

FRANCISCO AWA-AO, COMPLAINANT, VS. JUDGE RAMON SISON, JR., MERCEDES, EASTERN SAMAR, RESPONDENT.

Adm. Matter No. 28-MJ. October 30, 1979

Ponente: BARREDO, J.

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BARREDO, J.:

Administrative complaint against Judge Ramon P. Sison, Jr. of Mercedes, Eastern Samar, involving his actuations as Acting Municipal Judge of Guiuan, Eastern Samar in Barrio Election Case No. 127 entitled Francisco Awa-ao et al. vs. Diego Yodico et al., for annulment of the election of barrio officials.

The thrust of the complaint is that respondent judge illegally and with ignorance of the law dismissed the complaint in the above-mentioned case and that the motion for reconsideration of said order of dismissal remained unacted upon beyond the ninety (90) day period prescribed by the Judiciary Act of 1948 as amended. After the usual preliminaries, the matter was referred for investigation to the Executive Judge of the Court of First Instance of Eastern Samar, Judge Andres P. Arche, who, after proper proceedings, submitted his report and recommendation finding in effect that the charge of illegal dismissal of Case No. 127 by respondent judge was justified by no less than the admission of the complainants themselves, except, to a certain extent, Francisco Awa-ao, that they had no personal knowledge of the material facts complained of, hence, the charges were sham, and, as regards the delay in resolving the motion for reconsideration, the excuse of respondent that because subsequently he came to know that somehow his younger brother, Atty. Cornelio Sison, then Mayor of Guiuan was involved he had inhibited himself from further acting in this case was uncalled for, considering, according to said Investigator, that inasmuch as it was respondent's actuation that was being asked to be reconsidered, "he is (sic) the best person to resolve the same." On the foregoing basis, Judge Arche recommended that respondent be "warned to be more careful in the performance of his duties in conformity with the norms of conduct under the aegis of the New Society."

On the other hand, Justice Manuel P. Barcelona, then the Judicial Consultant of this Court, submitted a report reading in part as follows:

"Anent the first issue, while respondent erred or acted with some arbitrariness in dismissing the petition for annulment of the election result in Bo. Bagua, Guiuan, Eastern Samar, the error is an error of judgment and not tinged with bad faith or malice. In the first place, the petitioners themselves with the exception of one denied the material allegations in the petition; and secondly, respondent honestly believed that verification is required as provided for under Rule 7, Sec. 5 of the New Rules of Court.

"With regards to the second issue, that "he failed to resolve the motion to set aside the order after the lapse of almost nine (9) months", the records disclose that petitioners filed on April 3, 1972, a motion to set aside the order of dismissal dated February 18, 1972; and that from then on up to October 16, 1972 when respondent inhibited himself from trying the case, the said motion was not resolved. I believe that respondent's inhibition came only as an afterthought in order to evade his liability for not resolving the motion for almost six (6) months after it was submitted for resolution without further argument by the petitioners. His reason for

inhibiting was that there was mention of the actuations of his brother during the barrio election, which was the cause for filing an action for annulment. If that were so, why did respondent rule and subsequently dismiss the petition for the annulment of the result of the election at Bo. Bagua, when on paragraph 5 of said petition, his brother, the Mayor of Guiuan, was prominently mentioned as having conspired with the Board of Election tellers? Clearly therefore, respondent has delayed the disposition of the motion to dismiss the order of February 18, 1972.

"In view of the foregoing, I find respondent administratively liable for neglect of duty, for which I respectfully recommend that he be suspended for one (1) month without pay to deter him from committing the same or similar negligence in the future." (Pp. 169-170, Record.)

After a careful review of the record together with the evidence submitted at the investigation, and considering the arguments adduced at the hearing of this case on January 30, 1976, as well as the memoranda of the parties submitted on February 19 and March 18, 1976, the Court is of the considered opinion that the controversy herein spawned largely from the unfortunate designation of respondent as acting judge in the municipality of which his younger brother aforementioned was, as he might still be, the Mayor. The unpleasant incidents and suspicions of improper motivations could have all been avoided, if such designation had not been done. Unfortunately, this Court was not informed of this particular detail when We issued the resolution approving the said designation.

In any event, the Court is not fully satisfied that respondent acted entirely without any fault not only in the delay in disposing of the motion for reconsideration of complainant but also in dismissing outrightly their complaint. It may well be quite correct that he initially refused to act thereon because it was unverified, but his insistence that the residence certificates used by complainants, perhaps in their hurry, when they submitted their verification, were not of the current year is a circumstance that appears to Us as something that has more than meets the eye. The pertinent law requires by its nature the earliest disposal of the case which involved the election of barrio officials, and since it is not definite after all that the complaint in such a case should be, according to law, under oath, respondent, if he were acting according to the highest standards of his office should have proceeded with more circumspection and less technical requirements. Besides, it is not easy to believe that the political interests of his brother, the mayor, was completely unknown to him, considering how political affairs spread throughout small towns even without any other public medium than mouth to mouth communications. And taking into account that suffrage is of utmost importance in the political life of our country, particularly in the grassroot level of the barrios, respondent should all the more have been extremely careful and upright in dealing with the matter before him, referring as it did to the annulment of the whole election of the officials in the barrio concerned.

IN VIEW OF ALL THE FOREGOING, the Court finds respondent Municipal Judge Ramon P. Sison, of Mercedes, Eastern Samar, guilty of conduct unbecoming of a member of the judiciary in his actuations as acting municipal judge of Guiuan, Samar, as basically charged in the complaint, and he is hereby administered a severe reprimand and fined the equivalent of his salary for one month at the rate prevailing on December 18, 1972 when this case began. Any other misconduct on his part will be dealt with more severely. Let this decision be entered in his personal record.

Antonio, Aquino, Concepcion, Jr., Santos, and Abad Santos, JJ., concur.

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