

CEFERINO P. AZUCENA, COMPLAINANT, VS. HON. EMMANUEL M. MUÑOZ, RESPONDENT.*Adm. Case No. 130-J. June 30, 1970*

Ponente: FERNANDO, J.

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It is expected of a judge, and rightly so, that he should at all times manifest depth of commitment and concern to the cause of justice according to legal norms, a cerebral man who deliberately holds in check the tug and pull of purely personal preferences and prejudices which he shares with the rest of his fellow mortals. That is one way to assure that the rule of law will reign triumphant. That is the test of how fitly and well he discharges his task. It is thus a canon of judicial ethics that a judge called upon "to administer the law and apply it to the facts, * * * should be studious of the principles of the law and diligent in endeavoring to ascertain the facts." [1] It is both understandable and justifiable, then, why failure to live up to such an exacting responsibility may bring about disciplinary action extending to removal for serious misconduct or inefficiency. [2]

In the event that a proceeding of the above character is brought against a judge, however, the utmost care should be taken lest one called upon to dispense justice is himself unjustly dealt with. There is to be an awareness that he has to contend with the pressures of too little time and the driving need for prompt dispatch in the disposition of cases. Moreover, the broad range of action allowable under statutes and doctrines in not a few cases characterized by generality, and hence far from precise, does result in his actuations being plausibly subject to challenge as to its correctness by the losing party. As apparently did happen here, a disappointed litigant, complainant Ceferino P. Azucena, nurturing deeply a resentment at his failure to obtain what his heart was set on, was able to picture in the worst possible light what was done by respondent Judge of the Court of First Instance of Bulacan, the Honorable Emmanuel M. Muñoz. Charges which, on its face, were far from trivial, were filed against respondent. Necessarily, they had to be inquired into. Fortunately for respondent, a careful investigation and a thorough report by the Honorable Eulogio Serrano, Associate Justice of the Court of Appeals, to whom the matter was referred, revealed the utter lack of merit of the complaint against respondent. We approve the recommendation submitted and dismiss the charges against respondent Judge.

The complaint against respondent Judge, filed on April 17, 1968, would accuse him of unlawful disposal of property in custodia legis, unlawful refusal to return property to its rightful owner, unlawful defiance of a final decision of the Court of Appeals, and unlawful infliction of damages on complainant. The highly emotional tone of the complainant, evidently arising from what apparently was a deep-seated sense of grievance, is evident from this portion thereof: "As respondent Judge has shown no compassion, no consideration, no regard whatsoever in this case to our laws and duly constituted authorities and to the rights and interests of complainant as a law-abiding citizen, as a responsible government official, as a descendant of men who had rendered services to San Pablo City as public officials, and as a member of the Philippine bar, respondent Judge has unlawfully inflicted additional damages upon complainant and his family for which respondent Judge should be held accountable by way of example or correction for the public good." [3] It is prayed, therefore, that the charges be

investigated and that "if warranted by the facts and the law, respondent Judge be made to account for all the damages sustained by complainant and his family, and his removal from the judiciary be recommended to the President of the Philippines." [4]

In the answer filed on August 1, 1968, respondent Judge squarely met each of the above imputations. It was then set forth by him: "In view of all the foregoing, respondent honestly believes that all his actuations in connection with the aforementioned jeep in question were well within the law and even granting that he did err in his orders and judgments, certainly the same would not constitute serious misconduct as charged by complainant." [5] He prayed that the complaint be dismissed. The matter was then referred, in our resolution of August 8, 1968, to Justice Eulogio Serrano of the Court of Appeals. His report was submitted to us on June 22, 1970.

As to the first charge of unlawful disposal of property in custodia legis by respondent Judge, the report sets forth the following: "The charges of complainant Azucena on four counts, except the third (the alleged unlawful defiance of the final decision of the Court of Appeals) revolve around the pivotal question of whether or not the respondent judge knowingly acted illegally in having the jeep seized by issuing a search warrant and denying the motion for the return of the same jeep to complainant Azucena. The legality and validity of the issuance of the search warrant as well as the delivery of the jeep in question to Jose Catacutan was the subject of the aforesaid case of certiorari filed by Azucena with the Court of Appeals, the decision of which stated among other things the following: 'The statement in the affidavit of Jose Catacutan that the jeep was stolen from his driver, Armando Enriquez, made the vehicle a proper object of search and seizure (Section 2(b), Rule 126, Rules of Court). The issuance of the search warrant by the respondent Judge was, therefore, in order as the jeep was the subject of a criminal complaint for theft filed with the Office of the Provincial Fiscal of Bulacan. * * * The order of the respondent Judge, dated January 31, 1964, authorizing the return of the jeep in question to respondent Jose Catacutan was at that time valid.' There is therefore no need to discuss here the validity of the issuance of the search warrant by the respondent Judge as well as his order to deliver the jeep to Jose Catacutan to dispose of the first charge of unlawful disposal of property in custodia legis." [6]

The second and fourth charges as to respondent Judge unlawfully refusing to return property to its rightful owner and unlawfully inflicting damages on complainant were next taken up. Thus: "We come now to the second and fourth charges which are the alleged unlawful refusal to return property to its rightful owner and the unlawful infliction of damages on complainant. These charges are no doubt based on the refusal of respondent Judge to return the jeep involved to the complainant after the criminal case for qualified theft through falsification of public documents was dismissed by the provincial fiscal of Bulacan which dismissal allegedly made the further holding in legal custody of the jeep in question baseless and no longer necessary. While apparently this contention appears sound, nevertheless, this is applicable only to cases where the property taken appears to have no connection in any way with the crime charged giving the court no discretion to exercise in returning the property to the person from whom the same was seized. However, when there is a controversy between the person from whose possession the property was taken by search warrant and the person from whom it is claimed the property was stolen as to which has the right to it the question is presented which can be determined not on a criminal process but in a civil action (Rules of Court in Philippines by Francisco, Vol. 5, 1958 Ed., p. 719, citing American cases). This citation which was mentioned in Catacutan's opposition (Exhibit 4, pp. 53-54) might have been in the mind of the respondent Judge when he issued his order denying the motion to return the jeep to the complainant but without prejudice to the proper civil action in the proper court, especially considering the claim of Catacutan that it was proven at the investigation of the criminal case in the office of the provincial fiscal of Bulacan by the testimonies of a certain Mr. Patajo of the Manila Police Department, Laboratory Division, and of Mr. Macapagal of the Motor Vehicles Office that the jeep in question is the same jeep that was stolen from Jose Catacutan as the chassis number of the jeep registered in the name of Catacutan is also the chassis number appearing in that of the

jeep seized from Azucena. No denial of this claim by the complainant has been found in the records. Also cited by Catacutan in the same opposition is Article 105 of the Revised Penal Code which provides that the subject of the crime committed has to be restored to the owner even if the same be found in the possession of a third person who has acquired it by lawful means. Even conceding for the sake of argument that the respondent Judge might have committed an error, the same is merely an error of judgment which, it is believed, is not sufficient to constitute a misconduct in office by any stretch of the imagination."^[7]

This is what he said concerning the third charge consisting of an alleged unlawful defiance by respondent Judge of a final decision of the Court of Appeals: "The remaining charge of unlawful defiance of a final decision of the Court of Appeals is predicated upon the erroneous impression of the complainant that the respondent Judge deliberately ignored the decision of the Court of Appeals in the aforementioned civil action of certiorari (CA-G.R. No. 38036-R), ordering the respondent Judge to cause the return of the jeep in question to petitioner Ceferino P. Azucena within fifteen (15) days from receipt of notice of entry of final judgment. As already adverted to previously the said decision was received by Renato Ramos, a clerk in the Court of First Instance of Bulacan in Branch I presided over by the respondent Judge on August 4, 1968, who merely attached the same to the records of the case in said Court without in any way informing the respondent about the receipt of said decision. However, when the letter (Exhibit 4-L) of complainant's counsel addressed to the respondent reminding him of the decision of the Court of Appeals and requesting that he or Mr. Azucena be notified of the specific date and time when the said jeep would be delivered to the complainant was received on October 2, 1967, respondent issued an order dated October 4, 1967 (Exhibit 4-M) directed to Jose Catacutan ordering the latter to deliver the jeep in question to Ceferino P. Azucena immediately and, when he was informed by the manifestation (Exhibit 4-N) on October 14, 1967, of the lawyer for Catacutan that the latter died on April 2, 1967, respondent issued another order directed to the legal heirs of Jose Catacutan for the delivery of the aforesaid jeep to complainant Ceferino P. Azucena. The erroneous impression must have come about because as per the admission of the complainant he and his lawyer did not bother to examine the records of the case in the court to find out what action the respondent had taken following the receipt of the decision of the Court of Appeals (t.s.n., pp. 61-62), and no notice of any such action was given to him or his counsel. Under these facts it cannot be said with candor and sincerity that the respondent willfully defied the order of the Court of Appeals."^[8]

Then comes the recommendation: "In view of all the foregoing, the undersigned recommends that respondent Judge be absolved from all the charges and the complaint accordingly dismissed."^[9] We find nothing objectionable in said report. We accept it.

The confidence of the people in the judiciary, so highly essential to the rule of law, would be diluted if no action were taken by us on charges against a respondent judge indicating on their face a degree of seriousness and gravity. We had no choice, then, but to refer the matter, as was done, for investigation, although the answer would seem to indicate that complainant, motivated undoubtedly by what he felt was an affront to his rights, did grossly exaggerate matters. Then came the investigation impartially and diligently conducted by Associate Justice Serrano, to be followed by his report recommending dismissal of the charges.

As is evident from the excerpts extensively quoted above, nothing derogatory to respondent Judge had been proved. He did take pains to pass on the matter before him in accordance with what the law provides. There is more than ample precedent for the action he took. There is not the slightest iota of proof of bias and partiality that could be rightfully laid on his door. He ascertained the facts and he applied what to him was the controlling legal principle. When the matter is thus accurately appraised, then, no other conclusion except that reached by Justice Serrano is allowable. Respondent Judge certainly cannot be guilty of serious misconduct or inefficiency.

We should be the last to deter or discourage parties who harbor what they feel to be a legitimate sense of

grievance against a judge's actuation from taking the steps the law confers to assure observance of the high standard expected of men in the judiciary. Considering that a judge's reputation for probity is highly valued, as it should be, and, in many instances, his most precious possession, is it too much to expect of a complainant that he should ponder well and seriously before filing charges? Otherwise, even if the result be acquittal, an erroneous impression as to the judge's capabilities, difficult to erase afterwards, might have been created. This admonition should not be lost especially on one like complainant, who is a member of the Philippine bar and, as such, presumably aware not only of his rights but of his responsibilities to a court and its occupant.

WHEREFORE, respondent Judge is absolved of the charges filed by complainant Ceferino P. Azucena, and the complaint against him dismissed.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Castro, Teehankee, and Barredo, JJ., concur.
Villamor, J., on leave.

[1] Canon 5 of Judicial Ethics, 6 Moran, 63 ed., p. 361.

[2] According to Section 67 of the Judiciary Act of 1948: "No district Judge shall be separated or removed from office by the President of the Philippines unless sufficient cause shall exist, in the judgment of the Supreme Court, involving serious misconduct or inefficiency, for the removal of said judge from office after the proper proceedings."

[3] Complaint, pp. 8-9.

[4] Ibid, p. 9.

[5] Answer, pp. 5-6.

[6] Report, pp. 6-7.

[7] Ibid, pp. 7-9.

[8] Ibid, pp. 9-10.

[9] Ibid, p. 10.

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