

THIRD DIVISION

**[A.M. No. MTJ-00-1295 (Formerly A.M. OCA IPI
No. 99-811-MTJ), August 01, 2000]**

**FELICIDAD B. DADIZON, COMPLAINANT, VS. JUDGE ANICETO A.
LIRIOS, MUNICIPAL TRIAL COURT, NAVAL, BILIRAN,
RESPONDENT.**

D E C I S I O N

GONZAGA-REYES, J.:

Herein complainant, Felicidad B. Dadizon was one of the complaining witnesses in Criminal Case No. 3031, a prosecution for Falsification of a Public Document penalized under Article 172, paragraph 1 and 3 of the Revised Penal Code which respondent Judge Aniceto A. Lirios of the Municipal Trial Court of Naval, Biliran tried and decided.

In the present administrative case, complainant charges respondent Judge with ignorance of the law and rendering a judgment not based on the law when he imposed upon the accused therein Pablo Suzon a straight penalty of imprisonment of seven (7) months and a fine of one thousand pesos (P1,000.00), contrary to Article 172 of the Revised Penal Code which fixes an imposable penalty of *prision correccional* in its medium and maximum periods and a fine of not more than P5,000.00 for the offense. Thus, the imposition of a straight penalty of seven (7) months is way below the penalty provided by law. Complainant further alleges that the acquittal of one of the accused, Maria Suzon, was not in keeping with the legal provision that the one who benefits from the falsified document is the person who is presumed to be the person responsible for falsification.

Respondent Judge, in his Comment, avers that if complainant believed that he erred in imposing the proper sentence then complainant should have appealed the decision to rectify the alleged error; that he imposed the penalty of seven (7) months because accused Pablo Suzon was already seventy (70) years old when he committed the crime of Falsification and thus deserved a penalty one degree lower than that prescribed by law; that the straight penalty of seven (7) months is well within the minimum period of *prision correccional* which is one degree lower than the prescribed penalty. He pleads that if he has erred, then he begs for forgiveness from this Court so that justice be tempered with mercy. He points out that he has served the judiciary for more than thirty-three (33) fruitful years and during that long span of time, he was the respondent in only five (5) administrative cases all of which were dismissed for lack of merit; and that he already filed his application for retirement and authorized the withholding of the amount of P20,000.00 or any suitable amount from his retirement benefits to answer for any liability that he may be adjudged to pay.

In the Resolution of March 29, 2000, the parties were required to manifest if they are willing to submit the case on the basis of the pleadings/records already filed and