

LUCILA TAN, COMPLAINANT, VS. JUDGE MAXWEL S. ROSETE, RESPONDENT.

A.M. No. MTJ-04-1563 (Formerly A.M. OCA IPI No. 02-1207-MTJ). September 08, 2004

Ponente: PUNO, J.

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PUNO, J.:

Lucila Tan filed the instant complaint against Judge Maxwell S. Rosete, former Acting Presiding Judge, Metropolitan Trial Court, Branch 58, San Juan, Metro Manila,[1] for violation of Rule 140 of the Revised Rules of Court and the Anti-Graft and Corrupt Practices Act (Republic Act No. 3019).

The complaint alleged that Lucila Tan was the private complainant in Criminal Case No. 59440 and Criminal Case No. 66120, both entitled *People of the Philippines vs. Alfonso Pe Sy* and pending before Branch 58, Metropolitan Trial Court of San Juan, Metro Manila, then presided by respondent judge. Before the cases were decided, respondent judge allegedly sent a member of his staff to talk to complainant. They met at Sangkalan Restaurant along Scout Albano, near Timog Avenue in Quezon City. The staff member told her that respondent was asking for P150,000.00 in exchange for the non-dismissal of the cases. She was shown copies of respondent judge's Decisions in Criminal Cases Nos. 59440 and 66120, both still unsigned, dismissing the complaints against the accused. She was told that respondent judge would reverse the disposition of the cases as soon as she remits the amount demanded. The staff member allowed complainant to keep the copy of the draft decision in Criminal Case No. 59440. Complainant, however, did not accede to respondent's demand because she believed that she had a very strong case, well supported by evidence. The criminal cases were eventually dismissed by respondent judge.[2]

Respondent judge, in his Comment, denied the allegations of complainant. He instead stated that it was complainant who attempted to bribe him in exchange for a favorable decision. She even tried to delay and to derail the promulgation of the decisions in Criminal Cases Nos. 59440 and 66120. Complainant also sought the intervention of then San Juan Mayor, Jinggoy Estrada, to obtain judgment in her favor. Mayor Estrada allegedly talked to him several times to ask him to help complainant. The former even called him over the phone when he was in New Zealand, persuading him to hold in abeyance the promulgation of the Decisions in said cases. But he politely declined, telling him that there was no sufficient evidence to convict the accused, and moreover, he had already turned over the Decisions to Judge Quilatan for promulgation. Respondent further stated that complainant kept bragging about her close relations with Mayor Estrada who was her neighbor in Greenhills, San Juan, and even insinuated that she could help him get appointed to a higher position provided he decides the suits in her favor. Respondent judge also claimed that complainant offered to give cash for the downpayment of a car he was planning to buy. But he refused the offer. Finally, respondent judge denied that a member of his staff gave complainant a copy of his draft decision in Criminal Case No. 59440. He said that he had entrusted to Judge Quilatan his Decisions in Criminal Cases Nos. 59440 and 66120 before he left for New Zealand on study leave. Thus, he asserted that it was impossible for him to thereafter change the resolution of the cases and it was likewise impossible for any member of his staff to give complainant copies of said Decisions.[3]

In a resolution dated December 2, 2002, the Court referred the complaint to the Executive Judge of the Regional Trial Court of Pasig City for investigation, report and recommendation.[4]

First Vice Executive Judge Edwin A. Villazor conducted several hearings on the administrative case. Only complainant Lucila Tan testified for her side. She presented as documentary evidence the copy of the unsigned Decision in Criminal Case No. 59440 dated February 23, 2001 which was allegedly handed to her by a member of respondent judge's staff.[5] Respondent judge, on the other hand, presented four (4) witnesses: Josefina Ramos, Rodolfo Cea (Buboy), Fernando B. Espuerta, and Joyce Trinidad Hernandez. His documentary evidence consists of the affidavits of his witnesses,[6] copy of the Motion for Reconsideration in Criminal Case No. 59440,[7] and various documents composed of the machine copy of the Order of Arrest in Criminal Case No. 117219, machine copy of the letter dated December 29, 1997, machine copy of Certification dated Nov 13, 2000, front and dorsal sides of Check No. QRH-0211804, Bank Statement dated March 31, 1998, Stop Payment Order dated April 6, 1998, Current Account Inquiry, and Transaction Record, which documents were allegedly given by complainant to respondent's witness, Fernando B. Espuerta.[8]

The Investigating Judge summarized the testimonies of the witnesses as follows:

COMPLAINANT'S VERSION:

- LUCILA TAN

Complainant Lucila Tan testified that she knew Respondent Judge because she had a case in Branch 58, MeTC, San Juan, Metro Manila. She alleged that, in September 1998, she filed two cases involving B.P. 22 and Other Deceits with the Prosecutor's Office in Pasig. After resolution, the cases were filed in the MeTC, San Juan. One case went to Branch 57 and the other one went to Branch 58, where Respondent Judge Rosete was the Presiding Judge. Judge Quilatan was the Presiding Judge of Branch 57. Upon advise of a friend, she moved for consolidation and the two cases were transferred to Judge Quilatan in Branch 57. Subsequently, in view of the Motion for Inhibition filed by Complainant's lawyer, Judge Quilatan inhibited himself and the two cases were transferred to the sala of Respondent Judge Rosete (TSN, pp. 9-16, Hearing of March 3, 2003). After several hearings, the Clerk of Court, named Joyce, called up the Complainant and advised her to talk to San Juan Mayor Jinggoy Estrada to seek for (sic) assistance. Joyce gave her the phone number of the Office of the Mayor (TSN, pages 17-18, Hearing of March 3, 2003). Complainant then called up the Office of the Mayor but her call was intercepted by Josie, the Mayor's Secretary. When she told Josie why she called, the latter asked her if she wanted to meet the Judge and when Complainant answered in the affirmative, Josie made arrangements for Complainant to meet the Judge (TSN, pages 19-21, Hearing of March 3, 2003). Complainant called up the Office of the Mayor sometime in November or late October 2000 and she met the Judge on November 10. She, Josie and Respondent Judge met at the Cravings Restaurant in Wilson, San Juan (TSN, page 22, Hearing of March 3, 2003). During the meeting, Complainant "told the Judge regarding this matter, how this happened and that he will convince the Accused to pay me as soon as possible" (TSN, page 23, Hearing of March 3, 2003). When she went to the restroom for a few minutes, Respondent Judge and Josie were left alone. After she came back, they went home. On the way home, Josie told her to give something to [the] Judge, "Sabi niya magbigay tayo ng kaunti para bumilis iyong kaso mo" (TSN, page 24, Hearing of March 3, 2003). At first, Josie did not mention any amount but when the Complainant asked her how much, the former mentioned Fifty Thousand Pesos (P50,000.00). Complainant asked for a lesser amount, Twenty Thousand Pesos (P20,000.00) (TSN, page 25, Hearing of March 3, 2003). When Josie agreed, she sent the amount of P20,000.00 to Josie through her driver after two days (TSN, pages 26-27, Hearing of March 3, 2003). When Josie received the money, the Clerk of Court, Joyce, also called her (Complainant) on that date. The Clerk of Court asked her if she sent money. At first, Complainant denied it but the Clerk of Court said that Josie went there and there was money in the drawer (TSN, pages 28-29, Hearing of March 3, 2003). After that, several hearings were on-going, and before the resolution, Joyce called up the Complainant again around February 2001. Complainant was in Baguio when Joyce called saying that she had an important thing to tell to

(sic) the Complainant. After Complainant got back to Manila, Joyce called her again and said that she will show Complainant something. When they were in Complainant's car in San Juan, Joyce showed Complainant two unsigned Decisions of the case[s]. After reading the Decisions, Complainant saw that the cases were dismissed and that it will be dismissed if she will not accede to Joyce's request (TSN, pages 30-33, Hearing of March 3, 2003). Complainant claimed that Joyce asked for Php 150,000.00 for each case. "Sabi niya it [was] for Judge daw, kailangan daw ni Judge because he is leaving at that time" (TSN, page 34, Hearing of March 3, 2003). Complainant identified the copy of the Decision in Criminal Case No. 59440 for Other Deceits, dated 23 February 2001, which was marked as Exhibit "A" for the Complainant (TSN, pages 35-38, Hearing of March 3, 2003). Complainant further alleged "Sabi niya, if I will accede to that request of P150,000.00 for each case then they will (sic) going to reverse the Decision" and "Si Judge daw" will reverse the Decision. Complainant met with Joyce around February 2001 (TSN, page 39, Hearing of March 3, 2003). Complainant further claimed that Joyce told her to go to Mayor because he is a friend of the Judge. Complainant went again to the Office of the Mayor to seek the Mayor's help and she met the Mayor at his Office in San Juan. The Mayor called up the Judge but he was not around so the Clerk of Court, Joyce, was called. Joyce went to the Office of the Mayor and when she arrived, she said that the Judge was out of the country (TSN, pages 40-41, Hearing of March 3, 2003). The Mayor asked for the phone number of Respondent Judge Rosete, which Joyce gave. Mayor Estrada was able to get in touch with the Judge. While the Mayor was talking in (sic) the phone with the Judge, Complainant was in front of the Mayor (TSN, pages 42-43, Hearing of March 3, 2003). Complainant heard the Mayor "because his voice is very loud." He said, "Judge, Saan ka? Sabi niya New Zealand. When were you coming back? I do not know what is the answer and then he said, you help my friend naswindler siya, pabilisin mo ang kaso niya para matapos na kasi matagal na iyan" (TSN, page 43, Hearing of March 23, 2003). After that they left the Office of the Mayor and Complainant was not able to approach Mayor Estrada again. Since the Complainant was still carrying the Decision, and being afraid that it will be promulgated already, she sought the advi[c]e of her friends. The Complainant showed the decision to the Prosecutor in San Juan at that time (TSN, pages 44-45, Hearing of March 3, 2003). The Prosecutor told the Complainant that she is going to meet with the Judge when he comes back from New Zealand. Complainant testified that, sometime in April, in Sangkalan, Quezon City, a night life restaurant, she met Respondent Judge Rosete. She was with two (2) Prosecutors. When she arrived at Sangkalan at about 8:30 in the evening, Judge Rosete was already in the company of several men whom she got to know as Fernan and Buboy (TSN, pages 46-48, Hearing of March 3, 2003). After eating and drinking, the Complainant left at around 10:30 in the evening. While they were inside, Complainant claimed that she did not say anything at all and it was the Prosecutor who talked in her behalf. She was the one who paid all the bills which amounted to Six Thousand Pesos (P6,000.00). When Complainant left, only they, three (3) girls, left while the Judge and his company were still there drinking. While Complainant was waiting for her car outside, a man came over from behind (TSN, pages 49-50, Hearing of March 3, 2003). Complainant did not know him but she asked the Prosecutor later after the man left. The Complainant said that the man asked if he could have an advance, which she understood as a payment, and she told the Prosecutor. Complainant heard the Prosecutor say that she already talked to the Judge. The man left and went back inside the restaurant (TSN, page 51, Hearing of March 3, 2003). Complainant said that when she did not give the money she was still scared because there will already be a promulgation and she did not know whether it will be in her behalf (sic) or not. Complainant did not give anything aside from the P20,000.00 because her case was very strong and she had all the papers and evidence and that she promised them that she will give them after she was (sic) able to collect all the debts. Complainant did not know the actual date of the promulgation but somebody from the Office of Respondent Judge called her up in her house and told her not to go to the promulgation. When Complainant asked why, "Sabi niya baka mapaiyak daw ako kasi alam na daw nila ang decision. Sabi niya ako na lang ang magdedeliver ng case ng promulgation." She received the decision when she sent her driver to pick it up. The caller said that the decision was unfavorable to her (TSN, pages 52-55, Hearing of March 3, 2003).

RESPONDENT'S VERSION:

- JOSEFINA RAMOS

She testified that she was the Private Secretary of Mayor Jinggoy Estrada, the former Mayor of San Juan, Metro Manila, since he was Vice Mayor of San Juan. In 2000 and 2001, she was already the Secretary of Mayor Jinggoy (TSN, page 7, Hearing of September 9, 2003). She met Lucila Tan when the latter went to the Mayor's Office together with Tita Pat, the sister of President Estrada, but she could no longer remember the year. Lucila Tan went to the Office, together with Tita Pat, and they were seeking the help of Mayor Jinggoy because they have a case. She did not know the case because they were talking to Mayor Jinggoy. She could no longer remember how many times Lucila Tan went to the Office of Mayor Jinggoy Estrada. She did not know what Lucila Tan wanted from Mayor Jinggoy Estrada or how close Lucila Tan was to him (TSN, pages 8-11, Hearing of September 9, 2003). She denied that she met Lucila Tan at the Cravings Restaurant and that she suggested to Lucila Tan to give Fifty Thousand Pesos (P50,000.00) to Judge Rosete to speed up or facilitate her cases but that Lucila Tan agreed for only Twenty Thousand Pesos (P20,000.00). She claimed that she did not know what Lucila Tan was talking about regarding the money. There was no occasion that she suggested or even intimated to Lucila Tan the idea of giving money to Judge Rosete. She denied that she met with Lucila Tan and Respondent Judge at Cravings Restaurant along Wilson Street in San Juan, Metro Manila. She identified her Sworn Statement, subscribed on February 5, 2003, which was marked as Exhibit "1" (TSN, pages 12-16, Hearing of September 9, 2003). She denied that Lucila Tan gave anything to her (TSN, page 17, Hearing of September 9, 2003).

- RODOLFO CEA

He testified that his acquaintances usually call him "Buboy" and for about two years or more he had no occupation. Two years before, he was a Clerk III at Metropolitan Trial Court, Branch 58, San Juan. He knows Lucila Tan because, when he "was still working as Clerk in San Juan, she approached me and asked if I can introduce her to Judge Rosete and eventually asked for a favorable decision against her case." He could not remember anymore when that was because "it was a long time ago" (TSN, pages 6-7, Hearing of September 22, 2003). It was when he was still with the MeTC, Branch 58, San Juan, Metro Manila. He met Lucila Tan at the corridor of the Metropolitan Trial Court when she approached him and asked if he can introduce her to Judge Rosete. He agreed to introduce Lucila Tan to Judge Rosete but he was not able to actually introduce Lucila Tan to Judge Rosete "because aside from the introduction, she wants me to ask Judge Rosete for a favorable decision against (sic) her case and I told her that Judge Rosete don't (sic) like his staff (to) indulge on that kind of transaction" (TSN, pages 8-9, Hearing of September 22, 2003). As far as he knows, the meeting he had with Lucila Tan in the corridor of the Court in San Juan was "the first and the last time." When asked about the claim of Lucila Tan that he approached her and demanded from her a sum of money to represent an advance payment for a favorable decision in her cases then pending before Judge Rosete, he answered "I don't know about that, sir." (TSN, page 10, Hearing of September 22, 2003.) He identified the Sworn Statement, subscribed on February 6, 2003, and confirmed and affirmed the truthfulness of the contents of the Affidavit, which was marked as Exhibit "2" (TSN, pages 11-12, Hearing of September 22, 2003). He denied that he met the Complainant at Sangkalan Restaurant around 8:30 in the evening of an unspecified date (TSN, page 13, Hearing of September 22, 2003).

- FERNANDO B. ESPUERTA

He testified that he is a government employee employed at the Supreme Court with the position Budget Officer III since November 9, 1981. His first job was Casual and he became Budget Officer in 1997 (TSN, page 46, Hearing of September 22, 2003). He recalled having met Lucila Tan sometime just before Christmas in October or November 2000. The first time he saw Lucila Tan was in a restaurant in Quezon City where she was introduced to him by Fiscal Reyes. He went to the restaurant alone. He was invited by Judge Rosete because they had not been together for a long time and they were long time friends. They ate at the restaurant. When he arrived, Judge Rosete and Buboy were already there. They stayed in the restaurant until 11:00 [eleven] o'clock in the evening (TSN, pages 47-49, Hearing of September 22, 2003). He met Lucila Tan in that restaurant when Fiscal Reyes pointed him to Lucila Tan as Fernan of the Supreme Court. When he arrived

there, Buboy and Judge Rosete were already there. Later, the three (3) girls arrived, namely: Fiscal Reyes, Lucila Tan and the sister of the Fiscal (TSN, page 50, Hearing of September 22, 2003). They ordered and ate but they were in a separate table. He recalled that Judge Rosete paid for their bill because he saw him get a credit card and sign something. He did not know about Mrs. Tan but he saw Judge Rosete sign and give to the waiter. The incident where he met Lucila Tan in the restaurant in Quezon City came before the incident when she went to his Office (TSN, pages 51-52, Hearing of September 22, 2003). He could not remember the month when Lucila Tan went to his Office but he remembers that it was nearing Christmas in 2000. “Pumunta siya sa akin parang may ipinakiusap siya sa akin, katanayan nandito po dala ko.” Lucila Tan asked him to help her in her case with Alfonso Sy. “Meron siyang inalok sa akin. Sabi bibigyan niya ako ng three hundred thousand pesos (P300,000.00) para iabot kay Judge Rosete. Ang sagot ko nga sa kanya, hindi ganun ang aking kaibigan. Matagal na kaming magkaibigan niyan noong nagpapractice pa yan. Iyon ang sagot ko sa kanya.” He told Judge Rosete about that and the latter got mad at him. In their second meeting, Lucila Tan gave him papers. He presented a Motion for Reconsideration in Criminal Case No. 59440, which was marked as Exhibit “3” (TSN, pages 53-56, Hearing of September 22, 2003). He presented the papers actually given to him by Lucila Tan. He claimed that the xerox copy was the exact same document given to him by Lucila Tan when she went to his Office. The other documents that Lucila Tan gave to him when she went to his Office were marked as Exhibit “4” and submarkings (TSN, pages 57-63, Hearing of September 22, 2003). Lucila Tan told him the contents of the documents and how the case against Alfonso Sy came about. When Lucila Tan asked him, he answered her that his friend (Respondent Judge) was not like that and they had been together for a long time and it is not possible. When he told Judge Rosete about that, the latter got mad at him. Lucila Tan also mentioned to him that she knew the son of the Chief Justice (TSN, pages 64-66, Hearing of September 22, 2003). Lucila Tan was insisting that he give Judge Rosete so that her case will win but he answered that his friend was not like that (TSN, pages 67-68, Hearing of September 22, 2003).

- JOYCE TRINIDAD HERNANDEZ

She testified that she was a government employee connected with the Judiciary at the Metropolitan Trial Court, Branch 58, San Juan, Metro Manila. She knew Complainant Lucila Tan because in the year 2000 she had a case in their court. She first came to know Lucila Tan when the latter went to their Office with Ellen Sorio, the Branch Clerk of Court of Branch 57, who introduced Lucila Tan to her. Ellen Sorio said, “may kaso ito sa inyo, pinapasabi ni Mayor kay Judge” (TSN, pages 7-11, Hearing of September 29, 2003). She did not say anything but Lucila Tan asked “may tumawag na ba sa Mayor’s Office?” and she said “yes, ma’am.” After that there was a hearing and the sister of former President Estrada went to their Office looking for Judge Rosete. She told her that Judge Rosete was on a hearing and the former told her to tell Judge Rosete about the case of Lucila “na pinakikiusap ni Mayor” (TSN, page 12, Hearing of September 29, 2003). She told Judge Rosete about the things that the sister of the former President told her and that Judge Rosete said nothing. She denied the testimony of Complainant on March 3, 2003 that, sometime in November 2000, she (Joyce Hernandez) called up Lucila Tan by telephone and said that she saw money stuffed inside the drawer of the Respondent in his Office and that she asked the Complainant whether the latter was the one who sent the money stuffed inside the drawer. What she remembers is that Lucila Tan called her and asked if Josie went to their Office and she told Lucila Tan that Josie never went to their Office. She also denied that she called up Lucila Tan sometime in February 2001 and claimed that Lucila Tan was the one who called her up and told her that she (Lucila Tan) was going to show her something. Lucila Tan showed her a copy of the Decision and she was surprised when the former showed her the copy. When she asked where Lucila Tan got the copy, the latter did not answer and said that Mayor Jinggoy wanted to talk to her (TSN, pages 13-16, Hearing of September 29, 2003). She immediately went to the Office of the Mayor with Lucila Tan and Mayor Jinggoy talked to her. The Mayor asked her where Judge Rosete was and she answered that he was in New Zealand on study leave. When the Mayor asked if she knew the telephone number of the Judge, she gave him the telephone number in New Zealand. She was present when the Mayor called up Respondent Judge and talked to him (TSN, page 17, Hearing of September 29, 2003). “He said ‘Pare ko, ano na itong kaso na pinakikiusap ko sa iyo?’ I don’t know what was your answer(ed) [sic] to him, you were talking and then he said ‘ganun ba?’ then Mayor

Jinggoy said ‘o sige, okay na’ and then we left the Office.” She denied that she gave two advance copies of the Decisions in Complainant’s two cases inside the latter’s parked car in San Juan, Metro Manila and claimed that Complainant was the one who showed her the copy in their Office. She likewise denied the testimony of the Complainant that she allegedly demanded Php150,000.00 for each of the two cases then pending before Branch 58, which were decided by Respondent Judge, in return for a favorable decision (TSN, pages 18-21, Hearing of September 29, 2003). She claimed that it was the Complainant who offered to her. She identified her Sworn Statement, subscribed and sworn to on February 5, 2003, which was marked as Exhibit “5,” and confirmed and affirmed the truthfulness of all the contents thereof (TSN, pages 22-25, Hearing of September 29, 2003).[9]

The Court is now faced with two opposing versions of the story. Complainant claims that respondent judge, through his staff, required her to pay the amount of P150,000.00 for him to render judgment in her favor in the two criminal cases she filed against Alfonso Pe Sy. Respondent judge, on the other hand, asserts that it was complainant who attempted to bribe him by offering to pay for the downpayment of the car he was planning to buy, and she even sought the intervention of then San Juan Mayor Jinggoy Estrada to persuade him to rule for the complainant in Criminal Cases Nos. 59440 and 66120.

The issue in this administrative case thus boils down to a determination of the credibility of the parties’ evidence.

After a thorough evaluation of the testimonies of all the witnesses, as well as the documentary evidence presented by both parties, we find the complainant’s version more trustworthy. Not only did she testify with clarity and in full detail, but she also presented during the investigation the unsigned copy of the draft decision of respondent judge in Criminal Case No. 59440 given to her by a member of his staff. Said documentary evidence supports her allegation that a member of complainant’s staff met with her, showed her copies of respondent judge’s draft decisions in Criminal Cases Nos. 59440 and 66120, and demanded, in behalf of respondent judge, that she pays P150,000.00 for the reversal of the disposition of said cases. It would be impossible for complainant to obtain a copy of a judge’s draft decision, it being highly confidential, if not through the judge himself or from the people in his office. And an ordinary employee in the court cannot promise a litigant the reversal of a case’s disposition if not assured by the judge who drafted the decision.

The respondent’s evidence did not overcome the facts proved by complainant. We note that the testimonies of two of respondent’s witnesses contradict each other. Fernando Espuerta confirmed complainant’s claim that she met respondent judge and his two companions, Espuerta himself and Rodolfo Cea (Buboy), at Sangkalan Restaurant in Quezon City. Rodolfo Cea, on the other hand, denied that he met complainant at Sangkalan Restaurant and swore that he never went out with respondent judge in non-office functions. The Investigating Judge observed:

Thus, there is an apparent inconsistency in the testimony of the Respondent Judge’s two witnesses, Rodolfo Cea and Fernando B. Espuerta, regarding the incident at Sangkalan Restaurant in Quezon City where Complainant claimed that she met Respondent Judge, a certain Fernan, and Buboy, while she was with two Prosecutors. Fernando B. Espuerta testified that he was at Sangkalan Restaurant with Respondent Judge and Buboy (Rodolfo Cea), while the latter (Rodolfo Cea) denied that he met the Complainant at Sangkalan Restaurant.[10] (citations omitted)

Hence, we are more inclined to believe complainant’s version that she met with respondent judge and his companions at Sangkalan Restaurant sometime in April 2001.

We have also observed that respondent judge has not been very candid with the Court as regards the dates when he went to New Zealand and when he came back to the Philippines. Respondent asserts that he was already in New Zealand at the time when complainant claims that he met with her. However, the evidence he presented only

shows his New Zealand visa and the dates when he entered said country.[11] He did not show to the investigating body the dates when he left and returned to the Philippines. Apparently, he entered New Zealand on two dates: March 4, 2001 and May 1, 2001. We may therefore infer that complainant was in the Philippines before May 1, 2001, which is consistent with complainant's testimony, as well as that of Fernando Espuerta, that she met with respondent judge and his companions, Fernando and Buboy in April 2001.

We have repeatedly admonished our judges to adhere to the highest tenets of judicial conduct. They must be the embodiment of competence, integrity and independence. Like Caesar's wife, a judge must not only be pure but above suspicion. This is not without reason. The exacting standards of conduct demanded from judges are designed to promote public confidence in the integrity and impartiality of the judiciary because the people's confidence in the judicial system is founded not only on the magnitude of legal knowledge and the diligence of the members of the bench, but also on the highest standard of integrity and moral uprightness they are expected to possess. When the judge himself becomes the transgressor of any law which he is sworn to apply, he places his office in disrepute, encourages disrespect for the law and impairs public confidence in the integrity and impartiality of the judiciary itself. It is therefore paramount that a judge's personal behavior both in the performance of his duties and his daily life, be free from any appearance of impropriety as to be beyond reproach.[12]

Respondent's act of sending a member of his staff to talk with complainant and show copies of his draft decisions, and his act of meeting with litigants outside the office premises beyond office hours violate the standard of judicial conduct required to be observed by members of the Bench. They constitute gross misconduct which is punishable under Rule 140 of the Revised Rules of Court.

IN VIEW WHEREOF, Respondent Judge Maxwell S. Rosete is **SUSPENDED** from office without salary and other benefits for **FOUR (4) MONTHS**.

SO ORDERED.

Callejo, Sr., Tinga, and Chico-Nazario, JJ., concur.
Austria-Martinez, J., on official leave.

[1] Now Presiding Judge of the Municipal Trial Court in Cities (MTCC) of Santiago City, Isabela per A.M. No. 04-5-118-MTCC promulgated on July 29, 2004.

[2] Complaint, Rollo, pp. 1-2.

[3] Comment, Rollo, pp. 52-55.

[4] Rollo, p. 95.

[5] Exhibit "A."

[6] Affidavit of Josefina Q. Ramos (Exhibit "1"); Affidavit of Rodolfo Cea (Exhibit "2"); and Affidavit of Joyce Trinidad A. Hernandez (Exhibit "5").

[7] Exhibit "3."

[8] Exhibits "4," and "4-A" to "4-J," inclusive.

[9] Report of First Vice Executive Judge Edwin A. Villazor, pp. 7-18.

[10] Report of First Vice Executive Judge Edwin A. Villazor, p. 24.

[11] Annexes “3” & “3-A,” Respondent’s Rejoinder to Complainant’s Reply.

[12] *Avancena vs. Liwanag*, 406 SCRA 300 (2003); *Yap vs. Inopiquez, Jr.*, 403 SCRA 141 (2003).

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