

VENUSTIANO SABURNIDO, COMPLAINANT, VS. JUDGE FLORANTE MADRONO, RESPONDENT.*A.M. No. MTJ-90-383. June 15, 1992*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a7602a5dc841/>**PER CURIAM:**

Complainant Venustiano Saburnido, a member of the Integrated National Police stationed at Balingasag, Misamis Oriental, charges respondent judge Florante Madrono of the Municipal Trial Court, Balingasag-Lagonglong, Misamis Oriental, with grave threats and acts unbecoming of a member of the judiciary.

As summarized by the investigating judge, the complaint/affidavit alleges:

"That at about 8:00 o'clock in the morning of November 23, 1989, complainant was awakened by his son Charliemen Saburnido who told him that Judge Florante Madrono with two (2) companions were at the gate of their house, and would like to talk to him. Complainant then went down his house and saw Judge Madrono together with Zosimo Panimdim and Ruel Hebe all armed; Judge Madrono carried an M-16 Armalite Rifle, Panimdim a CAGU member carried with him an M-14 while Ruel Hebe also a CAGU member carried a pistolized carbine. That as the complain-ant approached them, Judge Madrono with his gun pointed towards Saburnido, ordered Saburnido to stop and said, 'Do not come near Ving,' hence, Saburnido stopped. Judge Madrono then confronted Saburnido and said, 'It's good because it is already morning. What made you angry with me, when in fact we are friends? What did you utter last night? Maybe you were drunk.' Then Judge Madrono asked Ruel Hebe to relate what Saburnido told Ruel that evening. Ruel then quoted Saburnido to have said: 'Do not be boastful Ruel.' 'You are as boastful as your boss.' Sensing that Judge Madrono was angry, Zosimo Panimdim advised Judge Madrono by telling him just to settle the matter. At that stage, Judge Madrono ordered Saburnido to raise his hands and to surrender with his gun poised to shoot Saburnido, so Saburnido asked for forgiveness but he felt dizzy and his blood pressure went up. He then lowered his hands and held his head but he subsequently lost consciousness and collapsed. His son Charliemen Saburnido came to his rescue and helped him. Thereafter, Judge Madrono and his companions left."

In a resolution dated March 30, 1990, the Court required respondent judge to answer the complaint. In his answer dated May 7, 1990, the respondent judge, among other things, alleged:

"I categorically deny that I threatened the complainant Pfc. Venustiano Saburnido in the morning of November 23, 1989. Many weeks before November 22, 1989, friends had been telling me that everytime Pfc. Saburnido becomes drunk, even while performing his duty as market guard at the Balingasag Public Market, he kept on uttering defamatory words against me but I did not react because I am not onion skinned to criticisms which public officials must always accept. Then at 11:00 o'clock PM of November 22, 1989, CAGUs Felicismo Panimdim and Ruel Hebe who were at that time assigned by the Company Commander of 'A' Coy, 9IB to augment the INP of Balingasag, Misamis Oriental, while they were at the Public Market, the complainant Pfc. Venustiano Saburnido who was heavily drunk challenged the two CAGUs Panimdim and Hebe to a duel and threatened some market vendors with bodily harm and told CAGUs Hebe and Panimdim in the presence of many persons 'IKAY KAPAYASON LIWAT KA SA IMONG AMO NGA SI JUDGE MADRONO KAPAYASON which when translated in English 'You are boastful like Judge Madrono who is boastful and stupid'; that in the morning of November 23, 1989, when those statements were confirmed by

CAFGU Panimdim and Pat. Eugene Zafra, I immediately went to the Police Station of Balingasag, Misamis Oriental to complain to the Station Commander about the misconduct and unruly behavior of Pfc. Saburnido but unfortunately the Station Commander, who is not a resident of Balingasag, Misamis Oriental, was out; so I went to the residence of the Deputy Station Commander for the same purpose but at that time the Deputy Station Commander was also out of his residence. When CAFGUs Panimdim and Hebe who were fully armed because they knew that the complainant Pfc. Saburnido has a record of rape and administratively charged before the Police Commission and who recently murdered a certain Edwin Pacana, I volunteered to accompany them because I did not want a firefight between the two armed group to happen and I intend to mediate and to find out from the complainant Pfc. Venustiano Saburnido why was he acting that way; what I really did in the morning of November 23, 1989, was to reprimand him and I did not mince words castigating him for his unruly conduct for which I explained that if the two (2) CAFGUs were drunk also and reacted to his challenge a bloodbath could have happened.

"I would like to inform Honorable Members of the Supreme Court that if I went out of my way to accompany the two (2) CAFGUs Hebe and Panimdim to the street fronting the house of the complainant Pfc. Saburnido it was only for the purpose of seeing to it and making sure that no shooting incident or bloodbath could ensue between the two (2) troops of armed men."

The answer was noted in the resolution of July 10, 1990. In the same resolution, the Court resolved to refer the complaint to the Executive Judge, Regional Trial Court, Cagayan de Oro City for Investigation, Report and Recommendation.

In his Report, investigating-Judge Celso P. Largo made the following findings of facts and conclusions:

"From the evidence thus adduced, there is no dispute that the Respondent, Judge Madrono, together with CAFGU member Ruel Hebe and Zosimo Panimdim, went to the house of the complainant Pfc. Venustiano Saburnido at Calacala, Cogon, Balingasag, Misamis Oriental, in the early morning of November 23, 1989. That on the said occasion, Judge Madrono and his two companions were all armed with high powered rifles. That a confrontation ensued between Judge Madrono and Saburnido regarding the incident that happened the night before wherein Judge Madrono demanded from Pfc. Saburnido an explanation why he uttered defamatory words against him; that in the course of their confrontation, Pfc. Saburnido begged for forgiveness from the respondent but he was severely reprimanded by Judge Madrono; that as a result of the said confrontation, Pfc. Saburnido collapsed and lost consciousness and was subsequently brought to a doctor who prescribed some medicines for his treatment; that the said incident was immediately reported to the Police Station and the report was correspondingly entered in the Police Blotter.

"The remaining issue to be determined, is whether or not Judge Madrono threatened the complainant with his Armalite rifle by menacingly pointing his gun at the complainant.

"To the mind of the herein Investigator, the version narrated by the complainant and his witnesses are more credible and in consonance with the truth and the circumstances obtaining in this case.

"To start with, it is incredible to believe that the complainant, who is a member of the Integrated Police of Balingasag and who has been trained in the art of self defense and combat principles would simply collapse and lose consciousness by a mere scolding by the respondent. x x x A well trained policeman such as the herein complainant would not lose consciousness and collapse just by a mere tongue lashing from the Respondent. There is a strong reason to believe that the complainant's life was placed in imminent danger that is by the aiming of the loaded armalite rifle on the complainant accompanied by threats on his life. This must be so for what would have prompted the complainant to raise his two hands when he was approaching Judge Madrono if the armalite rifle was not pointed at him.

"More, the respondent himself admitted that he was really very angry with the complainant which explains his haste in proceeding to the house of the complainant armed with an Armalite rifle. In fact, it was not necessary

for respondent to carry with him his armalite rifle if indeed his real purpose was just to settle the controversy between Hebe and Saburnido as he claimed, taking into account that his two companions were fully armed with high powered guns. The fact that when they arrived at the house of Saburnido, Ruel Hebe did not even utter a single word and it was the respondent who did all the scolding and reprimanding of Saburnido, give the lie to the claim of the respondent that he accompanied Hebe to the house of Saburnido because he noticed that Hebe was very angry and wanted to confront Saburnido. As a matter of fact, there was no attempt to settle the controversy between Hebe and Saburnido because instead of doing so, he castigated the respondent (sic) for his alleged unruly behaviour and mis-conduct, to boot.

x x x x x x x x

"The respondent acted with precipitate haste, arrogantly and imprudently by going directly to the house of the complainant parading around the town with an armalite rifle and with two fully armed body guards. He should not have taken the law into his own hands but rather endorsed the matter to the Office of the Station Commander, considering that the incident involved a police-man and a CAFGU, who were both members of the Po-lice Force. Although, as he claimed that the Sta-tion Commander and his Deputy were out of town, this nevertheless, could not have precluded him from reporting the matter to any police officer in the Office of the Station Commander and leave their confrontation or investigation in the hands of the Police Officers, who had jurisdiction over the protagonists, or at least, to avoid any scandal, call Policeman Saburnido to his office instead of going personally to the house of Pat. Saburnido, fully armed."

The Court agrees with the findings and conclusions of Executive Judge Largo.

Indeed, the gun-pointing incident was witnessed by com-plainant's son, Charliemen, and a neighbor, Teodocia Penton, whose testimonies were neither denied nor contradicted by respondent during the investigation. More, witness Penton has been shown to be a simple barrio resident without any motive to testify falsely against respondent Judge who occupies a re-spectable position in the community. Furthermore, according to the investigating judge:

"The above narrated incident was witnessed by Charliemen Saburnido and Theodocia Penton a neighbor of the complainant. In effect they corroborated the testimony of Venustiano Saburni-do. The complainant also presented a police and Barangay Clearance to show that he had not been accused or convicted of any crime (Exh. "E"); complainant also presented the Extract of the Police Blotter of Balingasag (Exh. "F") to show that the aforesaid incident was reported to the Police Officers of Balingasag, Misamis Oriental."

It was highly improper for a judge to have wielded a high-powered firearm in public and besieged the house of a perceived defamer of character and honor in warlike fashion and berated the object of his ire, with his firearm aimed at the victim - an unarmed policeman, also a person in authority at that, thereby threatening the latter's life. In so doing, respondent judge committed an act of grave impropriety unbecoming of a judge and in violation of the Code of Judicial Conduct, specifically, Rule 2.01, Canon 2, to wit:

"CANON 2

A JUDGE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES

Rule 2.01 -- A judge should so behave at all times as to promote public confidence in the integrity and im-partiality of the judiciary."

Verily, the actuations of respondent Judge tend to destroy the reputation that judges are unblemished in character and firmly adhere to a code of right conduct.

The claim of respondent Judge that he is authorized to carry an M-16 Armalite because he is in the hit list of

rebels, does not confer on him any right to take the law into his own hands or to use the firearm for aggressive purpose to threaten people.

As held by Executive Judge Largo, respondent Judge should have instead left to complainant's superiors or to a police investigator the responsibility of taking the appropriate action on what respondent Judge believed were complainant's excesses.

The case of *Romero vs. Valle, Jr.* (147 SCRA 197 /1987/), is in point. There, a Regional Trial Court Judge, after having engaged a lawyer in a heated discussion during the hearing of a case, lost his temper, banged his gavel in a very forceful manner, unceremoniously walked out of the courtroom and came out of his chamber carrying a gun in plain view of the lawyers and others present in the courtroom.

In finding the said judge guilty of grave misconduct and in ordering him dismissed from the service, the Court held:

"On the other hand, respondent judge exhibited shortness of temper and impatience, contrary to the duties and restrictions imposed upon him by reason of his office. In *Calalang vs. Fernandez*, Adm. Case No. 175-J, June 10, 1971, We stated that a judge should show no shortness of temper for it merely detracts from the equanimity and judicious-ness that should be the constant marks of a dispenser of justice. x x x

"Respondent judge appears to have a valid explanation for carrying a gun, but such explanation cannot be taken as satisfactory for his having chosen to carry the same in plain view of the complainant and other lawyers inside the courtroom when he came out of his chambers on his way to the stairs. Taken in the light of what had just transpired, the actuation of respondent judge was not an innocent gesture, but one calculated to instill fear in or intimidate complainant. We cannot let this pass unnoticed. Respondent judge's behavior constitutes grave misconduct. It is a serious violation of the Canons of Judicial Ethics which required that a 'judge's official conduct should be free from the appearance of impropriety, and his personal behavior, not only upon the bench and in the performance of judicial duties, but also in his every day life, should be beyond reproach.' Moreover, it reveals an attitude diametrically opposed to our pronouncement in *De la Paz v. Inutan*, 64 SCRA 540, that 'the judge is the visible representation of law, and more importantly, of justice.' Certainly, one who lives by the uncivilized precept of 'might is right,' is unworthy of an office entrusted with the duty to uphold the rule of law." (idem, pp. 202-203)

The actuations of respondent judge in the case at bar are even more reprehensible. Respondent did not only display his firearm to intimidate the complainant but pointed the barrel of his high-powered gun at complainant who was unarmed and commanded the latter to surrender for having uttered defamatory words against respondent the night before.

A judge should be beyond reproach even in his private life (*Castillo v. Bersama*, 63 SCRA 388 /1975/). In *De la Paz v. Inutan* (64 SCRA 540 /1975/), a judge who poked his gun at another inside a restaurant while in a state of intoxication was held as not fit for service in the judiciary. Thus:

"The judge is the visible representation of the law and, more importantly, of justice. From him, the people draw their will and awareness to obey the law. They see in him an intermediary of justice between two conflicting interests, specially in the station of municipal judges, like respondent Judge, who have that close and direct contact with the people before anybody else in the judiciary. Thus, for the judge to return that regard, he must be the first to abide by the law and weave an example for the others to follow. He should be studiously careful to avoid even the slightest infraction of the law.

"But, here is a judge who stands across the path of the law. Unperturbed by judicial conscience, he breached the very law he was sworn to uphold. Perhaps in a misplaced display of the influence of his office, he unrestrainedly and openly intoxicated himself in a public place, caused disturbance and alarm, and poked his

gun at an innocent man. He wilfully moved away from the behavioural injunctions of his office and let himself caught by the reaches of misconduct and misdeeds. Such conduct need be sanctioned and must, therefore, be drawn to a close. It throws an indelible stain on the judiciary."

The foregoing disquisition applies with equal force to re-spondent judge.

ACCORDINGLY, Judge Florante E. Madrono is found guilty of conduct unbecoming of a member of the judiciary and is hereby ordered **DISMISSED** from the service, without forfeiture of retirement benefits, but with prejudice to reinstatement in any branch of the government or any of its agencies or instrumentalities.

SO ORDERED.

Gutierrez, Jr., Cruz, Paras, Feliciano, Padilla, Bidin, Grino-Aquino, Medialdea, Regalado, Davide, Jr., Romero, Nocon, and Bellosillo, JJ., concur.
Melencio-Herrera, J., retired.

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