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FIRST DIVISION

[A.M. No. 381-MJ. January 28, 1974]

GRACIANO LAMPAUOG, et al., *complainants, vs.* **FRANCISCO VILLAROJO, Municipal Judge of Ginatilan, Cebu,** *respondent.*

SYLLABUS

1. **ADMINISTRATIVE PROCEEDINGS; COMPLAINT AGAINST JUDGE; CHARGE OF PARTIALITY IN GRANTING POSTPONEMENTS; RESPONDENT EVEN-HANDEDLY GRANTED POSTPONEMENTS.**— On the alleged partiality in the granting of postponements, the complainants did not deny or refute the allegations of the respondent in his answer to the effect that in Criminal Case 153 the first postponement was granted at the behest of the private prosecutor, the second postponement on motion of the defendants, and the other postponements upon agreement by the parties. It is thus readily apparent that the respondent judge even-handedly granted postponements, contrary to the complainants' reckless allegation.

2. **ID.; ID.; CHARGE OF RENDERING UNJUST JUDGMENTS, NOT FOUNDED.**— The records of the criminal cases alluded to show that the Lampauogs and the Belotendoses had engaged in a squabble attended by some violence, as a result of which the former filed Criminal Case 153 against the latter for serious physical injuries, and the latter filed Criminal Case 154 against the former, also for serious physical injuries. In deciding these cases which arose from the same occasion and involved the same parties, the respondent judge believed the version of the Belotendoses and acquitted them, then convicted Graciano Lampauog whose version the judge rejected. In the investigation of the present administrative case, the witnesses for the complainant merely repeated the respective declarations they made at the trial of the criminal cases, and no evidence was submitted indicating that the respondent judge had decided the said cases out of ignorance, partisanship, favoritism or

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with intent to violate the law. He cannot, therefore, be said to have rendered an unjust judgment. Nor can he be said to have been incompetent, for, in his decision, he thoroughly analyzed and discussed the respective theories of the parties and the declarations of their witnesses, and that his conclusions thereon are not without logic and reason.

3. **ID.; ID.; CHARGE OF DISHONESTY IN PREPARING DOCUMENTS, WITHOUT BASIS.**— The authenticity of the signatures and thumbmarks of the parties and witnesses appearing in the deeds of sale which allegedly are false and fictitious, was never questioned by the complainants. Assuming the said deeds to be false or fictitious, it was not proved that the respondent knew of or was a privy to the falsity, or notwithstanding such knowledge or privity he prepared and/or notarized the documents. Absent such proof, the respondent must be held blameless.

DECISION

RUIZ CASTRO, *J.:*

The respondent Francisco Villarojo, former Municipal Judge[1] of Ginatilan, Cebu, was charged by the complainants Graciano Lampauog, Lorenza Lampauog and Pastor Cadungog in a verified complaint filed with the Office of the President on December 28, 1963, with knowingly rendering unjust judgments, and partiality, gross misconduct, incompetence and dishonesty in office.

The acts complained of are embraced in three counts, as follows: (1) that the respondent judge exhibited partiality in the granting of postponements in Criminal Case 153 of his court in favor of the defendants therein, namely, Bonifacio, Consolacion and Arsenia, all surnamed Belotendos; (2) that the respondent acquitted the named defendants on the basis of

[1] Villarojo was appointed Justice of the Peace of Sambaon and Ginatilan, Cebu, on March 9, 1949. On June 15, 1973 his resignation was accepted by the President.

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"twisted and illogical" reasons as against allegedly overwhelming evidence of their guilt, and was, on the other hand, biased in convicting Graciano Lampauog in Criminal Case 154; and (3) that he acted with dishonesty in preparing and notarizing (a) on June 17, 1957, a false and fictitious deed of absolute sale of a parcel of land situated in Ginatilan, Cebu, in favor of one Mercedes Cadungog; (b) on July 1, 1963, a false deed of absolute sale of a portion of the aforesaid parcel of land in favor of Pastor Cadungog; and (c) on June 30, 1959 and on July 1, 1959, fictitious deeds of absolute sale in favor of Pastor Cadungog and his sister Beata Cadungog.

The respondent denied the charges and set up special defenses.

After investigation duly conducted by District Judge Alfredo Marigomen of the Court of First Instance at Barili, Cebu, to whom the case was referred, the latter rendered his report thereon, recommending exoneration of the respondent and dismissal of the complaint.

We accept the investigator's recommendation.

1. On the alleged partiality in the granting of postponements, the complainants did not deny or refute the allegations of the respondent in his answer to the effect that in Criminal Case 153 the first postponement was granted at the behest of the private prosecutor, the second postponement on motion of the defendants, and the other postponements upon agreement by the parties. It is thus readily apparent that the respondent judge even-handedly granted postponements, contrary to the complainants' reckless allegation.

2. On the second count, the records of the criminal cases alluded to show that Lampauogs and the Belotendoses had engaged in a squabble attended by some violence, as a result of which the former filed Criminal Case 153 against the latter for serious physical injuries, and the latter filed Criminal Case 154 against the former, also for serious physical injuries. In deciding these cases which arose from the same occasion and involved the same parties, the respondent judge believed the

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version of the Belotendoses and acquitted them, then convicted Graciano Lampauog whose version the judge rejected. In the investigation of the present administrative case, the witnesses for the complainant merely repeated the respective declarations they made at the trial of the criminal cases, and no evidence was submitted indicating that the respondent judge had decided the said cases out of ignorance, partisanship, favoritism or with intent to violate the law. He cannot, therefore, be said to have rendered an unjust judgment.[2] Nor can he be said to have been incompetent, for, in his decision, he thoroughly analyzed and discussed the respective theories of the parties and the declarations of their witnesses, and we say that his conclusions thereon are not without logic or reason.

3. The last count is likewise untenable. The authenticity of the signatures and thumbmarks of the parties and witnesses appearing in the deeds of sale which allegedly are false and fictitious, was never questioned by the complainants. Assuming the said deeds to be false or fictitious, it was not proved that the respondent knew of or was a privy to the falsity, or that notwithstanding such knowledge or privity he prepared and/or notarized the documents. Absent such proof, the respondent must be held blameless.

ACCORDINGLY, the respondent Francisco Villarojo is absolved of the charges, and the complaint is hereby dismissed. No costs.[3]

Makalintal, C.J., Teehankee, Makasiar, Esguerra, and *Muñoz Palma, JJ.*, concur.

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[2] See In re Impeachment of Horilleno, 43 Phil. 212.

[3] This decision must not be regarded as having any bearing on or affecting in any way the reasons underlying the President's acceptance of Villarojo's resignation from the Judiciary.