

**ATTY. MELVIN D.C. MANE, COMPLAINANT, VS. JUDGE MEDEL
ARNALDO B. BELEN, REGIONAL TRIAL COURT, BRANCH 36,
CALAMBA CITY, RESPONDENT.**

A.M. No. RTJ-08-2119 (Formerly A.M. O.C.A. IPI No. 07-2709-RTJ). June 30, 2008

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

By letter-complaint dated May 19, 2006[1] which was received by the Office of the Court Administrator (OCA) on May 26, 2006, Atty. Melvin D.C. Mane (complainant) charged Judge Medel Arnaldo B. Belen (respondent), Presiding Judge of Branch 36, Regional Trial Court, Calamba City, of "demean[ing], humiliat[ing] and berat[ing]" him during the hearing on February 27, 2006 of Civil Case No. 3514-2003-C, "Rural Bank of Cabuyao, Inc. v. Samuel Malabanan, et al" in which he was counsel for the plaintiff.

To prove his claim, complainant cited the remarks made by respondent in the course of the proceedings conducted on February 27, 2006 as transcribed by stenographer Elenita C. de Guzman, viz:

COURT:

. . . Sir, are you from the College of Law of the University of the Philippines?

ATTY. MANE:

No[,] [Y]our Honor[,] from Manuel L. Quezon University[,] [Y]our Honor.

COURT:

No, you're not from UP.

ATTY. MANE:

I am very proud of it.

COURT:

Then you're not from UP. Then you cannot equate yourself to me because there is a saying and I know this, not all law students are created equal, not all law schools are created equal, not all lawyers are created equal despite what the Supreme Being that we all are created equal in His form and substance[.][2]](Emphasis supplied)

Complainant further claimed that the entire proceedings were "duly recorded in a tape recorder" by stenographer de Guzman, and despite his motion (filed on April 24, 2006) for respondent to direct her to furnish him with a copy of the tape recording, the motion remained unacted as of the date he filed the present administrative complaint on May 26, 2006. He, however, attached a copy of the transcript of stenographic notes taken on February 27, 2006.

In his Comments[3] dated June 14, 2006 on the complaint filed in compliance with the Ist Indorsement dated May 31, 2006[4] of the OCA, respondent alleged that complainant filed on December 15, 2005 an "Urgent Motion to Inhibit,"[5] paragraph 3[6] of which was malicious and "a direct assault to the integrity and dignity of the Court and of the Presiding Judge" as it "succinctly implied that [he] issued the order dated 27 September 2005 for [a] consideration other than the merits of the case." He thus could not "simply sit idly and allow a direct assault on his honor and integrity."

On the unacted motion to direct the stenographer to furnish complainant with a copy of the "unedited" tape recording of the proceedings, respondent quoted paragraphs 4 and 3[7] of the motion which, to him, implied that the trial court was "illegally, unethically and unlawfully engaged in 'editing' the transcript of records to favor a party litigant against the interest of [complainant's] client."

Respondent thus claimed that it was on account of the two motions that he ordered complainant, by separate orders dated June 5, 2006, to explain within 15 days[8] why he should not be cited for contempt.

Complainant later withdrew his complaint, by letter of September 4, 2006,[9] stating that it was a mere result of his impulsiveness.

In its Report dated November 7, 2007,[10] the OCA came up with the following evaluation:

. . . The withdrawal or desistance of a complainant from pursuing an administrative complaint does not divest the Court of its disciplinary authority over court officials and personnel. Thus, the complainant's withdrawal of the instant complaint will not bar the continuity of the instant administrative proceeding against respondent judge.

The issue presented before us is simple: Whether or not the statements and actions made by the respondent judge during the subject February 27, 2006 hearing constitute conduct unbecoming of a judge and a violation of the Code of Judicial Conduct.

After a cursory evaluation of the complaint, the respondent's comment and the documents at hand, we find that there is no issue as to what actually transpired during the February 27[th] hearing as evidenced by the stenographic notes. The happening of the incident complained of by herein complainant was never denied by the respondent judge. If at all, respondent judge merely raised his justifications for his complained actuations.

x x x x

. . . [A] judge's official conduct and his behavior in the performance of judicial duties should be free from the appearance of impropriety and must be beyond reproach. A judge must at all times be temperate in his language. Respondent judge's insulting statements which tend to question complainant's capability and credibility stemming from the fact that the latter did not graduated [sic] from UP Law school is clearly unwarranted and inexcusable. When a judge indulges in intemperate language, the lawyer can return the attack on his person and character, through an administrative case against the judge, as in the instant case.

Although respondent judge's use in intemperate language may be attributable to human frailty, the noble position in the bench 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 language.

x x x x

Judge Belen should bear in mind that all judges should always observe courtesy and civility. In addressing counsel, litigants, or witnesses, the judge should avoid a controversial tone or a tone that creates animosity. Judges should always be aware that disrespect to lawyers generates disrespect to them. There must be mutual concession of respect. Respect is not a one-way ticket where the judge should be respected but free to insult

lawyers and others who appear in his court. Patience is an essential part of dispensing justice and courtesy is a mark of culture and good breeding. If a judge desires not to be insulted, he should start using temperate language himself; he who sows the wind will reap a storm.

It is also noticeable that during the subject hearing, not only did respondent judge make insulting and demeaning remarks but he also engaged in unnecessary "lecturing" and "debating". . .

x x x x

Respondent should have just ruled on the propriety of the motion to inhibit filed by complainant, but, instead, he opted for a conceited display of arrogance, a conduct that falls below the standard of decorum expected of a judge. If respondent judge felt that there is a need to admonish complainant Atty. Mane, he should have called him in his chambers where he can advise him privately rather than battering him with insulting remarks and embarrassing questions such as asking him from what school he came from publicly in the courtroom and in the presence of his clients. Humiliating a lawyer is highly reprehensible. It betrays the judge's lack of patience and temperance. A highly temperamental judge could hardly make decisions with equanimity.

Thus, it is our view that respondent judge should shun from lecturing the counsels or debating with them during court hearings to prevent suspicions as to his fairness and integrity. While judges should possess proficiency in law in order that they can competently construe and enforce the law, it is more important that they should act and behave in such manner that the parties before them should have confidence in their impartiality.[11] (*Italics in the original; emphasis and underscoring supplied*)

The OCA thus recommended that respondent be reprimanded for violation of Canon 3 of the Code of Judicial Conduct with a warning that a repetition of the same shall be dealt with more severely.[12]

By Resolution of January 21, 2008,[13] this Court required the parties to manifest whether they were willing to submit the case for resolution on the basis of the pleadings already filed. Respondent complied on February 26, 2008,[14] manifesting in the affirmative.

The pertinent provision of the Code of Judicial Conduct reads:

Rule 3.04. - A judge should be patient, attentive, and courteous to lawyers, especially the inexperienced, to litigants, witnesses, and others appearing before the court. A judge should avoid unconsciously falling into the attitude of mind that the litigants are made for the courts, instead of the courts for the litigants.

An author explains the import of this rule:

Rule 3.04 of the Code of Judicial Conduct mandates that a judge should be courteous to counsel, especially to those who are young and inexperienced and also to all those others appearing or concerned in the administration of justice in the court. He should be considerate of witnesses and others in attendance upon his court. He should be courteous and civil, for it is unbecoming of a judge to utter intemperate language during the hearing of a case. In his conversation with counsel in court, a judge should be studious to avoid controversies which are apt to obscure the merits of the dispute between litigants and lead to its unjust disposition. He should not interrupt counsel in their arguments except to clarify his mind as to their positions. Nor should he be tempted to an unnecessary display of learning or premature judgment.

A judge without being arbitrary, unreasonable or unjust may endeavor to hold counsel to a proper appreciation of their duties to the courts, to their clients and to the adverse party and his lawyer, so as to enforce due diligence in the dispatch of business before the court. He may utilize his opportunities to criticize and correct unprofessional conduct of attorneys, brought to his attention, but he may not do so in an insulting manner.[15] (*Emphasis and underscoring supplied*)

The following portions of the transcript of stenographic notes, quoted verbatim, taken during the February 27, 2006 hearing show that respondent made sarcastic and humiliating, even threatening and boastful remarks to complainant who is admittedly "still young," "unnecessary lecturing and debating," as well as unnecessary display of learning:

COURT:

x x x

Sir do you know the principle or study the stare decisis?

ATTY. MANE:

Ah, with due respect your...

COURT:

Tell me, what is your school?

ATTY. MANE:

I am proud graduate of Manuel L. Quezon University.

COURT:

Were you taught at the MLQU College of Law of the principle of Stare Decisis and the interpretation of the Supreme Court of the rules of procedure where it states that if there is already a decision by the Supreme Court, when that decision shall be complied with by the Trial Court otherwise non-compliance thereof shall subject the Courts to judicial sanction, and I quote the decision. That's why I quoted the decision of the Supreme Court Sir, because I know the problem between the bank and the third party claimants and I state, "The fair market value is the price at which a property may be sold by a seller, who is not compelled to sell, and bought by a buyer, who is not compelled to buy." Sir, that's very clear, that is what fair market value and that is not assessment value. In fact even you say assessment value, the Court further state, "the assessed value is the fair market value multiplied. Not mere the basic assesses value. Sir that is the decision of the Supreme Court, am I just reading the decision or was I inventing it?

ATTY. MANE:

May I be allowed to proceed.

COURT:

Sir, you tell me. Was I inventing the Supreme Court decision which I quoted and which you should have researched too or I was merely imagining the Supreme Court decision sir? Please answer it.

ATTY. MANE:

No your Honor.

COURT:

Please answer it.

x x x x

COURT:

That's why. Sir second, and again I quote from your own pleadings, hale me to the Supreme Court otherwise I

will hale you to the bar. Prove to me that I am grossly ignorant or corrupt.

ATTY. MANE:

Your Honor when this representation, your Honor . .

COURT:

No, sir.

ATTY. MANE:

Yes your Honor . . .

COURT:

No sir unless you apologize to the Court I will hale you to the IBP Because hindi naman ako ganon. I am not that vindictive but if this remains. You cannot take cover from the instruction of your client because even if the instruction of a client is "secret." Upon consideration, the language of the pleader must still conform with the decorum and respect to the Court. Sir, that's the rule of practice. In my twenty (20) years of practice I've never been haled by a judge to any question of integrity. Because even if I believed that the Court committed error in judgment or decision or grave abuse of discretion, I never imputed any malicious or unethical behavior to the judge because I know and I believe that anyone can commit errors. Because no one is like God. Sir, I hope sir you understand that this Court, this Judge is not God but this Judge is human when challenge on his integrity and honor is lodged. No matter how simple it is because that is the only thing I have now.

Atty. Bantin, can you please show him my statement of assets and liabilities?

ATTY. MANE:

I think that is not necessary your Honor.

COURT:

No counsel because the imputations are there, that's why I want you to see. Show him my assets and liabilities for the proud graduate of MLQU. Sir, look at it. Sir, I have stock holdings in the U.S. before I joined the bench. And it was very clear to everyone, I would do everything not be tempted to accept bribe but I said I have spent my fifteen (15) years and that's how much I have worked in fifteen (15) years excluding my wife's assets which is more than what I have may be triple of what I have. May be even four fold of what I have. And look at my assets. May be even your bank can consider on cash to cash basis my personal assets. That is the reason I am telling you Atty. Mane. Please, look at it. If you want I can show you even the Income Tax Return of my wife and you will be surprised that my salary is not even her one-half month salary. Sir, she is the Chief Executive Officer of a Multi-National Publishing Company. That's why I have the guts to take this job because doon po sa salary niya umaasa na lamang po ako sa aking asawa. Atty. Mane, please you are still young. Other judges you would already be haled to the IBP. Take that as a lesson. Now that you are saying that I was wrong in the three-day notice rule, again the Supreme Court decision validates me, PNB vs. Court of Appeals, you want me to cite the quotation again that any pleadings that do not conform with the three-day notice rule is considered as useless scrap of paper and therefore not subject to any judicial cognizance. You know sir, you would say but I was the one subject because the judge was belligerent. No sir, you can go on my record and you will see that even prior to my rulings on your case I have already thrown out so many motion for non-compliance of a three-day notice rule. If I will give you an exception because of this, then I would be looked upon with suspicion. So sir again, please look again on the record and you will see how many motions I threw out for non-compliance with the three-day notice rule. It is not only your case sir, because sir you are a practitioner and a proud graduate of the MLQU which is also the Alma Mater of my uncle. And I supposed you were taught in thought that the three-day notice rule is almost sacrosanct in order to give the other party

time to appear and plead. In all books, Moran, Regalado and all other commentators state that non-compliance with the three-day notice rule makes the pleading and motion a useless scrap of paper. If that is a useless scrap of paper, sir, what would be my ground to grant exception to your motion? Tell me.

x x x x

COURT:

Procedural due process. See. So please sir don't confuse the Court. Despite of being away for twenty years from the college of law, still I can remember my rules, In your motion you said . . . imputing things to the Court. Sir please read your rules. Familiarize yourself, understand the jurisprudence before you be the Prince Valiant or a Sir Gallahad in Quest of the Holy Grail. Sir, ako po ay mahirap na tao, karangalan ko lang po ang aking kayang ibigay sa aking mga anak at iyan po ay hindi ko palalampasin maski kanino pa. Sir, have you ever heard of anything about me in this Court for one year. Ask around, ask around. You know, if you act like a duck, walk like a duck, quack like a duck, you are a duck. But have you ever heard anything against the court. Sir in a judicial system, in a Court, one year is time enough for the practitioner to know whether a judge is what, dishonest; 2), whether the judge is incompetent; and 3) whether the judge is just playing loco. And I have sat hear for one year sir and please ask around before you charge into the windmill. I am a proud product of a public school system from elementary to college. And my only, and my only, the only way I can repay the taxpayers is a service beyond reproach without fear or favor to anyone. Not even the executive, not even the one sitting in Malacanang, not even the Supreme Court if you are right. Sir, sana po naman inyo ring igalang ang Hukuman kasi po kami, meron nga po, tinatanggap ko, kung inyo pong mamarapatin, meron pong mga corrupt, maaari pong nakahanap na kayo ng corrupt na Judge pero hindi po lahat kami ay corrupt. Maaari ko rin pong tanggapin sa inyong abang lingcod na merong mga Hukom na tanga pero hindi po naman lahat kami ay tanga. Ako po ay 8:30 or before ay nandito po ako sa husgado ko. Aalis po ako dito sa hapon, babasahin ko lahat ang kaso ko para ko po malaman kung any po ang kaso, para po pagharap ko sa inyo at sa publiko hindi po ako magmumukhang tanga. Sir, please have the decency, not the respect, not to me but to the Court. Because if you are a lawyer who cannot respect the Court then you have no business appearing before the Court because you don't believe in the Court system. That's why one of my classmates never appeared before Court because he doesn't believe in that system. He would rather stay in their airconditioned room because they say going to Court is useless. Then, to them I salute, I give compliment because in their own ways they know the futility and they respect the Court, in that futility rather than be a hypocrite. Atty. Mane hindi mo ako kilala, I've never disrespect the courts and I can look into your eyes. Kaya po dito ko gusto kasi di po ako dito nagpractice para po walang makalapit sa akin. Pero kung ako po naman ay inyong babastusin ng ganyang handa po akong lumaban kahit saan, miski saan po. And you can quote me, you can go there together to the Supreme Court. Because the only sir, the only treasure I have is my name and my integrity. I could have easily let it go because it is the first time, but the second time is too much too soon. Sir, masyado pong kwan yon, sinampal na po ninyo ako nung primero, dinuran pa po ninyo ako ng pangalawa. That's adding insult to the injury po. Hindi ko po sana gagawin ito pero ayan po ang dami diyang abugado. I challenge anyone to file a case against me for graft and corruption, for incompetence.

x x x x

COURT:

I will ask the lawyer to read the statement and if they believe that you are not imputing any wrong doing to me I will apologize to you.

Atty. Hildawa please come over. The Senior, I respect the old practitioner, whose integrity is unchallenged.

Sir you said honest. Sir ganoon po ako. You still want to defend your position, so be it.

Atty. Hildawa I beg your indulgence, I am sorry but I know that you are an old practitioner hammered out by

years of practice and whose integrity by reputation precedes you. Please read what your younger companero has written to this Honorable Court in pleading and see for yourself the implications he hurled to the Court in his honest opinion. Remember he said honest. That implication is your honest opinion of an implication sir.

Sir 1, 2 and 3. Paragraphs 1, 2 and 3. If that is your honest opinion. Remember the word you said honest opinion.

Alam mo Atty. Mane I know when one has to be vigilant and vigorous in the pursue of pride. But if you are vigilant and vigor, you should never crossed the line.

Sir, what is your interpretation to the first three paragraphs?

ATTY. HILDAWA:

There will be some . . .

COURT:

What sir?

ATTY. HILDAWA:

. . . indiscretion.

COURT:

Indiscretion. See, that is the most diplomatic word that an old practitioner could say to the Court because of respect.

Sir, salamat po

.x x x x

COURT

Kita po ninyo, iyan po ang matatandang abogado. Indiscretion na lang. Now you say that is your honest opinion and the old practitioner hammered through years of practice could only say indiscretion committed by this judge. Much more I who sits in this bench?

Now is that your honest opinion?[16] (Emphasis and underscoring supplied)

An alumnus of a particular law school has no monopoly of knowledge of the law. By hurdling the Bar Examinations which this Court administers, taking of the Lawyer's oath, and signing of the Roll of Attorneys, a lawyer is presumed to be competent to discharge his functions and duties as, inter alia, an officer of the court, irrespective of where he obtained his law degree. For a judge to determine the fitness or competence of a lawyer primarily on the basis of his alma mater is clearly an engagement in an argumentum ad hominem.

A judge must address the merits of the case and not on the person of the counsel. If respondent felt that his integrity and dignity were being "assaulted," he acted properly when he directed complainant to explain why he should not be cited for contempt. He went out of bounds, however, when he, as the above-quoted portions of the transcript of stenographic notes show, engaged on a supercilious legal and personal discourse.

This Court has reminded members of the bench that even on the face of boorish behavior from those they deal with, they ought to conduct themselves in a manner befitting gentlemen and high officers of the court.[17]

Respondent having exhibited conduct unbecoming of a judge, classified as a light charge under Section 10, Rule 140 of the Revised Rules of Court, which is penalized under Section 11(c) of the same Rule by any of the

following: (1) a fine of not less than P1,000 but not exceeding P10,000; (2) censure; (3) reprimand; and (4) admonition with warning, the Court imposes upon him the penalty of reprimand.

WHEREFORE, respondent, Judge Medel Arnaldo B. Belen, Presiding Judge of the Regional Trial Court, Branch 36, Calamba City, is found GUILTY of conduct unbecoming of a judge and is REPRIMANDED therefor. He is further warned that a repetition of the same or similar act shall be dealt with more severely.

SO ORDERED.

Quisumbing, (Chairperson), Tinga, Velasco, Jr., and Brion, JJ., concur.

[1] Rollo, pp. 8-10.

[2] Id. at 15.

[3] Id. at 34-36.

[4] Id. at 33.

[5] Id. at 37-38.

[6] Paragraph 3 read:

Without imputing any wrongdoings to the Honorable Presiding Judge, the content of the said Order [dated September 27, 2005] of the Honorable Presiding Judge has induced doubt as to his competence to handle this case.

[7] Should have been paragraph 6.

[8] Both dated June 5, 2006, rollo, pp. 44-46.

[9] Id. at 47-48.

[10] Id. at 1-7.

[11] Id. at 2-7.

[12] Id. at 7.

[13] Id. at 51-52.

[14] Id. at 54.

[15] Agpalo, Legal And Judicial Ethics 558-559 (2002 ed).

[16] Rollo, pp. 17-27.

[17] Re: Anonymous Complaint dated Feb. 18, 2005 of a "Court Personnel" against Judge Francisco C. Gedorio, Jr., RTC, Br. 12, Ormoc City, A.M. No. RTJ-05-1955, May 25, 2007, 523 SCRA 175, 181-182; Bravo v. Morales, A.M. No. P-05-1950, August 30, 2006, 500 SCRA 154, 160.

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