

## SECOND DIVISION

[ A.M. No. RTJ-00-1565, August 16, 2001 ]

**FEDERICO S. BERNARDO, COMPLAINANT, VS. JUDGE PATERNO  
G. TIAMSON, RTC, BRANCH 69, BINANGONAN, RIZAL,  
RESPONDENT.**

### RESOLUTION

**MENDOZA, J.:**

This is a complaint for misconduct and acts unbecoming a judge filed against Judge Paterno G. Tiamson of the Regional Trial Court, Branch 69, Binangonan, Rizal.

Complainant Federico S. Bernardo is the president of Sinag-Dagat, Inc., a duly registered association of marginalized fishermen and farmers which, in 1983, was granted by the Laguna Lake Development Authority (LLDA) a permit to undertake a project in a three-hectare area of the Integrated Aqua Farm located in Barangay Pag-asa, Binangonan, Rizal. Although its permit was later revoked, the Sinag-Dagat, Inc. filed in 1999 another application which was pending approval by the LLDA when the incident resulting in the filing of this case arose.

On the other hand, respondent, Judge Paterno G. Tiamson, is the owner of two adjacent parcels of land along the Laguna Lake, adjacent to a fishpond enclosed by dikes (*kalsadang pilapil*). Respondent's fishpond is located on the shoreland below the 12.50-meter level as determined by the LLDA. From 1995 to 1997, he operated the fishpond unmolested by anyone, but in 1998, complainant and his men entered the fishpond and placed bamboo poles and fishing nets around one of the compartments adjoining the same.

On July 4, 1999, at 7:00 a.m., respondent, his son Patnubay Tiamson, and a certain Jerry Romero cut and destroyed the bamboo poles and fishing nets. The incident was witnessed by Teresa Cochero and Darwin Bernardo, caretakers of the fishpond, who asked respondent to stop causing further damage to the same. Respondent, however, paid no heed to their pleas.

Complainant alleged that respondent had earlier built dikes along the fishpond without any court order. He alleged that respondent's removal of the bamboo poles and fishing nets constituted misconduct rendering him unfit for his position as a judge.

In his comment, respondent claimed that in 1998, complainant and his men surreptitiously entered a portion of his fishpond and installed bamboo poles and fishing nets thereon; that the issue of possession of the fishpond and the encroachment made by complainant and his men was pending decision by LLDA; that on January 11, 2000, the LLDA informed complainant that his temporary permit, dated November 15, 1983, to use the shoreland (*lupang kanduli*) along