

SECOND DIVISION

[A.C. No. 4497, September 26, 2001]

**MR. AND MRS. VENUSTIANO G. SABURNIDO, COMPLAINANTS,
VS. ATTY. FLORANTE E. MADROÑO,^[1] RESPONDENT.**

D E C I S I O N

QUISUMBING, J.:

For our resolution is the administrative complaint^[2] for disbarment of respondent, Atty. Florante E. Madroño, filed by spouses Venustiano and Rosalia Saburnido. Complainants allege that respondent has been harassing them by filing numerous complaints against them, in addition to committing acts of dishonesty.

Complainant Venustiano Saburnido is a member of the Philippine National Police stationed at Balingasag, Misamis Oriental, while his wife Rosalia is a public school teacher. Respondent is a former judge of the Municipal Circuit Trial Court, Balingasag-Lagonglong, Misamis Oriental.

Previous to this administrative case, complainants also filed three separate administrative cases against respondent.

In A. M. No. MTJ-90-383,^[3] complainant Venustiano Saburnido filed charges of grave threats and acts unbecoming a member of the judiciary against respondent. Respondent was therein found guilty of pointing a high-powered firearm at complainant, who was unarmed at the time, during a heated altercation. Respondent was accordingly dismissed from the service with prejudice to reemployment in government but without forfeiture of retirement benefits.

Respondent was again administratively charged in the consolidated cases of *Sealana-Abbu v. Judge Madrono*, A.M. No. 92-1-084-RTC and *Sps. Saburnido v. Judge Madrono*, A.M. No. MTJ-90-486.^[4] In the first case, Assistant Provincial Prosecutor Florencia Sealana-Abbu charged that respondent granted and reduced bail in a criminal case without prior notice to the prosecution. In the second case, the spouses Saburnido charged that respondent, in whose court certain confiscated smuggled goods were deposited, allowed other persons to take the goods but did not issue the corresponding memorandum receipts. Some of the goods were lost while others were substituted with damaged goods. Respondent was found guilty of both charges and his retirement benefits were forfeited.

In the present case, the spouses Saburnido allege that respondent has been harassing them by filing numerous complaints against them, namely:

1. Adm. Case No. 90-0755,^[5] for serious irregularity, filed by respondent against Venustiano Saburnido. Respondent claimed that Venustiano lent his service firearm

to an acquaintance who thereafter extorted money from public jeepney drivers while posing as a member of the then Constabulary Highway Patrol Group.

2. Adm. Case No. 90-0758,^[6] for falsification, filed by respondent against Venustiano Saburnido and two others. Respondent averred that Venustiano, with the help of his co-respondents in the case, inserted an entry in the police blotter regarding the loss of Venustiano's firearm.

3. Crim. Case No. 93-67,^[7] for evasion through negligence under Article 224 of the Revised Penal Code, filed by respondent against Venustiano Saburnido. Respondent alleged that Venustiano Saburnido, without permission from his superior, took into custody a prisoner by final judgment who thereafter escaped.

4. Adm. Case No. 95-33,^[8] filed by respondent against Rosalia Saburnido for violation of the Omnibus Election Code. Respondent alleged that Rosalia Saburnido served as chairperson of the Board of Election Inspectors during the 1995 elections despite being related to a candidate for barangay councilor.

At the time the present complaint was filed, the three actions filed against Venustiano Saburnido had been dismissed while the case against Rosalia Saburnido was still pending.

Complainants allege that respondent filed those cases against them in retaliation, since they had earlier filed administrative cases against him that resulted in his dismissal from the judiciary. Complainants assert that due to the complaints filed against them, they suffered much moral, mental, physical, and financial damage. They claim that their children had to stop going to school since the family funds were used up in attending to their cases.

For his part, respondent contends that the grounds mentioned in the administrative cases in which he was dismissed and his benefits forfeited did not constitute moral turpitude. Hence, he could not be disbarred therefor. He then argues that none of the complaints he filed against complainants was manufactured. He adds that he "was so unlucky that Saburnido was not convicted."^[9] He claims that the complaint for serious irregularity against Venustiano Saburnido was dismissed only because the latter was able to antedate an entry in the police blotter stating that his service firearm was lost. He also points out that Venustiano was suspended when a prisoner escaped during his watch. As for his complaint against Rosalia Saburnido, respondent contends that by mentioning this case in the present complaint, Rosalia wants to deprive him of his right to call the attention of the proper authorities to a violation of the Election Code.

In their reply, complainants reiterate their charge that the cases against them were meant only to harass them. In addition, Rosalia Saburnido stressed that she served in the BEI in 1995 only because the supposed chairperson was indisposed. She stated that she told the other BEI members and the pollwatchers that she was related to one candidate and that she would desist from serving if anyone objected. Since nobody objected, she proceeded to dispense her duties as BEI chairperson. She added that her relative lost in that election while respondent's son won.

In a resolution dated May 22, 1996,^[10] we referred this matter to the Integrated