

RODOLFO CABE, DIOSDADO CABE, FRANCISCO CABE AND MANUEL VILLASEÑOR, COMPLAINANTS, VS. JUDGE VIVENCIO A. BANTUGAN, RESPONDENT.

Adm. Matter No. 2299-MJ. November 19, 1981

Ponente: BARREDO, J.

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BARREDO, J.:

Administrative charge of grave abuse of authority in that:

"ALLEGATIONS OF THE COMPLAINT: Complainants alleged that respondent judge, on the basis of the mere criminal complaint for Frustrated Murder, issued a warrant of arrest against all the complainants herein without first conducting a preliminary investigation on the case; that even when all the complainants jointly filed a bail bond in the amount of P80,000.00 for their release, the respondent judge only ordered the release of complainant Manuel Villaseñor, leaving the defendant Cables (Diosdado, Francisco & Rodolfo) to languish in jail for 12 more days before they were finally released." (Page 21, Record)

Commenting on said charge, respondent judge denied the allegations of the complaint and alleged that he conducted a preliminary investigation on the criminal case before he issued the warrant of arrest against all the accused; and that he did not immediately order the release on bail of defendant Cables because the amount of the bail bond filed by the accused was insufficient to cover all of them and that the defendant Cables did not sign the said bail bond.

In view of such comment, the Court referred the case to Hon. Pedro Santiago, Executive Judge, Balanga, Bataan, Branch II, for investigation, report and recommendation.

After appropriate proceedings, the Investigator submitted the following:

"2nd Indorsement

January 17, 1980

"Respectfully returned to Deputy Court Administrator Romeo D. Mendoza, the within records of Adm. Matter No. 2299-MJ, Rodolfo Cabe, et al. vs. Judge Vivencio A. Bantugan, consisting of 78 pages, excluding the five copies hereof, with the hereunder report and recommendation -

"All complainants and respondent having been duly summoned to appear at 2:00 P.M., on January 10, 1980, respondent and only complainants Diosdado Cabe and Manuel Villaseñor appeared. Before the inception of the investigation, the undersigned called the attention of Diosdado Cabe to a letter, dated January 3, 1980, under the signature of one Diosdado Cabe, received by the Court by mail on January 4. Placed under oath and after the contents were read to him, which states -

'Barangay Pita, Dinalupihan Bataan

Enero 3, 1980

'Kgg. Hukom Pedro T. Santiago

Hukom, Unang Dulugan ng Bataan

Balanga, Bataan

Kgg. Hukom Santiago:

'Tumanggap po kami ng subpoena dahil sa Kaso Administratibo Blg. 2299-MJ laban kay Hukom Vivencio A. Bantugan. Na ang aming pagharap sa inyo ay gaganapin sa Enero 10, 1980 sa ganap na alas dos (2:00 P.M.) ng hapon.

'Ang masasabi ko po sainyo ay bilang Ama nina Francisco at Rodolfo, ay wala na kaming interes o ipagpatuloy pa ang nasa-bing sumbong sapagkat walang katotohanan ang mga sumbong kay Hukom Vivencio A. Bantugan, basta pinapirma kaming mag-aama ni G. Manuel Villaseñor ng hindi namin nala-laman o naiintindihan kung ano ang nilalaman ng aming pinirmahan. Ang totoo po ay hindi binasa sa aming mag-aama kung ano ang ni-lalaman ng nasabing sumbong laban kay Hukom Vivencio A. Bantugan.

'Dahil dito, hinihiling po namin sainyo bilang Ama ay pawalan na ninyo ng kabuluhan ang nasabing sumbong.

Lubos pong gumagalang,

(LAGDA)

DIOSDADO CABE'

Cabe affirmed the truth thereof. On further examination by the undersigned, Mr. Cabe stated that:

"He feels that Judge Bantugan had not in any way abused his authority against him and his sons; that he was not forced, coerced or promised any consideration by anyone, particularly Judge Bantugan in making the (aforequoted) letter; that his two sons Rodolfo and Francisco are aware of his letter and they were agreeable on this matter.

"With the withdrawal of the Cables from the complaint, it would appear that only Mr. Villaseñor should be heard. Asked by the undersigned just what are his complaints against Judge Bantugan, Mr. Villaseñor stated that:

"FIRST - Though he had put up a bail bond for the four of them, together with his co-accused Diosdado, Francisco and Rodolfo Cabe in Criminal Case No. 4534, which is incidentally before the sala of the undersigned, he was the only one released and not also his three co-accused Cables.

"Given all the records of Criminal Case No. 1587, which is for Frustrated Murder against Manuel Villaseñor and the three Cables and asked to point the particular bail bond which he put up for all the four of them, Mr. Villaseñor pointed to pages 13 to 15 (inclusive of his bond is up to page 24 which are the supporting documents). He firmly believes, Villaseñor claimed, pointing to the title of his own bail bond 'People of the Philippines, Plaintiff ver-sus Manuel Villaseñor, Diosdado Cabe, Francisco Cabe, Rodolfo Cabe and Baby Cabe', is the bail bond for all of them.

"Clearly Villaseñor's belief is a misconception of the caption all because it bears the names of all the accused. However, this particular bail bond is only for himself. So that even if the Cables have not retracted their complaint against Judge Bantugan that they have not been released immediately together with Villaseñor, the same would have no basis.

"The records of Criminal Case No. 4534 show that Villaseñor put his personal bail bond on June 11, 1979, which was approved by the undersigned and the respondent Judge issued an order of release (page 25) upon presentation of Villaseñor's approved bond; while all his other co-accused Cables put up their respective bail

bonds only on June 19, 1979, forming part of the record of said Criminal Case No. 4534, from pages 29 to 43 for Diosdado Cabe; pages 44 to 58 for the accused Rodolfo Cabe and pages 59 to 73 for the accused Francisco Cabe and upon presentation of their respective bail bonds also approved by the undersigned, the respondent Judge Bantugan then issued their order for release (page 75), which he correctly did. Evidently, the complaint against Judge Bantugan for not having released the three Cables at the same time with complainant Manuel Villaseñor stems from Villaseñor's ignorance of the legal forms. He was misguided by the caption of his personal bail bond only because all their names are stated. But certainly Judge Bantugan could not be said to have abused his authority in any way when he issued the order of release of Manuel Villaseñor ahead of the Cables because Manuel Villaseñor put up his bail bond on June 11, 1979 ahead of the Cables who only did so on June 19, 1979 and whose bonds were presented to Judge Bantugan much later than Villaseñor.

"SECOND - That Judge Bantugan investigated Villaseñor in Civil Case No. 373 on June 15, 1979 without notice, immediately when Judge Bantugan issued the order of his release. (It may be stated in passing that Mr. Villaseñor was never detained having surrendered only after his bail bond was approved by the undersigned). Again, the records of this pertinent Civil Case No. 373 belie Villaseñor's complaint for such lack of notice.

"An examination of said records, which is in the handwriting of the respondent, show that in the hearing conducted by Judge Bantugan on May 23, 1979 (attached xerox copy thereof on page 75 of this record) it was stated among other things that Villaseñor appeared and also Atty. Navarro. The notes further stated that 'by agreement of the parties, let the hearing of this case be set on June 15, 1979 at 9:00 A.M., SO ORDERED, Dinalupihan, Bataan, May 23, 1979, signed by Judge Bantugan'. Then the notes of the lower court for June 15, 1979 (pages 76 to 78 of this records) stated that among those present is the same Manuel Villaseñor, meaning that he appeared because of the aforementioned previous agreement on May 23.

"THIRD - That the respondent Judge shouted at Villaseñor that he would incarcerate Villaseñor for telling a lie during the hearing on June 15, 1979. This, Diosdado Cabe denied having heard. In this connection, the undersigned desires to say that Judge Bantugan has a stentorian voice and is wont to discuss openly even argue. And if Judge Bantugan admitted that he raised his voice against Manuel Villaseñor, it is evidently to stress his point in overruling Villaseñor who nevertheless continued speaking. Under the circumstance Judge Bantugan was within his right to preserve the dignity of his court. This brings another relevant observation by the undersigned which should also be stated and this is the 'fresh' attitude of Mr. Villaseñor who during this investigation would every now and then interrupt the proceedings.

"And speaking further of Mr. Villaseñor in relation with Diosdado Cabe who has dis-engaged himself from the complaint and repudiated the same, the undersigned gives more credence to the testimony of the latter. Being the unlettered farmer that he is, Cabe's ignorance somehow brings forth his candor and humility, while Villaseñor, the educated, was blindly assertive and 'fresh' in his belief of what he thought was right which unfortunately was entirely wrong when he thought that his personal bail bond was also the undertaking for all his co-accused just because the caption thereof names all of them. Another, when Villaseñor presented his comment, dated August 22, 1979, (pages 29 to 30 of this record) and Cabe denied his signature thereon, a cursory examination of Cabe's alleged signature thereon is markedly different from his admitted signature in his letter, dated January 3, 1980 (page 27 of this record).

"There is no need to discuss at length the last gripe of Mr. Villaseñor about the Cables turning against him after he had helped them with their bail bonds since the respondent Judge has evidently nothing to do with the turn of events. It would appear that the Cables have taken a stand against Manuel Villaseñor when he withdrew their bail bonds and had even suspected and complained Rodolfo Cabe for the burning of his hut.

"PREMISES ABOVE CONSIDERED, the undersigned most respectfully recommends that the charges against Judge Vivencio A. Bantugan be dismissed for being without merit.

(Sgd.) PEDRO T. SANTIAGO

Executive Judge" (pp. 23-26, Rec.)

In view of which indorsement, Deputy Court Administrator, Hon. Romeo D. Mendoza, with the concurrence of Honorable Justice Lorenzo Relova, Court Administrator, recommended the dismissal of the charge in his memorandum of August 5, 1981.

Such recommendation notwithstanding, the Court issued the following resolution:

"Administrative Matter No. 2299-MJ (Rodolfo Cabe, et al. vs. Judge Vivencio A. Bantugan). - Going over the report of the investigating judge, Hon. Pedro T. Santiago, Executive Judge, Court of First Instance of Bataan, Branch II, the Court notes that although it is stated therein that upon presentation of the bail bonds for the complainants Diosdado and Rodolfo Cabe, approved by the same executive judge, the respondent Judge Bantugan then issued the order for their release, it appears elsewhere in the record that the Cabes presented their bail bonds on June 19, 1979 but were ordered released only on June 27, 1979 or twelve days later, a delay prejudicial to the interests of justice, which is unexplained, the Court resolved, before acting on the report of Judge Santiago, to require respondent Judge Bantugan to explain such delay within ten (10) days from notice hereof." (Resolution of Sept. 3, 1981, p. 83, Record.)

Complying with Our resolution, respondent wrote the follow-ing letter:

"September 25, 1981

Honorable Enrique M. Fernando

Chief Justice

Supreme Court of the Philippines

Manila

Dear Sir:

The undersigned is required to explain as per Com-munication, dated September 9, 1981 regarding 'Administrative Matter No. 2299-MJ (Rodolfo Cabe, et al. vs. Judge Vivencio A. Bantugan)' and before your High Office, and by way of Explanation, most respectfully shows and manifests:

"1. By way of background, on June 15, 1979 an Order of Release was issued by the undersigned releasing one (1) of the accused Mr. Manuel Villaseñor, who had personally filed or presented his required bail bond before the Court on said date (June 15, 1979). The whole truth of the matter was that said Manuel Villaseñor was never detained insofar as Criminal Case No. 4534 filed and docketed in the Municip-al Circuit Court of Dinalupihan-Hermosa is in issue.

"2. On the other hand, with regards to the other accused, all surnamed Cabe, undersigned, after examining the contents of their bail bonds and found out to be very defective, did not issue an order of release on June 15, 1979. The amount of the bail bonds were insufficient to cover the whole amount of the same, no tax declaration were attached, no written or typewritten names of the accused (Cabes) appears in the bail bonds. Undersigned advised them and Manuel Villaseñor to change or make another bail bond and also to increase the said amount of the same.

"3. On June 27, 1979 Mr. Manuel Villaseñor appeared before the Municipal Circuit Court of Dinalupihan-Hermosa and told the undersigned that he was being late in the filing of the bail bonds of the other accused (Cabes) for he has no companion during the past days and was afraid to go to Dinalupihan. And so, on the same day (June 27, 1979) inspite of the fact that no copies of tax declaration were attached to the said bail bonds, the three (3) accused, all surnamed Cabe, had been released by the undersigned after said Manuel Villaseñor had actually filed or presented to the Court, said bail bonds which had already the

signatures of the accused, the amount of the bail bonds were already sufficient and another bondsman was added or included in the said bail bonds.

"4. The fact that the bail bonds for the complainants Diosdado, Francisco and Rodolfo, all surnamed Cabe, were approved by the Executive Judge on June 19, 1979 - the Truth also remains that the said bail bonds of the said accused (Cabe) were actually filed or presented to the undersigned ONLY on June 27, 1979. In short, there was no delay whatsoever in the release of the Cabe or 'a delay prejudicial to the interest of justice' as far as the undersigned is concerned, for the said bail bonds of the said accused were actually filed or presented to the undersigned on June 27, 1979.

WHEREFORE, in view of the foregoing, undersigned most respectfully submit this Explanation to your High Office, in compliance with the said communication, dated September 9, 1981 which was personally received by the undersigned on September 16, 1981. (Pp. 84-85, Record.)

The foregoing explanation appears to Us as satisfactory. We find no reason to hold respondent responsible for the delay in the release of the complainants, who, after all, as can be noted above, informed the Investigator in their letter to him of January 3, 1980 that they were withdrawing their complaint, prepared by one Manuel Villaseñor, since they signed it without understanding the same, inasmuch as it was not read to them.

WHEREFORE, this case is dismissed and respondent is exonerated, with the reminder that personal liberty is an invaluable right of all individuals in this country and all members of the judiciary are under the sacred obligation to see to it that none of their actuations should result in any undue deprivation thereof beyond the period needed to complete the necessary proceedings and papers for their release.

Makasias, Aquino, Concepcion, Jr., Fernandez, Guerrero, Abad Santos, De Castro, and Melencio-Herrera, JJ., concur.

Fernando, C.J., see his brief concurrence.

Teehankee, J., no part.

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