

**\*\*Title:\*\*** Concepcion Dia-Añonuevo vs. Mun. Judge Bonifacio B. Bercacio

**\*\*Facts:\*\*** Concepcion Dia-Añonuevo, the complainant, claimed co-ownership of a parcel of irrigated riceland in Albay. Upon learning of a sale of the property to Alfredo Ong, acknowledged before Municipality Judge Bonifacio B. Bercacio, Dia-Añonuevo approached Judge Bercacio to verify the sale and was advised to repurchase the property. Dia-Añonuevo subsequently entrusted Judge Bercacio with P3,500 for the purpose of repurchasing the property. After several failed attempts to retrieve the money for various reasons and through numerous requests and legal actions spanning over a year, the final resolution only came with a court directive for Judge Bercacio to return the money.

**\*\*Issues:\*\***

1. Whether Judge Bercacio engaged in the practice of law while holding judicial office.
2. Whether Judge Bercacio failed to promptly return the money deposited by the complainant.

**\*\*Court's Decision:\*\***

1. Judge Bercacio was found to have engaged in the practice of law, contrary to Section 77 of the Judiciary Act of 1948, as amended. Despite his claims of non-involvement, his actions—including giving Dia-Añonuevo legal advice, preparing documents for legal actions, and accepting and attempting to negotiate with the money—were deemed to constitute the practice of law.
2. His failure to return the P3,500 promptly to Dia-Añonuevo was considered highly reproachable. His reasons for retaining the money were found to be unconvincing, and his refusal to return the money upon demand placed his integrity under serious doubt.

**\*\*Doctrine:\*\*** Judicial officers are prohibited from engaging in the practice of law during their incumbency per Section 77 of the Judiciary Act of 1948, as amended, and Circular No. 37 of the Secretary of Justice dated June 22, 1971.

**\*\*Class Notes:\*\***

- **\*\*Legal Ethics and Judicial Conduct:\*\*** A judge must not engage in the private practice of law nor give professional advice to clients (Section 77, Judiciary Act of 1948; Circular No. 37).
- **\*\*Public Trust and Judicial Integrity:\*\*** A magistrate must uphold the highest standards of conduct to maintain public confidence in the judiciary. This includes being seen as the epitome of integrity and justice, not just in official duties but in all actions.

- **Responsibility for Entrusted Funds:** Judicial officers have a duty to manage funds entrusted to them in a fiduciary manner, including prompt return upon request unless legally justified to withhold.

**Historical Background:** The case underscores the strict ethical standards expected of judicial officers and the importance of the separation between one's judicial duties and any form of legal advocacy or advice. It illustrates the judiciary's commitment to maintaining integrity and public confidence through the enforcement of established ethical norms.