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[Adm. Matter No. 171-MJ. January 30, 1976]

SECOND DIVISION

RESIDENTS OF THE MUNICIPALITY OF QUIRINO, ILOCOS SUR, complainants, *vs.* MUNICIPAL JUDGE FELIX MANUEL of Quirino, Ilocos Sur, respondent.

ADMINISTRATIVE COMPLAINT against a municipal judge.

SYNOPSIS

Respondent judge was charged with having frequently disturbed complainants in the barrio hall by uttering insulting and challenging words to the public, with having challenged barrio officials and leaders, and with having frequently roamed the streets of the poblacion under the influence of liquor.

The investigating judge recommended the dismissal of the charges for lack of evidence to substantiate the same, which recommendation was concurred in by the judicial consultant. Finding the appraisal of the investigating judge to be correct, the Supreme Court dismissed the charges for lack of merit.

SYLLABUS

of the Ruling of the Court

ADMINISTRATIVE COMPLAINTS; JUDGES, ENTITLED TO PROTECTION AGAINST UNJUSTIFIED SLURS ON THEIR REPUTATION.– It is a truism that there is an added incentive

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to good behavior if a judge is ever conscious of the adverse consequences that may result from an administrative complaint for any misstep or misconduct on his part. At the same time, while the right to file charges for an alleged dereliction of duty on the part of a member of the judiciary is embraced in the constitutional right to petition, the latter is entitled to protection against unjustified slurs on his reputation, especially so if it can be shown to be motivated by personal spite or ill will.

APPEARANCES OF COUNSEL

Felix Bello, Jr. for the complainants.
Filomeno B. Balbin for the respondent.

RESOLUTION

FERNANDO, *J.:*

It is a truism that there is an added incentive to good behavior if a judge is ever conscious of the adverse consequences that may result from an administrative complaint for any misstep or misconduct on his part. At the same time, while the right to file charges for an alleged dereliction of duty on the part of a member of the judiciary is embraced in the constitutional right to petition,[1] the latter is entitled to protection against unjustified slurs on his reputation, especially so if it can be shown to be motivated by personal spite or ill will. This observation is prompted by what did transpire in this

[1] According to Article IV, Section 9 of the Constitution: "No law shall be passed abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and petition the Government for redress of grievances."

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administrative complaint against Judge Felix Manuel of the Municipality of Quirino, Ilocos Sur.

In a report submitted by the then Judicial Consultant Manuel P. Barcelona, the charges as well as the specific offenses imputed to respondent Judge were set forth as follows: "In an unverified petition signed by some sixty-four residents of the different sitios and municipality of Quirino, province of Ilocos Sur, respondent Felix Manuel, municipal judge of Quirino, was denounced for the following: 'That he frequently disturbs the complainants in their barrio hall (Abong) by uttering insulting and challenging words to the public; that in many instances respondent challenged barrio officials and barrio leaders; that he came to barrio Lagpat bringing with him a caliber .22 rifle saying, 'I am ready to kill'; that he frequently roams the streets of the poblacion under the influence of liquor; and that the people in general have lost their confidence and honor due to the respondent as a municipal judge.' "[2] The matter was then referred for investigation by Judge Jack Soriano of the Court of First Instance of Ilocos Sur, Second Judicial District, Branch IV. He submitted his report recommending the dismissal of the charges against respondent Judge in view of the lack of evidence to substantiate them. Moreover, as to one of the only four residents of that place who showed interest in the matter, a person named Felix Padao, it was shown that he had entertained a long grudge against respondent. The report of Judge Soriano was then submitted for the appraisal of the Judicial Consultant, who was in agreement. As he pointed out: "Considering the facts, that of the 64 original signatories in the said petition only four appeared and

[2] Memorandum for Chief Justice Querube C. Makalintal, November 28, 1975.

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testified despite the notices sent to all of them before every hearing; that the declaration of said four witnesses which were contradictory in some respects, failed to substantiate the charges, the admission of the principal witness that he had a long-standing grudge against respondent, the manifestation of the counsel for complainants that their complaint be dismissed; the affidavits of expression of continued trust and confidence in respondent, signed by hundreds of residents of the different sitios and municipality of Quirino, province of Ilocos Sur, and the desirability and normality of possessing a firearm in a far-flung barrio in Ilocos Sur, before the advent of martial law, I find the recommendation of District Judge Jack Soriano, of the Court of First Instance of Ilocos Sur, Branch IV, well taken."[3]

A reading of the record persuades us of the correctness of such appraisal. Its recommendation should be accepted. Nor is this all. It would be a gross disservice to judicial independence if, after an investigation duly had, and in the absence of any showing of guilt by respondent Judge, no mention is made of the disapproval that this Court visits on the harassment to which a member of the bench is subjected from a party who, for one reason or another, may entertain a grudge against him.

Wherefore, the charges against respondent Judge Felix Manuel are dismissed for lack of merit. Let a copy of this resolution be entered on his record.

Barredo, Antonio, Aquino and *Concepcion Jr., JJ.*, concur.

Charges dismissed.

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[3] Memorandum for Chief Justice Querube C. Makalintal, November 28, 1975.