

THIRD DIVISION

[A.M. No. MTJ-94-921, March 05, 1996]

DR. AMPARO A. LACHICA, COMPLAINANT, VS. JUDGE ROLANDO A. FLORDELIZA, MCTC, JOSE ABAD SANTOS-SARANGANI, DAVAO DEL SUR, RESPONDENT.

D E C I S I O N

PANGANIBAN, J.:

In the instant case, this Court once again deals with the standard of behavior and decorum expected of magistrates of the law.

In an Affidavit-Complaint^[1] dated October 7, 1993, Dr. Amparo A. Lachica, the Municipal Health Officer of Jose Abad Santos, Davao del Sur, charged the respondent, Judge Rolando A. Flordeliza of the Municipal Circuit Trial Court of Jose Abad Santos-Sarangani, Davao del Sur, with abuse of judicial position and intimidation, for allegedly compelling her to sign a death certificate even though she was not the attending physician.

Due to the conflicting averments in the Complaint-Affidavit, respondent's Comment/Discussion and complainant's Reply to Comment, along with their respective annexes consisting of affidavits of witnesses, this Court, thru its First Division, issued a Resolution on May 11, 1994 referring the case to Judge Magno C. Cruz^[2] for investigation, report, and recommendation. The latter submitted his Report and Recommendation^[3] dated July 24, 1995, based on the documentary evidence and submissions of the parties, consistent with the summary mode of procedure they had earlier agreed to adopt in order to facilitate the speedy disposition of this case.

The Antecedent Facts

Since the findings of fact as contained in said Report and Recommendation are substantiated by the evidence on record, the same are herein adopted, to wit:

"That on the morning of 12 August 1993, while complainant was at the Tomasa Lachica District Hospital, Dina Masaglang and Norma Puton were referred to her for the signing of the Death Certificate of Hilario Kiawan. Knowing the importance of a death certificate and considering that the deceased was not her patient and that she has no personal knowledge of the cause of his death, she refused to sign the certificate and told them that the attending physician in General Santos City should sign the same. Complainant politely explained her reasons for refusing but the two women insisted that complainant sign it because General Santos is very far and the Municipal Judge will no longer be around after the Fiesta. Despite their repeated insistence, complainant did not sign the Certificate.

"Later in the afternoon, the two women returned to the hospital, handed over to complainant the death certificate and arrogantly demanded 'Pirmahan mo daw sabi ni Judge Flordeliza.' Again, complainant refused.

"Complainant did not pay much attention to the aforesaid incidents, thinking that the two women were engaged in name-dropping. However, later in the evening, during the Municipal Employees Night Party, Judge Flordeliza, through the Municipal Assessor, invited Dr. Lachica to sit next to him. When she was seated, Judge Flordeliza, who was drunk, told her in an angry manner: 'Bakit hindi mo pinirmahan ang Death Certificate?' Complainant tried to explain her reasons but to no avail. After exchanges of words, respondent threatened complainant that he will file an administrative case against her if she will refuse to sign the death certificate.

"Complainant further avers that on 13 August 1993, on her way to the Health Center, she again met Dina Masaglang and Norma Puton and without saying anything, the latter handed to her the Death Certificate. She (complainant) again refused and advised the two women to let the attending physician of General Santos sign the Certificate.

"Respondent, in his comment, dated 13 December 1993, denied all the accusations against him and narrated his version of the story. He avers that he did not order said two women to force complainant to sign the Death Certificate; that he has no interest in the case; that the two women are not his relatives nor even casual friends; that during the Municipal Employees Night Party, he could not have been drunk when he talked with complainant because the conversation took place shortly after his arrival (accompanied by P02 Tayong) and the drinks were served only after the end of the program; that the incident took place after he was offered to join the table occupied by Mayor Jeol [sic] Lachica and his group; that upon seeing Dr. Lachica, respondent invited her for a conversation which she accepted; that in a casual conversation, in good faith and without malice, he inquired casually why complainant refused to sign the certificate when it should be signed in Jose Abad Santos where the deceased died; that after the conversation and before rejoining her group, complainant requested respondent to inform the two ladies to see her at the Health Center the following day.

"Respondent claims that the allegations of Dr. Lachica are contrary to human experience. It is not usual for a stranger like him to coerce, intimidate and threaten complainant in the presence of her influential relatives like Mayor Joel Lachica, Municipal Kagawad David Lachica, Jr., and Dr. Ignacio Matbagan.

"To substantiate respondent's allegations, he submitted Affidavits of Lolita Pardiños, Interpreter, Norma Puton, P02 Nestor Branzuela, Domingo Ambaan, Jr., and P02 C. Tayong.

"in her reply, complainant denied the allegations of respondent and reiterated her charges against him, saying that respondent lied when he said that they talked at a table with Mayor Lachica. Mayor Lachica attested (Annex 'A', Rollo, p. 29) that he was not with them at their table during the incident; that if Judge Flordeliza has really no interest in the case, he would not have summoned complainant to his table and lectured her on the importance of the death certificate.

"In rebuttal complainant submitted a copy of at the 'Daily Disposition of Troops of Jose Abad Santos Police Station' (Annex 'B' of the reply) to show that P02 Tayong was not with the group of the Judge, thus, he could not have witnessed the incident. She likewise submitted an Affidavit of David Lachica who was with Judge Flordeliza in a drinking spree hours before the party. (Rollo, p. 35)."

The Issue: Credibility

The investigating judge summed up the issue posed for resolution as being a factual question of whether respondent-judge is guilty as charged of abuse of judicial position and intimidation amounting to violation of the Code of Judicial Conduct. He added, "The resolution of this issue hinges mainly on credibility."

The investigating judge made the following evaluation of the evidence on record:^[4]

"The original affidavit complaint of Dr. Amparo Lachica, as well as, her Comment to the Reply of the respondent-judge to said affidavit, *cannot be taken lightly*. On the other hand, the comment to the affidavit-complaint by the respondent-judge is *replete with denials* of his alleged act of coercing and intimidating said lady physician for refusing to sign a Death Certificate of a deceased person involved in a case pending in his Court. The counter-affidavits of the respondent's witnesses, more particularly, those witnesses who were allegedly present during the incident were all belied by the affidavits executed by persons who are not expected to fabricate the same for purposes of lending credence to the complaint of the complainant-physician.

"One of them was the incumbent Mayor of Jose Abad Santos, Davao del Sur, Hon. Joel Lachica, *who appears to be related to both the complainant and the respondent*. Likewise, the affidavit of PO2 Louie C. Tayong (Exhibit "5"), has been belied by the excerpts of the Daily Disposition of Troops of the Jose Abad Santos Police Station, to show that said alleged witness to the incident could not have been present during said date.

"It is worthy to note that no counter-affidavit has been submitted by the respondent-judge as regards Exhibit "I" and sub-markings, which show a photograph taken during the pre-fiesta celebration at Jose Abad Santos, Davao del Sur, on August 13, 1993, the date of the incident, showing the respondent-judge with a group of persons who were drinking beer, and with *said respondent-judge clearly inebriated*.

"Even without going over each and every affidavits (sic) and counter-affidavits (sic) filed by both parties, it is very evident that the imputation of misconduct by the respondent-Judge have (sic) been proven by substantial evidence which is the quantum of proof required in administrative cases. Granting that the respondent-judge has not intimidated or coerced the complainant in issuing a Certificate of Death precipitating the filing of this Complaint, *we cannot see our way clear why said respondent-Judge should be interested in such trivial matter*