

DOMINADOR C. BALDOZA, COMPLAINANT, VS. HON. JUDGE RODOLFO B. DIMAANO, RESPONDENT.

Adm. Matter No. 1120-MJ. May 05, 1976

Ponente: ANTONIO, J.

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ANTONIO, J.:

In a verified letter-complaint dated September 9, 1975, the Municipal Secretary of Taal, Batangas, charges Municipal Judge Rodolfo B. Dimaano, of the same municipality, with abuse of authority in refusing to allow employees of the Municipal Mayor to examine the criminal docket records of the Municipal Court to secure data in connection with their contemplated report on the peace and order conditions of the said municipality. Respondent, in answer to the complaint, stated that there has never been an intention to refuse access to official court records; that although court records are among public documents open to inspection not only by the parties directly involved but also by other persons who have legitimate interest to such inspection, yet the same is always subject to reasonable regulation as to who, when, where and how they may be inspected. He further asserted that a court has unquestionably the power to prevent an improper use or inspection of its records and the furnishing of copies therefrom may be refused where the person requesting is not motivated by a serious and legitimate interest but acts out of whim or fancy or mere curiosity or to gratify private spite or to promote public scandal.

In his Answer, the respondent significantly observed:

"Restrictions are imposed by the Court for fear of an abuse in the exercise of the right. For fear that the dirty hands of partisan politics might again be at play. Some of the cases filed and decided by the Court after the declaration of Martial Law and years after the election still bore the stigma of partisan politics as shown in the affidavits and testimonies of witnesses.

"Without casting aspersion on any particular individual, it is worth mentioning, that the padlocks of the door of the Court has recently been tampered by inserting papers and matchsticks.

"Under the circumstances, to allow an indiscriminate and unlimited exercise of the right to free access, might do more harm than good to the citizenry of Taal. Disorder and chaos might result defeating the very essence of their request. The undersigned is just as interested as Mr. Baldoza in the welfare of the community and the preservation of our democratic principles.

"Be that as it may, a request of this magnitude cannot be immediately granted without adequate deliberation and upon advisement, especially so in this case where the undersigned doubts the propriety of such request. Hence, it is believed that authority should first be secured from the Supreme Court, through the Executive Judge, for the formulation of guidelines and policies on this matter."

The case was thereupon referred to Judge Francisco Mat. Riodique for investigation and report. At the preliminary hearing on October 16, 1975, Taal Mayor Corazon A. Cañiza filed a motion to dismiss the complaint to preserve harmony and cooperation among officers in the same municipality. This motion was denied by the Investigating Judge, but after formal investigation, he recommended the exoneration of respondent. Pertinent portion of his

report reads as follows:

"* * * When this case was heard, complainant Dominador Baldoza informed the Court that he is aware of the motion to dismiss filed by Mayor Corazon A. Cañiza and that he is in conformity with the dismissal of the administrative charge against Judge Rodolfo Dimaano. The Court asked him if he could prove his case and he said he can. So, the Court denied his oral motion to dismiss and required him to present his evidence. Complainant only manifested to the Court that he has no oral evidence. The only evidence he has are the exchanged communication which were all in writing and attached to the record between him and the respondent. The Court asked the respondent what he has to say on the documentary evidence of the complainant. He manifested that all his answers to the complaint are all embodied in his answers filed with the Court.

"A careful perusal, scrutiny, and study of the communications between the complainant and the respondent, together with the answers filed by the latter, reveal that there is no showing of abuse of authority on the part of the respondent. The respondent allowed the complainant to open and view the docket books of the respondent under certain conditions and under his control and supervision. Complainant admitted that he was aware of the rules and conditions imposed by the respondent when he went to his office to view his docket books for the purpose mentioned in his communication. He also agreed that he is amenable to such rules and conditions which the respondent may impose. Under these conditions, therefore, the Court finds that the respondent has not committed any abuse of authority.

"The complainant was warned to be more cautious in filing any administrative charge against any public official especially, members of the judiciary, considering that an administrative charge against a member of the judiciary may expose the latter to public ridicule and scandal thereby minimizing if not eradicating public trust and confidence."

After a careful evaluation of the recommendation, We find that the respondent did not act arbitrarily in the premise. As found by the Investigating Judge, the respondent allowed the complainant to open and view the docket books of respondent under certain conditions and under his command and supervision. It has not been shown that the rules and conditions imposed by the respondent were unreasonable. The access to public records is predicated on the right of the people to acquire information on matters of public concern. Undoubtedly in a democracy, the public has a legitimate interest in matters of social and political significance. In an earlier case,[1] this Court held that mandamus would lie to compel the Secretary of Justice and the Register of Deeds to examine the records of the latter office. Predicating the right to examine the records on statutory provisions, and to a certain degree by general principles of democratic institutions, this Court stated that while the Register of Deeds has discretion to exercise as to the manner in which persons desiring to inspect, examine or copy the records in his office may exercise their rights, such power does not carry with it authority to prohibit. Citing with approval *People ex rel. Title Guarantee & T. Co. vs. Raily*,[2] this Court said:

"The subject is necessarily committed, to a great degree, to his (register of deeds') discretion as to how much of the conveniences of the office are required to be preserved for the accommodation of these persons. It is not his duty to permit the office to be thronged needlessly with persons examining its books of papers, but it is his duty to regulate, govern, and control his office in such a manner as to permit the statutory advantages to be enjoyed by other persons not employed by him as largely and extensibly as that consistently can be done * * *. What the law expects and requires from him is the exercise of an unbiased and impartial judgment, by which all persons resorting to the office, under legal authority, and conducting themselves in an orderly manner, shall be secured their lawful rights and privileges, and that a corporation formed in the manner in which the relator has been, shall be permitted to obtain all the information either by searches, abstracts, or copies, that the law has entitled it to obtain."

"Except, perhaps, when it is clear that the purpose of the examination is unlawful, or sheer, idle curiosity, we

do not believe it is the duty under the law of registration officers to concern themselves with the motives, reasons, and objects of the person seeking access to the records. It is not their prerogative to see that the information which the records contain is not flaunted before public gaze, or that scandal is not made of it. If it be wrong to publish the contents of the records, it is the legislature and not the officials having custody thereof which is called upon to devise a remedy. As to the moral or material injury which the publication might inflict on other parties, that is the publisher's responsibility and lookout. The publication is made subject to the consequences of the law."

The concurring opinion of Justice Briones predicated such right not on statutory grounds merely but on the constitutional right of the press to have access to information as the essence of press freedom.[3]

The New Constitution now expressly recognizes that the people are entitled to information on matters of public concern and thus are expressly granted access to official records, as well as documents of official acts, or transactions, or decisions, subject to such limitations imposed by law.[4] The incorporation of this right in the Constitution is a recognition of the fundamental role of free exchange of information in a democracy. There can be no realistic perception by the public of the nation's problems, nor a meaningful democratic decision-making if they are denied access to information of general interest. Information is needed to enable the members of society to cope with the exigencies of the times. As has been aptly observed: "Maintaining the flow of such information depends on protection for both its acquisition and its dissemination since, if either process is interrupted, the flow inevitably ceases." [5] However, restrictions on access to certain records may be imposed by law. Thus, access restrictions imposed to control civil insurrection have been permitted upon a showing of immediate and impending danger that renders ordinary means of control inadequate to maintain order.[6]

Wherefore, the case against respondent is hereby dismissed.

Fernando, Acting C.J., Barredo, Aquino, and Martin, JJ., concur.

Concepcion, Jr., J., is on leave.

Martin, J., was designated to sit in the Second Division.

[1] Sabido vs. Ozaeta, 80 Phil. 383 (1948).

[2] (1886), 38 Hun (N.Y.) 429.

[3] "Se dice, sin embargo, que esa prohibicion nada tiene que ver con la libertad de imprenta. Pero pregunto: de quele sirve a la prensa la libertad si, por otro lado, se le niegan los instrumentos para ejercer esa libertad, se le cierran las fuentes publicias de informacion — fuentes que son de vida o muerte para la prensa, pues de ellas mismas dimana y fluye el jugo esencial de su existencia?" (Sabido vs. Ozaeta, supra p. 394.)

[4] Article IV, Section 6, New Constitution.

[5] 87 Harvard Law Review 1505.

[6] Ibid., pp. 1518-1519.

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