

ATTY. ROMULO B. MACALINTAL, COMPLAINANT, VS. JUDGE ANGELITO C. TEH, REGIONAL TRIAL COURT, BRANCH 87, ROSARIO, BATANGAS, RESPONDENT.

A.M. No. RTJ-97-1375. October 16, 1997

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PER CURIAM:

In a letter, dated 01 April 1996, Atty. Romulo B. Macalintal related to the Court the actuations of Judge Angelito C. Teh, Executive Judge and the Presiding Judge of the Regional Trial Court, Branch 87, Rosario, Batangas, relative to Election Case No. R-95-001.

It would appear that Judge Teh issued a resolution adverse to the client of Atty. Macalintal in the aforementioned election case. Atty. Macalintal questioned the resolution, via a petition for certiorari, before the Commission on Elections ("COMELEC"). While the case was pending at the COMELEC, Judge Teh actively participated in the proceedings by filing his comment on the petition and, still later, an urgent manifestation. Complainant lawyer forthwith filed a motion to prevent respondent Judge from further acting on Election Case No. R-95-001. Instead of acting on the motion for inhibition, Judge Teh hired his own lawyer and filed his answer before his own court, with the prayer:

"1. That Judgment be rendered dismissing the Motion for Inhibition for lack of sufficient factual and legal basis;

"2. Ordering the movant to pay the undersigned respondent in the amount of P100,000.00 as attorney's fees and expenses for litigation;

"3. Cost of this suit.

"Respondent respectfully prays for such other reliefs and remedies as may be deemed just and equitable in the premises." [1]

In its resolution of 19 August 1996, the Court required respondent to comment on the letter-complaint.

In his comment, dated 20 September 1996, respondent Judge admitted that he had filed his own pleadings with the COMELEC out of respect and in deference to the order of 16 November 1995 of the COMELEC En Banc requiring respondents to comment on the petition. The urgent manifestation he filed was meant to rectify the assertion of complainant that he had erroneously cited Section 8, Rule 35, of the Omnibus Election Code. Attached to his comment before this Court was his resolution, dated 31 July 1996, where respondent Judge, ruling on the motion for inhibition, held:

"WHEREFORE, in view of all the foregoing considerations, this Court hereby rendered this resolution on the pending incidents to wit:

"1. The protestee's unverified Motion to Dismiss and Motion to Strike Out Opposition are hereby DENIED for lack of sufficient legal and factual basis;

"2. The Motion for Inhibition is likewise DENIED for lack of sufficient legal and factual basis;

"3. And for compelling the respondent Judge to engage the services of counsel who prepared the Answer to the Motion for Inhibition, the Protestee's counsel, Atty. Romulo B. Macalintal is hereby ordered to pay P100,000.00 as Attorney's Fees and litigation expenses incident to his Motion for Inhibition.

"SO ORDERED."[2]

In its resolution, dated 12 March 1997, the Court resolved to:

"(a) DIRECT Judge Angelito Teh to ACT on the motion for inhibition in accordance with the procedure prescribed in Section 2, Rule 137 of the Rules of Court;

"(b) TREAT the letter dated April 1, 1996 of complainant as an administrative complaint against Judge Angelito Teh and docket accordingly;

"(c) CONSIDER the comment dated September 20, 1996 of Judge Teh filed in compliance with the resolution of August 19, 1996 as comment on the complaint; and

"(d) require the parties to MANIFEST within fifteen (15) days from notice hereof whether they are willing to submit this case for resolution on the basis of the pleadings already filed herein."[3]

In his manifestation, dated 29 April 1997, respondent Judge expressed his willingness to submit the case for resolution on the basis of his comment which he repleaded and reproduced. He also made his observation that the complaint of Atty. Macalintal had not been under oath.

In his compliance, dated 24 April 1997, complainant informed the Court that his letter of 01 April 1996 was not intended as an administrative complaint but that he was leaving the matter of treating it as such to the discretion of this Court in the exercise of its administrative control and supervision over the members of the judiciary. He likewise manifested his willingness to submit the case for resolution on the basis of the pleadings already filed. He, in passing, informed the Court that the resolution of 31 July 1996 issued by respondent judge was found by the COMELEC to be "irrational."

While Rule 140 of the Rules of Court requires that complaints against Judges should be sworn to, the Court deems it proper to dispense with the requirement since the letter of Atty. Macalintal, upon the recommendation of the Office of the Court Administrator, has heretofore been treated as an administrative complaint and considering, further, that respondent Judge, in his comment, practically admitted all pertinent allegations of complainant. Under the doctrine of *res ipsa loquitur*, the Court may impose its authority upon erring judges whose actuations, on their face, would show gross incompetence, ignorance of the law or misconduct.[4]

Section 5, Rule 65, of the Rules of Court[5] provides:

"Sec. 5. Defendants and costs in certain cases. - When the petition filed related to the acts or omissions of a court or judge, the petitioner shall join, as parties defendant with such court or judge, the person or persons interested in sustaining the proceedings in the court; and it shall be the duty of such person or persons to appear and defend, both in his or their own behalf and in behalf of the court or judge affected by the proceedings, and costs awarded in such proceedings in favor of the petitioner shall be against the person or persons in interest only, and not against the court or judge."

Evidently, the active participation of respondent judge, being merely a nominal or formal party[6] in the certiorari proceedings, is not called for. In *Turqueza vs. Hernando*,[7] the Court has explained:

"x x x (U)nder Section 5 of Rule 65 of the Rules of Court, a judge whose order is challenged in an appellate court does not have to file any answer or take active part in the proceeding unless expressly directed by order

of this Court. It is the duty of the private respondent to appear and defend, both in his/her behalf and in behalf of the Court or judge whose order or decision is at issue. The judge should maintain a detached attitude from the case and should not waste his time by taking an active part in a proceeding which relates to official actuations in a case but should apply himself to his principal task of hearing and adjudicating the cases in his court. He is merely a nominal party to the case and has no personal interest nor personality therein." [8]

Respondent's folly did not stop there. When complainant filed a motion for respondent's inhibition in Election Case No. R-95-001, the latter, instead of acting thereon in accordance with Section 2, Rule 137, of the Rules of Court, hired his own lawyer, filed his answer to the motion and forthwith denied the same, ordering, at the same time, Atty. Macalintal to pay P100,000.00 by way of attorney's fees and litigation expenses "for compelling the respondent Judge to engage the services of counsel who prepared the Answer to the Motion for Inhibition." Respondent Judge, in fine, acted both as a party litigant and as a judge before his own court.

In the Court's resolution of 12 March 1997, respondent was directed to act on the motion for inhibition in accordance with the procedure prescribed in Section 2, Rule 137, [9] of the Rules of Court. Respondent Judge either misunderstood or chose to misunderstand the directive for, in his order, dated 17 April 1997, he granted the motion for inhibition "in compliance with the resolution" of the Court. Clearly, the Court, in its resolution of 12 March 1997, merely required respondent Judge to act on the motion for inhibition in accordance with the Rules, i.e., "to either proceed with the trial, or withdraw therefrom, in accordance with his determination of the question of his disqualification." Certainly, he was not directed by the Court either to grant or deny the motion.

Respondent judge should be reminded that decisions of courts need not only be just but must be perceived to be just and completely free from suspicion or doubt both in its fairness and integrity. [10] Judges, being the visible representation of the law and, most importantly, of justice, [11] should be the embodiment of independence, competence, and integrity. [12] Once again, the Court would also wish to say that a member of the bench must continuously keep himself abreast of legal and jurisprudential developments and show acquaintance with statutes, procedural rules and authorities doctrines. [13] Not for a moment, indeed, does the learning process in law cease.

In the case before us, respondent's gross deviation from the acceptable norm for judges is clearly manifest. In *Castañón vs. Escaño, Jr.*, [14] the Court has had occasion to state:

"When the inefficiency springs from a failure to consider so basic and elemental a rule, a law or a principle in the discharge of his duties, a judge is either too incompetent and undeserving of the position and title he holds or he is too vicious that the oversight or omission was deliberately done in bad faith and in grave abuse of judicial authority. In both instances, the judge's dismissal is in order. After all, faith in the administration of justice exists only if every party-litigant is assured that occupants of the bench cannot justly be accused of deficiency in their grasp of legal principles." [15]

WHEREFORE, finding respondent Judge Angelito C. Teh guilty of gross ignorance of the law, the Court hereby dismisses him from the service with forfeiture of all benefits and with prejudice to re-employment in any other branch, instrumentality or agency of the government, including government-owned and controlled corporations.

Judge C. Teh is hereby enjoined upon his receipt hereof to cease and desist from performing any and all acts pertaining to his office.

This decision is immediately executory.

Let a copy of this decision be attached to the records of Judge Angelito C. Teh with this Court.

SO ORDERED.

Narvasa, C.J., Davide Jr., Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Francisco, Hermosisima,

Jr., Panganiban, and Torres, Jr., JJ., concur.
Regalado, J., on leave.

[1] Rollo, p. 11.

[2] Rollo, p. 62.

[3] Rollo, p. 81.

[4] Consolidated Bank and Trust Corporation vs. Capistrano, 159 SCRA 47.

[5] The amended rule states:

"SEC. 5. Respondents and costs in certain cases. - When the petition filed relates to the acts or omissions of a judge, court, quasi-judicial agency, tribunal, corporation, board, officer or person, the petitioner shall join, as private respondent or respondents with such public respondent or respondents, the person or persons interested in sustaining the proceedings in the court; and it shall be the duty of such private respondents to appear and defend, both in his or their own behalf and in behalf of the public respondent or respondents affected by the proceedings, and the costs awarded in such proceedings in favor of the petitioner shall be against the private respondents only, and not against the judge, court, quasi-judicial agency, tribunal, corporation, board, officer or person impleaded as public respondent or respondents.

"Unless otherwise specifically directed by the court where the petition is pending, the public respondents shall not appear in or file an answer or comment to the petition or any pleading therein. If the case is elevated to a higher court by either party, the public respondents shall be included therein as nominal parties. However, unless otherwise specifically directed by the court, they shall not appear or participate in the proceedings therein."

[6] Republic vs. CFI of Lanao del Norte, Branch II, 53 SCRA 317; Taroma vs. Sayo, 67 SCRA 508.

[7] 97 SCRA 483.

[8] At pp. 490-491.

[9] "SEC. 2. Objection that judge disqualified, how made and effect. - If it be claimed that an official is disqualified from sitting as above provided, the party objecting to his competency may, in writing, file with the official his objection, stating the grounds therefor, and the official shall there upon proceed with the trial or withdraw, therefrom in accordance with his determination of the question of his disqualification. His decision shall be forthwith made in writing and filed with the other papers in the case, but no appeal or stay shall be allowed from, or by reason of, his decision in favor of his own competency, until after final judgment in the case."

[10] See Query of Executive Judge Estella T. Estrada, 155 SCRA 72.

[11] Gil vs. Son, 241 SCRA 467.

[12] Wingarts vs. Mejia, 242 SCRA 436.

[13] Chin vs. Gustilo, 247 SCRA 175.

[14] 251 SCRA 174.

[15] At p. 199.

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