

P/SINSP. OMEGA JIREH D. FIDEL, COMPLAINANT, VS. JUDGE FELIX A. CARAOS, MUNICIPAL TRIAL COURT, CANDELARIA, QUEZON, RESPONDENT.

A.M. No. MTJ-99-1224. December 12, 2002

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

An Affidavit-Complaint[1] was filed by P/SInsp. Omega Jireh D. Fidel, Chief of Police of Candelaria, Quezon, charging Judge Felix A. Caraos of the Municipal Trial Court of Candelaria, Quezon with Grave Abuse of Authority, Grave Misconduct and Conduct Unbecoming of a Judge.

Complainant avers that at 10:45 in the evening of February 29, 1996, respondent judge, who was heavily drunk, went to the Municipal Police Station of Candelaria and attempted to forcibly release one Natividad Braza from detention without any preliminary investigation or written order for the latter's release. Natividad Braza was charged before the MTC of Candelaria, Quezon with violation of Article 151 of the Revised Penal Code, in Criminal Case No. 4878. While at the police station, respondent judge shouted invectives at the policemen on duty, "PUTANG INA NINYONG MGA PULIS KAYO, NASAAN SI HEPE? HOY, ILABAS NINYO ITO NGAYON DIN, PUTANG INA NINYONG MGA PULIS. SINONG MASUSUNOD DITO, MAYOR, PULIS, O JUDGE?"

To support the allegation, complainant submitted the joint-affidavit[2] of the policemen on duty and the affidavits of two detention prisoners who witnessed the incident.

In his Comment,[3] respondent judge narrated that on February 29, 1996, at 5:30 in the afternoon, while he was watching his friends play lawn tennis at Tiaong, Quezon, a group of seven market vendors approached him. The market vendors pleaded with him to order the temporary release of a certain Natividad Braza, also a market vendor.

Respondent judge averred that after reading the complaint against Braza and finding that the case was covered by the Rule on Summary Procedure, he acceded to their plea. He tried to get in touch with the Chief of Police of Candelaria, Quezon by telephone but to no avail. He then tried to contact the Candelaria Public Market Police Detachment and was able to talk to a certain Police Officer Limbo. Respondent judge asked Officer Limbo to convey his message to the municipal jail warden for the temporary release of Braza pending the preliminary examination of the latter's case scheduled the following day.

Respondent judge further narrated that at around 10:00 that evening, his wife woke him up and told him that there were two men outside their house. Seeing that they were among the vendors who approached him earlier at the tennis court, he let them in. The two men complained that Braza was not allowed to be released and that the jailer told them, "walang puedeng magpalabas nito kundi si Mayor."

Respondent judge disclosed that after he failed to get in touch with the Candelaria Chief of Police through

telephone, he decided to proceed to the police station in Candelaria, Quezon that same evening. When he arrived there, he noticed that a telephone was located beside the policemen who were then busy watching television and who did not even pay attention to him. Respondent judge admitted that this irritated him, considering that earlier the policemen failed to answer his telephone call, so he uttered the words: “Bakit hindi ninyo sinasagot and telepono? Putangina! Kailangan pa ba nating dagdagan yan? O alisin na dahil walang silbi, putangina! Paano na kung may emergency? O sunog? Nasaan na si Hepe?” When he was told that the Chief of Police was out, he again asked: “Bakit ayaw ninyong palabasin si Braza? At bakit wala daw puwedeng magpalabas sa kanya?” Eventually, respondent judge was able to facilitate the release of detention prisoner Braza.

This case was referred to Executive Judge Ricardo O. Rosales, Jr., RTC, Lucena City, for investigation, report and recommendation within sixty (60) days from receipt of the records.[4]

After due investigation, Judge Rosales found no evidence to support complainant’s claim that respondent judge was intoxicated when he arrived at the Candelaria Police Station. The mere appearance of respondent judge’s hair in disarray and reddish eyes is inadequate to prove the claim since, admittedly, respondent judge was roused from sleep and immediately went straight to the police station. Judge Rosales opined that the admission of respondent judge about being irritated that evening and his utterance of “putang ina, putang ina” connotes that he did not intend to curse any particular policemen at the scene. Judge Rosales thus recommends that respondent judge should only be reprimanded with the stern warning that a repetition of the same act would be dealt with more severely.[5]

On August 18, 1997, this case was referred to the Office of the Court Administrator (OCA) for evaluation, report and recommendation. The OCA found that the actions committed by respondent judge fell beyond the norms expected of members of the bench, and recommended that respondent judge be meted a fine of P1,000.00 and sternly warned that a repetition of the same shall be dealt with more severely.

We agree with the recommendation of the OCA.

A judge, as an advocate of justice and visible representation of the law, must not only apply the law but must imbibe it in his everyday living. Having accepted the exalted position of a judge, both his personal and public life have been set apart from the average citizen. A judge’s assumption of office is viewed with utmost respect and reverence compatible with his position as dispenser of justice. From him the people draw their will and awareness to obey the law. He must be the first to abide by the law and weave an example for others to follow.[6] The people’s confidence in the judicial system, however, is founded not only on the competence and diligence of the members of the bench, but also on their integrity and moral uprightness.[7] The public will have faith in the administration of justice only if they believe that the occupants of the bench cannot be accused of arbitrariness in the exercise of their powers both in and out of the court. Accordingly, he must at all times avoid even the slightest infraction of the law.

By losing his cool and uttering intemperate language at the policemen on duty regarding the release of detention prisoner Braza, respondent judge has overstepped the norm demanded of a member of the bench. The Canons of Judicial Ethics mandates that a judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary.[8] When he took personal action in ensuring the temporary release of detention prisoner Braza even in the unholy hours, he has cast his integrity in a serious doubt.

As the OCA aptly observed:

The atypical interest of respondent in the release of Braza is manifested by the fact that he went out of his way to travel from Tiaong to Candelaria, Quezon despite the lateness of the hour. His explanation is that he was piqued by his failure to get in touch with the Candelaria police by phone. We however perceive that he was

only angered by the fact that his verbal order was defied by the Candelaria police which is why he proceeded to the next town to “assert” his authority. That he shouted and cursed the policemen did not speak well of his judicial comportment. Aside from the fact that his behavior and language were undignified, his impartiality and neutrality in question became suspect.[9]

Although, respondent judge may attribute his intemperate language to human frailty, his noble position in the bench nevertheless demands from him courteous speech in and out of the court. Judges are demanded to be always temperate, patient and courteous both in conduct and in language. In *Judge Antonio J. Fineza v. Romeo P. Aruelo*,[10] we said:

As a member of the bench he should have adhered to that standard of behavior expected of all those who don the judicial robe: that of being a “cerebral man who deliberately holds in check the tug and pull of purely personal preferences and prejudices which he shares with the rest of his fellow mortals.”

While it may be true, as complainant claims, that he meant no malice nor was he moved by evil intent, the absence of malice or purity of motive is not a license for him to resort to inflammatory words to articulate his grievances. Complainant should bear in mind that he and, for that matter, all judges, should always observe courtesy and civility. He should be temperate, patient and courteous both in conduct and in language.

The observance of the Canon of Judicial Ethics does not end at the close of office hours nor is limited within the performance of his official duties. The Canon of Judicial Ethics commands that a judge’s behavior, official or otherwise, should be free from the appearance of impropriety in all activities[11] and should be beyond reproach. For a judge’s official life can not simply be detached from his personal life.[12] We do not, however, call on judges to live “Saintly” lives when they don their judicial robes, for the “Saintly” lives exhibited by men of old are not the sole parameter of the conduct of a magistrate. In commanding respect for the law, we stated in *Cynthia Resngit-Marquez, et al. v. Judge Victor T. Llamas, Jr.*,[13] “a magistrate has to live by the example of his precepts. He cannot judge the conduct of others when his own needs judgment. It should not be ‘do as I say and not what I do.’ For then the court over which he is called to preside will be a mockery, one devoid of respect.”

Time and again, we have emphasized that the conduct and behavior of every one connected with an office charged with the dispensation of justice, from the presiding judge to the sheriff and to the lowliest clerk, should be circumscribed with the heavy burden of responsibility.[14] For every court personnel must be constantly reminded that any impression of impropriety, misdeed or negligence in the performance of official functions must be avoided.[15] They should always be an example of integrity, uprightness and honesty. The reminder applies all the more to trial court judges because they are the judicial front-liners. They have the direct contact with the litigating parties. They are the intermediaries between conflicting interests and the embodiment of the people’s sense of justice.[16] Thus, their official conduct should be beyond reproach.

WHEREFORE, in view of the foregoing, respondent Judge Felix A. Caraos of the Municipal Trial Court of Candelaria, Quezon, is found GUILTY of Conduct Unbecoming a Judge, and is ordered to pay a FINE of Five Thousand Pesos (P5,000.00), with a STERN WARNING that a repetition of the same or similar acts will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Vitug, and Azcuna, JJ., concur.
Carpio, J., on official leave.

- [1] Rollo, pp. 3-4.
- [2] Ibid., p. 4.
- [3] Id., pp. 11-15.
- [4] Id., p. 19.
- [5] Report and Recommendation, July 14, 1997, p. 8.
- [6] Judge Alumbres v. Judge Caoibes, Jr., A.M. No. RTJ-99-1437, January 23, 2002.
- [7] Josie Berin and Merly Alorro v. Judge Barte, A.M. No. MTJ-02-1443, July 31, 2002.
- [8] Code of Judicial Conduct, Canon 2, Rule 2.01.
- [9] Memorandum, Office of the Court Administrator, dated January 6, 1998, p. 5.
- [10] A.M. No. P-01-1522, July 30, 2002.
- [11] Code of Judicial Conduct, Canon 2.
- [12] Vedana v. Valencia, 295 SCRA 1 (1998).
- [13] A.M. No. RTJ-02-1708, July 23, 2002.
- [14] Merilo-Bedural v. Edroso, 342 SCRA 593 (2000).
- [15] Office of the Court Administrator v. Cabe, 334 SCRA 348 (2000).
- [16] Mercado, et al. v. Judge Dysangco, A.M. No. MTJ-00-1301, July 30, 2002.

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