest, and yet he unashamedly degraded his high office by using it to insult me and the tenant's lawyer." [2]

Respondent Judge was required to comment. He submitted a seven-page pleading, dated November 25, 1974, with four annexes, including a copy of the compromise between the parties to the case that gave rise to the complaint. Then came from respondent a Second Indorsement of six pages, with annexes consisting of the complaint, the answer, and his eleven-page decision in the case that was the cause of the administrative action against him, dated July 19, 1975, explaining further his actuation in the matter and characterizing as

"preposterous" the charge that he failed to comply with the Letters of Instruction, Memoranda and Presidential Decrees dealing with the tenancy problem.

In his first comment, he refuted the charge of unjudicial behavior in this wise: "At any rate, the complaint did not state how the good priest was berated and what were the insulting remarks uttered to him, neither did it mention any of the 'so many people' present during the alleged incident so that the proper authority could summon them to shed light on the truth of his charges in fairness to the undersigned." [3] He elaborated further: "I remember that I was conducting a hearing on Criminal Case No. 873, entitled PP. v. Gerardo F. Cacatian for Disturbance of Public Orders, when Fr. Cabillo and a companion came in. Out of respect to the priest, I called for a recess to accommodate and asked him 'Yes, father, is there anything I can do for you?' to which he replied that they were coming to ask that the hearing of Civil Case No. 74 for collection of a loan, be heard on October 4, 1974, instead of the scheduled date October 16, 1974 wherein the parties litigants were already notified. I informed the priest that I could not possibly advance the date of the hearing to such a close date as he proposed considering that there was no more time to notify the parties and their respective counsel aside from the fact that the date he chose was Friday which day was already scheduled for the hearing of cases in the Municipal Court of Pamplona. At this juncture his lawyer companion Atty. Vicente A. Hidalgo of 41 Highland Drive, Blue Ridge, Quezon City identified himself as the counsel for the defendant in the subject case. He said he is from Quezon City and that he has other matters to attend in Claveria and other places and that if the hearing could not be had as proposed by the priest then he might be constrained to ask again for postponement. This reminded me of those telegraphic requests for postponement sent by the same lawyer which he addressed merely to the clerk without even stating therein any cause or ground for postponement and without even intimating therein that a formal motion follows as normally and regularly required by court procedures. For immediate reference true copies of those telegraphic communication of the lawyer is hereto attached as Annexes A and B hereof to show that there was a ground to call the attention of said lawyer. I took the occasion to apprise the lawyer of the discrepancies in his telegraphic [requests] and I advised him to correct the same in his future or subsequent motion for postponement, warning him that similar [requests] for postponement without any valid or legal ground may not be readily granted by the Court. This advice, or in some way mild admonition to the lawyer, is quite normal and regular for any Judge to do. The lawyer, I am sure, readily understood the attitude of the Judge and has not manifested his disagreement or resentment on the matter." [4]

Respondent's Second Indorsement had a fuller treatment of his actuation in the case which gave rise to the administrative complaint. On the question of his assuming jurisdiction over an action, which according to the complainant was a tenancy dispute, respondent Judge had this to say: "For his benefit may I say that I was guided by what I honestly believe to be a cardinal rule to be followed on matters of jurisdiction, that is, the jurisdiction of a Court over the subject matter of the action is determined from the allegations of facts in the complaint and the reliefs prayed for therein and not from the allegations in the answer. Any observer with sufficient understanding could see that it is patent in the complaint that the Municipal Court has jurisdiction over the subject matter alleged therein." [5] He likewise refuted the charge that he did not act on the merits of the case in this wise: "Contrary to the claim of the good Priest, the case was disposed of on the merits and not on mere technicalities. The decision rendered by the Court on said case was based on evidence presented and submitted by the plaintiff which evidence were never contradicted by any evidence for the defendant who, despite * * * the chances given to him and the insistent advice of the Court for him to engage the services of another lawyer in view of the repeated and continued failure of his lawyer, Atty. Vicente Hidalgo, to appear in Court, the Court even telling him [of] its willingness to give him ample time to look for another lawyer, the defendant, however, has stubbornly manifested his decision not to present any evidence for his defense and explicitly informed the Court of his refusal to engage the services of a lawyer as well as his readiness and willingness to accept whatever verdict that the Court would

render in the case. Under the circumstances what then could the Court do? Must the Court keep the case pending in its docket just because the defendant refused to present his evidence?"[6] Further on this point, he stated: "The letter of the good Priest [accusing] the undersigned of having refused to refer the case to the Department of Agrarian Reform is utterly baseless. In the first place there never was any request for me to refer the matter to the DAR, and in the second place I honestly believe, as I still do believe, that the case is not one where a referral to the DAR as contemplated under PD No. 316 is necessary for the reason that the action in no way involves the landholding of the defendant as a tenant, or [seeks] his ejectment therefrom. Neither does it involve the impounding of the harvest from his landholding as a tenant, nor is it an action for harassment designed to deprive the defendant of his landholding as a tenant by the plaintiff as the landowner, as a matter of fact, if there was any question involving the defendant's landholding as tenant over the land belonging to the plaintiff such question had already been settled between them before the DAR. As can be seen, the case oft-repeatedly mentioned is only a simple action for collection of a loan. How, therefore, could there be any occasion for the undersigned to have refused to refer the matter to the DAR?"[7] It is a matter of record that the eleven-page decision showed on its face the care and circumspection of respondent in arriving at his judgment.

On the basis of the above pleadings, the then Acting Judicial Consultant recommended that the complaint of Father Cabillo be dismissed. This Court, however, resolved to look further into the matter. In a resolution of June 9, 1977, it appointed the Executive Judge of the Court of First Instance of Cagayan, Bonifacio A. Cacdac, Jr., to investigate the complaint and thereafter to submit his report and recommendation. Judge Cacdac, in compliance with the above resolution, conducted the aforesaid investigation and thereafter submitted his report and recommendation dated December 14, 1977. Hearings had previously been held on July 20, August 2, and October 14, 1977, with complainant being represented by counsel. Thereafter, the parties were given a period of ten days within which to file their respective memoranda. While there was a reference to the alleged discourteous conduct of respondent Judge, the report and recommendation apparently rejected the version of complainant, but did not have any explicit finding on the matter. What was dealt with more extensively was the assumption of jurisdiction over Civil Case No. 74 which, according to complainant, should have been referred to the Court of Agrarian Relations. Thus: "From the evidence both oral and documentary offered by the parties, it is undisputed that at the institution of Civil Case No. 74, the plaintiff Claudio Ruiz and Rodolfo Vicente, the defendant had no relationship as landowner and tenant. From the face and allegations of the complaint which governs the cause of action of the plaintiff, [it] undeniably shows that it is for collection. In the Answer, however, the defendant Rodolfo Vicente avers that the obligation for him to pay the plaintiff arose out of a relationship of landowner and tenant. These averments, however, are to be proven. The defendants failed to prove their averments in their Answer. The records of Civil Case No. 74 is replete with postponements at the instance of defendant's counsel and the respondent judge is left with no other recourse but to decide the case without the defendant adducing any refuting evidence, as they failed to appear during the pre-trial and subsequent thereto the trial of the case despite due notification. What is indeed very noticeable is the fact that the defendant in Civil Case No. 74 never raised in court at the pre-trial nor trial the issue that the obligation of the defendant to pay the plaintiff arose at a time when there existed a relationship of landowner and tenant, so that the respondent judge could have properly resolved this contentious issue. The fact remains that the defendant never moved the Court to act conformably with their defense. Instead, the defendant's counsel never appeared in court, and hence defendant cannot therefore assume that the court at its own instance without the defendant asking it, will grant their request for a referral to the DAR or dismiss the case outright for want of jurisdiction. Moreover, the grounds upon which the defendants in Civil Case No. 74, for a referral of the case to the DAR, pursuant to P.D. No. 316, particularly Section 2 thereof, does not fall within the purview of the law, although if timely raised by the defendants during the course of the pre-trial and trial, the respondent judge in the exercise of its wise and sound discretion may have granted the same."[8]

Then came this portion of the report and recommendation: "Based upon the foregoing facts and evidence, this investigator is of the considered view that the same do not warrant any disciplinary action against the respondent judge. Suffice it to state that in cases involving the disciplinary actions against municipal judges, the burden of proof rests upon the complainant. The charge against him must be established by convincing proof. The records must show as free from any doubt a case which compels the imposition of disciplinary action." [9] Such appraisal by Judge Cacdac finds support in the authoritative doctrine of this Court enunciated by Justice Malcolm in the leading case of *In re Horilleno*, [10] to the effect that for a judge to be rendered culpable in any administrative proceeding, there should be a clear and sufficient evidence of his misconduct. Such a doctrine has been reiterated time and time again. [11]

It is not difficult to lend credence to the disclaimer of respondent Judge of any discourteous conduct. In the narration of what did transpire in any controversy, conflicting versions are likely to be given, depending on the bias of the person recalling the incident. The truth may usually lie between the two extremes. In this case, the probability leans heavily in favor of what was asserted by respondent. He had no reason to behave in the atrocious way imputed to him. If his demeanor at that particular time was not overly amiable, it is quite understandable, considering that complainant was accompanied by a lawyer who by his repeated pleas for postponement did upset the time-table of respondent for the disposition of cases. What was worse, counsel did not even have the courtesy of addressing his informal telegrams to that effect to respondent. The irritability of the latter, assuming that such indeed was the case, was directed at such counsel, who certainly deserved to be given some sort of a reminder as to what his duties were as an officer of the court. It would thus appear that complainant's version could not stand the test of strict scrutiny. The explanation may lie in his demonstrated zeal and militancy as member of the clergy in defense of the rights of tenants. His disappointment at the course of action taken by respondent, adverse to the litigant he was aiding, could have led him to be much more censorious than the facts did warrant.

Respondent Judge had to face charges much more serious in character. He was accused of sabotaging Presidential Decree No. 27 and of violating Presidential Decree No. 316, both of them of transcendental character as far as the grave tenancy problem facing the nation is concerned, as well as of being ignorant of agrarian laws. [12] If substantiated, nothing short of dismissal should be the penalty imposed on respondent. It would clearly render him unfit to stay a moment longer in the judiciary. Fortunately for respondent, the evidence failed to justify such an indictment. There was paucity of proof to lend plausibility to such allegations. All that was offered was the recital of his actuation in the aforesaid Civil Case No. 74. As found by Executive Judge Cacdac, respondent relied on what he believed to be the procedural rules applicable to the situation. There could be no doubt, therefore, concerning his bona fides. Based on the complaint, he could and did decide that he had jurisdiction. There was, it is true, an allegation of tenancy relationship, but, as pointed out in the report, neither at the stage of pre-trial nor at the trial was such an issue pressed. The absence of defendant's counsel was the cause. The generalized conclusion sought to be drawn, therefore, from this solitary case, in the light of the attendant facts and circumstances, lacked basis. It is understandable then why the recommendation was for the dismissal of the complaint.

In his recommendation, Executive Judge Cacdac, however, would include the admonition of respondent Judge being "more careful and discreet in the performance of his duties so that his impartiality will be above suspicion." [13] There is nothing inappropriate in such a suggestion, especially so where the parties to the controversy belong to the ranks of the affluent on the one hand and, on the other, of the lower income group. While perhaps complainant was rather hasty in his assumption of respondent Judge either being ignorant of or hostile to governmental efforts to solve the serious tenancy problem, it will certainly be to the credit of any member of the judiciary if he manifests more sensitivity to and sympathy for the plight of the aforesaid sector in the country. The massive efforts undertaken by the New Society to implement the humane and beneficial governmental measures to assure the implementation of social and economic rights would go for naught if there

be lacking such attitude on the part of all governmental functionaries, members of the bench not excluded.

WHEREFORE, this administrative complaint against respondent Judge Angelo R. Celis is dismissed, with the admonition that hereafter, to preclude misunderstanding and misinterpretation of his actuations, he should exert greater care and prudence in the performance of his duties, not only to avoid any suspicion as to his lack of impartiality but also to assure full compliance with legislations and decrees intended to promote social justice and to protect labor. Let a copy of this resolution be spread on his record.

Barredo, Antonio, Aquino, and Santos, JJ., concur.

Concepcion, Jr., J., on leave.

[1] Complaint dated October 8, 1974, 1-2.

[2] Ibid, 1-2.

[3] Second Indorsement dated November 25, 1974, 2.

[4] Ibid, 3-4. Annex A reads as follows: "Clerk of Court Municipal Court Sanchez Mira Cagayan Please reset hearing Ruiz versus Vicente to August 15 at 2pm Atty Vicente Hidalgo." Annex B is worded thus: "Clerk of Court Municipal Court Sanchez Mira Cagayan Please postpone hearing Ruiz vs Vicente to October 4 Atty Hidalgo."

[5] Second Indorsement dated July 19, 1975, 3.

[6] Ibid, 3-4.

[7] Ibid, 4.

[8] Report and Recommendation, 4-6.

[9] Ibid, 6.

[10] 43 Phil. 212 (1922).

[11] 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; Lampauog 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; Azupardo v. District Judge Buenviaje, Adm. Case No. 567-CFI, April 25, 1978.

[12] Republic Act Nos. 119 (1955), 3844 (1962), and 6389 (1971).

[13] Report and Recommendation, 7.

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