

Title:

“J. King & Sons Co., Inc. vs. Judge Agapito L. Hontanosas, Jr.: A Case of Judicial Misconduct”

Facts:

J. King & Sons Company, Inc., represented by its president, Richard L. King, filed a case for Specific Performance with Damages and a Prayer for Writ of Preliminary Attachment against certain defendants, docketed as Civil Case No. CEB-27870, at the Regional Trial Court, Branch 16, Cebu City, presided over by Judge Agapito L. Hontanosas, Jr. On July 2, 2002, Hontanosas granted the writ of preliminary attachment upon the plaintiff filing a substantial bond. Shortly, on July 5, 2002, the defendants successfully moved to lift the writ without proper notification or hearing, in violation of procedural rules. Furthermore, Hontanosas allegedly accepted an invalid counter-bond and reportedly solicited a bribe from the Kings in exchange for judicial favor, raising questions about his integrity and procedural compliance.

The complaint proceeded through the judiciary’s administrative machinery, culminating in an investigation by the Office of the Court Administrator. Despite Hontanosas’ denial of allegations and claim of judicial discretion, the matter was referred to Associate Justice Jose Reyes, Jr. of the Court of Appeals for further investigation. Testimonies from various witnesses, including the Kings and employees at their karaoke bar, substantiated claims of Hontanosas’ frequent and free use of the facility, and an improper solicitation of money in exchange for reconsideration of judicial orders.

Issues:

1. Whether Judge Hontanosas exhibited gross misconduct by soliciting money in exchange for a favorable judicial order.
2. Whether his use of the complainant’s karaoke bar facilities for free constitutes improper conduct.
3. Whether the issuance of the Order dated July 5, 2002, lifting the writ of preliminary attachment without notice and hearing, constitutes gross ignorance of law/procedure.
4. The appropriateness of the approved counter-bond given its deficiencies and Hontanosas’ negligence in performance of duty.

Court’s Decision:

The Supreme Court found Judge Agapito L. Hontanosas, Jr. guilty of two counts of Gross Misconduct, one count of Gross Ignorance of the Law or Procedure, and one count of Simple

Misconduct. The court held that Hontanosas' actions—demanding money from the complainants for a favorable ruling and engaging in social activities which created an appearance of impropriety—undermined public confidence in the judiciary. His failure to observe procedural norms when lifting the writ of preliminary attachment further demonstrated his disregard for established legal rules. Consequently, Hontanosas was dismissed from service, with forfeiture of all benefits except accrued leave credits, and was disqualified from reinstatement or appointment to any public office. ^{Digest)}

Doctrine:

The case reiterates the principles that a judge not only must be impartial but must also appear to be impartial. It underscores the paramount importance of integrity, honesty, and propriety in judicial conduct, emphasizing that any deviation from these standards may result in disciplinary sanctions including dismissal. This case further exemplifies the requirement for observing procedural rules to ensure fairness and due process in judicial proceedings.

Class Notes:

- **Gross Misconduct**: Involves actions that significantly deviate from established judicial conduct, such as soliciting bribes.
- **Gross Ignorance of the Law or Procedure**: Demonstrated by failing to follow basic legal procedures such as ensuring proper notification and conducting a hearing before ruling on a matter.
- **Simple Misconduct**: Relates to negligence or minor breaches of duty that do not rise to the level of gross misconduct or ignorance.
- **Procedural Rules for Preliminary Attachment**: Requires proper notice and hearing as mandated by the 1997 Rules of Civil Procedure. Judges must observe these rules to afford all parties due process.
- **Doctrine of Judicial Impartiality**: Judges must conduct themselves in a manner that avoids any appearance of impropriety or bias, maintaining public confidence in the judiciary's integrity.

Historical Background:

This case sheds light on the rigorous standards to which members of the judiciary are held in the Philippines. Judicial misconduct not only affects the parties involved in specific cases but also has broader implications for public trust in the legal system. Through its decisive action against Hontanosas, the Philippine Supreme Court reaffirms its commitment to upholding the highest standards of judicial conduct and integrity.