

EN BANC

[A.M. NO. 2006-02-SC, October 15, 2007]

ALEXANDER D.J. LORENZO, COMPLAINANT, VS. ORLANDO AND DOLORES LOPEZ, RESPONDENTS.

RESOLUTION

NACHURA, J.:

Before this Court is a complaint for misconduct filed by Alexander D.J. Lorenzo against two employees of this Court, spouses Orlando and Dolores Lopez^[1] (the Lopezes). Lorenzo accuses the Lopezes of harassing, threatening, and assaulting him and several members of his family.

The complaint pertains to a dispute among neighbors. Lorenzo and the Lopezes were residents of Juana 3 Subdivision, *Barangay* San Francisco, Biñan, Laguna. Complainant Lorenzo and his family lived at the house of his father-in-law, Leonardo Comia, in said subdivision (Lot 16). The Lopezes' house (Lot 15) is located behind Comia's.

Beside the Comia lot is an alley (Lot 14) provided by developer La Paz Housing and Development Corporation to serve as right of way to the occupants of Lot 15 and Lot 13. The said alley is the only means for ingress and egress to the main road for the occupants of Lots 15 and 13.^[2]

The aforementioned alley has been the source of tension between the neighbors. The Lopezes claim that Comia constructed a side gate to the alley, which impedes the free use thereof. On the other hand, Lorenzo claims that the Lopezes are the ones prohibiting him and his family from using the alleyway. He also alleges that, whenever they pass thru the alleyway, the Lopezes threaten to haul them to jail because "*malakas daw sila sa Supreme Court.*"

The conflict finally came to a head on July 30, 2005.

Orlando Lopez alleges that at about 7:30 that morning, he was about to exit the gate of the alley when he saw Comia standing near the gate. Comia blocked Orlando's way, and asked who had locked the gate. Orlando answered that he did. Comia then answered back, "*Ah! Ganon!*" then pushed Orlando on the chest. Comia then entered the gate and pulled a .22 caliber gun from his back pocket and poked Orlando on the chest. Comia pulled the trigger but missed Orlando. Then, complainant Lorenzo came out and allegedly boxed Orlando on the right eye. To prevent the former from mauling him, Orlando embraced Lorenzo. Orlando's wife, Dolores, and his son came out of their house to pacify them. Comia cocked his gun again and poked Orlando on the chest. Fortunately, one of their other neighbors came out and parried Comia's hand causing him to fire the gun upward. Thereafter, the Lopezes rushed to the Biñan Police Station to report the incident.^[3]

As a result of their continuing dispute, the Lopezes have filed several cases against Comia, to wit:

- (1) Criminal Case No. 28540 for Unjust Vexation allegedly committed on March 14, 2005, filed by Dolores Lopez;
- (2) Criminal Case No. 28543 for Grave Threats allegedly committed on February 7, 2005, filed by Orlando Lopez;
- (3) Criminal Case No. 28543 for Grave Threats allegedly committed on February 18, 2005, filed by Orlando Lopez;
- (4) Criminal Case No. 28544 for Grave Threats allegedly committed on March 14, 2005, filed by Orlando Lopez;
- (5) Criminal Case No. 28546 for Unjust Vexation allegedly committed on March 14, 2005, filed by Orlando Lopez;
- (6) Criminal Case No. 28806 for Attempted Homicide allegedly committed on March 14, 2005, filed by Orlando Lopez.^[4]

These cases are pending before the Municipal Trial Court of Biñan.

On the other hand, Lorenzo disputes Orlando's version of the July 30, 2005 incident. He alleges that at the time of the incident, he heard what seemed to be an argument outside their house. He looked out and saw the Lopezes shouting invectives at his father-in-law. When he saw Orlando about to punch his mother-in-law, Lucita Comia, he rushed out to stop Orlando. However, Orlando instead punched him on the left eye while Dolores pulled his hair.^[5] Lorenzo then reported the incident to the *Barangay*. The incident was called for *Barangay* conciliation but the Lopezes allegedly failed to appear at the scheduled proceedings.^[6]

On August 15, 2005, Lorenzo filed a letter-complaint against the Lopezes addressed to then Court Administrator Presbitero J. Velasco, Jr.,^[7] requesting Court action against the Lopezes for the July 30, 2005 incident.

Atty. Eden T. Candelaria, Deputy Clerk of Court and Chief Administrative Officer submitted the report and recommendation of the Office of Administrative Services (OAS) in a Memorandum to then Chief Justice Artemio V. Panganiban, dated March 29, 2006. The pertinent portions of the report read:

From the foregoing facts and after evaluating their respective claims, it appears that the allegations of complainant Lorenzo will not hold water, much less for this Office (sic) to find merits (sic) on the same for almost set of facts are involved in the criminal complaint for Attempted Homicide earlier filed by respondent-spouses Lopez against Mr. Comia before the Municipal Trial Court of Biñan, Laguna. Nonetheless, this Office is convinced that the filing of the instant administrative complaint against the respondents is a retaliation of (sic) the criminal complaints for grave threats, unjust vexation, and attempted homicide that were earlier filed by respondent-spouses Lopez against complainant's father-in-law.

Anent the charges for harassment, threat and assault, all of which are classified as grave misconduct...herein complainant failed to substantiate the same. Records are bereft of evidence to support the charges that respondent-spouses did harass or in any way threaten complainant or

any of his family members (sic). Except for the medical certificate and official receipts issued by the Biñan Doctors' Hospital, no other pieces of evidence were offered by complainant to corroborate his claim that Mr. Lopez delivered the blow and caused his injuries. x x x.

If complainant believes that damage and injustice have been done against him or his family by respondents, he has all the available resources favorable to him to seek redress before the court and prove his allegations thereto (sic).^[8]

The Memorandum was noted by this Court in a Resolution dated April 18, 2006 and referred to the Office of the Court Administrator for further investigation.

The case was assigned to retired Court of Appeals Justice Narciso T. Atienza for investigation. Justice Atienza, likewise, recommended the dismissal of the case for insufficiency of evidence. The Investigating Justice found, thus:

The allegation of Lorenzo that he was punched by Orlando Lopez when he tried to prevent the latter from boxing his mother-in-law deserves scant consideration. Respondents have presented sufficient evidence showing that at the time that complainant was allegedly punched by Orlando, the latter was being held at bay because Comia was poking his gun at him and he was only able to run for his life after [their neighbor] Tom Evidente held the hand of Comia that was holding the gun and raised it upwards. x x x.

Lorenzo also implicated Dolores Lopez to the alleged criminal act of Orlando by stating in his complaint that: "*Si Dolores Lopez po ay agad tumulong na ako'y saktan sa pamagitan ng pagsabunot sa aking buhok.*" This allegation of Lorenzo was even contradicted by his witness Ryan Reanzares when he stated in his affidavit that: "*Habang nangyayari iyong mga ginagawa ni Lopez kay Alex ng makita ko ang asawa ni Lopez sa may di kalayuan na patawa-tawa sa pangyayari.*["] If Dolores really grabbed the hair of complainant, Reanzares could have seen it.

The complaint against respondents is clearly fabricated. It was filed as a (sic) leverage to help Comia get off the hook. Lorenzo has a very strong motive for falsely charge the respondents because Comia who is his father-in-law and in whose house his wife, his child and he were then staying, was facing six (6) criminal complaints filed by the respondents in the Biñan Municipal Trial Court. On the other hand, there is nothing on record that would show that [respondents' witnesses] Batty and Bangibag have any motive to testify falsely against Lorenzo especially Batty who is also a neighbor.

The cross-examination of counsel for the complainant did not destroy the credibility of Batty and Bangibag. Their testimonies are straight forward (sic) and unwavering. Records are bereft of evidence which would show any ill-motive on the part of the witnesses for respondents to testify against complainant. Their testimonies therefore are entitled to full faith and credit (sic).