

**ILUMINADA SANTILLAN VDA. DE NEPOMUCENO, PETITIONERS, VS.
JUDGE NICASIO V. BARTOLOME, MUNICIPAL TRIAL COURT, STA.
MARIA, BULACAN, RESPONDENTS.**

A.M. No. MTJ-03-1482 (Formerly AM No. OCA IPI No. 01-1042-MTJ). July 25, 2003

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

In our Decision promulgated on April 4, 2003 in the above-entitled case, we exonerated respondent Judge Nicasio V. Bartolome from the charge of violation of Republic Act No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act relative to Criminal Case No. 8464 entitled, People of the Philippines vs. Manuel Ramos, for Reckless Imprudence resulting to Homicide and Slight Physical Injuries. However, upon recommendation of Investigating Executive Judge Owen C. Herrera, Jr., respondent Judge was directed to explain within 10 days why he should not be administratively dealt with for Serious Misconduct for making deliberate untruthful statements during the proceedings.

In a capsule, respondent Judge categorically stated in his Counter-Affidavit dated November 6, 2002 and Memorandum dated November 12, 2002 submitted before the Investigating Judge that he did not grant the motion for reduction of monthly installment of the awarded damages from P10,000.00 to P2,000.00.[1] The records proved otherwise because in his own Order dated May 31, 2000, respondent Judge had granted said reduction upon recommendation of the Probation Office.

In his Comment, respondent Judge admits that indeed he denied the existence of the May 31, 2000 Order. He proffers that this was not deliberately done. This is a matter of record that could be easily discovered. Neither was he impelled by malice or ill motive but insists good faith. He informs the Court that in the twilight of his judicial career, this is the first time he was made the subject of a full blown trial, with his honor at stake.

Respondent Judge attributes his glaring mistake to the confusion and pressure of the time when he executed his Counter-Affidavit and Memorandum. He explains that he depended on the May 8, 2000 Order he issued where he denied the motion for reconsideration of the Order dated January 11, 2000 denying the motion to reduce the monthly installment reasoning that said Order was affirmed in the certiorari case brought by complainant to the RTC. And that, in his haste to clear his name coupled by his heavy workload, he failed to look further into the records.

In addition, respondent Judge asserts that the May 31, 2000 Order was clearly justified. It was issued upon the recommendation of the Probation Office which is the proper agency to oversee the implementation of the Order of probation.

We find the explanation of respondent Judge not fully satisfactory.

The May 31, 2000 Order is on record. There is no reason for him not to know of its existence. By his own admission, he was less circumspect in the examination of the records of the case. It should be emphasized that

ours are courts of records so justice may be better served. Hence, we can not accept the asseveration of respondent judge that he was unaware of its existence until the Investigating Judge brought it to light.

While a judge is a man subject to the frailties of other men[2], his office is an exalted position in the administration of justice.[3] A judge is the visible representation of the law and of justice. From him, the people may draw their will and awareness to obey the law.[4] He should therefore be studiously careful and prudent not only in his judicial functions but also in his personal behavior most especially, in the defense of himself.

WHEREFORE, finding the Comment of Judge Nicasio V. Bartolome not fully satisfactory, he is hereby REPRIMANDED with a stern warning that a repetition of the same or the commission of a similar offense shall be dealt with more severely.

SO ORDERED.

Bellosillo, (Chairman), Callejo, Sr., and Tinga, JJ., concur.
Quisumbing, J., on official leave.

[1] The convict availed of the provisions of the Probation Law and was adjudged to pay the awarded civil damages in installment basis.

[2] Pimentel vs. Salonga, 21 SCRA 160.

[3] Lugneta vs. Boncaros, 60 SCRA 27.

[4] Dela Paz vs. Inutan, 64 SCRA 540.

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