

SECOND DIVISION

[**A.M. No. RTJ-99-1501 (Formerly OCA IPI No. 98-567-RTJ), September 03, 2003**]

ROMEO E. EJERCITO, COMPLAINANT, VS. JUDGE ILDEFONSO B. SUERTE, RESPONDENT.

RESOLUTION

AUSTRIA-MARTINEZ, J.:

Before us is the administrative complaint filed by Romeo E. Ejercito against Judge Ildefonso B. Suerte of the Regional Trial Court (RTC) of Barili, Cebu (Branch 60) for abuse of authority, oppression and harassment.

In his Petition dated June 2, 1998, complainant alleges that respondent Judge is guilty of violating the law and the Constitution by committing the following acts: rendering of an unjust and illegal or unlawful order to arrest him on December 12, 1997; usurpation of a case already decided by another court; ignorance of the law and/or willful defiance of the law (Art. 92 of the Revised Penal Code); culpable violation of the constitutional mandate of due process; falsification of public document by purporting that the warrant of arrest dated May 31, 1991 is still valid although he knows that it has been invalidated in an Order of the Court dated March 9, 1992; culpable violation of the Bill of Rights that no person shall be put twice in jeopardy for the same offense; grave abuse of authority and conduct unbecoming a public official. Complainant prays that respondent Judge be dismissed from the Judiciary, perpetually disqualified to hold public office in the Philippines and disbarred from the Roll of Attorneys to practice law in the Philippines and the forfeiture of all emoluments due him from the government service.^[1]

In his Answer dated August 10, 1998, respondent Judge emphatically denies the allegations of the complainant claiming that his charges are not only baseless, whimsical and preposterous but absurd. He further claims that complainant is a "litigation addict" having developed the propensity of filing various cases against several people; that the instant administrative case was filed to harass and molest respondent judge and is intended to destroy his image and reputation as an officer of the court.^[2]

In a Memorandum addressed to Chief Justice Hilario G. Davide, Jr. the Office of the Court Administrator (OCA) recommended that the instant complaint be docketed as a regular administrative matter and that it be referred to an Associate Justice of the Court of Appeals for investigation, report and recommendation.^[3]

In a Resolution issued by this Court dated October 20, 1999, the instant case was docketed as a regular administrative matter and was referred to then Court of Appeals Associate Justice Conchita Carpio-Morales (now a member of this Court) for investigation, report and recommendation.^[4]

Justice Morales conducted hearings for the parties to present their respective evidence. However, pending resolution of the instant administrative matter, Justice Morales was appointed as an Associate Justice of this Court. Hence, in a Resolution dated December 9, 2002, the case was reassigned to Associate Justice Rebecca de Guia-Salvador of the Court of Appeals directing her to continue the proceedings until terminated and to submit to this Court her report and recommendation.^[5]

In her Report and Recommendation dated June 30, 2003, the Investigating Justice summarized the established facts of the case, as follows:

Charged with and convicted of the crime of falsification of public documents in Criminal Case No. CU-13 before Branch 17 of the Regional Trial Court of Cebu City, complainant was sentenced to suffer the penalty of imprisonment for one year and one day to three years, six months and twenty-one days as well as to pay the fine of P500.00. The affirmance of the said judgment of conviction on August 12, 1980 by the Court of Appeals caused the issuance of a warrant of arrest which complainant was, however, able to evade. An alias warrant of arrest was consequently issued on March 31, 1991 by Judge Jose P. Burgos, then the presiding judge of the trial court.

The record further shows that upon complainant's February 17, 1992 motion, Judge Burgos subsequently set aside the execution of the aforesaid judgment and ordered the quashal of the self-same alias warrant of arrest . . . in an order dated March 19, 1992. . . .

On October 16, 1997, complainant's picture was published in a local newspaper together with a news item regarding his conviction and the warrants earlier issued for his arrest. On December 12, 1997, he was further arrested by SPO3 Andres Alpas and SPO1 Renato Vergara, both operatives of the Barili Police Station, on the strength of the March 31, 1991 alias warrant of arrest issued by Judge Burgos. Turned over to Branch 17 of Cebu City Regional Trial Court upon respondent's verbal instruction, complainant was, however, ordered released on the same day by Judge Jesus de la Pena, the said court's presiding judge, on the ground that the warrant thus implemented had already been invalidated.

On the belief that the newspaper publication as aforesaid and his erroneous arrest were engineered by respondent, complainant filed the instant complaint alongside several others singly and/or collectively against respondent, SPO3 Andres Alpas and SPO1 Renato Vergara. Docketed as OMB-VIS-CRIM-98-0206 before the Office of the Ombudsman (Visayas), the complaint against respondent for violations of Articles 171, 177, 204, 205, 267 and 269 of the Revised Penal Code and for grave abuse of authority was dismissed in the said office's resolution dated May 18, 1998. Another complaint against respondent and said policemen - this time for arbitrary detention - was dismissed by the Office of the Cebu Provincial Prosecutor in the resolution dated August 18, 1998 issued in I.S. No. 98-13840.

On the other hand, although the administrative aspect of the case had

already been declared closed and terminated in the April 28, 1999 resolution issued by the Office of the Deputy Ombudsman for the Military in OMB-Vis-98-1020, SPO3 Andres Alpas and SPO1 Renato Vergara were criminally charged for perjury and were subsequently ordered arrested in the warrant of arrest dated July 12, 1999 issued by Judge Leopoldo Canete, presiding judge of Branch 4 of the Municipal Trial Court of Cebu City, in Criminal Case No. 99039-R. Also confronted with a complaint for perjury docketed as I.S. No. 98-16398, respondent was further charged by complainant with estafa thru falsification of public documents and violation of the Anti-Graft and Corrupt Practices Act for acts he allegedly committed while he was the COMELEC Registrar of Badian, Cebu from 1964-1971. Both the criminal and administrative aspects of the case were respectively dismissed in the October 16, 1997 resolution issued by the Office of the Ombudsman (Visayas) in OMB-VIS-CRIM-97-0835 and the March 22, 1999 resolution issued by the Third Division of the Supreme Court in Administrative Matter OCA IPI No. 98-514-RTJ.

In his June 17, 1999 amended complaint-petition, complainant gave a detailed account of the long-standing conflict between his family and that of the respondent which purportedly motivated the latter to perpetrate the acts complained of. Having earlier denied the imputations against him and called the Court's attention to the various cases commenced by complainant, respondent for his part, filed a motion to dismiss on the ground of forum shopping. Despite due notice, he likewise repeatedly failed to appear at the hearings conducted in the case, hence, this evaluation solely on the basis of the oral and documentary evidence adduced by complainant.^[6]

After evaluation of the evidence presented, the Investigating Justice concluded that complainant's charges are not supported by sufficient and competent evidence. The Investigating Justice ruled:

Aside from the apparent insufficiency of the evidence adduced by complainant, the record is replete with ample showing that the complaint is just another episode in what appears to be the acrimonious history between the parties' families. More than the multiple complaints he commenced against respondent, complainant himself lent credence to this observation by dredging up the political differences between him and respondent's father as well as the political rivalry between their siblings. Going well beyond the allegations in his complaint and virtually throwing the proverbial kitchen sink against respondent, complainant even facetiously tried to attribute his arrest to the former's proprietary interest over his family's property which was extrajudicially foreclosed by the Rural Bank of Barili (Cebu), Inc.

That complainant's cause is more apparent than real is, however, readily evident from the record.

It bears emphasizing that, in addition to the publication of complainant's picture and arrest in the local newspaper, one Ernesto Sandalo has already claimed responsibility for causing the arrest of complainant. Attached as Annex "J" to complainant's amended complaint-petition, the