

FIRST DIVISION

[A.M. No. MTJ-96-1106, June 17, 2003]

CELESTINA B. CORPUZ, CLERK OF COURT, MUNICIPAL TRIAL COURT, URDANETA, PANGASINAN, COMPLAINANT, VS. JUDGE ORLANDO ANA F. SIAPNO, PRESIDING JUDGE, MUNICIPAL TRIAL COURT, URDANETA, PANGASINAN, RESPONDENT.

R E S O L U T I O N

YNARES-SANTIAGO, J.:

Celestina B. Corpuz, Clerk of Court of the Municipal Trial Court of Urdaneta, Pangasinan, filed an Affidavit Complaint^[1] against the respondent Orlando Ana F. Siapno, Presiding Judge of the same Court, charging him with Violation of Administrative Circular Nos. 3-92 and 17-94, Anti-Graft and Corrupt Practices Act, Falsification, Conduct Unbecoming of a Public Officer, Abuse of Authority, Delay in the Administration of Justice and Ignorance of the Law.

Complainant alleged that immediately upon his assumption of office, respondent Judge proposed to her that they extort money from litigants; that respondent Judge used his chambers as his residence; that he failed to make the required inventory of cases; that he used his filing cabinet for storing personal belongings instead of case records; that he allowed his family to use a typewriter issued by the Supreme Court; that he dismissed five criminal cases against his friend and drinking companion, Captain Josephus Javonillo; that he falsified his Certificate of Service by stating therein that he conducted sessions everyday of the week when he was always absent on Thursdays and Fridays; that he intimidated three police officers who filed complaints for grave slander against him; that he maligned complainant in the presence of the public; that he sent his court personnel on personal errands such as marketing chores and washing dishes; that he dismissed a rape case despite the interest of the Department of Social Welfare and Development in the case since the victim was a minor; that he returned criminal cases for barangay conciliation despite the presence of certificates to file action therein but entertained the countercharges despite the lack of said certifications; that he failed to resolve three criminal cases within the period prescribed by the Supreme Court; that he failed to award civil damages in Criminal Cases Nos. 12527 and 13482; that he instigated persons to stage a demonstration against complainant; and that he ordered complainant to drop a case for robbery filed by the latter's niece.

Respondent filed his Comment on April 7, 1997,^[2] wherein he vehemently denied the charges against him. More specifically, he averred that he sleeps in his houses in Dagupan City and Asingan; that the inventory of cases was done by Judith Tambo under his supervision; that the filing cabinet in his court was not being used for kitchen utensils and personal belongings; that he owns three typewriters and a personal computer in his house; that he does not have drinking sessions with Captain Javonillo; that he holds sessions only from Mondays to Wednesdays because

the Public Prosecutor and PAO lawyer assigned to his branch are available only on those days; that the three policemen voluntarily withdrew the cases for grave slander against him; that his resolution dismissing the rape cases were affirmed by the Provincial Prosecutor; that he referred Criminal Cases Nos. 16050, 16039 and 17001 to the barangay conciliation because the validity of the certifications to file action was questioned by the counsel; that all cases forwarded to his chambers are decided and resolved with dispatch; that he did not award civil damages in Criminal Cases Nos. 12527 and 13482 because the prosecution did not present any evidence therefor; that he did not tell complainant and her niece to drop the robbery case.

The Court referred the case to Executive Judge Luis M. Fontanilla of the Regional Trial Court of Dagupan City, Branch 42, for investigation. The case was thereafter referred to the Office of the Court Administrator for evaluation, report and recommendation. The OCA adopted Judge Fontanilla's findings and recommended that all the charges against respondent Judge be dismissed, except that for Ignorance of the Law for failure to award civil damages in Criminal Cases Nos. 12527 and 13482, for which respondent Judge must be fined in the amount of Two Thousand Pesos (P2,000.00).

Pursuant to a Resolution dated March 19, 2001,^[3] both parties manifested their willingness to have the case submitted for resolution on the basis of the records.^[4]

We agree with the findings and recommendation of the Office of the Court Administrator.

The Investigating Judge found that complainant failed to present substantial evidence to prove her allegations that respondent proposed to her the extortion of litigants; that he used his chambers as his place of residence; that he used the filing cabinet for his kitchen utensils, that he devoted the typewriter issued by this Court for use by his family; that he had drinking sprees with Capt. Javanillo; that he sent court personnel on unofficial errands; that the dismissal of the rape charges were unjustified. Moreover, the Investigating Judge found that the charges that respondent Judge failed to hold sessions on Thursdays and Fridays are unfounded.

Anent the charge of failure to conduct the docket inventories, a judge is not required to personally catalog the records of cases during the physical inventory. This can be delegated to members of his staff who should regularly report to him. Precisely, this is what respondent did in this case when he instructed Judith Tambo to do the physical count of the case records.

Regarding the return of Criminal Cases Nos. 16050, 16039 and 17001 to the Barangay Captain in spite of the issuance of a Certification to File Action, Investigating Judge Fontanilla pointed out that respondent is presumed to have acted in good faith because he was apparently motivated by the idea that the charges and counter-charges could be settled before the barangay captain. It must be remembered that a judge enjoys the presumption of regularity in the performance of his function no less than any other public officer.^[5] The presumption of regularity of official duty may be rebutted by affirmative evidence of irregularity or failure to perform a duty.^[6] Every reasonable intendment will be made in support of the presumption and in case of doubt as to an officer's act being lawful or unlawful, construction should be made in favor of its lawfulness.^[7]

Moreover, complainant based the charges on the "nagging suspicion" that respondent was influenced by the fact that her brother was the private prosecutor in the cases which were filed with his court. As held by the Investigating Judge, respondent cannot be disciplined based on a "nagging suspicion."^[8] The dearth of evidence to substantiate this accusation justifies respondent's absolution from the charge. Surely, we cannot allow ourselves to be a medium in destroying the reputation of any member of the bench by pronouncing his guilt with alacrity on a mere accusation based on tenuous, if not nonexistent, evidentiary support. In administrative proceedings, the burden of proof that respondent committed the act complained of rests on complainant. Failing in this, the complaint must be dismissed.^[9]

As to respondent Judge's failure to award civil damages in Criminal Cases Nos. 12527 and 13482, the records disclose that both accused in said cases pleaded guilty to the charges against them and respondent Judge imposed fines corresponding to the damages alleged in the Informations therein. In Criminal Case No. 12527, the Information alleged that the damages suffered amounted to P38,800.00.^[10] Respondent Judge imposed on accused a fine of P33,900.00 representing the amount of repair on the damaged property.^[11] Similarly, in Criminal Case No. 13482, damage to property in the amounts of P34,700.00 and P15,000.00 were alleged in the Information. Respondent Judge meted out a fine of P49,700.00 representing the damages sustained by the offended parties.

In justifying his omission to award civil damages, respondent Judge alleges that the prosecution did not present any evidence regarding the civil aspect of the case.^[12] This was error. Concomitant with his rendition of a guilty verdict, respondent should likewise make a finding on the accused's civil liability because it is basic that every person criminally liable is also civilly liable.^[13] Furthermore, Article 2202 of the Civil Code provides that:

In crimes and quasi-delicts, the defendant shall be liable for all damages which are the natural and probable consequences of the act or omission complained of. It is not necessary that such damages may have been foreseen or could have reasonably been foreseen by the defendant.

Under the Revised Rules on Criminal Procedure, when a complaint or information is filed even without any allegation of damages and the intention to prove and claim them, it is understood that the offended party has the right to prove and claim for them, unless a waiver or reservation is made,^[14] or unless in the meantime, the offended party instituted a separate civil action.^[15] In such case, the civil liability arising from a crime may be determined in the criminal proceedings if the offended party does not waive to have it adjudged or does not reserve the right to institute a separate civil action against the defendant.^[16] Accordingly, if there is no waiver or reservation of civil liability, evidence should be allowed to establish the extent of injuries suffered.^[17]

The rule expressly imposes upon the courts the duty of entering judgment with respect to the civil liability arising from the offense, if no reservation has been made to ventilate it in a separate action.^[18] Indeed, even in case of an acquittal, unless