

### Title: Bernadita R. Macariola vs. Hon. Elias B. Asuncion (G.R. No. L-40451, November 23, 1979)

#### Facts:

1. **Case Background**:

- Civil Case No. 3010 - Filed for partition by Sinforosa R. Bales, Luz R. Bakunawa, Priscilla Reyes, among others, against Bernardita R. Macariola over the estate of Francisco Reyes.
- Respondent Judge Elias B. Asuncion ruled on this case on June 8, 1963, determining the distribution of various lots belonging to the decedent's estate.

2. **Decisions and Orders**:

- The Court decision declared several lots as conjugal properties, exclusive ownerships, and ordered specific partitions.
- A project of partition was submitted but only signed by attorneys and approved by Judge Asuncion on October 23, 1963, and subsequently amended on November 11, 1963.

3. **Property Transactions**:

- Lot 1184 was one of the properties at the heart of this decision and subsequent partition.
- Lot 1184-E was sold to Dr. Arcadio Galapon in 1964.
- On March 6, 1965, Judge Asuncion purchased part of Lot 1184-E from Dr. Galapon.

4. **Subsequent Sales and Involvement**:

- In 1966, Judge Asuncion and his wife were involved in the Traders Manufacturing and Fishing Industries, Inc., which eventually acquired Lot 1184-E.
- Complaint filed by Bernardita Macariola in 1968 citing violations of various laws, including Anti-Graft Laws and Judicial Ethics.

5. **Complaint and Procedural History**:

- Complaint filed by Bernardita R. Macariola against Judge Asuncion for alleged judicial improprieties and violations of laws, referred to Justice Cecilia Muñoz Palma for investigation.
- Investigated and recommended warnings but not conclusive penalties.

6. **Further Legal Actions**:

- Civil Case No. 4234 was filed by Macariola for annulment and damages related to the partition decision and subsequent sales, which was ultimately dismissed with significant damages awarded against Macariola, which she appealed.

#### Issues:

1. **Whether Judge Asuncion violated Article 1491 of the New Civil Code in acquiring property from the estate he presided over.**
2. **Whether Judge Asuncion violated Article 14 of the Code of Commerce and R.A. 3019 by his involvement with Traders Manufacturing and Fishing Industries, Inc.**
3. **Determine if there was any impropriety or ethical violations committed by Judge Asuncion by associating with Dominador Arigpa Tan, who was not a legitimate attorney.**

#### Court's Decision:

1. **Article 1491 Violation**:

- The court ruled that Article 1491 did not apply since the property purchase by Judge Asuncion took place after the finality of the partition decision and order. Thus, the property was no longer in litigation.

2. **Article 14 and R.A. 3019 Violations**:

- Article 14 of the Code of Commerce was deemed political and abrogated upon sovereignty changes, thus inapplicable.  
- No violation was found under R.A. 3019 as respondent's business engagement had no relation to his judicial duties.

3. **Ethical Conduct**:

- No erroneous conduct or direct benefit was found connecting Judge Asuncion to Dominador Arigpa Tan's malpractices.  
- While legally clear, Judge Asuncion's conduct was cautioned for potential appearance of impropriety, emphasizing the ethical duty to maintain public trust.

#### Doctrine:

1. **Post-Litigation Acquisitions** - Judges may not be prohibited under Article 1491 from acquiring properties post-litigation finality.
2. **Engagement in Business Activities** - Judicial officers engaging in business (e.g., as stockholders/officers) might not violate Anti-Graft laws if not involving their judicial function.

3. **Judicial Appearance of Impropriety** – Canon 3 of Judicial Ethics highlights conduct beyond reproach must be observed to maintain faith in judiciary integrity.

**Class Notes:**

- **Elements of Crime in Judicial Misconduct**:
- **Article 1491, New Civil Code** – Judges cannot purchase property under litigation in their jurisdiction.
- **Article 14, Code of Commerce** – Prohibits judges from engaging in commerce; deemed abrogated.
- **R.A. No. 3019, Section 3(h)** – Prevents financial interests intersecting with official capacity duties.
- **Judicial Ethics**:
- **Canon 3** – Conduct free from appearance of impropriety.
- **Canon 25** – Avoid personal investments entangling with court cases.

**Historical Background:**

- **Post-Spanish Colonial Transition**: The application of Spanish laws, including the Code of Commerce, and their relevance post-sovereignty transfer highlighted the automatic abrogation unless re-enacted explicitly.
- **Judiciary Act of 1948**: This case requires understanding the historical progress in defining judicial conduct within changing sovereign frameworks and the evolving statutes governing such conduct.