

EN BANC

[A.M. No. RTJ-01-1629, March 26, 2001]

HILARIO DE GUZMAN, JR., COMPLAINANT, VS. JUDGE DEODORO J. SISON, REGIONAL TRIAL COURT, BRANCH 40, DAGUPAN CITY, RESPONDENT.

RESOLUTION

PER CURIAM:

In a letter dated December 16, 1998 a copy of which was received by the Office of the Chief Justice on December 23, 1998,^[1] complainant Hilario De Guzman, Jr., the winning mayoralty candidate for San Jacinto, Pangasinan in the May 11, 1998 elections, called the Court's attention to alleged irregularities in the adjudication of the election protest filed by his rival, which was docketed as Elec. Case No. 31-98^[2] and assigned to Branch 40, Regional Trial Court of Pangasinan, presided by respondent judge.

The letter was subsequently indorsed^[3] by the Chief Justice to the Office of the Court Administrator (OCA), which, on January 25, 1999,^[4] required respondent judge to comment within ten (10) days from receipt.

On March 4, 1999, respondent judge filed his comment^[5] averring that:

- A.] The unverified letter states no cause of action.
- B.] The questioned judgment is supported by evidence; hence valid and lawful.
- C.] The letter writer has availed of the legal remedy of appeal with the Commission on Elections (COMELEC); and so, the matter continues to be of judicial concern. In fact, the case folder has already been forwarded to the COMELEC.
- D.] The questioned judgment speaks for itself. It is characterized by judicial objectivity dictated only by the highest interest of truth and justice. The Presiding Judge resolved the case according to his conscience and to his perception of the applicable law. The case was decided on the basis of merit, not on extraneous considerations. Since the Presiding Judge was guided by the evidence adduced, then, no other conclusion is apparent but to render the questioned judgment.
- E.] The Supreme Court has repeatedly and uniformly ruled that a Judge may not be held administratively accountable for every erroneous order or decision he renders.^[6]

On March 16, 1999,^[7] the Officer-in-Charge of the Legal Office-OCAD, Docket and Clearance Division, advised complainant to file a formal complaint against respondent judge. Accordingly, complainant filed a formal complaint on May 14, 1999,^[8] attaching thereto the pertinent documents^[9] in support thereof.

Subsequently, on October 12, 1999,^[10] complainant wrote a letter to the OCA praying for the early resolution of the case, and submitted therewith a copy of the decision of the COMELEC's 2nd Division dated October 5, 1999^[11] in EAC No. A-20-98, entitled, "*Rolando P. Columbres, Protestant-appellee versus Hilario De Guzman, Jr., Protestant-appellant,*" reversing the ruling of respondent judge in Election Case No. 31-98. This decision of the COMELEC's 2nd Division was subsequently affirmed by the COMELEC sitting *en banc*.^[12]

In a Resolution dated December 1, 1999, the Court noted the above-mentioned letter of complainant and referred the case to Associate Justice Marina L. Buzon of the Court of Appeals for investigation, report and recommendation within ninety (90) days from notice.^[13]

On March 8, 2000, respondent judge filed his comment,^[14] substantially reiterating the arguments he raised in the earlier comment he filed on March 4, 1999.

In accordance with the directive of the Court, Investigating Justice Marina L. Buzon submitted a Report dated May 23, 2000 where she summed up the pertinent factual antecedents of the controversy thus:

Complainant Hilario de Guzman, Jr. was proclaimed as the duly elected Mayor of San Jacinto, Pangasinan in the May 11, 1998 elections, garnering 4,248 votes as against 4,104 votes obtained by Rolando E. Columbres.

Columbres filed an election protest against the complainant, docketed as Election Case No. D-13-98, which was raffled to the Regional Trial Court, Branch 40, Dagupan City, presided over by respondent Judge Deodoro J. Sison. On December 7, 1998, a decision was rendered by respondent finding that the revision and physical counting of votes/ballots in forty two (42) precincts contested by Columbres showed that the latter won the mayoralty elections of San Jacinto, Pangasinan, garnering 4,037 votes as against complainant's 3,302 votes.

In a letter dated December 16, 1998 addressed to the Honorable Chief Justice Hilario G. Davide, Jr., complainant charged the respondent with manifest partiality and gross ignorance of the law in the appreciation of the ballots in Election Case No. D-31-98, as shown by the following:

1. Respondent nullified all the votes in his favor in Precinct Nos. 35 and 35A in Barangay Casibong for failure of the Election Chairman to countersign the ballots, citing Batas Pambansa No. 222 and Section 36 of Comelec Resolution No. 1539, as well as the case of *Bautista vs. Castro*.^[15] Complainant argued that B.P. 222 and Comelec Resolution No. 1539 and the case of *Bautista vs. Castro*

refer to the barangay elections in 1982 and that the law governing the 1998 elections is the Omnibus Election Code and the Comelec General Instructions for the May 11, 1998 elections.

2. Respondent nullified the ballots with undetached stubs despite the provision in Section 211 (27) of the Omnibus Election Code that failure to remove the detachable coupon from a ballot does not annul such ballot.
3. Respondent nullified ballots with "X" marks, lines and similar marks despite the provision in Section 211 (21) of the Omnibus Election Code that circles, crosses or lines placed on spaces on which the voter has not voted shall be considered as signs of desistance from voting and shall not invalidate the ballot.

Complainant further alleged that respondent prematurely terminated the presentation of his evidence and declared the case submitted for decision because of the absence of his lawyer at the hearing on December 1, 1998; that the motion for execution of the decision filed by Columbres was set for hearing by respondent despite the fact that he was not furnished with a copy thereof and said motion did not contain a notice of hearing; and that he appealed the decision to the Commission on Elections (COMELEC).

In his Comment on the complaint, respondent stated that his decision is supported by the evidence and his perception of the applicable law. He claimed that the invalidated ballots were accomplished by more than one person or were prepared by persons other than the registered voters as shown by the identical handwriting strokes or were prepared in longhand and in print and in the same sequence of candidates, or contained distinctive marks or irrelevant words that could identify them or were not signed at the back by the Chairman of the Board of Election Inspectors and had no Comelec watermark or red and blue fibers in the ballots; that signatures and thumbmarks in the voter's registry record (CE Form No. 1) are different from those in the computerized list of voters (CE Form No. 2); that complainant was given adequate opportunity to refute or dispute the overwhelming documentary evidence against him but he failed to do so; that complainant appealed the decision to the COMELEC; and that a judge may not be held administratively liable for every erroneous order or decision rendered by him.

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A verified complaint with annexes, dated May 7, 1999, was filed by complainant on May 10, 1999 charging respondent with gross ignorance of the law and irregularities in connection with Election Case No. D-31-98, to wit:

1. The decision nullifying 946 votes in his favor is contrary to the facts and the law for the following reasons:

a) 416 ballots with "X" marks or horizontal or vertical lines placed over empty spaces after the name of the last candidate written by the voter are not marked ballots, as such markings merely indicate desistance of the voter from voting and do not invalidate the ballots (Section 211 [21] of the Omnibus Election Code);

b.) 267 ballots with undetached coupons are valid as the failure to remove the detachable coupon from a ballot does not annul such ballot (Section 211 [27], Omnibus Election Code);

c.) 181 ballots which were not signed by the Chairman of the Board of Election Inspectors were invalidated on the basis of Section 14 of B.P. 322 (sic), Section 36 of Comelec Resolution No. 1539 and the case of Bautista vs. Castro, despite the fact that the 1998 national and local elections were governed by the Omnibus Election Code and Comelec Resolution No. 2962 and the applicable case is Punzalan vs. Comelec;

d.) 82 ballots were allegedly filled out by more than one person or that only one person filled out several ballots on the basis of the voters' registration record and voting record but he was not allowed to present an expert to validate/corroborate said findings;

2. Respondent exhibited manifest partiality in the conduct of the proceedings in violation of his right to due process, as shown by the following:

a) Respondent declared the case submitted for decision although he was not yet through with the presentation of his evidence;

b) Respondent did not act on his motion for partial determination;

c) Respondent scared his witnesses and angrily stopped his counsel from asking questions to his witnesses;

d) Respondent denied his motion to post a supersedeas bond;

e) Respondent admitted the memorandum of

Rolando Columbres although it was filed beyond the period;

f) Respondent accepted payment of the bond for the revision of contested ballots made beyond the period within which to do so;

g) His counsel was served with a copy of the Order dated November 26, 1998 only on December 1, 1998 barely three (3) hours before the scheduled hearing;

h) His motion dated November 26, 1998 was never set for hearing;

i) Respondent did not wait for his formal offer of evidence;

j) Respondent was seen with Mr. and Mrs. Rolando Columbres and Noli Caramat at Northern Paradise Resort in San Jacinto, Pangasinan in the afternoon of the day he issued the writ of execution pending appeal, as shown by the picture and affidavit of the photographer, Mrs. Rosario Omictin; and

k) Respondent was in the municipal building of San Jacinto, Pangasinan with Rolando Columbres when the writ of execution pending appeal was implemented by the NBI Agents as shown by the affidavit of Emmanuel Hipolito;

3. Respondent issued the writ of execution pending appeal without good reasons therefor;

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In his Comment on the verified complaint dated May 7, 1999, respondent reiterated the Comment earlier filed by him and claimed that any error in his decision is correctible by appeal and not through an administrative complaint, absent any showing of malice or bad faith on his part. He denied that he met with Columbres on December 18, 1998 at the Northern Paradise and that he was at the municipal building of San Jacinto, Pangasinan on December 21, 1998.

Replying thereto, complainant argued that respondent did not merely commit an error in judgment considering that the latter's appreciation of the contested ballots was based on non-existent rules and that he will present pictures showing that respondent was at the Northern Paradise Resort on December 18, 1998.