

LOURDES V. VILLANUEVA, COMPLAINANT, VS. ATTORNEY CARLOS M. FERRER AND FISCAL ROMEO G. MAURICIO, RESPONDENTS.*Adm. Case No. 1220. October 27, 1973*

Ponente: FERNANDO, J.

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The seriousness of the charges of oppression and harassment urged with such vehemence by Lourdes V. Villanueva against respondent Carlos M. Ferrer, a member of the Philippine Bar, and respondent Fiscal Romeo G. Mauricio of Cabanatuan, more specifically in that groundless suits were being prosecuted against her, impelled us to inquire further into the matter. It would appear from her complaint, originally filed with the Department of Public Information, that she was the respondent in an administrative case for violation of the Civil Service Law filed by one Alcomtiser P. Tumangan and likewise made the respondent by him in five criminal complaints filed with the city fiscal of Cabanatuan, respectively for violation of the Civil Service Law, for perjury or falsification, two separate cases of falsification, and for using falsified documents. Her main grievance is that without "the active guidance" of respondent Carlos M. Ferrer, there would have been no notice taken of the so-called "sinister actuations of Mr. Tumangan." [1] As far as Fiscal Mauricio, on the other hand, is concerned, she would complain against his obvious partiality in favor of Mr. Tumangan, who was even instructed as to what steps to take "in furthering his unjust scheme" [2] against complainant. What is more, she made mention of such fiscal, being the officer-in-charge, filing an information against her on a Friday afternoon, thus making her run the risk of being arrested and being immediately incarcerated because of the time limit in filing a bail bond. Such conduct on the part of the fiscal she would impute to respondent Ferrer being "a close relative of Fiscal Mauricio's wife." [3]

There was no strict need for this Court to pursue the matter further, for it may be discerned that the complaint could be viewed as premature. Nonetheless, with the endorsement thereof to us by the Department of Public Information, and in the light of our holding in *Tobias v. Ericita* [4] stressing the desirability of vitalizing the constitutional right to petition, we required, in our resolution of August 16, 1973, respondents Ferrer and Mauricio to answer.

Under date of September 13, 1973, a detailed answer came from respondent Carlos M. Ferrer. He did characterize therein the complaint against him as "frivolous, unfounded and baseless." [5] In support of such a claim, he presented seventeen annexes, all of which he relied upon to justify the prosecutions instituted against complainant. More specifically, as far as the harassment charge is concerned, he alleged: "My client (Alcomtiser P. Tumangan) and I did not harass complainant Mrs. Lourdes V. Villanueva. Our actions are according to laws and guaranteed by our Constitution. As a matter of fact, complainant Mrs. L. Villanueva had already charged my client administratively for oppression and harassment before the Director of Public Schools, but the Director of Public Schools had dismissed the complaint for lack of merit and being baseless. The offended party (Alcomtiser P. Tumangan) and I as a lawyer resorted to all legal means and wheels of justice in the prosecution of the cases against Mrs. Lourdes V. Villanueva (complainant herein). Mr. Tumangan filed criminal cases with the Fiscal's Office of Cabanatuan City against Mrs. Villanueva for violation of the Civil Service Laws and Rules. Those

criminal cases were dismissed by the fiscal. I moved for the reconsideration of said ruling on the ground that the fiscal should have looked into the matter not only on the basis of the Civil Service Laws and Regulations but also on the basis of the penal laws. My motion for reconsideration was acted upon favorably. The cases were split into three cases assigned to three fiscals. Upon agreement of both lawyers of Mrs. Villanueva and Mr. Tumangan, with the conformity of the two contending parties, the split cases were assigned to the fiscal who is handling the complaint with the lowest number. This fiscal is Fiscal Mauricio. He filed a criminal case against Mrs. Villanueva using a falsified document, the penalty of which is lower by one degree than the crime of falsification. In my capacity as lawyer of Mr. Tumangan, I again moved for a reconsideration of this ruling, in my firm and sincere conviction that the crime of falsification is the most appropriate charge against Mrs. Villanueva, for if the latter was using [a] falsified document, then it goes without saying that there was falsification. This should be the charge and not merely using a falsified document. This reconsideration is now pending investigation and resolution by Fiscal Romeo Mauricio. Mrs. Villanueva and her lawyer know pretty well that the decision of the investigating fiscal is not final. It can be appealed to higher authorities such as the City Fiscal or the Justice Department. This they have not done, instead Mrs. Villanueva filed an administrative case against me. To me this is plain and simple coercion and an obstruction of the administration of justice. The case is before the City Court of Cabanatuan City. Why not let the wheels of justice take the ordinary course? * * *"[6] On the question of his alleged influence, he said the following: "May I be permitted to state further that I am already 70 years old. I am not a public official who can bestow [favors]. I am not a rich man to give pabagsak. I am already in the late afternoon of my life. How can I be influential to a public officer like Mr. Mauricio who is in the prime of his youth? Can Mr. Mauricio, in his right mind, sacrifice his future for a mere '[mess] of pottage'? As I have stated somewhere in this answer, the selection of Fiscal Mauricio as the Investigating Fiscal of these CFO Cases against Mrs. Villanueva is not my own making. The selection came from the common agreement of the contending parties (Mrs. Villanueva and Mr. Tumangan) as a result of a long standing regulation of the City Fiscal's Office of Cabanatuan to assign cases of and by the same persons to just one investigating fiscal. Speaking of influence, may I state that Mrs. Villanueva is more in a position to be influential over Mr. Mauricio than my humble self. Mrs. Villanueva is from an affluent family. She is a teacher of the Nueva Ecija High School where a child of Mr. Mauricio is presently studying. I have no son or daughter studying in said school. Someday, Fiscal Mauricio may seek the favor of Mrs. Villanueva about his child. This may be the reason why a slight offense, instead of a serious one, has been filed by the fiscal against Mrs. Villanueva."[7] He maintained that the claim of relationship was untenable, as the wife of the fiscal, far from being a close relative of his, was at the most a distant relation, her deceased father being a tenth-degree cousin of his own father, likewise deceased. What is more, he added the following: "The truth of the matter is that this relationship claim as ventilated by Mrs. Villanueva has worked to the damage and prejudice of Mr. Tumangan. If such relationship shall be the basis for the prosecution of Mrs. Villanueva, the easiest way to terminate the investigations and wash off the hands of the Investigating Fiscal is to prepare and sign the informations, file the same in court and let the court hear, try and decide said cases. But this was not done by the fiscal in spite of the lapse of several months. Only a felony for a lesser crime has been filed. The other cases are waiting for investigation and resolution after I have moved for a reconsideration."[8] He thus sought the dismissal of the complaint.

There was likewise an answer filed by Fiscal Romeo G. Mauricio on September 14, 1973, supplemented by a more extensive pleading, entitled "Supplemental Answer" on September 27, 1973. He did deny vehemently under oath all the allegations of the complaint insofar as they referred to him, characterizing the accusations therein as "false, untrue and * * * groundless", coming as it did from "a disgruntled, vindictive and irresponsible litigant" against whom he had "filed an information with the City Court * * * for violation of Paragraph 3 of Article 172 of the Revised Penal Code * * *"[9] Then, he did set forth in a very detailed manner that two of the three complaints instituted against Lourdes V. Villanueva for falsification were originally assigned to two other investigating

fiscals and only the third, for perjury and falsification, was given to him, but upon the joint request of both complainant Villanueva and Alcomtiser Tumangan, all the cases were reassigned to him.[10] He then proceeded to set forth that he conducted the preliminary investigation, with both parties being assisted by their respective counsel.[11] It was the gravity of the charges and the voluminous number of complaints he had to attend to that took time, not to mention his appearances almost daily in the Court of First Instance to prosecute criminal cases. The earliest he could submit his recommendation then was on May 8, 1973. There was, therefore, no truth to the accusation of complainant that there was "dilly-dallying" on his part.[12] He would likewise consider absurd and ridiculous the statement of complainant that he allowed Alcomtiser Tumangan to file another complaint against her, for, according to him, he had no power to prevent the institution thereof.[13] Moreover, he would point out that after the original three cases as well as the subsequent complaint for alleged violation of paragraph 3 of Article 172 of the Revised Penal Code were heard by him and the parties rested their case on June 29, 1973, it took him only seven days, to be more precise, on July 6, 1973, to dismiss three cases against her and to file in court only the last case for violation of paragraph 3 of Article 172 of the Revised Penal Code.[14] He did make mention also that the reason why there was such a case filed in court was not only the evidence submitted by Alcomtiser Tumangan, but also an admission of complainant Villanueva. Moreover, the dismissal of three of the cases certainly would disprove the charge of partiality.[15] Concerning the alleged relationship, he asserted that he was not even aware of whether or not his wife is a distant relative of respondent Ferrer, although he was informed that there is such kinship, if rather distant. In addition, he would inquire why, if complainant Villanueva knew that his wife was related to the counsel of Tumangan, she agreed to his handling the cases against her when she was aware of his reluctance to do so because his workload was already heavy.[16] In seeking the dismissal of the complaint against him for lack of merit, he would emphasize that he "has never been influenced in the conduct of his preliminary investigation of these four (4) cases by any person, and would not yield to any influence if there had been any; the herein respondent is still young * * *, and knows he has a future to preserve especially in the judiciary which is a dream of almost every member of the bar * * *." [17]

From the records of the case then, it is apparent that complainant had no basis for hurling such charges against respondent Carlos M. Ferrer and respondent Romeo G. Mauricio. The very detailed answers on their part would easily disprove how reckless was complainant in attributing to them the serious charges of oppression and harassment. Both respondents were just discharging their duties as they saw fit. Nor is it a failing of respondent Carlos M. Ferrer if he plunged into his task, notwithstanding his advanced years, with zeal. So a lawyer is expected to act. In manifesting fidelity to the requirements of his profession, he is not to be penalized. Much less is respondent Romeo G. Mauricio to be held accountable administratively. Again, what was done by him was strictly in accordance with the requirements of public service. He had a duty to perform, and he complied with the responsibility entrusted to him. If, thereafter, he is to be taken to task, certainly it is he, not complainant, who would be the victim of an injustice. The only thing that needs further be said is that complainant Lourdes V. Villanueva is to be cautioned in the future to exercise a little more care before attempting to bring into disrepute members of the Bar who have done nothing to deserve such obloquy.

WHEREFORE, the complaint of Lourdes V. Villanueva for oppression and harassment against respondent Carlos M. Ferrer and respondent Romeo G. Mauricio is hereby dismissed. Let a copy of this resolution be spread on their records. The Department of Public Information should likewise be furnished a copy thereof.

Makalintal, C.J., Zaldivar, Ruiz Castro, Teehankee, Makasiar, Antonio, and Esguerra, JJ., concur.
Barredo, J., did not take part.

[1] Affidavit, 2.

[2] Ibid.

[3] Ibid, 3.

[4] Adm. Case No. 242-J, July 29, 1972, 46 SCRA 83.

[5] Answer of Respondent Carlos M. Ferrer, 1.

[6] Ibid, 3-4.

[7] Ibid, 4-5.

[8] Ibid, 5.

[9] Supplemental Answer, par. 4.

[10] Ibid, pars. 5-6.

[11] Ibid, pars. 7-9.

[12] Ibid, pars. 10-15.

[13] Ibid, pars. 16-17.

[14] Ibid, pars. 18-20.

[15] Ibid, pars. 21-23.

[16] Ibid, pars. 24-27.

[17] Ibid, par. 29.

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