

RICARDO ARROJADO, COMPLAINANT, VS. HON. SABAS QUIJANO, MUNICIPAL JUDGE OF DA-ANBANTAYAN, CEBU, RESPONDENT.

A.M. No. 855-MJ. September 09, 1977

Ponente: CONCEPCION, JR., J.

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CONCEPCION, JR., J.:

Sworn complaint of Ricardo Arrojado charging Judge Sabas Quijano of the Municipal Court of Da-anbantayan, Cebu, with "malicious mischief, conduct unbecoming of a public officer, abuse of public office and coercion" committed as follows:

"1. That on or about the third week of November, 1974 and sometime prior to said date Municipal Judge Sabas Quijano of Da-anbantayan, Cebu altered the boundary of my land in favor of the property of the late Gregorio Rodrigo (father-in-law of his nephew) by planting 'tuba-tuba' plants one-half (1/2) meter more or less from the original boundary that had existed almost 51 years;

"2. Judge Quijano tried to press my sister, Rosario Arrojado of Da-anbantayan, Cebu, brother Buenaventura Arrojado and aunt Panfila Sericon to sign an agreement to the effect that they are agreeable to making the altered boundary permanent;

"3. Due to the malicious and partial intervention of Judge Quijano and without any order from higher judicial authority the sisters and hired hands of his nephew-in-law cut and destroyed the plants which were planted and which served as boundary between my land and the land of the Rodrigo family for 51 years to the damage and prejudice of my property."

The complaint was referred to the respondent judge for comment, and the respondent replied that the charges are without basis in fact and in law, malicious and patently false, and that the complainant was motivated by hate, anger, and revenge in filing the said complaint.

What actually transpired, according to the respondent judge, was that in the second week of November, 1974, Illuminada and Lucena Rodrigo, daughters of the late Gregorio Rodrigo, went to his office and consulted him about their boundary dispute with the heirs of Cayetano Arrojado, bringing with them the deed of sale of their land in favor of their father. The respondent judge summoned the heirs of Cayetano Arrojado to his office in order to settle the dispute amicably and the parties set a certain date for the ocular inspection of the disputed boundary line.

On November 18, 1974, the respondent judge, together with Police Chief Virgilio D. Inot and former Police Chief Felix Arriesgado, went to the disputed parcel of land. Upon their arrival, they found the interested parties and some curious bystanders waiting for them. The respondent judge emphasized to the parties that he came to arbitrate their dispute, if possible, and avoid unnecessary expenses. With the document evidencing the sale of a parcel of land to Gregorio Rodrigo as a guide, the parties then traced the boundary line of the land of Gregorio Rodrigo adjoining the land of the Arrojos. At one point, the parties failed to find the banyan or balete tree, locally known as "dakit" that marked the boundary limits. At the suggestion of Andrew Arrojado, one of the heirs

of Cayetano Arrojado, the string they used in marking the boundary line was temporarily tied to an "an-arC tree. The respondent judge, after looking for the banyan tree to no avail, then showed to the parties how small the area of land contested by them was and advised them to decide for themselves whether to litigate in court over it or to come to an amicable settlement. Andrew, Rosario, and Buenaventura Arrojado, children of Cayetano Arrojado voiced their conformity with the proposed boundary line, but Panfila Sericon, their aunt, insisted that the demarcation is the old pile of stones. The respondent judge told them that it was up to them to settle the matter in court. The next day, Andrew Arrojado came to his office and informed the respondent judge that he does not also agree with the new boundary line because his father, Cayetano, is against it.

The respondent judge submitted the affidavits of Buenaventura Arrojado, Andrew Arrojado, Rosario Arrojado, and Panfila Sericon to substantiate his claim. These are the persons who were allegedly coerced by the respondent judge into consenting to the new altered boundary line and their declarations completely belie the charges. Since the complainant was not personally present on the occasion complained of, there is no prima facie showing of a misfeasance or malfeasance in office to warrant further investigation of the charges.

WHEREFORE, judgment is hereby rendered dismissing the complaint filed herein.

SO ORDERED.

Barredo (Actg. Chairman), Antonio, Aquino, and Santos, JJ., concur.

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