

AURELIO M. SIERRA, EULALIA M. SIERRA, ARSENIA S. ZAPANTA, REMEDIOS O. MARTINEZ, MARIA S. TOLENTINO AND JULIANA O. SIERRA, COMPLAINANTS, VS. JUDGE PATERNO G. TIAMSON[] AND BABE S...

A.M. No. RTJ-04-1847. July 21, 2004

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

The instant administrative complaint arose when Aurelio M. Sierra, Eulalia M. Sierra, Arsenia S. Zapanta, Remedios O. Martinez, Maria S. Tolentino and Juliana O. Sierra, filed a verified Complaint[1] dated September 16, 2002 against Judge Paterno G. Tiamson and Babe San Jose-Ramirez, both of the Regional Trial Court, Branch 69, Binangonan, Rizal, for gross ignorance of the law, manifest partiality and grave misconduct relative to LRC Case No. 95-1518[2] and Civil Case No. 98-4992.[3]

The complainants alleged that they were the plaintiffs in the aforesaid cases, which were eventually consolidated and raffled to the sala of the respondent judge. The complainants alleged that on several occasions during the pre-trial conference, the respondent judge declared in open court that the property in litigation, being already titled and registered in the names of the oppositors therein, could no longer be the subject of a registration proceeding. According to the complainants, in so doing, the respondent judge showed gross ignorance of the law, manifest partiality and grave misconduct and, in effect, pre-judged the case. Furthermore, during the scheduled hearing on the complainant's motion to cite defendants Eduardo Cheng and Marcial Sierra, the respondent judge, after hearing that the plaintiffs had terminated the services of their counsel, angrily told the latter, "Huwag na kayong kumuha ng bagong abogado, magagastusan lang kayo dahil idi-dismiss ko itong kaso ninyo." Subsequently, on August 2, 2002, while the plaintiff's motion to remand the case to Antipolo City was being heard, the respondent judge suddenly called some of the plaintiffs-complainants and their counsel and told them, "Kung ako si Judge Rivera, noon pa lang talo na kayo. Hindi na humaba ang kaso." The complainants further narrated that they filed a motion to disqualify the respondent judge from hearing the case, but that the same was denied by the latter in his Order dated October 11, 2001.

The complainants, likewise, recalled that respondent Ramirez dealt with them on several occasions in an abrasive and disrespectful manner. On October 31, 2002, respondent Ramirez, after being informed that the complainants had terminated the services of their counsel, allegedly blurted at the top of her voice, "Tinanggal n'yo na pala ang kaklase kong si Atty. Ende." The complainants averred that they were shocked, as they had not known that respondent Ramirez and their former counsel were classmates.

The respondent judge denied the allegations against him, and averred that the instant administrative complaint was more of a motion for inhibition. To avoid wasting the Court's precious time, the respondent inhibited himself in an Order dated October 8, 2002.[4] He averred, however, that this should not be construed as an admission of the merits of the administrative complaint. He also pointed out that this was the third time that the complainants

had asked for the inhibition of judges handling their cases. The respondent prayed that the administrative case against him be dismissed for lack of basis, and that the complainants be advised to avail of the remedies under the Rules of Court before prematurely filing administrative cases against judges.

For her part, respondent Ramirez averred that she only met the complainants for the first time when they approached her on May 31, 2002 and requested that their motion to cite the defendants for contempt be reset to another date as they had just terminated the services of their counsel and were about to hire a new one. She, likewise, denied that she shouted at the complainants, and pointed out that the instant administrative complaint was clearly unmeritorious.

In the meantime, the respondent judge died on February 21, 2004. Pursuant to the recommendation of the Court Administrator, the case was referred to Executive Judge Augusto T. Gutierrez, Regional Trial Court, Branch 70, Binangonan, Rizal, for report and recommendation in a Resolution dated March 17, 2004.

During the hearing of May 7, 2004, complainant Aurelio Sierra and respondent Ramirez appeared. The complainant acknowledged that he knew about the demise of the respondent judge, and when asked if he was going to present evidence that day, the latter replied that he and the other complainants were no longer interested in pursuing their complaint. When further inquired about the complaint against respondent Ramirez, complainant Aurelio Sierra insisted that they were no longer interested in pursuing the case. He then signed a handwritten statement^[5] evincing such intention to withdraw the instant complaint. In view of such development, Executive Judge Gutierrez recommended that the matter be considered closed and terminated.

Indeed, the rule is that the Court looks with disfavor at affidavits of desistance filed by complainants. The withdrawal of the complaint does not have the legal effect of exonerating the respondent from any administrative disciplinary action, nor operate to divest this Court with jurisdiction to determine the truth behind the matter stated in the complaint. An administrative complaint against an official or employee of the judiciary cannot simply be withdrawn by a complainant who suddenly claims a change of mind. Otherwise, the prompt and fair administration of justice, as well as the discipline of court personnel, would be undermined.^[6]

However, it is equally true that in administrative proceedings, the complainant has the burden of proving the allegations in his complaint with substantial evidence. In the absence of evidence to the contrary, the presumption that the respondent has regularly performed his duties will prevail. Even in administrative cases, if a court employee is to be disciplined for a grave offense, the evidence against him should be competent and should be derived from direct knowledge.^[7] While the desistance of witnesses themselves does not operate to divest this Court from investigating a matter involving its personnel,^[8] it is equally true that reliance on mere allegations, conjectures and suppositions will leave an administrative complaint with no leg to stand on. Charges based on mere suspicion and speculation cannot be given credence.^[9]

In the case at bar, the Court has no other recourse but to dismiss the administrative complaint against the respondents, considering that if the complainants truly believed that the respondents should be held administratively liable, there was nothing to stop them from presenting evidence to prove their allegations.^[10]

WHEREFORE, the complaint against respondent Judge Paterno G. Tiamson and Legal Researcher Babe San Jose-Ramirez, both of the Regional Trial Court, Branch 69, Binangonan, Rizal, is considered CLOSED AND TERMINATED.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Tinga, and Chico-Nazario, JJ., concur.

[*]Now deceased.

[1] Rollo, pp. 1-4.

[2] Entitled “Petition for Original Registration of Land, Aurelio M. Sierra, Heirs of Esteban M. Sierra, Petitioner.”

[3] Entitled “Heirs of Esteban Sierra v. Eduardo Cheng, et al.,” for annulment and/or cancellation of titles and damages.

[4] Rollo, pp. 30-31.

[5] Annex “A,” Report dated May 24, 2004.

[6] Guray v. Bautista, 360 SCRA 489 (2001).

[7] See Urgent Appeal/Petition for Immediate Suspension & Dismissal of Judge Emilio B. Legaspi, Regional Trial Court, Iloilo City, Branch 22, A.M. No. 01-1-15-RTC, July 10, 2003.

[8] See Guray v. Bautista, supra..

[9] Lambino v. De Vera, 341 Phil. 42 (1997).

[10] See Inocencio M. Montes v. Judge Efren B. Mallare, etc., A.M. No. MTJ-04-1528, February 6, 2004.

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