OFFICE OF THE SOLICITOR GENERAL, COMPLAINANT, VS. JUDGE ANTONIO I. DE CASTRO, PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH 3, MANILA, RESPONDENT. PROMULGATED:

A.M. NO. RTJ-06-2018 (FORMERLY ADM. MATTER OCA-IPI NO. 05-2360-RTJ). August 03, 2007

Ponente: TINGA, J.

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TINGA, J.:

On 30 September 2005, the Office of the Solicitor General (OSG), through Solicitor General Alfredo Benipayo, filed an administrative complaint[1] against Executive Judge Antonio Eugenio, Jr. and Judge Antonio I. De Castro (respondent), for (a) knowingly rendering an unjust judgment; (b) grossly disregarding the law and prevailing jurisprudence; and (c) dishonesty and abuse of authority.

The complaint stemmed from the Order dated 9 September 2005[2] issued by respondent in the habeas corpus proceedings docketed as Special Proceedings No. 05-113455 and raffled to respondent's sala. Said order temporarily restrained the deportation of a Chinese national, Gao Yuan, for 17 days. Complainant alleges that the order was in blatant disregard of Commonwealth Act (C.A.) No. 613 or the Philippine Immigration Act of 1940, as amended, the pertinent provisions of the Rules of Court on habeas corpus, and prevailing jurisprudence thereon. As to Judge Eugenio, Jr., he had earlier, on 8 September 2005, issued an order[3] restraining Gao Yuan's deportation for 72 hours.

Gao Yuan is a national of the People's Republic of China (PROC) and holder of a special non-immigrant visa to the Philippines and an immigrant visa to Canada. On 6 September 2005, Gao Yuan, her husband James Mahshi, a U.S. national, and their two young children were on their way to a vacation in Canada when Philippine immigration officers arrested Gao Yuan and prevented her from boarding her flight. Gao Yuan's arrest was by virtue of an order issued by Bureau of Immigration (BI) Commissioner Alipio Fernandez, Jr., which, in turn, was a response to a letter[4] dated 9 August 2004 from the Consul General of the PROC which alleged that Gao Yuan was a fugitive from justice and charged with embezzlement by Chinese police and requested her arrest and deportation to China. Gao Yuan was detained at the BI Detention Center.

James Mahshi filed on 8 September 2005 before the Regional Trial Court (RTC) of Manila the Petition for the writ of Habeas Corpus with Application for Temporary Restraining Order (TRO) and Writ of Preliminary Injunction,[5] impleading Commissioner Fernandez as respondent. It was alleged that Gao Yuan was illegally detained since she "is not a fugitive from justice as in fact, she was not charged with any crime at the time she left China in 2001" and "[a]t such time, no case had been filed against her, no process to compel her testimony had been issued and no travel restrictions had been imposed on her by Chinese authorities."[6] It was also alleged that Gao Yuan had filed with the Department of Justice a petition for asylum as a political refugee. James Mahshi also filed a Supplement to Application for TRO and Writ of Preliminary Injunction[7] praying for the amendment of the 8 September 2005 order to include restraining Commissioner Fernandez from enforcing any order of commitment of Gao Yuan and directing her immediate release.

On the same day, Executive Judge Eugenio, Jr. of the RTC of Manila issued a 72-hour TRO[8] enjoining the Commissioner from initiating any deportation proceeding and/or directing the suspension of any such proceedings against Gao Yuan. The case was then raffled to Branch 3 of the Manila RTC presided by respondent.

Commissioner Fernandez, through the OSG, filed a Return of the Writ[9] on 8 September 2005. The Return informed the RTC that Gao Yuan's passport had been cancelled on 18 November 2004[10] by the PROC and her apprehension had been expressly requested by the Embassy of the PROC. Gao Yuan's summary deportation was already ordered[11] upon prior filing of a charge sheet[12] for being an undocumented and undesirable alien by the BI Board of Commissioners.

On 9 September 2005, a summary hearing on the issue of injunction was held and the parties, upon the suggestion of respondent, agreed to the extension of the 72-hour TRO by 17 days or up to 28 September 2005. The parties were required to file their memoranda or position papers until 19 September 2005. The Commissioner was then given until 12 September 2005 to comment on the Supplement to Application for TRO filed by James Mahshi which prayed for the release of Gao Yuan.[13]

On 13 September 2005, respondent promulgated an Order of Release[14] directing Commissioner Fernandez to immediately discharge the custody of Gao Yuan, she having filed her cash bond in the amount of P250,000.00. However, upon service of the order, the BI refused to release Gao Yuan as there was no BI clearance. Commissioner Fernandez filed an Urgent Motion for Reconsideration[15] of the said order on 16 September 2005.

During the hearing for clarificatory questioning on 16 September 2005, where Gao Yuan was presented, respondent insisted on releasing Gao Yuan from custody. Through an interlocutory order,[16] the RTC took custody of Gao Yuan. The RTC clarified that it was only a provisional release for the duration of the TRO or up to 28 September 2005, subject to certain conditions: the posting of an additional cash bond of P100,000.00; (2) her movements were to be monitored by the court; (3) the issuance of a warrant of arrest against her should she try to hide; and (4) the signing by Gao Yuan and her husband of an undertaking that she will come to court at any given time she is called. Respondent based the provisional release on humanitarian reasons, considering that Gao Yuan was merely wanted as a witness in a case in the PROC and she is a nursing mother to a 17-month old child.

Commissioner Fernandez was compelled to file a Notice of Appeal upon Gao Yuan's release from the BI's custody.

On 19 September 2005, respondent issued an Order[17] reiterating that Gao Yuan's release was only temporary, thus making the Commissioner's Notice of Appeal premature. The Commissioner was then given additional time to file his memorandum.

On 23 September 2005, respondent ordered the issuance of a warrant of arrest[18] against Gao Yuan for failing to appear before the trial court after having been directed to do so and denied James Mahshi's prayer for issuance of a writ of injunction. [19]

Complainant OSG contends that Gao Yuan's release on bail is illegal since such falls within the exclusive jurisdiction of the Bureau of Immigration and not in the regular courts pursuant to Section 37(e) of C.A. No. 613. Citing Commissioner Rodriguez v. Judge Bonifacio,[20] complainant contends that the RTC has no power to release the alien on bail even in habeas corpus proceedings.

Complainant also points out that the grant of injunction embodied in the 13 September 2005 Order was invalid for the release was only prayed for in an unverified Supplement to Application for TRO and Writ of Preliminary Injunction. In addition, the duly verified petition for habeas corpus did not include such prayer. There being no

verified application for the issuance of a writ of mandatory injunction, respondent openly disregarded Sec. 4(a), Rule 58 of the 1997 Rules of Civil Procedure in issuing the 13 September 2005 Order.

Complainant insists that the Notice of Appeal it filed is proper since respondent already ordered the release of Gao Yuan, which was the very action in the petition for habeas corpus, notwithstanding respondent's reasoning that the release was merely provisional or temporary. Respondent already decided the habeas corpus suit on the merits and his declaration of the notice of appeal as premature is also illegal.

Lastly, complainant argues that respondent is guilty of dishonesty for making it appear that Solicitor Danilo Leyva agreed to the extension of the TRO and did not oppose the release of Gao Yuan when the contrary is true.

Both Judge Eugenio, Jr. and respondent were required to comment.

Judge Eugenio, Jr. submitted his Comment[21] dated 9 December 2005 and Supplemental Comment[22] dated 20 December 2005. Respondent submitted his Comment[23] and Letter-Comment,[24] both dated 17 January 2006.

The case against Judge Eugenio, Jr. was dismissed per Resolution[25] dated 30 August 2006, as it was found that even though Judge Eugenio, Jr. erred in issuing the TRO, it was a mere judgment error not meriting administrative sanction. The same resolution also resolved to re-docket the complaint against respondent as a regular administrative matter and refer it to a Court of Appeals Justice for investigation, report and recommendation. The case was eventually raffled to Justice Arcangelita Romilla-Lontok.

After a hearing on 26 October 2006 and the submission of written offer of evidence of both parties, Justice Romilla-Lontok submitted her Report and Recommendation.

As summarized in the Report and Recommendation, respondent averred in his comments that: (a) the RTC had jurisdiction to take cognizance of the petition for habeas corpus; (b) he acted in accordance with law in issuing the Orders dated 9, 13 and 16 September 2005; and (c) the proper remedy of a party aggrieved by the decision of a court is to elevate the matter by appeal or certiorari and not to file an administrative case against the judge.

On the issue of jurisdiction, respondent argues that under Sec. 21 of Batas Pambansa Blg. 129, RTCs have original jurisdiction in the issuance of writs of habeas corpus which may be enforced in any part of their respective regions, and the material averments in James Mahshi's petition for habeas corpus sufficiently raised the issue of legality of Gao Yuan's detention. The remedy of habeas corpus extends to all cases of illegal confinement or detention by which any person is deprived of his liberty, and the prayer for injunctive relief enjoining the deportation of Gao Yuan is merely incidental to the question of legality of her detention. Respondent also points out that the Summary Deportation Order came after the filing of the habeas corpus petition, so that the jurisdiction of the RTC was already vested upon service of summons on respondent, and the BI cannot remove such jurisdiction by issuing a Summary Deportation Order.

Justice Romilla-Lontok agrees that the RTC, and in this particular case, Branch 3 with respondent presiding, had clearly been vested with jurisdiction over the petition for habeas corpus, based on the allegations in the petition that Gao Yuan had been detained even without a judicial writ or order for her commitment.[26]

As to the issuance of the Orders dated 9, 13 and 16 September 2005, respondent observes that these were all in the nature of TROs or injunctive reliefs, so issued after careful study and deliberation of the facts of the case and the clear presence of the requisite elements for the grant of such reliefs. Respondent believes that the factual milieu showed that Gao Yuan's right to due process of law was whimsically disregarded. He also insists that there is no rule requiring that James Mahshi's Supplement to the application for TRO and Writ of Preliminary Injunction be verified. He adds that there was sufficient showing of grave injustice and irreparable injury to Gao Yuan if her

release was not immediately effected.

On this point, Justice Romilla-Lontok disagrees with respondent. She points out that the return of the writ filed by the Commissioner of Immigration formally informed respondent about a deportation case against Gao Yuan with the BI Board of Commissioners, supported by attachments consisting of the Charge Sheet and Summary Deportation Order. From the time said return was filed, respondent's actions should have been governed by Section 4, Rule 102 of the Revised Rules of Civil Procedure. Pursuant thereto, the orders releasing Gao Yuan upon posting of a cash bond and placing her under the custody of the RTC are devoid of legal basis. According to Commissioner Rodriguez v. Judge Bonifacio,[27] cited in the Report, habeas corpus proceedings are premature and should be dismissed where the BID has not yet completed its hearing and investigation with respect to an alien and there is no showing that it is unduly delaying its decision. When an alien is detained by the BID pursuant to an order of deportation, RTCs have no power to release said alien on bail even in habeas corpus proceedings, because there is no law authorizing it.

Respondent finally argues that the proper remedy of a party aggrieved by a decision of a court is to elevate the matter by appeal or certiorari and not to file an administrative case against the judge. He insists that his acts were in accordance with law and jurisprudence and were justified by the circumstances of the case. He views the case as harassment and prays for its dismissal.

Justice Romilla-Lontok concedes that respondent issued the assailed orders without any ill-will, but rather was motivated by humanitarian considerations. Thus, she concludes that his error was not due to any conscious and deliberate effort to commit an injustice. However, she emphasized the duty of members of the judiciary to keep abreast of the laws, rulings and jurisprudence affecting their jurisdiction. A judge owes it to the public and the administration of justice to know the law he is supposed to apply to a given controversy and to exhibit more than just a cursory acquaintance of such laws and procedures. Finding that respondent fell short of the conduct expected of a judge, she recommends the imposition of a two (2)-month suspension with admonishment that similar conduct in the future will be dealt with more severely.[28]

The Court agrees with Justice Romilla-Lontok's finding that respondent's conduct has proven inadequate to satisfy the required standards, but deems it proper to increase the period of suspension to three (3) months and one (1) day without pay.

A petition for the issuance of a writ of habeas corpus is a special proceeding governed by Rule 102 of the Revised Rules of Court. The objective of the writ is to determine whether the confinement or detention is valid or lawful. If it is, the writ cannot be issued.[29] What is to be inquired into is the legality of his detention as of, at the earliest, the filing of the application for the writ of habeas corpus, for even if the detention is at its inception illegal, it may, by reason of some supervening events, such as the instances mentioned in Sec. 4 of Rule 102, be no longer illegal at the time of the filing of the application.[30] Section 4, Rule 102 provides:

> SEC. 4. When writ not allowed or discharge authorized. -If it appears that the person to be restrained of his liberty is in the custody of an officer under process issued by a court or judge or by virtue of a judgment or order of a court of record, and that court or judge had jurisdiction to issue the process, render the judgment, or make the order, the writ shall not be allowed; or if the jurisdiction appears after the writ is allowed, the person shall not be discharged by reason of any informality or defect in the process, judgment, or order. Nor shall anything in this rule be held to authorize the discharge of a person charged with or convicted of an offense in the Philippines, or of a person suffering imprisonment under lawful judgment.

Thus, once a person detained is duly charged in court, he may no longer question his detention through a petition for issuance of a writ of habeas corpus. His remedy would be to quash the information and/or the warrant of arrest

duly issued. The writ of habeas corpus should not be allowed after the party sought to be released had been charged before any court. The term "court" includes quasi-judicial bodies or governmental agencies authorized to order the person's confinement,[31] like the Deportation Board of the Bureau of Immigration.[32]

In the case at bar, the petition for habeas corpus was filed on 8 September 2005 and was raffled on the same day to respondent's sala. The Return of the Writ was filed on 9 September 2004, accompanied by the Charge Sheet dated 7 September 2005 and the Summary Deportation Order also dated 7 September 2005. When the petition was filed by James Mahshi, a charge sheet and deportation order had already been filed against Gao Yuan. By then, the restraint of Gao Yuan's liberty was already by virtue of a lawful process. Clearly, respondent's court no longer had jurisdiction over the petition for habeas corpus and it was error for respondent to order Gao Yuan's release upon the filing of a cash bond and take full responsibility for the release and custody of Gao Yuan.

Respondent's acts also disregarded the rule on burden of proof after the writ has been returned as laid down in Sec. 13 of Rule 102. If the detention is by reason of or in pursuance of law, the return is considered prima facie evidence of the validity of the restraint and the petitioner therein has the burden of proof to show that the restraint is illegal.[33] The reason for this is the presumption that official duty has been regularly performed.[34] The transcript of stenographic notes of the hearing on 16 September 2005 shows that the allegations in the return that Gao Yuan had a pending deportation case with the BI Board of Commissioners, as shown by the Charge Sheet, and that a Summary Deportation Order was already issued against her and that she used an expired Chinese passport in her attempt to leave the Philippines, were not controverted by James Mahshi. It seems that respondent merely confirmed from Gao Yuan the allegations in the petition for habeas corpus that she was not a fugitive from justice but was merely wanted as a witness in a case and that she was a nursing mother to a 17-month old baby.[35] Believing that Gao Yuan's detention was without due process of law, respondent ordered that the court take custody of her and that she be not returned to the BI Detention Center.[36]

The provisional or temporary release of Gao Yuan also effectively granted the petition for habeas corpus insofar as the discharge of the detainee is concerned, since the main prayer in a petition for habeas corpus relates to the release or discharge of the detainee. The general rule is that the release, whether permanent or temporary, of a detained person renders the petition for habeas corpus moot and academic. Such release must be one which is free from involuntary restraints.[37] Gao Yuan's release, while still subject to certain conditions, did not unduly restrain her movements or deprive her of her constitutional freedoms. The conditions were deemed necessary by the court below to ensure her attendance in the subsequent hearings on the case. Said conditions did not at all restrict her freedom of movement as she was able to elude the authorities who tried to arrest her for her failure to appear before the trial court on 23 September 2005.[38]

Respondent may also have been under the impression that the case before him was one for extradition, particularly because Gao Yuan's arrest and detention were pursuant to a request from the PROC to hold and deport her in connection with an embezzlement case in China. If that were so, his acts of ordering Gao Yuan's release upon the filing of a bond would have been sanctioned by this Court's ruling in Government of Hong Kong Special Administrative Region, represented by the Philippine Department of Justice v. Hon. Felixberto T. Olalia and Juan Antonio Muñoz[39] which allows the prospective extraditee to apply for bail, provided that he presents clear and convincing evidence that he is not a flight risk and will abide with all the orders and processes of the extradition court. However, the petition filed before respondent was one for habeas corpus which raised the simple issue of whether Gao Yuan was held under lawful authority. The Return filed by the Commissioner sufficiently established the basis of Gao Yuan's detention, which were the Charge Sheet and Summary Deportation Order. By the time the petition for habeas corpus was filed, there was already a legal basis to detain Gao Yuan. Her confinement was not illegal. It was thus error for respondent to continue with the proceeding and

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thereafter order her release upon posting of a cash bond.

It may be argued that in Government of Hong Kong Special Administrative Region v. Olalia, the Court relied on three deportation cases[40] which allowed bail to persons in detention during the pendency of their cases, stating that if bail can be granted in deportation cases, there is no justification why it should not also be allowed in extradition cases. However, circumstances peculiar to the three deportation cases existed that warranted admission to bail. In US v. Go-Sioco, where a Chinese facing deportation for failure to secure the necessary certificate of registration was granted bail pending his appeal, it was noted that said Chinese had committed no crime, was born in the Philippines and lived here for more than 35 years, and at the time of the case was living here with his mother, a Filipina. Said case was also brought under Act No. 702 which falls, by provision of said law, under the jurisdiction of the courts of justice. In Mejoff v. Director of Prisons and Chirskoff v. Commissioner of Immigration, the proposed deportees were stateless foreign nationals, not enemies, against whom no criminal charges had been formally made and who had been under detention for over two years after attempts at having them deported failed. No such extraordinary circumstances appear in the case at bar.

It should be noted too that Section 37 (9) (e) of the Philippine Immigration Act of 1940, as amended, provides that "[a]ny alien under arrest in a deportation proceeding may be released under bond or under such other conditions as may be imposed by the Commissioner of Immigration." This provision confers upon the Commissioner the power and discretion to grant bail in deportation proceedings, but does not grant to aliens the right to be released on bail. The exercise by the Commissioner of such power is discretionary. So too, the determination of the propriety of allowing the temporary release on bail of the alien, subject to deportation under the Immigration Act, as well as the conditions of such release falls within the exclusive jurisdiction of the Commissioner, not the courts of justice. The reason for this is that the courts do not administer immigration laws. The power of the Commissioner to grant bail in deportation proceedings should be exercised when the alien is still under investigation, and not after the order of deportation has been issued by the BI.[41] When an alien is detained by the BI for deportation pursuant to an order of deportation by the Deportation Board, the courts of first instance, now RTCs, have no power to release such alien on bail, even in habeas corpus proceedings because there is no law authorizing it.[42]

Thus, we find respondent's failure to observe the law and procedure on petitions for habeas corpus inexcusable, albeit done in good faith for humanitarian considerations and in the honest belief that Gao Yuan's detention was in violation of due process. Accordingly, respondent is administratively liable for gross ignorance of the law.

Ordinarily, to constitute gross ignorance of the law, the subject decision, order, or actuation of the judge in the performance of his official duties should be contrary to existing law and jurisprudence, and most importantly, he must be moved by bad faith, fraud, dishonesty or corruption.[43] In the present case, there is no finding of bad faith or malice, but this does not excuse respondent. When the law is sufficiently basic, a judge owes it to his office to simply apply it, and anything less than that would be constitutive of gross ignorance of the law. In short, when the law is so elementary, not to be aware of it constitutes gross ignorance of the law.[44] While judges should not be held accountable for every erroneous judgment rendered in good faith, such good faith is no defense where the basic issues are simple and the applicable legal principle evident and basic as to be beyond permissible margins of error.[45]

A judge is called upon to exhibit more than just a cursory acquaintance with statutes and procedural rules; it is imperative that he be conversant with basic legal principles and aware of well-settled authoritative doctrines.[46] Competence and diligence are prerequisites to the due performance of judicial office.[47] When a judge displays an utter unfamiliarity with the law and the rules, he erodes the confidence of the public in the courts.[48] There will be great faith in the administration of justice only if the party litigants believe that the occupants of the bench

cannot justly be accused of apparent deficiency in their grasp of legal principles.[49] For disregarding jurisprudential pronouncements and basic legal principles, respondent should be held liable.

Under Section 8 of A.M. No. 01-8-10-SC, amending Rule 140 of the Rules of Court on the Discipline of Justices and Judges, which took effect on October 1, 2001, gross ignorance of the law is classified as a serious charge which carries with it a penalty of either dismissal from service, suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months, or a fine of more than P20,000.00 but not exceeding P40,000.00. Since it has not been established that the infraction was motivated by malice or bad

faith, and in the absence of a showing that respondent had earlier been found to have committed an administrative offense, it is just and reasonable to impose upon him the penalty of suspension of three (3) months and one (1) day.

WHEREFORE, the Court finds respondent Judge Antonio I. De Castro of the Regional Trial Court, Branch 3, City of Manila, guilty of gross ignorance of the law and is hereby SUSPENDED for a period of THREE (3) MONTHS AND ONE (1) DAY without pay, with a WARNING that commission of a similar offense will be dealt with more severely.

SO ORDERED.

Quisumbing, (Chairperson), Carpio, Carpio-Morales, and Velasco, Jr., JJ., concur.

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[1] Rollo, pp. 1-11.

[2] Id. at 35.

[3] Id. at 36-37.

[4] Id. at 31.

[5] Id. at 23-28.

[6] Id. at 24.

[7] Id. at 57-60.

[8] Supra note 3.

[9] Id. at 12-18.

[10] Id. at 30.

[11] Id. at 32-33. Summary Deportation Order dated 7 September 2005.

[12] Id. at 19, 34. Dated 7 September 2005.

[13] Supra note 4.

[14] Id. at 48.

[15] Id. at 49-56.

[16] Id. at 74-75.

[17] Id. at 72-73.

[18] Id. at 177.

[19]Id. at 175

[20] 398 Phil. 441 (2000).

[21] Rollo, pp. 184-188.

[22] Id. at 189-192.

[23] Id. at 196-226.

[24] Id. at 227, with annexes.

[25] Id. at 264.

[26] Report and Recommendation, pp. 4-5.

[27] Cited as 398 Phil. 441 (2000). The Report and Recommendation also cites Bernarte v. Court of Appeals, 263 SCRA 323; Republic v. Cloribel, 9 SCRA 453; and Velasco v. Court of Appeals, 245 SCRA 677.

[28] Report and Recommendation, pp. 9-10.

[29] Tung Chin Hui v. Rodriguez, G.R. No. 141938, 2 April 2001, 356 SCRA 31, 38 citing Sombong v. CA, 252 SCRA 663, 31 January 1996 and Ordonez v. Vinarao, 239 SCRA 114, 8 December 1994.

[30] Velasco v. Court of Appeals, G.R. No. 118644, 7 July 1995, 245 SCRA 677, 685.

[31] See F.D. REGALADO, 2 REMEDIAL LAW COMPENDIUM 159 (1995 ed.), citing Republic, etc. v. Cloribel, et al., No. L-9700, 28 February 1962.

[32] Commissioner Rodriguez v. Judge Bonifacio, supra note 20 at 471 citing Velasco v. CA, 245 SCRA 677 [1995].

[33] Supra note 23 at 102.

[34] RULES OF COURT, Rule 131, Sec. 3 (m).

[35] Rollo, pp. 80-81.

[36] Id. at 83-87.

[37] Moncupa v. Enrile, No. L-63345, 30 January 1986, 141 SCRA 233, 238.

[38] See Order dated 23 September 2005, rollo, p. 175; Warrant of Arrest dated 23 September 2005, id. at 177; and Memorandum dated 29 September 2005, id. at 176.

[39] G.R. No. 153675, 19 April 2007.

[40] United States v. Go-Siaco, 12 Phil. 490 (1909); Mejoff v. Director of Prisons, 90 Phil. 70 (1951); and Chirskoff v. Commissioner of Immigration, 90 Phil. 256 (1951).

[41] Ong Hee Sang, etc., et al. v. Commissioner of Immigration and Protugal, 114 Phil. 368, 373-374 (1962).

[42] Republic of the Phils., et al. v. Cloribel, et al., 118 Phil. 1290, 1294 (1963).

[43] Officers and Members of the Integrated Bar of the Philippines, Baguio-Benguet Chapter v. Pamintuan, A.M. No. RTJ-02-1961, 19 November 2004, 443 SCRA 87, 101.

[44] Atty. Cañas v. Judge Castigador, 401 Phil. 618, 634-635 (2000).

[45] Poso v. Judge Mijares, 436 Phil. 295, 314 (2002).

[46] Ruiz v. Beldia, Jr., A.M. No. RTJ-02-1731, 16 February 2005, 451 SCRA 402, 411.

[47] NEW CODE OF JUDICIAL CONDUCT FOR THE PHILIPPINE JUDICIARY, Canon 6.

[48] Balayon, Jr. v. Dinopol, A.M. No. RTJ-06-1969, 15 June 2006, 490 SCRA 547, 556.

[49] Capulong v. Judge Gozum, 445 Phil. 524, 531 (2003), citing Padua v. Molina, 346 SCRA 592, 599 (2000).

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