

DR. DOLORES ALFORTE, COMPLAINANT, VS. JUDGE RUTH C. SANTOS, RESPONDENT.

A.M. No. MTJ-94-914. April 10, 1995

Ponente: QUIASON, J.

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QUIASON, J.:

Complainant charged respondent, the presiding judge of the Municipal Trial Court, Branch 1, Antipolo, Rizal with serious or grave misconduct, knowingly rendering an unjust judgment, malfeasance, and nonfeasance relative to Criminal Case No. 10241 entitled "People of the Philippines v. Eugene Baltao III, et al." for malicious mischief.

I

On September 5, 1984, complainant filed with the Regional Trial Court, Branch 71, Antipolo, Rizal, an action for damages against State Developers and Investors Corporation (Civil Case No. 507-A). She alleged that the corporation, without authority of the law nor court order, bulldozed her land and destroyed the improvements introduced thereon.

On September 13, 1984, the Regional Trial Court issued a temporary restraining order enjoining the corporation from destroying and bulldozing the land subject matter of the complaint.

On September 21, 1984, however, the Regional Trial Court issued an order revoking and setting aside the temporary restraining order after finding defendant's ex--parte motion to dissolve the said restraining order to be meritorious.

On February 14, 1985, complainant again sought the issuance of a temporary restraining order from the trial court which, however, was not pursued by her.

On March 18, 1985, upon arrival of complainant from work, she found her house bulldozed to the ground. Her neighbors informed her that Amador Catampongan under the supervision of Eugene L. Baltao III, the president of State Developers and Investors Corporation, was the one who demolished her house. Thus, complainant filed a criminal case against Baltao for malicious mischief (Criminal Case No. 10241). After trial, respondent rendered her decision dated January 11, 1993 acquitting Baltao of the charge. The dispositive portion of the decision reads:

"Wherefore, in view of the foregoing considerations, for failure on the part of the prosecution to prove the guilt of the accused beyond reasonable doubt, the accused Eugene Baltao III is hereby acquitted of the crime charged.

However, this is without prejudice to the filing of the civil action for damages against the proper parties with the proper court" (Rollo, p. 29; Underlining supplied).

A motion for reconsideration was filed by complainant asking for the reversal of the decision (Rollo, p. 15). The same was denied on the ground that the motion was a prohibited pleading under the Rule on Summary Procedure

under which the case was tried (Rollo, pp. 30-31).

In this administrative complaint, complainant claimed that respondent knowingly rendered an unjust judgment which had no basis in fact and in law. She insisted that: (1) respondent maliciously and totally ignored the affidavit of Catalina Borbon and the list of postage stamps in her collection which were lost during the bulldozing of his house, which evidence more than showed the culpability of Baltao; and (2) that she failed to inhibit herself from the case when her father was once connected with the firm of Baltao (Rollo, pp. 3-4).

On March 7, 1994, this Court directed the Regional Trial Court, Branch 72, Antipolo, Rizal, presided by Judge Rogelio L. Angeles, to conduct the investigation of the administrative complaint.

After proper investigation, Judge Angeles found that complainant's claim - that respondent deliberately disregarded the list of the postage stamps and ignored the testimony of Catalina Borbon - was without merit. He stated that the testimony of Borbon was stricken off the record while her affidavit and the alleged list of postage stamps were not included in the prosecution's formal offer of evidence, and therefore, were not admissible. Hence, Judge Angeles recommended that the charges against respondent be dismissed (Report, p. 3; Rollo, p. 91).

We find no irregularity in respondent's appreciation of the existing law and jurisprudence on the matter in dispute.

It should be emphasized, for the sake of complainant's understanding, that the decision of respondent conformed with settled principles enunciated by this Court.

In *United States v. Gerale*, 4 Phil. 218 (1905), we ruled:

"The crime of damage to property is not determined solely by the mere act of inflicting injury upon the property of a third person, but it must be shown that the act had for its object the injury of the property merely for the sake of damaging it. Without this circumstance the essential element of the crime is lacking and the criminal intention of the culprit can not be established" (Underlining supplied).

Moreover, in *People v. Tayucon*, 55 O.G. 4848 (1959), we held:

"In other words, it is the willful damaging of another's property for the purpose of causing injury due to hate, revenge or other evil motive ... if there was no malice in causing the damage to the property, the obligation to repair or pay for the damages is only civil (Article 327, Revised Penal Code; Article 2176, Civil Code)" (Underlining supplied).

We agree with the observation of respondent when she said in her decision that:

"This kind of offense is not determined solely by the mere act of inflicting injury upon the property of a third person, but it must be shown that the act had for its object the injury of the property merely for the sake of damaging it; otherwise, the essential element of the crime is lacking, and the criminal intention be established" (Rollo, p. 28).

As to the finding of respondent of the absence of malice on the part of Baltao when he supervised the bulldozing of complainant's property, we follow the rule that findings of fact of trial courts are accorded great respect and with finality inasmuch as they are in a position of examining the real evidence presented and of observing the demeanor of the witnesses (*People v. Cabalhin*, 231 SCRA 486 [1994]).

On the charge of rendering an unjust judgment, even assuming that respondent erred in acquitting Baltao, she still cannot just be administratively charged lacking the element of bad faith, malice or corrupt purpose (Re: Judge Silverio S. Tayao, RTC, Br. 143, Makati, 229 SCRA 723 [1994]). "Malice and bad faith on the part of the judge in rendering an unjust decision must still be proved" (*Louis Vuitton S.A. v. Villanueva*, 216 SCRA 121 [1992]). Thus, failure on the part of complainant - as she indeed failed to prove malice and bad faith to have been

committed by respondent when she rendered the decision acquitting Baltao - warrants the dismissal of the administrative complaint.

On the claim of complainant that respondent judge failed to inhibit herself from the case when her attention was called to the fact that her father was once connected with Baltao's firm, we find nothing in the records to support such allegation. Complainant failed to prove that respondent's father was indeed connected with State Developers and Investors Corporation or, at the very least, had any interest in the firm.

WHEREFORE, the administrative complaint against respondent is DISMISSED.

SO ORDERED.

Padilla, (Chairman), Davide, Jr., Bellosillo, and Kapunan, JJ., concur.

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