

ENRIQUETA GARGAR DE JULIO, COMPLAINANT, VS. JUDGE BENJAMIN A.G. VEGA, RESPONDENT.*A.M. No. RTJ-89-406. July 18, 1991*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/08b78c5756d2/>**PER CURIAM:**

Enriqueta Gargar de Julio filed a complaint on June 15, 1989 charging Judge Benjamin A.G. Vega (formerly of the City Court of Olongapo City, now of the Regional Trial Court an Manila) with conduct unbecoming a judge ("hindi karapat-dapat gawain ng isang nanunungkulan huwes, na nagbibigay ng walang pagtitiwala at deskumpiyansa sa mamamayan"). (p. 1, Rollo.)

The records show that in 1977 Judge Benjamin Vega and his wife, Carmelita Vega, leased for a monthly rental of P500, the complainant's building at No. 2706-A Rizal Avenue, Olongapo City, where they operated a bake shop and hot pandesal business on the premises. The lessees used to pay the rent regularly but defaulted beginning July 16, 1977. The owner made verbal demands for payment but the lessees did not heed them. On November 25, 1977, a demand letter was sent by the complainant, through counsel, to the lessees. As the Vegas failed to comply with the lessors' demands, the latter filed an ejectment complaint on January 23, 1978 in the Municipal Trial Court in Cities, Branch 1, Olongapo City (Civil Case No. 1690, entitled: "Enrique A. Gargar and Juan de Julio, plaintiffs vs. Carmelita Vega, joined by her husband, Benjamin Vega, defendants").

Answering the ejectment complaint, the defendants alleged that no rents were due after July 15, 1977 for they stopped the operation of their bake shop on that date after Judge Vega was promoted to the Court of First Instance of Palawan.

The trial lasted ten (10) years on account of Judge Vega's dilatory tactics compounded by his over-extended testimony (he took the witness stand seven times) while a succession of four different judges took turns presiding over the court. Judgment was rendered by Municipal Judge Emet B. Manalo on February 18, 1987, the dispositive part of which reads:

"WHEREFORE, judgment is hereby rendered ordering the defendants to pay the plaintiffs the sum of Two Thousand Five Hundred (P2,500.00) Pesos representing payment of rentals for five (5) months at the rate of P500.00 a month, from December 5, 1977 (the date when plaintiffs' demand letter was received by the defendants) up to April 5, 1978 the date more or less when the defendants actually vacated the leased premises, plus interest computed at legal rate reckoned from the dates they became due, plus attorney's fee in the amount of P500.00." (p. 12, MTC, Judgment.)

The amount due on the judgment, including legal rate of interest (over a period of ten years) and attorney's fees, was only P4,500, but respondent would not give his lessors the satisfaction of recovering what was due them. He appealed the decision to the Regional Trial Court of Olongapo City which affirmed it. From the Regional Trial Court, he took the case to the Court of Appeals which dismissed his petition for review.

Even after the judgment had become final, its execution was delayed because Judge Vega questioned the computation of the amount due (P4,500). When the writ of execution was presented to him in his office at

Malolos, Bulacan (from Palawan, he was transferred to the Regional Trial Court in Malolos, Bulacan), he advised the sheriff to serve it at his house in Quezon City. Neither the original nor the alias writ of execution was satisfied. It was only after the complainant filed this administrative case against him on June 15, 1989 that Judge Vega paid through the Assistant Clerk of Court on July 21, 1989 the sum of P4,500 on the judgment in Civil Case No. 1690 (Annex 1).

The facts of this case limn an unflattering picture of a judge who by abuse of his legal expertise and through dilatory maneuvers, managed to evade and delay the payment of a just debt.

Willful failure to pay a just debt is a serious offense under Rule 140 of the Rules of Court, as amended by the resolution of this Court dated July 25, 1974. The amount involved (P4,500) is not big. He could easily have paid it, but it appears that he was bent on frustrating the complainant's best efforts to obtain satisfaction of her lawful claim, apparently for no other reason than to annoy and oppress her for having haled him and his wife into court. While an ejectment case is supposed to be summary in nature respondent Judge, through dilatory tactics, stretched the trial over a period of ten (10) years, and dragged the case all the way from the municipal court to the Court of Appeals. After the decision had become final, he delayed payment for two more years. He came across only after the complainant in exasperation had filed this administrative charge against him.

There is no doubt in the mind of this Court that respondent judge's conduct toward the complainant was oppressive and unbecoming a member of the judiciary. He used his position and his legal knowledge to welsh on a just debt and to harrass his creditor. His example erodes public faith in the capacity of courts to administer justice. He violated Rule 2.01, Canon 2 of the Code of Judicial Conduct which requires that "a judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary."

WHEREFORE, the Court finds respondent Judge Benjamin A.G. Vega guilty of oppressive conduct and willful delay in paying a just debt (Section 5, Rule 140, Rules of Court as amended). He is ordered to pay a fine of Twenty Thousand Pesos (P20,000) and is hereby warned that a repetition of this misconduct in the future will be dealt with more severely.

SO ORDERED.

Fernan, C.J., Narvasa, Gutierrez, Jr., Cruz, Paras, Bidin, Griño-Aquino, Medialdea, Regalado, and Davide, Jr., JJ., concur.

Padilla, J., see concurring and dissenting opinion.

Melencio-Herrera, Feliciano, and Sarmiento, JJ., join in the concurring and dissenting opinion of Justice Padilla.

Gancayco, J., on leave.

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CONCURRING AND DISSENTING OPINION

PADILLA, J.:

I concur with the majority opinion in its finding that respondent Judge Benjamin A. G. Vega is guilty of oppressive conduct (in promoting his own personal interest) and of wilful delay in paying a just debt. However, I disagree as to the penalty it imposes on the respondent. I believe that the conduct of respondent Judge, a public official tasked with upholding the law, but who used his legal knowledge and expertise to delay and avoid the

payment of a relatively measly sum of Four Thousand Five Hundred and Fifty Pesos (P4,550.00) which, in the first place, was his just debt, to the prejudice of another, is a dastardly act which deserves the extreme penalty of expulsion or dismissal from the Bench, not just a mere fine of Twenty Thousand Pesos (P20,000.00).

The Judiciary is one of the three (3) main pillars of our government. It is the last bastion where one seeking justice should find fulfillment. Its members must possess courage, character and conviction in order to inspire public confidence in the courts. In the words of former Chief Justice Paras in *Ocampo vs. Secretary of Justice*,^[1] “there is no surer guarantee of judicial independence than the God-given character and fitness of those appointed to the Bench.”

The office of a judge is a public office and, as such, it is, as the Constitution in no uncertain terms speaks, a public trust. This is more than a moral adjuration. It is a legal imperative.^[2]

Mr. Justice Malcolm identified good judges with “men who have a mastery of the principles of law, who discharge their duties in accordance with law, who are permitted to perform the duties of the office undeterred by outside influence, and who are independent self-respecting human units in a judicial system equal and coordinate to the two other departments of government.”^[3]

Judge Vega’s conduct, as described in the majority opinion, is, to say the least, reprehensible for he used his legal knowledge to unduly perpetuate his selfish material interest. He lost all awareness that “a judge must be the first to abide by the law and weave an example for others to follow. He should be studiously careful to avoid even the slightest infraction of the law.”^[4] “A magistrate of the law must comport himself at all times in such a manner that his conduct, official or otherwise, can bear the most searching scrutiny of the public that looks up to him as the epitome of integrity and justice.”^[5] Respondent judge, by his oppressive conduct, has clearly demonstrated his unfitness to dispense justice without fear or favor, as he would not hesitate to cause injury to others to promote his own misplaced personal interest.

Our Judiciary has undergone two (2) reorganizations, namely: the first, under Batas Pambansa Blg. 129 in 1980, and the second, by force of “people power” in 1986. These reorganizations had one underlying purpose, i.e., to weed out the bad from the good, so that what might emerge is a Judiciary truly deserving to be called the last bulwark of democracy.

There should be no reason - or is there? - for yet another reorganization to weed out the unfit and undeserving. In this case, we are faced with a judge who had the audacity to use the very same legal tools intended to serve the ends of justice to create injustice. He should not be able to get away with just a fine or what may be likened to a mere slap on the hand. He deserves to be expelled from such an exalted position, for to let him remain will greatly undermine the dignity and credibility of the Judiciary. The felt necessities of time to borrow a phrase from Holmes, dictate that there should be no more delay for if no step be taken and at the earliest opportunity, it will not be too much to say that the people’s faith in the administration of justice could be shaken.^[6]

I vote for respondent Judge’s dismissal from the Judiciary.

[1] 50 O.G. 147 (1955)

[2] *De La Llana vs. Alba*, G.R. No. 57883, March 12, 1982, 112 SCRA 294 per Fernando, C.J.

[3] *Borromeo vs. Mariano*, 41 Phil. 322

[4] *Ompoc vs. Torres*, A.M. No. MTJ-86-11, September 27, 1989, 178 SCRA 14

[5] *Dia-Anonuevo vs. Bercadio*, A.M. No. 177-MJ, November 27, 1975, 68 SCRA 81

[6] Report submitted by the Committee on Judicial Reorgani-zation created by Executive Order No. 619-A dated 17 October 1980.

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