

PATRICIO T. JUNIO, COMPLAINANT, VS. JUDGE PEDRO C. RIVERA, JR., RESPONDENT.*A.M. No. MTJ-91-565. August 30, 1993*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/7194c9a03646/>**PER CURIAM:**

Fourteen (14) year-old Cristina Junio filed with the Office of the Provincial Prosecutor a criminal complaint dated 24 May 1991 for acts of lasciviousness against respondent Judge Pedro Rivera Jr. of the Municipal Trial Court of Alaminos, Pangasinan.[1] The filing of this complaint caused the commencement of Criminal Case No. 2422-A against respondent Judge with Branch 55 of the Regional Trial Court of Alaminos, Pangasinan.[2] Trial of this case has been completed and the case is now pending decision.[3]

Meanwhile, Cristina's father, Patricio Junio, filed a sworn administrative charge dated 6 June 1991 against the respondent with the Court Administrator with respect to the same acts complained of criminally; thus was commenced the present administrative case. Complainant Patricio Junio further requested, through the Presidential Committee on Human Rights, the Secretary of Justice to do something about the matter.[4]

In a letter to the Chief Justice dated 16 January 1992, then Justice Secretary Silvestre H. Bello III suggested that respondent Judge Rivera be placed under preventive suspension, pending the outcome of both the criminal and administrative cases.[5] This letter was seconded by complainant's own motion to the same effect dated 17 August 1992 and filed in MTJ No. 91-565.[6]

After considering respondent's answer to the administrative complaint, with its attached annexes, as well as the Report of the Deputy Court Administrator dated 27 December 1992 on this matter, the Court decided in a Resolution dated 26 January 1993 to suspend preventively respondent Judge during the pendency of the administrative case.[7] To date, the Court has not permitted him to re-assume his official duties.

In two Resolutions dated 9 and 23 March 1993, the Court directed Judge Eugenio Ramos of Branch 39, Regional Trial Court of Lingayen, Pangasinan, to conduct an investigation in A.M. No. MTJ-91-565 and to submit his report and recommendation thereon within sixty (60) days from receipt of the records of the administrative case.[8]

Hearings were subsequently conducted by Investigating Judge Ramos on 15 and 29 May 1993, as well as on 5 and 19 June 1993. In order to complete the administrative investigation promptly, the parties agreed to reproduce by incorporation the transcript of stenographic notes recorded in the criminal case, containing the testimonies of witnesses who were presented by the parties anew in the present administrative case. The parties further agreed to address additional questions on direct examination to these witnesses in the administrative case, subject to the right of the opposing party's counsel to cross-examine the witnesses on both the testimony given in the criminal case, as well as the additional testimony given in this administrative case.[9]

The gist of the acts complained of are contained in Cristina Junio's testimony as summarized by the Investigating Judge:[10]

"She testified that between the hours of 2:30 and 3:00 o'clock in the afternoon of May 20, 1991 she was helping in the store of her parents which is located at the Alaminos Commercial Complex. She was sent to their rented house to get the ingredients for halo-halo. The house is owned by the respondent who stays at the ground floor, while the Junio family occupy the second floor.

Upon reaching the house, she went to their housemaid named Concepcion Tugade who was then helping cook food for the celebration of the respondent's birthday. She got their housemaid's 1 year old child in order to dress her up and bring her to the store. The name of the child is Shiela May. She brought the child to her (Cristina) room to change the former's clothes.

While dressing up Shiela, respondent allegedly entered her room, took Shiela and made her sit on the bed and after which he went near Cristina, embraced her and kissed her. She tried to push him. The respondent allegedly let her loose and then left the room while she sat on the bed and cried.

Then the respondent allegedly returned, went near her and pushed her until she was lying on the bed. He then mounted on top of her, kissed her on the lips, inserted his right hand inside her blouse and, simultaneously, inserted his left hand inside her maong pants, mashed her breast and touched her vagina, for a long time.

Then Shiela May cried. The respondent stood up and left the room. Cristina also took the child and went out of the room. The respondent was allegedly still in the sala and he told her [Cristina] to stop crying. Conching Tugade arrived and complainant (Cristina) told the former what happened. She was advised to report it to her parents. Upon arrival in their store, she told her mother and she also told her father. They then went to the police headquarters and caused the incident to be entered in the police blotter. She identified her sworn statement marked as Exhibit 'D' and series (sic) which she subscribed before Fiscal Finez on May 24, 1991. She claims damages in the amount of P300,000.00."

Witness Concepcion Tugade corroborated Cristina's declaration that after the incident, respondent Judge tried to console her at the sala.[11]

Respondent Judge Rivera, in his testimony, gave a different version of the events of 20 May 1991, a version narrated by the Investigating Judge in the following terms:

"He has been the Municipal Judge of Alaminos town since July 11, 1989. His wife is Patria Tady Rivera. He resides in a house inherited from his parents. It is two (2) stories (sic). He resides in (sic) the ground floor while the second floor is being rented by the Junio family since 1986. May 20 is his birthday and he heard Mass and received Holy Communion on that day. His wife Patria was in charge of the cooking. There were actually three (3) cooks, assisted by 6 or 7 persons.

The party actually began at past 10:00 o'clock with close friends and relatives in attendance. During lunch there were some 30 guests in the garage and some 20 guests inside the dining room. He denied that he entered the bedroom of Cristina. He admitted going to the second floor but only up to the front of the staircase and he was with Cesar Villar; that he told Cristina that it was his birthday and 'why don't you kiss Tito Peter?', which she did by kissing him on the cheeks and he kissed back also on the cheek; that Villar commented 'Ano ba yan? Birthday kiss ba yan?' He denied that he went back to the second floor a second time because he was very busy attending to his many guests.

He denied that he held the breast and private parts of the complainant claiming that he cannot do that because she was like family to him and he treated her like a daughter. He denied seeing Tugade go up the house and that although he admits that there are four (4) bedrooms in the second floor, he does not know the room of Cristina nor as to which room is occupied by the rest of the Junio family.

x x x x x x x x

That after May 20, 1991 there was no confrontation with the Junio's who vacated the second floor they were

then renting although they owed back rentals of some six (6) months although he admits that they have paid said indebtedness since then.”[12]

The alleged innocent exchange of kisses on the cheek was corroborated by respondent's witness Cesar Villar.[13]

Respondent also presented as his witnesses Dominica Silag, Merlyn Cortez, Eva Pertez and Joseph Cortez. They gave testimony tending to show that Cristina Junio's affidavit dated 24 May 1991, after being executed before the police authorities and before its submission to the Office of the Provincial Prosecutor, was modified by inserting additional questions and answers describing how complainant's witness, Concepcion Tugade, came to observe respondent Judge consoling a sobbing Cristina in the sala after the incident.[14]

The Investigating Judge duly filed a Report dated 29 June 1993 on the administrative investigation together with his recommendations thereon.[15]

The Investigating Judge in his Report "respectfully but strongly recommended" that the respondent Judge be absolved of the administrative charge.[16]

After careful deliberation on the Report of Investigating Judge Eugenio Ramos, and after close examination of the record of A.M. No. MTJ-91-565, the Court is unable to accept the findings and conclusions of the Investigating Judge. The conclusions presented by the Investigating Judge and the reasons which lead us to reject them are set out below.

The Investigating Judge set out three (3) reasons for his recommendation that respondent Judge Rivera be absolved from this administrative charge. The first and the third reasons are interrelated and will, therefore, be dealt with together. The first reason presented by the Investigating Judge is as follows:

"First. The claim of Cristina that the respondent caused her to lay down on the bed, lay on top of her, inserted his right hand inside her blouse in order to mash her breast, and simultaneously the respondent inserted his left hand inside the denim pants of Cristina in order to hold her 'vagina' and that this was done for a 'long time' is unbelievable and totally unacceptable. It was concocted by a person who had no imagination whatsoever, or at least, had not experience enough to know that what was pictured was physically impossible of accomplishment ... unless Judge Rivera is Mr. Rubber-man himself, or he is a contortion artist.

To be sure, in order to test and verify if this particular claim of Cristina is physically possible, the undersigned tried to re-enact it with my wife but it was determined that it was physically impossible of accomplishment. The jurisprudence laid down by the Honorable Supreme Court, that 'testimony to be believed must not only emanate from the mouth of a credible witness, but must be credible in itself' has been constant and fixed as not to require citation.

Moreover, the respondent was in barong tagalog and white pants. It is submitted that Judge Rivera was intelligent enough to know that if he will lie down on top of a girl who is resisting, his barong will become very crumpled, as well as his pants. Certainly with visitors coming and going to wish him well, he will look funny to say the least, meeting his well wishers in 'crumpled' barong pilipino (sic).

The complainant Cristina appeared before the undersigned during the investigation. She was already 16 years old. The incident allegedly happened in 1991 when she was 14 years old. Without casting any aspersion to Cristina, even today when she is already 16 years of age, the undersigned did not notice in her a fairly developed bust, as will turn the male eyes in a manner that will cause him to throw caution to the winds and make him think unchaste thoughts. It would have been more so, two years ago when she was only 14.”[17] (Underscoring supplied)

The third reason of the Investigating Judge is set out in the following manner:

"Third. The complainants have been living in the second floor of the respondent's house for several years. Since 1989 the latter has been staying in the ground floor of his house. It is highly improbable that the respondent will be stupid enough to choose May 20 to do and perform the acts of which he is accused on that very day:

- a. which is his birthday;
 - b. with so many people present coming and going to his house, which it was his social duty and obligation to meet and entertain as guests;
 - c. at a time when his wife was present;
 - d. when in thanksgiving he attended the offering of the holy sacrifice of the mass and received holy communion;
 - e. when only the first phase of the celebration, i.e., lunch, was finished and that more important guests are expected to arrive."
- [18] (Underscoring supplied)

The first reason given by the Investigating Judge is totally unacceptable to this Court. The Investigating Judge has not provided the Court with a cogent judicial basis for exercising (or refraining from exercising) its disciplinary jurisdiction over judges in the case at bar. The extraordinary first reason submitted by the Investigating Judge has in fact given rise to the impression, to the mind of this Court, that he has, in desperation, bent over backwards to exonerate respondent Judge.

In the first place, this Court does not believe that what Cristina, in her clear and forthright testimony, said that respondent Judge did, i.e., that he "lay on top of her, inserted his right hand inside her blouse in order to mash her breast, and x x x inserted his left hand inside [her] denim pants in order to hold her 'vagina' and that this was done for a 'long-time'" was "physically impossible." That the Investigating Judge may have found it not physically possible for him to "re-enact" with his wife the testimony of Christina, does not impress this Court. That the Investigating Judge found Cristina at age 16 (and therefore a fortiori at age 14) bereft of what he considers a "fairly developed bust" capable of generating "unchaste thoughts", is even less impressive to this Court. We consider that Judge Ramos' avowed personal tastes in the matter of female sexual attractiveness prove nothing. There are any number of cases in the Philippine Reports of males convicted of raping 14-year old, and even younger, females. The fact, therefore, that the Investigating Judge was able to contemplate the offended party Cristina without experiencing "unchaste thoughts," is no legal reason for disbelieving her testimony. That the Investigating Judge may have found Cristina sexually unattractive, certainly does not demonstrate that respondent Judge found her similarly undesirable, at that particular moment, or that the latter could not have kissed and fondled Cristina.

The Investigating Judge's argument that respondent Judge Rivera's barong and pants would have become "very crumpled" if he had indeed lain on top of Christina, is also unpersuasive. Assuming, for sake of argument, that respondent Judge would have become terribly conscious of his hypothetically crumpled clothing, we note that the incident took place in respondent Judge's home where he could have quite easily changed his clothing.

Clearly, the Investigating Judge found the matter a question of credibility and chose to repose his entire faith and confidence in the word of the respondent Judge as evidenced by his third reason. But his third reason appears to this Court to be an ad hominem and post-hoc argument entirely speculative in nature, to which we are unable to ascribe substantial weight. Moreover, the Investigating Judge disregarded the testimony given by respondent Judge and his witnesses that alcoholic liquor was served to respondent Judge's guests during his birthday celebration,[19] as well as the testimony of complainant's witness Concepcion Tugade, who had declared in Criminal Case No. 2422-A that respondent Judge had indeed been drinking liquor along with his guests on that

day.[20] Considering inter alia that the normal effect of alcoholic liquor, even when the point of intoxication is not reached, is to loosen the ordinary inhibitions of the drinker,[21] we are not impressed with the Investigating Judge's third reason. Upon the other hand, it is pertinent to recall that crimes against chastity have been committed in many different kinds of places, including places which many would consider as inappropriate or as presenting a high risk of discovery.[22]

More importantly, the Investigating Judge has overlooked completely the clear and forthright manner in which Cristina testified as to what had happened to her in the afternoon of 20 May 1991 at the second floor of respondent Judge's house. Respondent Judge has not suggested that Cristina is a dissolute person, a woman-child of ill-repute, capable of deliberately fabricating a story of lewd or lascivious acts. Neither has respondent Judge submitted any motive which might reasonably have led Cristina to engage in such a fabrication. The Investigating Judge himself simply observed that Cristina, was a "poor and innocent [girl] who has been raised as a country lass up to that moment," who could have misinterpreted an "innocent" gesture (a kiss on the cheek) administered by respondent Judge. Cristina immediately told Concepcion Tugade, who arrived shortly after the incident, what respondent Judge had done to her. Further, Cristina that very same afternoon reported to her parents what had happened to her and her parents in turn forthwith reported the matter to the police at the Alaminos Police Station where the incident was "blottered." [23] The Investigating Judge in his report decries the acts of Cristina's parents as "over-reaction;" this the Court is totally unable to understand. Cristina and her parents behaved in exactly the way we would expect them to behave if Cristina's story was true. They behaved as law-abiding people subjected to an outrage upon their honor and family can be expected to behave.

Respondent Judge sought to explain the filing of the administrative and criminal charges against him in terms of a supposed desire on the part of the Junios to "get even" with him for his alleged reminders to the Junios about their arrearages of rent.[24] This explanation inspires little or no confidence. The Junio family vacated the second floor of respondent's house two (2) days after the incident. At the time they left, they apparently had four (4) months rent in arrears; respondent Judge himself acknowledged, however, that they paid their backrentals in full after their departure.[25] The Junios were evidently a middle class (or lower-middle income bracket) family. They made their living out of a store in the Alaminos Commercial Complex; they were, in the eyes of respondent Judge, "lowly businessmen." [26] As such, we find it very difficult to believe that Cristina and her family would fabricate a tale of sexual abuse by respondent, a municipal judge who, in a town like Alaminos, Pangasinan, is a personage of importance and influence, one whom most people would go to some length to avoid offending.

Cristina Junio underwent all the public travails which await a woman who complains of acts such as those here attributed to respondent Judge. Cristina testified first before the Office of the Provincial Prosecutor and then in open court in the trial of Criminal Case No. 2422-A and finally, once again, in the administrative proceedings before the Investigating Judge. The record is bereft of any indication that Cristina was any different from other ordinary teenagers her age; no indication that she was sexually precocious or a congenital liar. We have already noted that the Investigating Judge himself had observed that Cristina was an "innocent" girl, "raised as a country lass." Thus her behavior in immediately reporting what had happened to her parents and then to the police and the Provincial Prosecutor is consistent only with a genuine desire to vindicate her honor and redress the wrong she knew had been inflicted upon her.[27]

For the above "first" and "third" reasons, the Investigating Judge concluded that "the above accusation of Cristina was [merely] concocted." The Report then went to the second reason adduced by the Investigating Judge:

"Second. Obviously therefore, the above accusation of Cristina was concocted. The second manufactured evidence was the testimony of [Concepcion] Tugade. It was obviously intended to provide the appearance of a corroborating testimony. It appears to be the result of an advice overheard by Eva Pertez when Prosecutor

Finez told Linda Junio, 'x x x this is not the way to file a case, you return, this is not the way to make a case x x x.' The Rules of Evidence has been particularly harsh on the 'manufacture' of evidence. x x x.

'If it is shown that a person has attempted to falsify, fabricate, suppress or destroy evidence, such conduct may be justly construed as an indication of his consciousness that his case or defense is lacking in merit. x x x'"[28]

The Investigating Judge narrated part of the testimony of respondent's witness Eva Pertez as follows:

"x x x She testified that on May 22, 1991 at about 11:00 o'clock in the morning she was at the store of Mrs. Linda Junio, mother of Cristina Junio. Linda Junio was talking to Fiscal Genebin Finez. We quote:

'Q: While there, you said you saw Fiscal Finez there, what was she doing there?

A: They were talking together with Linda, sir.

Q: Were you able to hear their conversation?

A: I heard them talking together about Judge Rivera.

Q: Will you please explain what is that, that you heard regarding their conversation involving Judge Rivera.

A: What I heard is that Fiscal Finez said to Linda 'this is not the way to file a case, you return, this is not the way to make a case, you return.' That is what I heard.'"[29] (Underscoring supplied)

The Investigating Judge evidently construed the above testimony as proof of a conspiracy to insert false statements in the sworn statement of Cristina Junio. He was, in effect, not only imputing perjurious statements to complainant's witness, Concepcion Tugade, but also gross and probably criminal misconduct to Fiscal Finez. We do not, however, read the statement attributed to Fiscal Finez as an encouragement or inducement to add false statements to Cristina's affidavit. Far from it.

Policeman Joseph Cortez testified that after he had prepared Cristina's affidavit, he directed Cristina and her father to have the document subscribed before Prosecutor Finez.[30] Stenographer Merlyn Cortez declared, without objection from complainant's counsel, that prior to being sworn to, Cristina and her father had pleaded with Prosecutor Finez to modify the document (Cristina's affidavit) because it was incomplete.[31] Merlyn Cortez declared further that Prosecutor Finez then questioned her (Cristina) anew on the incident and that as a result, the affidavit was retyped by her (Merlyn Cortez) to reflect the inclusion of certain words and additional questions posed by Prosecutor Finez and answers given by Cristina. Relevant portions of the testimony of stenographer Merlyn Cortez follow:

"ATTY. AQUINO: (Counsel for respondent)

Q: You said you saw that statement before the filing of the complaint, where did you see it?

WITNESS:

In our office, sir.

ATTY. AQUINO:

Q: How did you happen to see it?

A: Because I was the one who retyped this affidavit, sir.

Q: Now, will you please inform the Honorable Court why did you have to retype that statement?

A: Because the father of Cristina Junio when they were inside the Office of Prosecutor Finez pleaded to Prosecutor Finez because the statement taken by the police according to the girl is lacking.

Q: To whom - no. Who is that father you mentioned?

A: Patricio Junio, sir.

Q: And what matters are lacking in the unretyped statement shown to Prosecutor Finez?

A: When the statement was explained to the girl - this statement was not yet signed by the girl. And then, when Fiscal Finez asked her why she did not yet affix her signature, the girl said there was something that was not included in the statement. And then Prosecutor Finez asked the girl 'what is that?' And the girl even demonstrated what happened to her, sir.

x x x x x x x x

ATTY. BOLINAS: (Counsel for complainant)

Q: Do you recall, madam witness when you retyped this document?

A: I could not remember the exact date, sir.

Q: But you retyped the said document before the filing of the complaint?

A: Yes, sir.

Q: Before you retyped this document, Fiscal Finez interrogated the complainant Cristina Junio?

A: Yes, sir.

Q: Were you present when the interrogation took place?

A: I was outside the room, sir.

Q: And did you enter the room in the course of the said interrogation?

A: Yes, sir, when they called for me.

Q: And you said that Cristina Junio was interrogated, was the father present?

A: Yes, sir.

Q: And how many were inside the room?

A: I think they were four (4), sir.

Q: You said they were four (4), tell us the names of the persons who were inside the room?

A: Prosecutor Finez, Cristina Junio, Mr. Patricio Junio and another person, sir. If I am not mistaken, it was Miss Tugade.

Q: You were referring to Conching Tugade?

A: Yes, sir.

Q: The statement of Cristina Junio was still unsigned when you saw it for the first time?

A: Yes, sir.

Q: And you were present at the time Prosecutor Finez was explaining the contents of this document to Cristina Junio?

A: Yes, sir.

Q: And Prosecutor Finez asked Cristina Junio if the said sworn statement contains what happened, am I correct?

A: Yes, sir.

Q: And you heard that Cristina Junio told the Prosecutor that there is still lacking?

A: Yes, sir.

Q: And that, what is lacking is what you mentioned as part of answer and question No. 9?

A: Yes, sir.

Q: And likewise, what is also lacking are questions and answers from 11, 12, 13 and 14?

A: Yes, sir.

Q: Who propounded this question No. 11? 'Anong ginawa mo noong lumabas si Judge Rivera sa kuwarta?' Who asked this question?

A: Prosecutor Finez, sir.

Q: And how about this Answer 'Kinuha ko yong bata and inilabas ko sa kuwarta at nasalubong ko si Ate Conching ang ina ng bata at nagsumbong na ako sa kanya.' Who gave this answer?

A: Cristina Junio, sir.

Q: Question No. 12 is, 'Ano ang ginawa ni Ate Conching?' And the answer is 'Tinanong niya kung bakit ako umiiyak at sinabi kong hinalikan ako ni Judge Rivera at nilamas niya ang aking suso and maselang parte ng aking katawan.' Now, who asked this question?

A: Prosecutor Finez, sir.

Q: And how about the Answer?

A: Cristina Junio, sir.

Q: Question No. 13 states: 'Ano ang reaksiyon ni Ate Conching sa isinumbong mo sa kanya?' Who asked this question.

A: Prosecutor Finez, sir.

ATTY. BOLINAS:

Q: And there is an answer 'Siya ay nagalit at pinapunta niya ako sa puwesto ng Nanay ko.' Who gave this answer?

A: Cristina Junio, sir.

Q: There is also a question No. 14 'Sumunod ka ba sa utos ni Ate Conching?' Who asked this question?

A: Prosecutor Finez, sir.

Q: And there is an Answer 'Opo at ako'y nagsumbong sa Nanay ko. Ang nanay ko naman ay nagsumbong sa tatay ko. Silang dalawa ay nagalit.' Now, who gave this answer?

A: Cristina Junio, sir.

Q: Madam witness, I direct your attention to question No. 3 and the question is, 'Ano naman ang dahilan at gusto mong idimanda si Pedro Rivera, Jr.?' Was this question re-asked by Pro. Finez?

A: No, sir.

Q: But question No. 1 up to No. 8 were admitted by the complainant Cristina Junio, am I correct?

A: Yes, sir.

ATTY. BOLINAS:

At this juncture, Your Honor, may we respectfully pray that question No. 1 up to question No. 8 and answers be bracketed and marked as Exhibit 'B-4,' Your Honor.

COURT:

Bracket and mark.

ATTY. BOLINAS:

No further question, Your Honor."[32] (Underscoring supplied)

The portions added to the then still unsubscribed affidavit of Cristina are marked below by underscoring:

"x x x x x x x x

09. T: Ano pang ibang nangyari?

S: Sa nangyaring iyong ako ay natulala at hindi makagalaw, makaraan ng ilang minuto, bumalik uli si Judge Rivera sa aking kuwarto, habang ako ay nakaupo sa aking kama, nilapitan niya ako at hinawakan sa magkabilang balikat at hawak niya ang aking dalawang kamay at pinahiga niya ako sa kama, gusto kong manlaban sa kanya pero hindi ako makagalaw, pumatong siya sa akin at hinimas niya ang aking suso at ang aking pagkababae at habang nilalamas niya ang maseselang parte ng aking katawan ay pinaghahalikan niya ako sa bibig, gusto kong sumigaw upang humingi ng saklolo pero walang boses na lumalabas sa aking bibig.

x x x x x x x x

11. T: Ano ang ginawa mo noong lumabas si Judge Rivera sa kuwarto mo?

S: Kinuha ko yong bata at inilabas ko sa kuwarto at nasalubong ko si Ate Conching, ang ina ng bata at nagsumbong ako sa kanya.

12. T: Ano ang ginawa ni Ate Conching?

S: Tinanong niya sa akin kung bakit ako umiiyak at sinabi kong hinalikan ako ni Judge Rivera at nilamas niya ang aking suso at maselang parte ng aking katawan.

13. T: Ano ang reaksiyon ni Ate Conching sa isinumbong mo sa kanya?

S: Siya ay nagalit at pinapunta niya ako sa puwesto ng nanay ko, sir.

14. T: Sumunod ka ba sa utos ni Ate Conching?

S: Opo at ako'y nagsumbong sa nanay ko. Ang Nanay ko naman ay nagsumbong sa tatay ko. Silang dalawa ay nagalit."[33]

The foregoing compels us to the conclusion that what the Investigating Judge interpreted as a sinister intercalation was, to the contrary, an innocent and necessary effort to improve an incomplete or partially inaccurate document by means of a more thorough interrogation of the affiant by Prosecutor Finez. Prosecutor Finez' purpose in propounding additional questions to Cristina Junio and in causing the modification of the affidavit to include such additional questions and answers, was quite professional and routine.

We conclude that the administrative charges preferred by Cristina Junio and her father against respondent Judge have been substantiated by a preponderance of evidence, evidence which is clear and convincing and which respondent Judge has not successfully rebutted.

Canon 2 of the Code of Judicial Conduct prescribes that:

"A judge should avoid impropriety and the appearance of impropriety in all activities."

Rule 2.01 of the same Code provides that:

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

This Court has laid down exacting standards of morality and decency from those who serve in the judiciary.[34] A member of the judiciary is judged not only by his official acts but also by his private morals, to the extent that such private morals are externalized in behavior. Respondent judge has failed to measure up to those demanding standards.

In *Castillo v. Calanog, Jr.*,[35] the Court stressed that:

"The Code of Judicial Ethics mandates that the conduct of a judge must be free of [even] 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 we have very 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 integrity and exemplify honest public service. The personal behavior of a judge, both in the performance of his official duties and in private life should be above suspicion."[36]

All judges in all levels of the judicial hierarchy, from this Court down to the Municipal or Metropolitan Trial Courts, are bound to observe the above exacting standards. There is, however, a special reason for requiring compliance with those standards from those who, like respondent Judge Rivera, are Municipal or Metropolitan judges and are accordingly "front-liners" of the judicial department. As such, a Municipal (or Metropolitan) Judge is the most visible living representation of the country's legal and judicial system. He is the judicial officer who on a day-to-day basis deals with the disputes arising among simple, rural people who comprise the great bulk of our population. He is the judicial officer who comes into closest and most frequent contact with our people. The judiciary as a whole and its ability to dispense justice are inevitably measured in terms of the public and private acts of judges in the "grass roots" level, like respondent Judge Pedro C. Rivera, Jr.[37] It is essential, therefore, if the judiciary is to engage and retain the respect and confidence of our nation, that this Court insist that municipal judges and all other judges live up to the high standards demanded by our case law and the Code of Judicial Conduct and by our polity.

WHEREFORE, respondent Judge Pedro C. Rivera, Jr. is hereby found guilty of gross misconduct and conduct prejudicial to the best interest of the judiciary, and is hereby **DISMISSED** from the service with prejudice to re-employment in any part of the government service including government-owned or controlled corporations, with forfeiture of all retirement benefits and privileges (if any), except the money value of accrued earned leave credits. Respondent Judge is hereby **ORDERED** to cease and desist immediately from rendering any order or decision, or continuing any proceedings, in any case whatsoever, effective immediately upon receipt of a copy of

this Resolution.

Narvasa, C.J., Cruz, Feliciano, Padilla, Bidin, Griño-Aquino, Regalado, Davide, Jr., Romero, Nocon, Bellosillo, Melo, Quiason, Puno, and Vitug, JJ., concur.

[1] Rollo, p. 2.

[2] Id., pp. 18 and 34.

[3] TSN, 15 May 1993, p. 9; Rollo, p. 105.

[4] Rollo, pp. 1 and 11.

[5] Id., p. 11.

[6] Id., p. 66.

[7] Id., pp. 68-70.

[8] Id., pp. 71 and 73.

[9] Report of Investigation and Recommendation, pp. 1-2 [hereinafter referred to as the "Report"]; Rollo, p. 111.

[10] Report, pp. 2-3.

[11] TSN, 5 August 1992, pp. 9-11.

[12] Report, pp. 5-6.

[13] Id., p. 5; TSN, 5 June 1993, pp. 44-45.

[14] Id., pp. 6-8.

[15] Rollo, p. 111.

[16] Report, p. 9.

[17] Id., pp. 9-10.

[18] Id., pp. 10 and 11-12.

[19] TSN (Cesar Villar), 5 June 1993, p. 48; TSN (Pedro Rivera, Jr.), 5 June 1993, p. 59.

[20] TSN, 6 August 1992, pp. 12-13.

[21] *People v. Aguiluz*, 207 SCRA 187, 193 (1992).

[22] See, e.g., *People v. Detuya*, 154 SCRA 410, 421-422 (1987); *People v. Viray*, 164 SCRA 135, 141-142 (1988), reiterated in *People v. De los Reyes*, 203 SCRA 707, 723 (1991); *People v. Rafanan*, 182 SCRA 811, 815 & 819-820 (1990)

[23] TSN, 29 May 1993, pp. 6-7, 24.

[24] TSN, 10 February 1993, pp. 36-37.

[25] TSN, 5 June 1993, pp. 106-107; TSN, 10 February 1993, pp. 37-38.

[26] TSN, 29 May 1993, pp. 4-16; TSN, 10 February 1993, p. 38.

[27] See *People v. De Guzman*, G.R. Nos. 51385-86, 22 January 1993.

[28] Report, p. 10.

[29] *Id.*, p. 7.

[30] TSN, 27 January 1993, pp. 4-5 and 7.

[31] TSN, 19 June 1993, pp. 13-18.

[32] *Id.*

[33] "Salaysay," Rollo, pp. 3-4.

[34] *Sicat v. Alcantara*, 161 SCRA 284, 288 (1988).

[35] 199 SCRA 75 (1991).

[36] 199 SCRA at 83.

[37] E.g., *De la Paz v. Inutan*, 64 SCRA 540, 548-9 (1975); and *Castillo v. Barsana*, 63 SCRA 388, 391 (1975).

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