

THIRD DIVISION

**[A.M. No. MTJ-00-1298 (Formerly A.M. OCA IPI
No. 97-418-MTJ), August 03, 2000]**

**WILLIAM R. ADAN, COMPLAINANT, VS. JUDGE ANITA ABUCEJO-
LUZANO, MUNICIPAL CIRCUIT TRIAL COURT, INITAO-LIBERTAD,
MISAMIS ORIENTAL, RESPONDENT.**

D E C I S I O N

GONZAGA-REYES, J.:

William R. Adan is the private complainant in two (2) criminal cases (Nos. 2255 and 2256) both for Grave Oral Defamation filed with respondent Judge Anita Abucejo-Luzano of the Municipal Trial Court of Lopez-Jaena, Misamis Occidental wherein the latter found accused Remedios and Belinda Saarenas guilty of the said crime and were sentenced accordingly. However, on Motion for Reconsideration, respondent judge reversed her decision and rendered a judgment of acquittal.

In the present case, herein complainant Adan alleges that respondent Judge modified the judgment not on the basis of what was already on the record but on the basis of "new", information supplied to her by the accused; that respondent Judge conducted an ocular inspection of the place of the crime without inviting or even informing the parties thereof despite the fact that such ocular inspection is part of the public trial where both the prosecution and the defense are present or represented; that respondent Judge even interviewed the accused thus receiving biased information; and that respondent Judge failed to furnish him a copy of the Order of acquittal dated December 9, 1996 and that he came to know of the existence of the said order when he accidentally met the public prosecutor on May 14, 1997 or six (6) months after the promulgation of the judgment. Complainant charged respondent Judge with abuse of authority, partiality and rendering an unjust judgment relative to the aforesaid criminal cases.

Respondent Judge denied the allegations in the complaint and claimed that neither of the accused are personally known to her; that she modified the judgment upon finding that she committed injustice to the accused who are poor and have less in life and in education unlike the complainant who is the Chancellor of the Mindanao State University (MSU) and the head of MSU's Institute of Fisheries and Research Development. She further alleged that she is "one if not the only one among the judges of the first level courts to have the least number of pending criminal and civil cases filed as she does not wait for anybody to come and seek her aid in the disposal of cases".

The case was referred to the Court Administrator for investigation, report and recommendation. The Court Administrator recommended that respondent Judge be fined in the amount of Twenty Thousand Pesos (P20,000.00) with a warning that the commission of the same or similar offense in the future shall be dealt with more severely.