

SERVILLANO EVANGELISTA VS. JUDGE JUAN A. BAES.

Unnumbered CAR Case. December 26, 1974

Ponente: CASTRO, J.

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CASTRO, J.:

Except for the first, each of the above- captioned cases involves multiple administrative charges filed against Judge Juan A. Baes of the Court of Agrarian Relations, Branch I, 7th Regional District.

In the first "case" captioned "Servillano Evangelista vs. Judge Juan A. Baes," Evangelista, in an unverified letter, requests this Court "to require the Court of Agrarian Relations x x x to decide the x x x case (Servillano Evangelista vs. Josefina Calupitan, CAR Case No. 1773), within the reglementary period as provided for in the New Constitution," the same having allegedly pended decision since 1970.

The letter can by no means be regarded as a complaint as it does not comply with the requisites of a complaint, as set forth in Section 1 of Rule 140 of the Rules of Court.

"Section 1. Complaint. — All charges against judges of first instance shall be in writing and shall set out distinctly, clearly, and concisely the facts complained of as constituting the alleged serious misconduct or inefficiency of the respondent, and shall be sworn to and supported by affidavits of persons who have personal knowledge of the facts therein alleged, and shall be accompanied with copies of documents which may substantiate said facts."

This provision equally applies to judges of agrarian relations, as provided by Section 144 of Republic Act 3844, which reads in pertinent part as follows:

"The judge may be suspended or removed in the same manner and upon the same grounds as judges of the Court of First Instance."

Because Evangelista's letter is not sworn to, does not set out facts constituting any alleged serious misconduct or inefficiency of the respondent, and merely requests this Court to order the agrarian court to decide a certain case within a specified period, the said letter may not properly be treated as an administrative complaint.

Administrative Case No. 585-CAR

Paciano Basuan vs. Judge Juan A. Baes

Judge Baes is here charged with (1) knowingly rendering an unjust judgment in violation of art. 204 of the Revised Penal Code, and (2) a violation of the Anti-Graft and Corrupt Practices Act.

The first charge. Ferardo Basuan, one of the plaintiffs in CAR Case No. 1438, failed to appear at the pre-trial, but Paciano Basuan, his co-plaintiff, appeared. For failure of Ferardo to appear, Judge Baes ordered the dismissal of the entire case, thus affecting also Paciano, which should not have been the case. The order is indeed erroneous, but the motivation for its issuance excludes malice or a deliberate attempt on the part of the respondent to cause injustice. The transcript of the stenographic notes taken at the pre-trial indicates that the hearing of the case had

been postponed several times at the behest of the plaintiffs; that they were previously warned that the pre-trial would proceed whether they had a lawyer or not; that despite this warning, Paciano appeared without counsel.

This Court has had occasion to restate a fundamental rule of long standing, which is, that a judicial officer, when required to exercise his judgment or discretion, is not liable criminally for any error he commits provided he acts in good faith, and that he may be held liable for knowingly rendering an unjust judgment only if it is shown beyond cavil that the judgment is unjust as being contrary to law or as not supported by the evidence, and the same was rendered with conscious and deliberate intent to do an injustice.[1] There being good faith on the part of the respondent judge in the issuance of the questioned order, the charge should be dismissed.

The second charge. The respondent admits having sat and partly acted in CAR Case No. 1438 wherein his nephew-in-law, Atty. Manuel M. De Baybay, was the counsel for the defendant Manuel Solomon. In his answer to the complaint, the respondent does not controvert the charge that he violated Section 1 of Rule 137 of the Rules of Court which bars a judge from sitting in any case in which he is related to any counsel appearing before him within the fourth degree,[2] and in his "Supplemental Comment" he merely alleges that he "subsequently disqualified himself from sitting in the case without hearing even partially a single witness." The respondent's subsequent inhibition does not extenuate his culpability. The rule which he violated is intended to free courts from any suspicion of bias and prejudice. In view of the undisputed violation, a reprimand on the respondent is in order.

Administrative Case No. 586-CAR

Silvestre Masa vs. Judge Juan A. Baes

The complaint in this case recites two charges.

The first charge. Judge Baes is charged with knowingly, or by reason of inexcusable negligence or ignorance, rendering unjust orders. The Orders referred to are: (1) the resolution dated June 11, 1968, setting aside the resolution dated February 20, 1964 which was issued by the respondent's predecessor, Judge Artemio Macalino in CAR Case No. 959; and (2) the order dated October 8, 1969, directing the execution of the decision of Judge Pastor De Guzman, dated April 23, 1963, which had been superseded by Judge Macalino's aforesaid resolution.

In CAR Case No. 959 Judge De Guzman authorized landholder Jose Tan Kapoe to eject his tenant Silvestre Masa. On May 8, 1963 Masa's counsel moved to reconsider; Judge Macalino, then the presiding judge, ordered the clerk of court to furnish a copy of the motion to Tan Kapoe's counsel. As no opposition to the motion was interposed, Judge Macalino reconsidered Judge De Guzman's decision, and rendered on February 20, 1964 a decision denying the petition for ejectment of Masa and adjudging a leasehold system of tenancy between Tan Kapoe and Masa. Three and a half years later, Judge Macalino, on petition of Masa, rendered a supplemental decision fixing the rental on the landholding. On April 2, 1968 Tan Kapoe moved for reconsideration of not only the supplemental decision but also the decision of February 20, 1964. Judge Baes granted Tan Kapoe's motion for reconsideration, with the justification that Judge De Guzman's prior decision had become final and executory allegedly because the motion for its reconsideration that was granted by Judge Macalino was fatally defective for lack of proof of service.

Judge Baes' justification for his orders of June 11, 1968 and October 8, 1969 was rejected in Masa vs. Baes, et al. L-29784, May 21, 1969, 28 SCRA 263, where this Court held, inter alia, that the alleged non-service upon Tan Kapoe of a copy of Masa's motion to reconsider Judge De Guzman's decision "is belied by the record" and that Tan Kapoe was in estoppel to deny his receipt of a copy of the motion for reconsideration.

While Judge Baes acted in abuse of discretion in issuing the orders complained of, it does not necessarily follow that he acted in bad faith or that his abuse of discretion signifies ignorance of the law on his part. Abuse of

discretion by a trial court does not necessarily mean ulterior motive, arbitrary conduct or willful disregard of a litigant's rights.

The second charge. Judge Baes is here charged with a violation of the Anti-Graft and Corrupt Practices Act, consisting of his participation as judge in CAR Case No. 959, despite the fact that before his appointment to the Bench he was the lawyer of Tan Kapoe in the naturalization proceedings filed by the latter.

The uncontroverted supporting documents attached to the complaint show that on November 24, 1947 and January 5, 1948, respectively, Judge Fidel Ibanez of the Court of First Instance of Laguna granted two requests of Atty. Juan A. Baes for the postponement of the hearing of Tan Kapoe's petition for naturalization. On the other hand, Judge Baes attached as an annex to his comment on the complaint a certification by the clerk of court that "there appears no pleading or any paper signed by Atty. Juan A. Baes" in the naturalization case and that the only lawyers furnished copies of the decision were Atty. Alfonso Farcon and the Provincial Fiscal of Laguna; in another annex to the respondent's comment, which is a sworn certification, Atty. Farcon states that he was the one retained as Tan Kapoe's counsel. The respondent judge claims, and this is not denied by the complainant Masa, that he merely accommodated a brother lawyer. From these uncontroverted allegations and unchallenged documents emerge the findings that the respondent judge had no lawyer-client relationship with Tan Kapoe, that his participation in the naturalization case was minuscule, and that the accommodation was fraternally rendered. These are sufficiently good grounds to absolve the respondent from the second charge.

Administrative Case No. 741-CAR

Toribio Lescano vs. Judge Juan A. Baes

The charges in this complaint, namely, issuance of an unjust interlocutory order, unjust vexation, corrupt practices, oppression, abuse of discretion and improper use of the Constabulary, are substantially the same questions involved in the complainant Toribio Lescano's petition for certiorari filed with this Court and docketed as "L-37477, Toribio Lescano vs. Hon. Juan A. Baes, etc., et al." Said petition for certiorari is pending decision and therefore, sub judice; hence, the present complaint should be dismissed as premature.

Administrative Case No. 1275

Danilo San Gil vs. Judge Juan A. Baes

Danilo San Gil seeks the disbarment of the respondent judge on three grounds, namely, (1) inefficiency, for allegedly incurring in delay in resolving two motions in CAR Case No. 2064; (2) extortion, for having allegedly demanded from Geronimo de los Reyes, the complainant's grandfather, "for countless times both directly and indirectly x x x considerable amounts of money;" and (3) abuse of authority, for having ordered the arrest of Geronimo de los Reyes for disobedience of a court order issued in CAR Case No. 425 "without giving him a chance to explain and without complying with the requirements in proceedings for indirect contempt, thereby depriving him of his constitutional right to due process of law."

The first charge is a reckless accusation. CAR Case No. 2064 was never assigned to Judge Baes; it was tried by Commissioner Fernando B. Dimaculangan and decided by Executive Judge Artemio Macalino. The two motions attached as Annexes "A" and "B" to the administrative complaint and whose resolution was allegedly delayed were unquestionably addressed to the commissioner, not to Judge Baes; and the resolution of the Court of Appeals on September 25, 1973 in its case G.R. No. SP-02192, "Geronimo de los Reyes vs. Hon. Artemio C. Macalino," evinces the fact that the agrarian case was decided, not by Judge Baes, but by Judge Macalino, otherwise the respondent in the Court of Appeals case would have been Judge Baes, not Judge Macalino. Fairness and prudence on the part of the complainant San Gil were clearly wanting in blaming the respondent for alleged inefficiency in a case that never reached the threshold of his judicial office.

The charge of extortion deserves no serious consideration. Sec. 1 of Rule 140 of the Rules of Court requires that charges shall be supported by affidavits of persons who have personal knowledge of the facts therein alleged, but Geronimo de los Reyes, the alleged victim who should have first-hand knowledge if indeed the respondent demanded money from him, executed an affidavit, annex "D" to the complaint, which mentions absolutely nothing about the alleged extortion.

The third charge. Judge Baes issued an order on September 29, 1973 in CAR Case No. 425 requiring Geronimo de los Reyes to appear in court; the latter failed to appear, thus prompting Judge Baes to issue an order on October 23, 1973 for de los Reyes to show cause why he should not be punished for contempt; on November 27, 1973, the respondent ordered the arrest of de los Reyes. Under these circumstances it is not true that de los Reyes was denied an opportunity to be heard. The order of arrest was within the judge's authority to issue, pursuant to Section 3 of Rule 71 of the Rules of Court, and for good reason: de los Reyes was thwarting the court's efforts to settle the matter of execution of the unsatisfied judgment rendered against him.

For the foregoing reasons, and for failure of the complainant San Gil to file a reply to the respondent's answer and supplementary answer to the complaint, as required by this Court in its resolution on February 26, 1974, copy of which was served upon the said complainant on March 6, 1974, the complaint should be dismissed.

ACCORDINGLY, for lack of a prima facie showing, all the charges against the respondent Judge are dismissed, except the second charge in Administrative Case No. 585-CAR, of which the respondent is adjudged guilty and for which he is hereby reprimanded.

Makasiar, Esguerra and Muñoz Palma, JJ., concur.

Teehankee, J., concurs in the result.

[1] In re Rafael C. Climaco, Adm. Case No. 134-J, Jan. 21, 1974, 55 SCRA 107.

[2] "Section 1. Disqualification of judges. — No judge or judicial officer shall sit in any case in which he or his wife or child, is pecuniarily interested is heir, legatee, creditor or otherwise, or in which he is related to either party within the sixth degree of consanguinity or affinity, or to counsel within the fourth degree, computed according to the rules of the civil law x x x " (*Italics supplied*)

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