MICHAEL B. BELEN, COMPLAINANT, VS. JUDGE MEDEL ARNALDO B. BELEN, REGIONAL TRIAL COURT, CALAMBA CITY, BRANCH 36, RESPONDENT.

A.M. No. RTJ-08-2139. August 09, 2010

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

This is an administrative complaint for grave abuse of authority and conduct unbecoming a judge filed by Michael B. Belen against Judge Medel Arnaldo B. Belen, Presiding Judge of the Regional Trial Court (RTC) of Calamba City, Branch 36.

The Facts

Complainant Michael B. Belen filed a Verified Complaint dated 7 March 2001 with the Office of the Court Administrator (OCA) of the Supreme Court, charging Judge Medel Arnaldo B. Belen with grave abuse of authority and conduct unbecoming a judge. According to complainant,[1] sometime in March 2004, respondent judge filed a case for Estafa against complainant's father, Nezer D. Belen, but the same was dismissed for lack of probable cause by Assistant City Prosecutor Ma. Victoria Sunega-Lagman in a Resolution dated 28 July 2004. Respondent judge filed an Omnibus Motion (For Reconsideration and Disqualif[ication]) before the Office of the City Prosecutor of San Pablo City, alleging, inter alia, that Sunega-Lagman was always absent during the hearings in the preliminary investigation in the estafa case. Respondent judge likewise filed a complaint for disciplinary action against Sunega-Lagman before the Integrated Bar of the Philippines Commission on Bar Discipline, docketed as CBD Case No. 06-1700. To refute the allegations of respondent judge against Sunega-Lagman, complainant executed an Affidavit dated 19 May 2006, which was submitted by Sunega-Lagman as evidence in the CBD case. Complainant's Affidavit stated that the allegations of respondent judge against Sunega-Lagman were "false"; that Sunega-Lagman was present during the preliminary investigation hearings dated 14, 21 and 29 April 2004, and that she was absent only once, on 6 May 2004, when she was already on maternity leave; and that it was respondent judge who was absent during the hearings.[2]

Thereafter, respondent judge allegedly started harassing and threatening complainant with the filing of several cases against the latter. On 11 January 2007, at 10:00 in the morning, complainant received a mobile phone text message from the caretaker of his piggery, informing him that respondent judge arrived and was taking pictures of the piggery. Complainant rushed to the area and saw respondent judge, accompanied by the Municipal Agriculturist and Sanitary Inspector and the Barangay Chairman, inspecting complainant's piggery.

Respondent judge also wrote several letters addressed to certain local government authorities and employees, requesting information on complainant's piggery and poultry business; advising them of the alleged violations by

the complainant of the National Building Code and certain environmental laws; and reminding the local government authorities of their duty to forestall the issuance of municipal clearance and license to complainant's business establishment. We enumerate these letters below.[3]

> 1. Letter dated 15 January 2007, addressed to the Municipal Engineer of Alaminos, Laguna, requesting confirmation of the issuance by said office of construction, building and occupancy permits to "Michael B. Belen's Piggery and Poultry in Brgy. IV and House in Sta. Rosa," and stating that non-compliance with, or violation of the National Building Code is a criminal offense;[4]
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> 2. A follow-up letter dated 23 January 2007, addressed to the Municipal Engineer of Alaminos, Laguna, referring to respondent judge's previous letter dated 15 January 2007; citing provisions of the National Building Code on Building Use Affecting Health and Safety (Sec. 1.01.05), Building Permits (Sec. 1.02.03), and Inspection and Certificates of Occupancy (Sec. 1.02.05); and stating: "These statutory provisions are mandatory and any violation thereof is subject to appropriate legal sanctions. Thus, in accordance with the National Building Code and Code of Conduct of Public Officers that mandates action and reply to any complaint within 15 days from receipt, may I know your official action and reply on the matter";[5]
>
> 3. Letter dated 15 January 2007, addressed to Mayor Samuel Bueser of Alaminos, Laguna, expressing his appreciation of the "immediate action" taken by the mayor in relation to the inspection of the piggery and poultry business establishment of complainant; enumerating the environmental laws violated by the complainant, i.e., Sec. 8 of Presidential Decree (PD) No. 984, Section 3 of PD 953, Section 48 of Republic Act (RA) No. 9003, Section 49 of PD 1152, and Section 27 of Resolution No. 33, Series of 1996; stating that "With the violations of the owner and his farm workers, appropriate criminal actions shall be instituted against them;" and reminding the mayor that municipal officers are mandated by environmental laws not to issue municipal clearance and permits, and to close business enterprises within its jurisdiction, specifically complainant's piggery and poultry, violating environmental laws;[6]
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> 4. A follow-up letter dated 23 January 2007, addressed to Mayor Samuel Bueser of Alaminos, Laguna, inquiring on the official action taken by the mayor in relation to respondent judge's earlier letters and complainant's alleged violation of environmental laws, and emphasizing the responsibility of the mayor to withhold clearances and permits from business establishments violating environmental laws;[7]
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> 5. Letter dated 13 February 2007, addressed to Ms. Gladys D. Apostol, the Municipal Agriculturist of Alaminos, Laguna, requesting a copy of the Inspection report dated 11 January 2007;[8] and
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> 6. Letter dated 13 February 2007, addressed to the Municipal Engineer of Alaminos, Laguna, requesting for prompt action on respondent judge's previous letters dated 15 and 23 January 2007, with a warning that the failure of the said office to reply to respondent judge's inquiries will compel the latter to file administrative and criminal complaints before the Office of the Ombudsman pursuant to Section 5 of RA 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees.[9]

All of the letters enumerated above bore a letterhead indicating respondent judge's official government position, viz:

> From the Chamber of:
>
> Medel Arnaldo B. Belen
> Presiding Judge, RTC-Branch 36
> 4[th] Judicial region, Calamba City

Respondent judge also filed a criminal case against complainant for violations of Section 8 of Presidential Decree No. 984 and Section 3 of Presidential Decree No. 953, docketed as I.S. No. 07-246/07-247, before the Office of the Provincial Prosecutor of Laguna.[10]

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In his Comment,[11] respondent judge alleged that he never neglected his duties as a judge; that as a landowner and citizen of the Republic of the Philippines, he had the right to file criminal complaints against violators of environmental laws to protect the environment; and that he had the right, under the Constitution and Republic Act No. 6173, to secure public information from government offices, especially about the complainant who was violating numerous laws. Respondent judge also claimed that he did not use the court's official stationery or letterhead in his correspondence with government authorities and employees of Alaminos, Laguna. He emphasized that the court's official letterhead should appear as:

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REGIONAL TRIAL COURT
4TH JUDICIAL REGION
BRANCH 36
CALAMBA CITY

Respondent judge claimed that he used his personal stationery or letterhead, and signed the same in his private, not judicial, capacity.

The OCA's Report and Recommendation

On 11 March 2008, the OCA submitted its Report[12] finding respondent judge guilty of violating Section 4, Canon 1 of the New Code of Judicial Conduct for the Philippine Judiciary. The OCA stated that while respondent judge did not actually use the court's official letterhead but his own personal stationery, his letters indicated that he is the presiding judge of an RTC in Calamba City, and even stated that his letters were "from the chambers of" the presiding judge. It is apparent from the acts of respondent judge that he intended to use the prestige of his judicial position to promote his personal interest.

The OCA recommended that (a) the administrative case against respondent judge be re-docketed as a regular administrative matter; and (b) that respondent Judge Medel Arnaldo B. Belen be fined in the amount of P11,000 for violation of Section 4, Canon 1 of the New Code of Judicial Conduct for the Philippine Judiciary with a stern warning that a repetition of the same or similar act shall be dealt with more severely.[13]

In a Resolution dated 13 August 2008, the Supreme Court resolved, among others, to re-docket the administrative complaint against respondent judge as a regular administrative matter.[14] Subsequently, the OCA, in compliance with the Court's Resolution,[15] designated Court of Appeals Associate Justice Ramon R. Garcia as the investigating justice of the administrative case.

The Findings and Recommendation
of the Investigating Justice

Investigating Justice Ramon R. Garcia found respondent judge to have violated Section 4 of Canon 1 and Section 1 of Canon 4 of the New Code of Judicial Conduct for the Philippine Judiciary when he used a letterhead indicating his position as the Presiding Judge of the RTC of Calamba City, Branch 36. According to Justice Garcia, while the computer-printed letterhead of respondent judge is not the official letterhead of the RTC of Calamba City, Branch 36, the use of the same reflects respondent judge's designation and position in the judiciary, and indicates that the letters came from the "chambers" of the presiding judge of Branch 36. Undoubtedly, respondent judge was trying to use the prestige of his judicial office for his own personal interest.

Justice Garcia agreed with the OCA in recommending the imposition of the administrative penalty of fine in the amount of P11,000 with a stern warning that a repetition of the same or similar act shall be dealt with more

severely.

The Court's Ruling

The findings and recommendations of both the Investigating Justice and the OCA are well-taken.

Respondent judge wrote letters to government authorities and employees to secure public information regarding complainant's piggery and poultry business; to inform addressees of the laws allegedly being violated by complainant; and to remind the addressees of their duties as government officials or employees and warn them of the possible legal effects of neglect of public duties. In writing these letters, respondent judge's use of his personal stationery with letterhead indicating that he is the Presiding Judge of RTC of Calamba City, Branch 36, and stating that the letter was "from [his] chambers," clearly manifests that respondent judge was trying to use the prestige of his office to influence said government officials and employees, and to achieve with prompt and ease the purpose for which those letters were written. In other words, respondent judge used said letterhead to promote his personal interest. This is violative of Section 4 of Canon 1 and Section 1 of Canon 4 of the New Code of Judicial Conduct for the Philippine Judiciary. We quote these sections below:

> CANON 1
> INDEPENDENCE
>
> x x x
>
> SECTION. 4. Judges shall not allow family, social, or other relationships to influence judicial conduct or judgment. The prestige of judicial office shall not be used or lent to advance the private interests of others, nor convey or permit others to convey the impression that they are in a special position to influence the judge.
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> CANON 4
> PROPRIETY
>
> Propriety and the appearance of propriety are essential to the performance of all the activities of a judge.
>
> SECTION 1. Judges shall avoid impropriety and the appearance of impropriety in all of their activities.
>
> x x x

In Oktubre v. Velasco,[16] this Court held that respondent judge's act of sending several letters bearing his sala's letterhead, in connection with an apparent dispute in the administration of the estates of his relatives, clearly showed the judge's intent to use the prestige of his judicial office, and hence, violative of Rule 2.03 of the Code of Judicial Conduct.[17] The Court considered respondent Judge Velasco's excuse for using his sala's letterhead, i.e., that he wanted to protect the interest of his maternal co-heirs in the subject properties, as flimsy, and emphasized that respondent judge had no business using his sala's letterhead for private matters, as the same should be used only for official correspondence.[18]

Similarly, in Rosauro v. Kallos,[19] it was held that respondent judge's use of his sala's official stationery in his private correspondence with complainant and his counsel constitutes violation of Rule 2.03 of the Code of Judicial Conduct. The Court concluded that: "By using his sala's stationery other than for official purposes, respondent Judge evidently used the prestige of his office to benefit Guerrero (and himself) in violation of Rule 2.03 of the Code."[20]

In Ladignon v. Garong,[21] respondent judge's act of using the official letterhead of his court and signing the same using the word "judge" in his letter-complaint to the First United Methodist Church in Michigan, USA, was held to be violative of Canon 2 of the Code of Judicial Ethics and Rule 2.03 of the Code of Judicial Conduct. The

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Court held, thus:

> We agree with the Report that what is involved here is the rule that "Judges shall avoid impropriety and the appearance of impropriety in all of their activities". (Canon 4, Section 1, New Code of Judicial Conduct) Indeed, members of the Judiciary should be beyond reproach and suspicion in their conduct, and should be free from any appearance of impropriety in the discharge of their official duties as well as in their personal behavior and everyday life. No position exacts a greater demand for moral righteousness and uprightness on the individual than a seat in the Judiciary. x x x
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> x x x
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> x x x As the Report stated, [repondent judge's] use of the letterhead and his designation as a Judge in a situation of potential dispute gave "the appearance that there is an implied or assured consent of the court to his cause." This circumstance, to our mind, was what marked the respondent Judge's use of his letterhead and title as improper. In other words, the respondent Judge's transgression was not per se in the use of the letterhead, but in not being very careful and discerning in considering the circumstances surrounding the use of his letterhead and his title.
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> x x x
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> x x x the use of a letterhead should not be considered independently of the surrounding circumstances of the use - the underlying reason that marks the use with the element of "impropriety" or "appearance of impropriety". In the present case, the respondent Judge crossed the line of propriety when he used his letterhead to report a complaint involving an alleged violation of church rules and, possibly, of Philippine laws. Coming from a judge with the letter addressed to a foreign reader, such report could indeed have conveyed the impression of official recognition or notice of the reported violation.
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> The same problem that the use of letterhead poses, occurs in the use of the title of "Judge" or "Justice" in the correspondence of a member of the Judiciary. While the use of the title is an official designation as well as an honor that an incumbent has earned, a line still has to be drawn based on the circumstances of the use of the appellation. While the title can be used for social and other identification purposes, it cannot be used with the intent to use the prestige of his judicial office to gainfully advance his personal, family or other pecuniary interests. Nor can the prestige of a judicial office be used or lent to advance the private interests of others, or to convey or permit others to convey the impression that they are in a special position to influence the judge. (Canon 2, Rule 2.03 of the Code of Judicial Conduct) To do any of these is to cross into the prohibited field of impropriety.[22]

In view of the foregoing, we find respondent judge guilty of violation of Section 4 of Canon 1 and Section 1 of Canon 4 of the New Code of Judicial Conduct for the Philippine Judiciary.

Section 11(B), in relation to Section 9(4) of Rule 140, as amended by A.M. No. 01-8-10-SC,[23] provides that violation of Supreme Court rules constitutes a less-serious charge punishable by any of the following sanctions:

> - Suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or
>
> - A fine of more than P10,000.00 but not exceeding P20,000.00.

We agree with the recommendation of the investigating justice and the OCA that respondent judge, for his transgression, be meted a penalty of fine amounting to P11,000, with a stern warning that a repetition of the same or similar act shall be dealt with more severely.

WHEREFORE, we find Judge Medel Arnaldo B. Belen, Presiding Judge of the Regional Trial Court of Calamba City, Branch 36, GUILTY of violation of Section 4 of Canon 1 and Section 1 of Canon 4 of the New Code of

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Judicial Conduct for the Philippine Judiciary, and FINE him P11,000, with a stern warning that a repetition of the same or similar act shall be dealt with more severely.

SO ORDERED.

Nachura, Peralta, Abad, and Mendoza, JJ., concur.

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[1] Rollo, pp. 5 and 10.

[2] Complainant alleged that respondent judge personally attended only the 21 April 2004 hearing, and sent a representative during the 29 April 2004 hearing; id. at 10.

[3] Id. at 12-18 and 20-21; also enumerated in the Report and Recommendation of Investigating Justice Ramon R. Garcia.

[4] Id. at 12, Annex C to the Verified Complaint.

[5] Id. at 13-14, Annex D to the Verified Complaint.

[6] Id. at 15-17, Annex E to the Verified Complaint.

[7] Id. at 18, Annex F to the Verified Complaint.

[8] Id. at 20, Annex H to the Verified Complaint.

[9] Id. at 21, Annex I to the Verified Complaint.

[10] Id. at 23, Annex K to the Verified Complaint.

[11] Dated 3 August 2007; id. at 28-34.

[12] Id. at 1-4.

[13] Id. at 4.

[14] Id. at 216.

[15] Dated 29 June 2009; id. at 222.

[16] 478 Phil. 803 (2004).

[17] Rule 2.03 of the Code of Judicial Conduct provides: "A judge shall not allow family, social, or other relationships to influence judicial conduct or judgment. The prestige of judicial office shall not be used or lent to advance the private interests of others, nor convey or permit others to convey the impression that they are in a special position to influence the judge."

Note that A. M. No. 03-05-01-SC, otherwise known as The New Code of Judicial Conduct for the Philippine Judiciary, promulgated on 27 April 2004, superseded the Canons of Judicial Ethics and the Code of Judicial Conduct. However, in case of deficiency or absence of specific provisions in the New Code, the Canons of Judicial Ethics and the Code of Judicial Conduct shall be applicable in a suppletory character.

[18] Oktubre v. Velasco, supra at 815-816.

[19] A.M. No. RTJ-03-1796, 10 February 2006, 482 SCRA 149.

[20] Id. at 160.

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[21] A.M. No. MTJ-08-172, 20 August 2008, 562 SCRA 365.

[22] Id. at 369-371.

[23] Effective on 1 October 2001.

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