

CELESTINA B. CORPUZ, CLERK OF COURT, MUNICIPAL TRIAL COURT, URDANETA, PANGASINAN, COMPLAINANT, VS. JUDGE ORLANDO ANA F. SIAPNO, PRESIDING JUDGE, MUNICIPAL TRIAL COURT, URDANETA,...

A.M. No. MTJ-96-1106. June 17, 2003

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

Celestina B. Corpuz, Clerk of Court of the Municipal Trial Court of Urdaneta, Pangasinan, filed an Affidavit Complaint[1] against the respondent Orlando Ana F. Siapno, Presiding Judge of the same Court, charging him with Violation of Administrative Circular Nos. 3-92 and 17-94, Anti-Graft and Corrupt Practices Act, Falsification, Conduct Unbecoming of a Public Officer, Abuse of Authority, Delay in the Administration of Justice and Ignorance of the Law.

Complainant alleged that immediately upon his assumption of office, respondent Judge proposed to her that they extort money from litigants; that respondent Judge used his chambers as his residence; that he failed to make the required inventory of cases; that he used his filing cabinet for storing personal belongings instead of case records; that he allowed his family to use a typewriter issued by the Supreme Court; that he dismissed five criminal cases against his friend and drinking companion, Captain Josephus Javonillo; that he falsified his Certificate of Service by stating therein that he conducted sessions everyday of the week when he was always absent on Thursdays and Fridays; that he intimidated three police officers who filed complaints for grave slander against him; that he maligned complainant in the presence of the public; that he sent his court personnel on personal errands such as marketing chores and washing dishes; that he dismissed a rape case despite the interest of the Department of Social Welfare and Development in the case since the victim was a minor; that he returned criminal cases for barangay conciliation despite the presence of certificates to file action therein but entertained the countercharges despite the lack of said certifications; that he failed to resolve three criminal cases within the period prescribed by the Supreme Court; that he failed to award civil damages in Criminal Cases Nos. 12527 and 13482; that he instigated persons to stage a demonstration against complainant; and that he ordered complainant to drop a case for robbery filed by the latter's niece.

Respondent filed his Comment on April 7, 1997,[2] wherein he vehemently denied the charges against him. More specifically, he averred that he sleeps in his houses in Dagupan City and Asingan; that the inventory of cases was done by Judith Tambo under his supervision; that the filing cabinet in his court was not being used for kitchen utensils and personal belongings; that he owns three typewriters and a personal computer in his house; that he does not have drinking sessions with Captain Javonillo; that he holds sessions only from Mondays to Wednesdays because the Public Prosecutor and PAO lawyer assigned to his branch are available only on those days; that the three policemen voluntarily withdrew the cases for grave slander against him; that his resolution dismissing the rape cases were affirmed by the Provincial Prosecutor; that he referred Criminal Cases Nos. 16050, 16039 and

17001 to the barangay conciliation because the validity of the certifications to file action was questioned by the counsel; that all cases forwarded to his chambers are decided and resolved with dispatch; that he did not award civil damages in Criminal Cases Nos. 12527 and 13482 because the prosecution did not present any evidence therefor; that he did not tell complainant and her niece to drop the robbery case.

The Court referred the case to Executive Judge Luis M. Fontanilla of the Regional Trial Court of Dagupan City, Branch 42, for investigation. The case was thereafter referred to the Office of the Court Administrator for evaluation, report and recommendation. The OCA adopted Judge Fontanilla's findings and recommended that all the charges against respondent Judge be dismissed, except that for Ignorance of the Law for failure to award civil damages in Criminal Cases Nos. 12527 and 13482, for which respondent Judge must be fined in the amount of Two Thousand Pesos (P2,000.00).

Pursuant to a Resolution dated March 19, 2001,[3] both parties manifested their willingness to have the case submitted for resolution on the basis of the records.[4]

We agree with the findings and recommendation of the Office of the Court Administrator.

The Investigating Judge found that complainant failed to present substantial evidence to prove her allegations that respondent proposed to her the extortion of litigants; that he used his chambers as his place of residence; that he used the filing cabinet for his kitchen utensils, that he devoted the typewriter issued by this Court for use by his family; that he had drinking sprees with Capt. Javanillo; that he sent court personnel on unofficial errands; that the dismissal of the rape charges were unjustified. Moreover, the Investigating Judge found that the charges that respondent Judge failed to hold sessions on Thursdays and Fridays are unfounded.

Anent the charge of failure to conduct the docket inventories, a judge is not required to personally catalog the records of cases during the physical inventory. This can be delegated to members of his staff who should regularly report to him. Precisely, this is what respondent did in this case when he instructed Judith Tambo to do the physical count of the case records.

Regarding the return of Criminal Cases Nos. 16050, 16039 and 17001 to the Barangay Captain in spite of the issuance of a Certification to File Action, Investigating Judge Fontanilla pointed out that respondent is presumed to have acted in good faith because he was apparently motivated by the idea that the charges and counter-charges could be settled before the barangay captain. It must be remembered that a judge enjoys the presumption of regularity in the performance of his function no less than any other public officer.[5] The presumption of regularity of official duty may be rebutted by affirmative evidence of irregularity or failure to perform a duty.[6] Every reasonable intendment will be made in support of the presumption and in case of doubt as to an officer's act being lawful or unlawful, construction should be made in favor of its lawfulness.[7]

Moreover, complainant based the charges on the "nagging suspicion" that respondent was influenced by the fact that her brother was the private prosecutor in the cases which were filed with his court. As held by the Investigating Judge, respondent cannot be disciplined based on a "nagging suspicion." [8] The dearth of evidence to substantiate this accusation justifies respondent's absolution from the charge. Surely, we cannot allow ourselves to be a medium in destroying the reputation of any member of the bench by pronouncing his guilt with alacrity on a mere accusation based on tenuous, if not nonexistent, evidentiary support. In administrative proceedings, the burden of proof that respondent committed the act complained of rests on complainant. Failing in this, the complaint must be dismissed.[9]

As to respondent Judge's failure to award civil damages in Criminal Cases Nos. 12527 and 13482, the records disclose that both accused in said cases pleaded guilty to the charges against them and respondent Judge imposed

finer corresponding to the damages alleged in the Informations therein. In Criminal Case No. 12527, the Information alleged that the damages suffered amounted to P38,800.00.[10] Respondent Judge imposed on accused a fine of P33,900.00 representing the amount of repair on the damaged property.[11] Similarly, in Criminal Case No. 13482, damage to property in the amounts of P34,700.00 and P15,000.00 were alleged in the Information. Respondent Judge meted out a fine of P49,700.00 representing the damages sustained by the offended parties.

In justifying his omission to award civil damages, respondent Judge alleges that the prosecution did not present any evidence regarding the civil aspect of the case.[12] This was error. Concomitant with his rendition of a guilty verdict, respondent should likewise make a finding on the accused's civil liability because it is basic that every person criminally liable is also civilly liable.[13] Furthermore, Article 2202 of the Civil Code provides that:

In crimes and quasi-delicts, the defendant shall be liable for all damages which are the natural and probable consequences of the act or omission complained of. It is not necessary that such damages may have been foreseen or could have reasonably been foreseen by the defendant.

Under the Revised Rules on Criminal Procedure, when a complaint or information is filed even without any allegation of damages and the intention to prove and claim them, it is understood that the offended party has the right to prove and claim for them, unless a waiver or reservation is made,[14] or unless in the meantime, the offended party instituted a separate civil action.[15] In such case, the civil liability arising from a crime may be determined in the criminal proceedings if the offended party does not waive to have it adjudged or does not reserve the right to institute a separate civil action against the defendant.[16] Accordingly, if there is no waiver or reservation of civil liability, evidence should be allowed to establish the extent of injuries suffered.[17]

The rule expressly imposes upon the courts the duty of entering judgment with respect to the civil liability arising from the offense, if no reservation has been made to ventilate it in a separate action.[18] Indeed, even in case of an acquittal, unless there is a clear showing that the act from which the civil liability might arise did not exist, the judgment shall make a finding on the civil liability of the accused in favor of the offended party.[19] Therefore, it was error for respondent not to have entered judgment with respect to the civil liability.[20]

It is also fundamental that the imposition of the fine imposed in the criminal case is not for the purpose of indemnifying the aggrieved party but for vindicating the State for the offense committed by the wrongdoer.

[A]n offense causes two classes of injuries—the first is the social injury produced by the criminal act which is sought to be repaired thru the imposition of the corresponding penalty, and the second is the personal injury caused to the victim of the crime which injury is sought to be compensated thru indemnity which is civil in nature. Hence, when no civil action is expressly instituted it shall be impliedly instituted with the criminal action. That means that if two actions are joined in one as twins, each one complete with the same completeness as any of the two normal persons composing a twin. It means that the civil action may be tried and prosecuted, with all the ancillary processes provided by law.[21] (emphasis and italics supplied)

The methods for indemnifying the private complainant is provided for under the provisions on civil liability which, under Article 104 of the Revised Penal Code, includes: restitution;[22] reparation for the damage caused;[23] and indemnification for consequential damages.[24] Pursuant to these statutory provisions, it behooves respondent to require the production of evidence to make a finding on civil liability. This is especially so where the accused has pleaded guilty and has therefore admitted his liability.

When a judge displays an utter unfamiliarity with the law and the rules, he erodes the confidence of the public in the courts. A judge owes the public and the court the duty to be proficient in the law and is expected to keep abreast of laws and prevailing jurisprudence.[25] Ignorance of the law by a judge can easily be the mainspring of

injustice.[26]

While we agree with the recommendations for the dismissal of the charges against respondent Judge except for Ignorance of the Law, we find the recommended amount of fine to be insufficient.

The records show that this is not respondent's first administrative case. He has been administratively sanctioned by the Court in the following cases:

(1) Re: Absences of Judge Orlando A. Siapno,[27]where respondent was suspended indefinitely on April 15, 1997;

(2) Lu v. Siapno,[28]an administrative complaint for gross incompetence, gross ignorance of the law, gross misconduct and abdication of official function, where respondent judge was imposed a fine of Five Thousand Pesos (P5,000.00) and sternly warned that the commission of the same or similar acts in the future will be dealt with more severely; and

(3) Judge Alicia Gonzales-Decano v. Judge Orlando Ana F. Siapno,[29]a case filed against respondent by Urdaneta RTC Executive Judge Decano for his failure to decide several cases with in the required periods, where he was again fined Five Thousand Pesos (P5,000.00) and sternly warned that a repetition of the same or similar acts would be severely dealt with.

Obviously, being chastised thrice has not reformed respondent judge. It seems that respondent has remained undeterred in disregarding the law which he has pledged to uphold and the Code which he has promised to live by.[30] He appears to be unfazed by the previous penalties and warnings he received.[31]

Given the foregoing circumstances, more stringent penalties than those recommended by the Investigating Judge is warranted in this case. The amount of Twenty Thousand Pesos (P20,000.00) is more commensurate for respondent Judge's infraction in this case.

WHEREFORE, in view of all the foregoing, respondent Judge Orlando Ana F. Siapno is found GUILTY of Gross Ignorance of the Law and is FINED the amount of Twenty Thousand Pesos (P20,000.00). He is also STERNLY WARNED that a repetition of the same or similar offense in the future would be dealt with more severely.

All other charges filed against respondent Judge are DISMISSED for lack of merit.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Vitug, Carpio, and Azcuna, JJ., concur.

[1] Rollo, Vol. 1, pp. 1-10.

[2] Id., pp. 233-252.

[3] Id., p. 299.

[4] Id., pp. 301, 303.

[5] People v. Belaro, 307 SCRA 591, 600 [1999]; see also Rule 131, Section 3(m) of the Rules of Court.

[6] People v. De Guzman, 229 SCRA 795, 799 [1994].

[7] Magsucang v. Judge Rolando V. Balgos, A.M. No. MTJ-02-1427, 27 February 2003, citing People v. De Guzman, supra.

- [8] Memorandum of the Court Administrator dated April 14, 1999, p. 17.
- [9] Atty. Melecio A. Cea v. Judge Orlando C. Paguio, A.M. No. MTJ-03-1479, 17 February 2003.
- [10] Rollo, Vol. 1, p. 130.
- [11] Id., p. 131.
- [12] Exhibit 3, p. 18.
- [13] Article 100, Revised Penal Code.
- [14] Francisco, R.J. Criminal Procedure, 3rd ed. (1996), p. 124, citing *People v. Orosa*, 83 Phil. 683 [1949] and *People v. Coloma*, 105 Phil. 1287 [1959].
- [15] Section 1, Rule 111, of the Revised Rules of Court, now Section 1, Rule 111 of 2000 Revised Rules on Criminal Procedure.
- [16] *Roa v. Dela Cruz*, 107 Phil. 8. [1960].
- [17] *People v. Celorico*, 67 Phil. 185 [1939].
- [18] Francisco, R.J. Criminal Procedure, *supra*, p. 124.
- [19] Id., p. 134, citing Section 2, Rule 120 of the Revised Rules of Court, now Section 2, paragraph 2, Rule 120 of the 2000 Revised Rules on Criminal Procedure.
- [20] Id., p. 125, citing *Springer v. Odlin*, 3 Phil. 344 [1904].
- [21] Francisco, R.J., Criminal Procedure, 3rd ed. (1996), p. 124.
- [22] Article 105, Revised Penal Code.
- [23] Article 106, Revised Penal Code.
- [24] Article 107, Revised Penal Code.
- [25] *Oporto, Jr. v. Judge Eddie Monserate*, A.M. No. MTJ-00-1255, 16 April 2001, 356 SCRA 443.
- [26] *Mutulan v. Judge Santos B. Adiong*, A.M. No. RTJ-00-1581, 2 July 2002, citing *Espino, et al. v. Salubre*, 352 SCRA 668 [2001].
- [27] A.M. No. 97-3-31-MTC.

[28] 335 SCRA 181 [2000].

[29] 353 SCRA 269 [2001].

- [30] Judge Pedro B. Cabatingan, Sr. (ret.) v. Judge Celso A. Arcueno, A.M. No. MTJ-00-1323, 22 August 2002, citing *Marcos-Manotoc v. Agcaoili*, 330 SCRA 368 [2000].
- [31] Id.; *Lu v. Siapno*, *supra*; *Gonzales-Decano v. Siapno*, *supra*; *Re: Absences of Judge Orlando A. Siapno*, *supra*.

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