

CECILIO P. IYOG, COMPLAINANT, VS. JUDGE LEONARDO L. SERRANO, MUNICIPAL COURT OF PROSPERIDAD, AGUSAN DEL SUR AND COURT STENOGRAPHER BELEN R. BONGHANoy, RESPONDENTS.

Adm. Case No. 2784-MJ. September 21, 1982

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

In a complaint dated October 28, 1981, but verified on November 3, 1981, Cecilio P. Iyog charged Leonardo L. Serrano, Municipal Judge of Prosperidad, Agusan del Sur, and Belen R. Bonghanoy, a stenographer in said court, of falsification of public document.

It is to be noted that Iyog was the temporary Clerk of Court of said municipal court until October 31, 1981. Prior thereto, on October 1, 1981, he had been told by the respondent judge that his appointment would not be renewed. It should also be noted that Iyog had no personal interest in the public document subject of his complaint. Accordingly, his motive in filing the charge is manifest.

Iyog alleges: "That the two (2) taking advantage of their official positions by conspiracy, cooperation and confederation then and there wilfully, unlawfully and feloniously falsified a public document particularly Crim. Case No. 1575 of the Municipal Court of Prosperidad, Agusan del Sur entitled PP vs. Jesus Colorado and Teodoro Avila for attempted rape by making it appear that complainant Doris Juanich, a 17 year old, unmarried woman filed a complaint before Municipal Judge Leonardo L. Serrano on September 7, 1981 in Prosperidad, Agusan del Sur and subscribed the said complaint before him when in truth and in fact the Hon. Judge Serrano was absent from his station in Prosperidad as he was in Bayugan, Agusan del Sur and as a matter of fact complainant Doris Juanich has filed her complaint and subscribed the same before Municipal Mayor Arsenio L. Fundar; and consequently, upon request of Lt. Emilio Alinas and Sub/Station Commander Jessie L. Castro, Mayor Fundar conducted a preliminary examination and turned over the proceedings conducted by him to stenographer Belen Rivera Bonghanoy and to my surprise the records of the said preliminary examination and the complaint filed by complainant Doris Juanich and subscribed before Mayor Fundar disappeared from the records in the Municipal Court of which I am the Clerk of Court. This is in violation of Art. 171 of the Revised Penal Code."

The comment of the respondent judge which was also adopted as her own by stenographer Bonghanoy states in part:

"Undersigned judge wishes to inform you that he does not deny being on official duty in Bayugan, Agusan del Sur every Monday-Tuesday, and in Prosperidad every Wednesday-Friday of the week. September 7, 1981 (a Monday), although he was in Bayugan then, he signed the criminal complaint (CC No. 1575) referred to in the letter-complaint of Mr. Iyog, because I have standing orders to the Station Commanders of Bayugan and Prosperidad, in view of the nearness and easy accessibility of the two municipalities, to submit to the undersigned for signature, wherever he is, all criminal complaints so as to assure all parties involved of

impartiality and fairness in the investigation, as well as to hasten the filing of cases within the limits of the law whenever an accused is detained to obviate the possibility of an accused being incarcerated without a complaint filed."

It could be that the respondent judge did sign the complaint in Criminal Case No. 1575 of the Municipal Court of Prosperidad, not in Prosperidad but in Bayugan but since at that time his territorial jurisdiction covered the two municipalities, whether he signed the complaint in one or the other municipality did not really matter. Moreover, the act of the respondent judge is consistent with good faith; no one was prejudiced thereby – hence there was no falsification of public document.

WHEREFORE, the complaint against Municipal Judge Leonardo L. Serrano and stenographer Belen R. Bonghanoy is hereby dismissed for lack of merit.

SO ORDERED.

Barredo, (Chairman), Aquino, Concepcion, Jr., Guerrero, De Castro, and Escolin, JJ., concur.

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