

RODRIGO JING; N. VIDAL, COMPLAINANT, VS. JUDGE JAIME L. DOJILLO, JR., MUNICIPAL TRIAL COURT, MANAOAG, PANGASINAN, RESPONDENT.

A.M. No. MTJ-05-1591 (formerly A.M. OCA IPI No. 02-1318-MTJ). July 14, 2005

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

Before us is a complaint filed by complainant Rodrigo "Jing" N. Vidal against Judge Jaime L. Dojillo, Jr., Presiding Judge of the Municipal Trial Court of Manaoag, Pangasinan.

The antecedent facts, as accurately narrated in the report of the Office of the Court Administrator (OCA), are as follows:

The Hon. Jaime L. Dojillo, Jr., Presiding Judge of Municipal Trial Court at Manaoag, Pangasinan is here charged with "Misconduct." The charge stemmed from an Election Protest filed by the brother of Judge Dojillo at the Municipal Circuit Trial Court stationed at San Fabian, Pangasinan to protest the proclamation of herein complainant as Barangay Captain in the 2002 election.

Mr. Vidal [herein complainant] alleged that during the 29 and 30 July 2003 hearings of the Election Protest, Judge Dojillo "sat beside the counsel of his brother" and "actively coached, aided, assisted, and guided said counsel by now and then saying something, handing piece of writing, reminding, and or stopping the counsel from manifesting something to the court, and other similar acts."

Complainant continued that herein respondent's "assertive presence and display of partisan activities in full public view could not have been ignored or unnoticed by the court a quo and would give the impression and suspicion of partiality of the said court in favor of respondent's brother."

Judge Dojillo admitted that he was present during the mentioned hearings but explained that he did not sit beside his brother's lawyer but in the area reserved for the public; and that the main reason why he was there was to observe how election protests are conducted as he has never conducted one. His other reason was to give moral support to his brother.

This matter was referred for investigation and, in her report, the Hon. Tita Rodriguez-Villarin, Presiding Judge, RTC, Branch 46, Urdaneta City observed that:

From the evidence submitted by the parties, [the] undersigned noted that although the complainant and his witness claim they saw the respondent talking to the lawyer and respondent's brother and handing notes they did not hear the alleged conversation and they did not state what were those notes. Neither did they see respondent do other acts to interfere with the proceedings.

Considering that the presence of the respondent during the hearings of the election protest of his brother was admitted by both parties, the only issue left is whether or not such presence constitutes misconduct. In this respect, [the] undersigned further noted that the complainant, by himself or thru his lawyer, did not call the attention of the court much less raised objection to the respondent's presence. This is an indication that during the hearings[,] respondent's presence did not stir any impression or suspicion of intention to influence [the]

court's ruling. As declared by the complainant, he became suspicious and apprehensive he lost the case even before receiving the decision when he was informed later that not having a brother judge he was surely a loser.

The OCA then recommended that the complaint against respondent be dismissed but respondent judge should be advised to be more circumspect in his actions in the future.

We do not agree with the OCA recommendation.

Respondent, in his defense, stated that he attended the hearing of his brother's election protest case just to give moral support and, in the process, also observe how election protest proceedings are conducted. Although concern for family members is deeply ingrained in the Filipino culture, respondent, being a judge, should bear in mind that he is also called upon to serve the higher interest of preserving the integrity of the entire judiciary. Canon 2 of the Code of Judicial Conduct requires a judge to avoid not only impropriety but also the mere appearance of impropriety in all activities. Even if respondent did not intend to use his position as a judge to influence the outcome of his brother's election protest, it cannot be denied that his presence in the courtroom during the hearing of his brother's case would immediately give cause for the community to suspect that his being a colleague in the judiciary would influence the judge trying the case to favor his brother. The fact that neither complainant nor his counsel objected to the presence of respondent during the hearing is immaterial. Respondent himself should have refrained from publicly showing his seemingly active interest and participation in the case, for he does not deny that he whispered and passed notes to his brother's lawyer during the course of the hearing. Thus, we emphasize our ruling in *Cañeda vs. Alaan*,^[1] that:

Judges are required not only to be impartial but also to appear to be so, for appearance is an essential manifestation of reality. Canon 2 of the Code of Judicial Conduct enjoins judges to avoid not just impropriety in their conduct but even the mere appearance of impropriety.

They must conduct themselves in such a manner that they give no ground for reproach.

[Respondent's] acts have been less than circumspect. He should have kept himself free from any appearance of impropriety and endeavored to distance himself from any act liable to create an impression of indecorum.

...

This reminder applies all the more sternly to municipal trial court judges like respondent because they are the judicial frontliners who have direct contact with the parties. They are the embodiments of the people's sense of justice. ...

Indeed, respondent must always bear in mind that:

A judicial office traces a line around his official as well as personal conduct, a price one has to pay for occupying an exalted position in the judiciary, beyond which he may not freely venture. Canon 2 of the Code of Judicial Conduct enjoins a judge to avoid not just impropriety in the performance of judicial duties but in all his activities whether in his public or private life. He must conduct himself in a manner that gives no ground for reproach. (Emphasis supplied)

Verily, respondent failed to live up to the degree of propriety required of him by the Code of Judicial Conduct.

IN VIEW OF THE ALL THE FOREGOING, Judge Jaime L. Dojillo, Jr., is found GUILTY of violation of Canon 2 of the Code of Judicial Conduct and is hereby REPRIMANDED with a WARNING that a repetition of the same or similar acts would be dealt with more severely.

SO ORDERED.

Puno, (Chairman), Callejo, Sr., Tinga, and Chico-Nazario, JJ., concur.

[1] A.M. No. MTJ-01-1376, January 23, 2002, 374 SCRA 225, 230-231.

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