

ATTY. ARTURO A. ROMERO, COMPLAINANT, VS. HON. JUDGE GABRIEL O. VALLE, JR., RESPONDENT.*Adm. Matter No. R-192-RTJ. January 09, 1987*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/0b27ace1f1a7/>**PER CURIAM:**

In a verified complaint dated November 28, 1984, Atty. Arturo A. Romero charged Judge Gabriel O. Valle, Jr., of the Regional Trial Court of Laoag City, Branch XII with grave misconduct and oppression. In the words of complainant himself, the acts complained of consisted in:

"5. That instead of directing complainant to proceed with the marking of exhibits and to continue the direct examination, respondent continued to utter embarrassing remarks which hurt complainant and, therefore, the latter tried to make further explanations on said exhibits and to defend his integrity in a controlled and respectful manner, but his honor, the respondent judge suddenly banged his gavel producing such a deafening noise that several persons from the adjoining branches of the Court came; that without declaring a recess, said respondent judge unceremoniously REMOVED his coat and told, angrily, herein complainant: 'You step out and we will finish the matter'; immediately thereafter, respondent judge stepped down from the rostrum and left;

"6. That, shaken and stunned by such sudden aggressive behaviour of respondent, complainant then stood by his seat, and as some people in the Courtroom rushed out of the Courtroom, complainant looked around and then saw respondent judge outside the courtroom holding a gun with his right hand, in front of him, facing towards complainant, in an angry and menacing manner, and waited for complainant to go outside; confronted by such alarming and threatening stance of respondent, complainant could not move for a moment, as complainant was totally unarmed, surprised and shocked; and when complainant saw respondent Judge briskly walked to and fro, still holding a gun, complainant then asked the Court stenographer: 'Please put in the record that the Judge is holding a gun'; that luckily thereafter, Atty. Isidro Madamba, member the Sangunian Panlalawigan, succeeded in pacifying respondent judge and shortly, said respondent returned to the Court; that after some remarks by respondent judge, complainant moved that the Honorable respondent voluntarily inhibit himself from further trying the case in the light of the antecedents, but denied it and ordered the resetting of the case;[1]

Required to comment on the complaint, respondent judge denied the charges and branded the same as "exaggerated, sensationalized, fabricated and inherently improbable and contrary to human experience and one-sided".[2] Respondent judge likewise explained that he has been issued by the provincial commander the necessary permit to carry his licensed pistol outside his residence on account of a threat on his life from the New People's Army. By way of prayer, he asked that complainant be suspended from the practice of law for a certain period of time.[3]

On January 31, 1985, the Court en banc resolved to refer the case to Associate Justice of the then Intermediate Appellate Court, Abdulwahid Bidin, for investigation, report and recommendation. From the evidence adduced at the hearings, Associate Justice Bidin made the following findings of facts and conclusions:

"Complainant is one of the two counsels for plaintiff in Civil Case No. 6821 entitled 'Iglesia Filipina

Independiente versus Rafael Albano, et. al.,' for 'Quieting of Title with Preliminary Injunction', pending before the Regional Trial Court of Ilocos Norte - Laoag City, Branch XII, presided by Respondent Judge.

"During the trial of said case on November 19, 1984, complainant requested that an inventory book of plaintiff be marked as Exhibit F. Respondent Judge interrupted the complainant with a remark that the said inventory book should be marked Exh. G since there is already an Exh. F of the plaintiff which was marked during the last hearing of the case when complainant was absent. The fact that there was already an Exh. F for the plaintiff was confirmed by the manifestation of Atty. Rafael Ruiz, counsel for the defendant after verifying his notes as requested by respondent judge. Nevertheless, the complainant in a loud voice insisted that his proposed marking of the Exhibit is the correct one as the Exhibit F referred to by respondent judge and Atty. Ruiz was not initialed by the Clerk of Court. This remark of complainant irritated the respondent judge who retorted that complainant is not prepared for trial and admonished the latter to be prepared with his trial brief before coming to court so that he will not bangle (sic) the marking of his exhibit. As the complainant continued insisting in a loud voice that his proposed marking of the inventory book as Exhibit F is correct, despite the fact that respondent judge had admonished him [complainant] not to bring his 'passion' to the court and if complainant does not respect the Judge, he should respect the court, the respondent banged his gavel, left the rostrum and went to his chamber. According to the complainant and his witness, [Atty. Andres Tunac, co-counsel of complainant in the case], the respondent, before leaving the rostrum made this remark to complainant 'You step out. We finish the matter.' Respondent denied having made the challenge to complainant and alleged that what he said or declared before leaving the rostrum was 'five minutes recess'. This call for a recess by respondent is confirmed and/or corroborated by Atty. Rafael Ruiz, defendant's counsel in the case on trial and respondent's witness in this investigation. From his chamber, respondent judge went to the stairs passing the corridor holding his coat with his left hand while on his right hand he was holding a hand gun [revolver] which was inside its holster. As respondent walked on the corridor towards the stairs, he looked at the courtroom where the lawyers were. Upon reaching the stairs, respondent was informed by his clerk that there are still cases in the calendar ready for trial. Respondent returned to his chamber and placed his gun inside his table. Later, respondent came out to resume his court session.

"At the resumption of the trial, the complainant stood up and asked the respondent to inhibit himself from hearing the case. The respondent required the complainant to put his request in writing and dictated an order resetting the case to another date. The case [Civil Case No. 6821], is now transferred to another judge who presides over Branch XIII.

"Respondent claims that he is authorized to carry his licensed pistol outside of his residence as evidenced by the Certification issued by the Provincial Commander of Ilocos Norte [Exh. 7] and that he had been carrying the said gun from his house to office and back ever since he received a letter threat dated March 22, 1984 [Exh. 1] from the NPA.

"According to Atty. Leandro Raffles [complainant's own witness] and who appears with [sic] the most impartial among the witnesses, the respondent stood up, bang [sic] his gavel and left the rostrum because the complainant did not stop making remarks and insisted in a loud voice in marking the inventory book as Exhibit F despite the fact that it has been established that there was already an Exhibit F of the plaintiff and that before banging the gavel, respondent judge told the complainant not to bring his passion to court and if complainant does not respect the Judge, he should respect the court. Atty. Raffles also testified that respondent judge did not remove his coat when he left the rostrum; and while respondent was holding his gun which was inside its holster with his right hand when he came out of his chamber on his way towards the stairs, the gun was not pointed at anyone, although the respondent turned his face towards the people inside the courtroom as he walked towards the stairs.

"As regards the charge that respondent challenged the complainant to 'step out and we will settle the matter' the evidence is inconclusive. While the complainant and his co- counsel, Atty. Tunac testified that the respondent Judge uttered those statements, the latter and Atty. Rafael Ruiz [defendant's counsel and witness

for respondent] denied that such statement was made by respondent. Both respondent and Atty. Ruiz allege that what respondent said or declared before leaving the rostrum was 'five minute recess.' On the other hand, Atty. Raffles testified that what he heard from respondent judge was 'step out' only. The transcript of the proceedings that took place before respondent judge on that fateful day had not been presented as evidenced [sic] by the parties at this investigation. In view of this conflicting testimony of the witnesses, the undersigned cannot conclude that respondent judge challenged the complainant as alleged in the complaint." [4]

It is evident from the foregoing that complainant and respondent judge are equally to blame for the incident under consideration. We have enunciated in the case of *Lugue vs. Kayanan*, 29 SCRA 165, that:

"It is the duty of both counsel and judge to maintain, not to destroy, the high esteem and regard for courts. Any act on the part of one or the other that tends to undermine the people's respect for, and confidence in, the administration of justice is to be avoided. And this, even if both may have to restrain pride from taking the better part of their system. To be expected then of petitioner and respondent is a sense of shared responsibility, a crucial factor in the administration of justice. xxx"

The relations between counsel and judge should be based on mutual respect and on a deep appreciation by one of the duties of the other.[5] Thus, counsel is expected to observe and maintain the respect due to the courts of justice and judicial officers.[6] Although allowed some latitude of remarks or comment in the furtherance of causes he upholds,[7] his arguments, written or oral, should be gracious to both court and opposing counsel and be of such words as may be properly addressed by one gentleman to another.[8] Certainly, and most especially in our culture, raising one's voice is a sign of disrespect, improper to one whose "investiture into the legal profession places upon his shoulders no burden more basic, more exacting and more imperative than that of respectful behavior towards the courts." [9]

Complainant is an active law practitioner in the province of Ilocos Norte. He was director of the Integrated Bar of the Philippines, Ilocos Norte-Laoag City Chapter in 1982, Chairman of the Legal Aid Committee of said chapter, president of PHILCONSA, Ilocos Norte-Laoag City Chapter from 1981-83 and president of the Ilocos Norte Lions Club in 1983.[10] As a recognized community leader, complainant should provide an example in proper court decorum to his brothers in the profession, and not to foment discord in the courtroom. Considering complainant's obvious high standing in the legal profession and the community, he should have observed humility to accept mistakes graciously and to treat the same as the proverbial learning experience.

On the other hand, respondent judge exhibited shortness of temper and impatience, contrary to the duties and restrictions imposed upon him by reason of his office.[11] In *Calalang vs. Fernandez*, Adm. Case No. 175-J, June 10, 1971, We stated that a judge should show no shortness of temper for it merely detracts from the equanimity and judiciousness that should be the constant marks of a dispenser of justice. In the case at bar, respondent judge, in losing his temper and engaging complainant in a heated discussion, not only failed to observe the proper decorum expected of judicial officers, but as a consequence thereof likewise failed to preserve and enforce order in his court. Precisely, judicial officers are given contempt powers in order that without being arbitrary, unreasonable or unjust, they may endeavor to hold counsel to a proper appreciation of their duties to the court. Respondent judge could very well have cited complainant in contempt of court instead of indulging in tantrums by banging his gavel in a very forceful manner and unceremoniously walking out of the courtroom.

Respondent judge appears to have a valid explanation for carrying a gun, but such explanation cannot be taken as satisfactory for his having chosen to carry the same in plain view of the complainant and other lawyers inside the courtroom when he came out of his chambers on his way to the stairs. Taken in the light of what had just transpired, the actuation of respondent judge was not an innocent gesture, but one calculated to instill fear in or intimidate complainant. We cannot let this pass unnoticed. Respondent judge's behavior constitutes grave

misconduct. It is a serious violation of the Canons of Judicial Ethics which require that a "judge's official conduct should be free from the appearance of impropriety, and his personal behavior, not only upon the bench and in the performance of judicial duties, but also in his every day life, should be beyond reproach." [12] Moreover, it reveals an attitude diametrically opposed to our pronouncement in *De la Paz v. Inutan*, 64 SCRA 540, that "the judge is the visible representation of law, and more importantly, of justice." Certainly, one who lives by the uncivilized precept of "might is right", is unworthy of an office entrusted with the duty to uphold the rule of law.

WHEREFORE, Judge Gabriel O. Valle, Jr. is found guilty of grave misconduct and is hereby ordered DISMISSED from the service, without forfeiture of retirement benefits but with prejudice to reinstatement in any branch of the government or any of its agencies or instrumentalities. Complainant Atty. Arturo A. Romero is required to show cause why no disciplinary action should be taken against him for conduct unbecoming of an officer of the court within fifteen (15) days from notice.

This decision is immediately executory.

SO ORDERED.

Teehankee, C.J., Feria, Fernan, Narvasa, Melencio-Herrera, Alampay, Gutierrez, Jr., Cruz, Paras, and Feliciano, JJ., concur.

Yap, J., on leave.

[1] Complaint, pp. 3-4, Rollo.

[2] p. 26, Rollo.

[3] p. 49, Rollo.

[4] pp. 118-120, Rollo.

[5] Agpalo, *Legal Ethics*, U.P. Law Center, 1980, p. 458.

[6] Sec. 20[a], Rule 138.

[7] *Deles vs. Aragon*, 27 SCRA 633.

[8] *National Security Co. vs. Jarvis*, 278 US 610 [1928], cited in Agpalo, *supra*, pp. 68-69.

[9] *In re Almacen*, 31 SCRA 562.

[10] p. 1, Rollo.

[11] Canon 4, *Canons of Judicial Ethics*.

[12] Canon 3.

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