

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. JUDGE ISMAEL SANCHEZ Y BALAIS, REGIONAL TRIAL COURT, LUCENA CITY, RESPONDENT.

A.M. No. RTJ-99-1486. June 26, 2001

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PER CURIAM:

A judge is the visible representation of the law and, more importantly, of justice.[1] He must be first in observing the law scrupulously. Any appearance of criminal violation of the law, in any way or capacity, directly or indirectly, principal or accessing, will warrant the judge to be disrobed. We cannot tolerate a discordant robe in the judiciary. This is the case of Judge Ismael B. Sanchez.

On 25 June 1999, the Chief Justice received an anonymous letter[2] from a "Group to Clean the Judiciary of Lucena City" informing the Court of the misconduct of Judge Ismael B. Sanchez for using a car involved in a carnapping case in his sala.

By First Indorsement,[3] the Chief Justice referred the letter to the Court Administrator for appropriate action.

In view of the indorsement, Justice Narciso T. Atienza (Ret.), a consultant of the Office of the Court Administrator (OCA), made a discreet inquiry on the reported impropriety to coincide with an on-the-spot audit of the Regional Trial Court, Quezon, Branch 57, Lucena City, and the follow-up audit in Branch 53, same court. This was to divert the attention of the court employees who may be able to give information on the whereabouts of the car.

On the basis of the Report that Justice Atienza submitted, on 20 August 1999, the Court Administrator recommended to the Chief Justice that: [1] the Investigation Report of Justice Atienza be considered as an administrative complaint against Judge Ismael B. Sanchez; [2] the case be docketed as an administrative matter; [3] Judge Sanchez be required to comment thereon within ten (10) days from notice; and [4] upon receipt thereof, the case be assigned to a Justice of the Court of Appeals for investigation, report and recommendation.[4]

Upon the filing of the respondent Judge's Comment,[5] on 27 June 2000, the Court resolved to refer the case to Associate Justice Mercedes Gozo-Dadole of the Court of Appeals for investigation, report and recommendation within ninety (90) days from receipt of the records.[6]

After due investigation, on 21 March 2001, Justice Dadole submitted a Report and Recommendation summarizing the facts, thus:

"This administrative case started when a letter dated June 17, 1999 from "a Group to Clean the Judiciary of Lucena" was sent to the Honorable Chief Justice of the Supreme Court wherein the following information was provided:

"That a case for violation of the Anti-Carnapping Act (Rep. Act No. 6539) entitled "People vs. SPO4 Rim Mulbog y Morales" docketed as Criminal Case No. 96-460 was filed in Lucena City and assigned to Branch 58 (Regional Trial Court) presided by Judge Sanchez; that the car involved is a gray Toyota Corolla four-door

sedan with engine number 2E-2816712 and chassis number EE100-9539128; that on October 28, 1996, the said case was provisionally dismissed on the ground that the owner of the car is unknown; that in an office order dated November 27, 1996, Judge Sanchez authorized the process server of Branch 58, Mr. Jose D. Lopez, to receive and accept from the District Director, PNP, Traffic Management District IV, Camp Vicente Lim, Laguna, the said car for delivery to the Chief of Police, PNP, Lucena City for safekeeping; that on November 30, 1996, said car was received by Mr. Lopez after signing an undertaking; that said car was, however, not delivered to the Chief of Police, PNP, Lucena City because Judge Sanchez took custody thereof for his personal use; and that after using the car in Lucena City for a few months, Judge Sanchez brought the car to his residence in Pasig and thereafter the car was never seen again in Lucena City.[7]

"Pursuant to the First Indorsement dated June 28, 1999, the aforementioned letter of June 17, 1999 was endorsed by the Chief Justice for appropriate action by the Honorable Court Administrator[8] who in turn directed Justice Narciso P. Atienza (ret.), consultant of the Office of the Court Administrator (OCA), to conduct a discreet inquiry on the matter resulting in the submission of the Report dated August 2, 1999 by the latter[9] wherein the following facts were shown:

"In the morning of July 28, 1999, while the Audit Team was conducting the on-the-spot audit in RTC Branch 57, the undersigned went to the Office of the Chief of Police of Lucena City, to inquire whether the car subject of Crim. Case No. 96-460 for Carnapping was turned over to the Chief of Police for safekeeping and follow-up investigation as per order of the court dated October 28, 1996. The Chief of Police was not in his office, but the undersigned was able to talk to the Deputy Chief of Police, Senior Inspector Ricardo Villanueva.

"In his conversation with the Deputy Chief of Police, the undersigned was informed that the subject car was not turned over to the Chief of Police for safekeeping and follow-up investigation. The Deputy Chief of Police said that their office did not receive even a copy of the order, xerox copy of which was shown to him. He brought the undersigned to the place where vehicles are impounded to view the place, and he did not see any Toyota Corolla car there.

"In view of the information given by the Deputy Chief of Police, the undersigned went to RTC Branch 58 and asked for Mr. Lopez, the Process Server who was earlier directed by the court to take temporary custody of the car during pendency of the case. Mr. Lopez was not in his office the whole day because he served summons at No. 1717, T.P. Building, Jose Abad Santos, Tondo, Manila.

"On the following day, (July 29, 1999), the undersigned met Mr. Lopez in his office. When queried on the whereabouts of the car, after showing to him the xerox copy of the order dated October 28, 1996, which was attached to the basic communication, Mr. Lopez said that the car is in the possession of Judge Sanchez since October 1998.

"Mr. Lopez narrated that he did not turn over the custody of the car to the Chief of Police because on December 6, 1996, the court issued an order transferring the custody and possession of the car to the court. Mr. Lopez claimed that after the car was repaired and the missing parts replaced, the car remained in his custody and it was used by the court on official matters where use of motor vehicle is necessary.

"The subject car is not within the vicinity of the court when the inquiry was conducted on July 28, 29, 1999. The undersigned was informed by a court employee who requested not to be identified that the subject car was brought by Judge Sanchez to his residence in Pasig, Metro Manila.[10]

"This investigation report of Justice Atienza was considered by the Honorable Supreme Court as an administrative complaint against Judge Sanchez and at the same time required him to file his comment, per Resolution en banc, dated September 21, 1999[11] which he readily complied with by submitting his Comment dated October 28, 1999.[12]

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"Due to the admissions made by the respondent judge during the preliminary conference held on September 22, 2000 per Resolution of even date, to wit:

"1.] That the subject motor vehicle is in the custody and possession of respondent Judge since December 1997 until the present;

"2.] That an Order dated December 6, 1996 was issued by respondent judge after the criminal case assigned before RTC Branch 58, Lucena City, docketed therein as Criminal Case No. 96-460, entitled People of the Philippines vs. SPO4 Rim Mulbog y Morales, was provisionally dismissed;

"3.] That per Office Order, Mr. Jose Lopez, the process server of RTC, Branch 58, Lucena City took custody of the subject motor vehicle from the Traffic Management Command of Camp Vicente Lim, Canlubang, Laguna;

"4.] That on July 31, 1996, the subject car was subjected to macro etching examination by the laboratory technician of Camp Vicente Lim, Canlubang, Laguna with the finding that the engine number and chassis number were tampered;

"5.] That on October 1, 1996, a certain Rodolfo Guerrero executed an affidavit disclaiming ownership of the said motor vehicle;

"6.] That an Order dated October 28, 1996 was issued ordering the provisional dismissal of the aforementioned criminal case and at the same time, ordering the Director, Traffic Management District IV, Camp Vicente Lim, Canlubang, Laguna, to deliver the subject motor vehicle to the Chief of Police of Lucena City for safekeeping;

"7.] That on December 6, 1996, the respondent judge issued an order transferring the custody of the subject car to the court instead of the Chief of Police of Lucena City;

"8.] That the process server Jose Lopez has executed an affidavit dated July 29, 1999; and

"9.] That there is no garage or storage facilities within the court premises wherein the subject car can be restored.

complainant only presented and submitted documentary evidence, to wit:

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"On the other hand, respondent's evidence consists of his oral testimony and together with his documentary evidence, established the following facts:

"That he is the presiding judge of the Regional Trial court, Branch 58, Lucena City having assumed as such since April 1, 1996, up to the present time.

"That he is the respondent in Adm. Case No. RTJ-99-1486 pending investigation before Associate Justice Mercedes Gozo-Dadole pursuant to the Supreme Court Resolution dated September 21, 1999, wherein the Investigation Report of (Ret.) Justice Narciso T. Atienza dated August 2, 1999 was considered as "an administrative complaint" against herein affiant.

"That in the Memorandum dated August 20, 1999 by Court Administrator Alfredo L. Benipayo and Assistant OIC, Danilo L. Mendoza, it affirmed the investigation report of Justice Narciso Atienza, although, it is very apparent that said investigation report did not charge him of any specific offense or charge. However, from the reading of the Memorandum dated August 20, 1999, it may be gleaned that he is being charged of "alleged misappropriation of a car involved in an anti-carnapping case."

"That as required by the aforementioned Supreme Court Resolution dated September 21, 1999, he filed his written Comment dated October 28, 1999 wherein his intention was made very clear that "guided by the legal

principle of custodia legis with the end in view of safekeeping and preservation of the property subject of an alleged crime" he took temporary custody of the car "subject to the claim of the true and real owner, once identified, and shall come out to claim the same";

"That he vehemently, denied having misappropriated or that he cannot be held accountable for said motor vehicle. In fact, during the hearing held on September 22, 2000, he requested for authority from Investigating Justice Dadole to transport and turn over the motor vehicle to the District Director of PNP, Traffic Management District IV, Camp Vicente Lim, Canlubang, Laguna and it was actually turned over on November 12, 2000, as evidenced by a Technical Inspection and Inventory Report of POI Neil G. Cruzado;

"That it must also be emphasized that he did not and never used said car for his own personal use whether in Lucena City, the place of his official station or in his place of residence in Pasig City. From its recovery from Camp Vicente Lim, Laguna on November 30, 1996, said car was under the actual and physical custody of the Court's process server, Mr. Jose D. Lopez considering that there is no garage or storage facility within the Court's premises wherein the subject car can be stored. The truth being, the custody by the Court is purely for safekeeping and storage purposes only;

"That the Anti-Carnapping Case No. 96-0460 was provisionally dismissed on October 28, 1996 and the car was supposed to be delivered to the Chief of Police of Lucena City but when it was recovered by Mr. Jose Lopez, there were missing parts, mechanical or otherwise, for which reason he decided that the custody and safekeeping be transferred to the Court itself. This was clearly stated in the Order dated December 6, 1996;

"That the car remained in the custody of Mr. Jose Lopez until October or November, 1997 until he received reports that the car was seen outside the limits of Lucena City and for fear that the car might be involved in an accident or might be used for illegal purposes, he decided to take temporary custody for safekeeping and preservation. But because there is no garage or storage within the Court's premises, neither is it safe to keep the car in the rented house used by him as nobody is left there during weekends, so he decided to keep it in a private storage or bodega in Metro Manila;

"It was even stated in the Investigation Report of Justice Narciso Atienza:

"Mr. Lopez narrated that he did not turn over the custody of the car to the Chief of Police because on December 6, 1996, the court issued an order transferring the custody and possession of the car to the court. Mr. Lopez claimed that after the car was repaired and the missing parts replaced, the car remained in his custody and it was used by the court on official matters where use of motor vehicle is necessary;

"This finding of Justice Atienza will undoubtedly show that the car was never in the possession of respondent judge but only after a year that it was turned over to him for storage purposes. If it was really his intention to use the vehicle, why was it in the custody of Mr. Lopez for about a year?

"That just to prove his clean intention, he did not take immediate possession of the car when it was recovered sometime in November 30, 1996, and instead, it was given to the Court's process server for safekeeping and preservation. At the time of recovery, the car was unserviceable and he even spent for the transfer from Camp Vicente Lim, Calamba, Laguna to Lucena City, Quezon. (Please see attached receipts of expenses, Annexes A, B and C of Comment dated October 28, 1999). Furthermore, he likewise spent for the transfer from the private bodega in Metro Manila to Camp Vicente Lim, Laguna on November 12, 2000 plus the fees paid to the motor mechanic to make the engine run again due to prolonged storage and non-use, thus, he spent a total of P1,387.50.

"That Criminal Case No. 96-0460 was provisionally dismissed on October 28, 1996 subject to the "condition that the same will be revived when the true and real owner of the subject car can be identified and files the appropriate complaint." Up to the present time, nobody appears to claim ownership of said motor vehicle and upon motion by the accused, SPO4 Rim Mulbog y Morales, the case was permanently dismissed on August 13, 1999;

"That the insinuation or innuendo that since the owner of the car is unknown and there was a change in the custody from the Chief of Police, Lucena City to the Court, then the car was brought to his residence in Pasig City and "thereafter the car was never seen again in Lucena City" (Memorandum dated August 20, 1999 of Court Administrator) are purely speculative and cannot be the basis for the charge of "misappropriation" when the truth of the matter is that he was only motivated by pure intentions and clear conscience in preserving the subject matter of an alleged crime. He respectfully submits that if his acts are sufficient grounds for an administrative complaint, much more, considered by the Office of the Court Administrator already a violation, this policy is not conducive to good conduct for all trial judges and would deter judges, to preserve properties subject matter of litigation;

"That he emphatically assures the Honorable Supreme Court and the Investigating Justice of the Court of Appeals that he will not commit such petty and mischievous acts of appropriating properties under litigation knowing that it is the subject of an anti-carnapping case. No judge worthy of his sworn duty and with full knowledge of the legal consequence of such acts would ever dare to misappropriate a carnapped car;

"That the anonymous letter dated June 17, 1999 is suspected by him as coming from a certain Atty. Pedro Lukang who is the same complainant against him under Case No. OCA-IPi No. 99-683-RTJ which was recently dismissed by the Supreme Court on October 4, 2000;

"That he respectfully prayed of the Honorable Investigating Justice that this case should be viewed from a broader perspective regarding the motive of the anonymous complaint, the fact that he had been a judge for barely six (6) months when he tried and heard this carnapping case, his sincere intentions and good faith in trying to preserve and safekeep a carnapped car being practically cannibalized while in the custody of the Police Office in Camp Vicente Lim and finally, to consider that he vehemently denied having used said car for his personal use and benefit;

"That he likewise beseeches the Honorable Investigating Justice to see that justice, truth and fairness be accorded him if only to realize the heavy task of a trial judge. This kind of malicious and unfounded case sometimes affect the morale and efficiency of judges while at the same time, further discouraging good, honest and competent lawyers to join the judiciary."[13]

On the basis of the foregoing factual findings, the Investigating Justice found respondent judge guilty of gross misconduct in office and recommended that he be suspended for six (6) months without pay. On the other hand, complainant OCA insists that respondent judge is guilty of gross misconduct, abuse of authority and gross ignorance of the law and, for his malfeasance recommended that he be meted out the penalty of dismissal from office with forfeiture of all benefits due him, with prejudice to re-employment in the government service including government-owned or controlled corporations, without prejudice to the filing of the appropriate criminal charges against him.[14]

The basic issue is whether or not the respondent judge is guilty of gross misconduct in office for taking custody of a car subject of a criminal case[15] after the court presided over by him provisionally dismissed the case.

Respondent judge admitted that the subject vehicle was not presented in court before he dismissed the case provisionally on October 28, 1996. He admitted that after he dismissed the case he ordered the car given to the custody of the court process server, RTC, Lucena City, Branch 58, presided over by him.[16] He, in fact, allowed the car to remain in the possession of and to be used by the court process server for the needs of the court.[17] Respondent judge also admitted that after one year, he took custody of the car from the court process server.[18] He claimed that he kept the car in a rented house in Lucena City before he moved the car to a private bodega of his kumpadre in Parañaque, Metro Manila.[19] The respondent judge admitted that his process server possessed

and used the car for a year. He also admitted that he subsequently took possession of the car. These admissions clearly show the judge's gross misconduct in office and abuse of authority.

During the investigation on 22 January 2001, respondent judge justified his action of taking the car, thus:

"Q.

Mr. Witness, you admitted during the preliminary conference before the Investigating Justice that the subject motor vehicle was in the possession of the respondent since December 1997 until the present?

"A.

That is correct, Your Honor, because actually, it was only for a period of one year that the Process Server was in possession of the car.

"Q.

After one (1) year, what happened to this car?"

A.

When I noticed that this vehicle was seen at night in some places, based on a report to the respondent, the respondent judge being the caretaker of this motor vehicle, ordered the Process Server to turn over the car to the respondent judge because he suspected that the car may get lost or the car may be involved in an accident. And soon it is the primary responsibility of the judge, I decided to take possession." [20]

His claim that in taking custody of the car, he was guided by the legal principle of custodia legis, the safekeeping and preservation of the motor vehicle, [21] is tenuous and puerile. The car was not in custodia legis.

Respondent judge had no legal authority to take custody of the car. Although it was evidence in a carjacking case, the prosecutor had not offered it in evidence. Hence, the prosecution had the legal custody and responsibility for the subject vehicle. Assuming arguendo that the subject car was under the legal custody of the court, still, respondent judge can not take possession of the vehicle or allow his process server to take custody thereof. Section D (4), Chapter VII of the Manual F or Clerks of Court provides that:

"All exhibits used as evidence and turned over to the court and before the case/s involving such evidence shall have been terminated shall be under the custody and safekeeping of the Clerk of Court." (emphasis ours)

Respondent judge knew that the responsibility for the car belonged to the Clerk of Court. He confirmed this fact during the cross-examination conducted by Justice Narciso T. Atienza on 22 January 2001. [22] However, despite such knowledge, he allowed his process server to take custody and worse to use the car. Furthermore, when the criminal case was dismissed provisionally, the court lost jurisdiction over the case or the person of the accused. The car was not in custodia legis to begin with.

Consequently, respondent judge took advantage of his office in showing keen interest in the subject car. He revoked his previous order to turn over the car to the chief of police of Lucena City [23], and ordered his process server to take custody of the car. [24]

With the car in his custody "for safekeeping", respondent judge effectively prevented the City Prosecutor of Lucena from investigating the liability of the accused in Criminal Case No. 96-460 for having in his possession a vehicle that was obviously stolen, with tampered chassis and motor numbers, which act constitutes a clear obstruction of justice.

Respondent judge's reason for taking possession of the car is odious. He had unexplained and undue interest on

the vehicle. He even went to the extent of spending his own money to make the car serviceable.[25] He placed the car in the private bodega of his kumpadre in Parañaque, Metro Manila, outside the territorial jurisdiction of the court.[26] Respondent judge likewise knew that (as early as 2 October 1996), the ownership of the car had not been determined. In fact, an Affidavit of Disclaimer[27] was executed by one Rodolfo C. Guerrero on 1 October 1996, attesting that he had no claim on the vehicle subject of the Criminal Case No.96-460. Likewise, in a letter dated 29 July 1996,[28] which the prosecution submitted in support of the oral motion to dismiss" Police Chief Inspector Luisito Tinio Palmera informed the City Prosecutor of Lucena City that the vehicle subject of Criminal Case No.96-460 was not owned by Rodolfo C. Guerrero. Thus, as early as 2 October 1996, respondent judge knew that the car was not owned by Guerrero, and that there was no person claiming ownership of the vehicle. Such knowledge may have motivated respondent Judge to take possession of the car and to appropriate it for the use of the court through the process server.

In a clear attempt to project himself as a "good father of a family" and also to dispel doubts that he used the subject vehicle, respondent judge testified during the 22 January 2001 investigation, as follows:

"Q.

From the time you took possession of this, did you ever use the car?

"A.

No, Your Honor. Firstly, I have my personal car which I use in going to Lucena and returning to Pasig. Second, I don't have the courage to use a carnapped car, and it has no record, it has no registration papers, it has no plate number, it has no sticker and the fact that you will use this car without these things can easily be detected by the highway patrol. I did not dare use this car in going to Manila because [the trip] from Lucena up to Pasig has a traveling time of 3 and a half [hours], you have to pass so many policemen and easily, when a car has no plate, it can be easily apprehended. Thirdly, Your Honor, I cannot use this car in Lucena because I have my own car. I use my car from my residential house [going] to the court. So there is no reason to use this car." [29]

The testimony of respondent judge, however, rings hollow vis-a-vis the fact that he allowed his process server to use the car within Lucena City and to serve as the court's utility vehicle for official business where the use of a motor vehicle was necessary. Then respondent transferred the car from Lucena City to the private bodega of his kumpadre in Metro Manila.

There are, likewise, apparent discrepancies in respondent's account which only serve to cast further doubt on his claim of innocence. In his Comment,[30] respondent stated that he kept the car in Pasig City. During the early part of the hearing on 22 January 2001, however, he testified that he stored the car in the private bodega of his kumpadre in Las Piñas.[31] Still during the latter part of the investigation, he declared that the car was kept in Parañaque.[32] Needless to state, these inconsistencies only tend to heighten the suspicion that respondent had an unusual interest in the carnapped vehicle. He could use the car because respondent admitted that he had a protocol plate and when this was attached to a car, policemen would not ask questions about the vehicle on which it was attached.[33]

The Code of Judicial Conduct provides:

"CANON 2 - A JUDGE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES.

"Rule 2.01 - A judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary."

It is clear from the aforesaid provisions that both the reality and the appearance must concur. Case law repeatedly teaches that judicial office circumscribes the personal conduct of a judge and imposes a number of restrictions thereon, which he has to pay for accepting and occupying an exalted position in the administration of justice.[34] The improper conduct of a judge erodes public confidence in the judiciary.[35] It is thus the duty of the members of the bench to avoid any impression of impropriety to protect the image and integrity of the judiciary.[36]

"This reminder applies all the more sternly to municipal, metropolitan and regional trial court judges like herein respondent, because they are judicial front-liners who have direct contact with the litigating parties.[37] They are the intermediaries between conflicting interests and the embodiments of the people's sense of justice.[38] Thus, their official conduct should remain "free from any appearance of impropriety" and should be beyond reproach." [39]

Given the factual circumstances prevailing in this case, the Court concludes that respondent Judge tainted the image of the judiciary to which he owes fealty and the obligation to keep it at all times unsullied and worthy of the people's trust.[40] A judge shall conduct himself at all times in a manner that would reasonably merit the respect and confidence of the people for he is the visible representation of the law.[41]

In *Saphia M. Magarang v. Judge Galdino B. Jardin, Sr.*, [42] the Court held:

"Judges must adhere to the highest tenets of judicial conduct. They must be the embodiment of competence, integrity and independence.[43] A judge's conduct must be above reproach.[44] Like Caesar's wife, a judge must not only be pure but above suspicion.[45] A judge's private as well as official conduct must at all times be free from all appearances of impropriety, and be beyond reproach.[46]

"In *Vedana vs. Valencia*, [47] the Court held:

"The code of judicial ethics mandates that the conduct of a judge must be free of a whiff of impropriety not only with respect to his performance of his judicial duties, but also to his behavior outside his sala and as a private individual. There is no dichotomy of morality: a public official is also judged by his private morals. The Code dictates that a judge, in order to promote public confidence in the integrity and impartiality of the judiciary, must behave with propriety at all times. As recently explained, a judge's official life can not simply be detached or separated from his personal existence. Thus:

"Being the subject of constant public scrutiny, a judge should freely and willingly accept restrictions on conduct that might be viewed as burdensome by the ordinary citizen.

"A judge should personify judicial integrity and exemplify honest public service. The personal behavior of a judge, both in the performance of official duties and in private life should be above suspicion."

We agree with the Investigating Justice that respondent judge is guilty of gross and serious misconduct. She recommended respondent judge's suspension from office for six (6) months without pay.[48] However, a member of the Court[49] voted to approve the recommendation of the Investigating Justice. The Court views the recommendation as too light under the circumstances.

As stated earlier, the Court has time and again admonished judges to conduct themselves in a manner that is free from even the slightest appearance of impropriety.[50] For judicial officers to enjoy the trust and respect of the people, it is necessary that they live up to the exacting standards of conduct demanded by the profession and by the Code of Judicial Conduct. This is especially true in the case of judges who, on a daily basis, interact with the public. Their official as well as personal conduct, must always be beyond reproach.[51]

WHEREFORE, the Court finds respondent Judge Ismael Sanchez y Balais, Presiding Judge, Regional Trial Court, Quezon (Lucena City), Branch 58 guilty of serious misconduct in office and hereby **DISMISSES** him from the

service with forfeiture of all retirement benefits and leave credits, if any, with prejudice to reinstatement or reemployment in any branch, instrumentality or agency of the government including government owned or controlled corporations.

Judge Sanchez shall immediately vacate his position as Judge, Regional Trial Court, Quezon, Branch 58, Lucena City as well as any position in the judiciary to which he may be presently assigned, and desist from deciding or resolving any case or incidents therein upon receipt of notice hereof.

SO ORDERED.

Davide, Jr., CJ., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago, De Leon, Jr., and Sandoval-Gutierrez, JJ., concur.

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- [1] Tapucar v. Tapucar, 355 Phil. 66, 73 [1998].
- [2] Dated 17 June 1999, Rollo, pp. 5-7.
- [3] Dated 28 June 1999, Rollo, p. 4.
- [4] Rollo, p. 3.
- [5] On October 28, 1999, received November 19, 1999, Rol1o, pp. 20-26.
- [6] Rollo, p. 36.
- [7] Rollo, pp.5-7.
- [8] Ibid., p. 4.
- [9] Ibid., pp. 14-15.
- [10] Ibid., p. 2.
- [11] Ibid., p. 17.
- [12] Ibid., pp. 20-26.
- [13] Report and Recommendation, pp. 1-8.
- [14] Memorandum for the Complainant, Rollo, pp. 122-130.
- [15] No. 96-460, RTC Quezon.
- [16] TSN, 22 January 2001, p. 19.
- [17] Respondent's Comment, Rollo, p. 28.
- [18] TSN, 22 January 2001, pp. 23-24.
- [19] Ibid., p. 13.
- [20] Ibid., p. 12.
- [21] Respondent's Comment, Rollo, p. 25.
- [22] TSN, 22 January 2001, p. 22.

- [23] Order dated 28 October 1996, Rollo, pp. 8-10.
- [24] Order dated 27 November 1996, Rollo, p. 11.
- [25] TSN, 22 January 2001, p. 31.
- [26] Ibid., p. 13.
- [27] Exhibit E, Criminal Case No. 96-460 Records, pp. 39-40.
- [28] Exhibit L, Criminal Case No. 96-460 Records, p. 35.
- [29] TSN, 22 January 2001, pp. 13-14.
- [30] Rollo, p. 28.
- [31] TSN, 22 January 2001, p. 13.
- [32] Ibid., p. 41.
- [33] Ibid., pp. 32-33.
- [34] *Apiag v. Cantero*, 335 Phil. 511 [1997].
- [35] *Panganiban v. Guerrero, Jr.*, 312 Phil. 13 [1995].
- [36] *Galang v. Judge Santos*, 307 SCRA 582 [1999], citing *Nazareno v. Almario*, 335 Phil. 1122 [1997].
- [37] *Dawa v. Judge De Asa*, 354 Phil. 708 [1998].
- [38] *Marcas, Sr. v. Arcangel*, 328 Phil. 1 [1996].
- [39] *Abunda v. Judge Manio, Jr.*, 312 SCRA 1 [1999].
- [40] *Garcia v. de la Pena*, 229 SCRA 766 [1994].
- [41] *Chan v. Agcaoili*, 233 SCRA 331 [1994].
- [42] A.M. No. RTJ-99-1448, 6 April 2000, pp. 11-12.
- [43] Rule 1.01, Code of Judicial Conduct.
- [44] Canon 31, Canons of Judicial Ethics.
- [45] *Palang v. Zosa*, 157 Phil. 761, 764 [1974].
- [46] *Dysico v. Dacumos*, 330 Phil. 834, 842 [1996].
- [47] 356 Phil. 318, 329-330 [1998].
- [48] *V.C. Ponce Co., Inc. v. Judge Eduarte*, A.M. No. RTJ-99-1495, 18 October 2000.
- [49] In this per curiam decision, the identity of the dissenting justice is not revealed.
- [50] Canon 2, Code of Judicial Conduct.
- [51] *Nabhan v. Judge Calderon*, MTC, Calumpit, Bulacan, A. M. No. MTJ-98-1164, 4 February 2000, citing *Spouses Lorena v. Judge Encomienda*, 302 SCRA 632 [1999].

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