

## **IN THE MATTER OF THE ALLEGED IMPROPER CONDUCT OF SANDIGANBAYAN ASSOCIATE JUSTICE ANACLETO D. BADOY, JR., TAKING AN AMBULANCE BUT PROCEEDING TO THE GMA TV STATION FOR AN INTERVIEW...**

*A.M. No. 01-12-01-SC. January 16, 2003*

Ponente: SANDOVAL-GUTIERREZ, J.

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### **SANDOVAL-GUTIERREZ, J.:**

Judges, like ordinary mortals, are subject to human limitations. At times, the great tides of perturbing and overwhelming emotions engulf them. Notwithstanding so, they are expected to be “cerebral men”[1] who can control their confounding emotions and idiosyncratic inclinations. Otherwise, they will be held answerable for their conduct.

Haled in these two consolidated administrative cases, A.M. No. 01-12-01-SC and A.M No. SB-02-10-J, are Sandiganbayan Justices Anacleto D. Badoy, Jr. (Ret.) and Teresita Leonardo-De Castro.

The facts of A.M. No. 01-12-01-SC may be synthesized as follows:

On November 29, 2001, Justice Badoy, aboard an ambulance, “whisked himself” to the GMA Broadcast Station in Quezon City for a live interview in the news program Saksi. There, he announced the loss of a Resolution he penned in connection with the plunder case against former President Joseph Ejercito Estrada and others.

The media sarcastically referred to the event as a “staged comedy”[2] or a “television tryst.”[3] Leading newspapers contained facetious headlines, such as “Ambulance rushes Badoy—to TV Station,”[4] “What’s with Justice Badoy?,”[5] and “Unorthodox Behavior – Analyze Badoy, Erap Lawyers ask SC.”[6]

Acting on the media reports, this Court directed Justice Badoy to show cause why he should not be administratively charged with conduct unbecoming a Justice of the Sandiganbayan.[7]

In his compliance,[8] Justice Badoy alleged that three days prior to the incident, he could not find his Resolution ordering that former President Estrada be detained at Fort Sto. Domingo. So he requested the National Bureau of Investigation to conduct an investigation, but to no avail. Thus, on November 29, 2001, agitated that someone might have stolen the Resolution and claimed that he (Justice Badoy) sold it for a fee, he decided to go to the GMA-7 Broadcast Station and report its loss, in order that the public may know he is honest. In going there, he chose to ride in an ambulance because he felt very sick and cold, intending to proceed to a hospital after the interview.

A.M No. SB-02-10-J is set on a different factual milieu, to wit:

Subsequent to the descent of former President Estrada from power, the Office of the Ombudsman filed several criminal cases against him, his family, and friends. One of them is Criminal Case No. 26558 wherein he, his son Jose “Jinggoy” and Atty. Edward Serapio stand accused for violation of Republic Act No. 7080, the Anti-Plunder

Law. The case was raffled to the Third Division of the Sandiganbayan composed of Justice Badoy, as Chairman, and Justices Teresita Leonardo-De Castro and Ricardo M. Ilarde, now retired, as members.

On September 13, 2001, after the termination of a series of pre-trial conference between the parties, the Sandiganbayan furnished them and their counsel with a copy of the Pre-trial Order for their signatures. The defense panel composed of Atty. Rene A.V. Saguisag (lead counsel), Justice Serafin R. Cuevas, Attys. Jose B. Flaminiano, Felix D. Carao, Jr., Cleofe V. Verzola, and Delia H. Hermoso, refused to sign it on the grounds that: 1) there is no provision in the Revised Rules of Criminal Procedure requiring them to sign a Pre-trial Order;[9] 2) they were not given ample time to read it;[10] and 3) it incorporates a statement that they admitted the existence of certain exhibits although there was no such admission.[11]

In the course of an argument between Sandiganbayan Justice De Castro and Justice Cuevas, Atty. Saguisag intervened. In the process, he argued simultaneously with Justice Cuevas.[12] Despite Justice De Castro's request to wait for his turn, Atty. Saguisag persisted, prompting her to bang the gavel twice and order him to stop arguing.[13] This led Justice Badoy to order four Sheriffs to take Atty. Saguisag out of the courtroom.[14]

Thereafter, Justice De Castro ruled in open court that the assailed portion of the Pre-trial Order could be deleted.[15] The prosecution manifested its acquiescence. However, Atty. Flaminiano objected, insisting that the defense needs more time to study the Pre-trial Order.[16] Notwithstanding the objection, Justice Badoy terminated the pre-trial and set the trial proper on October 1, 3 and 4, 2001 and thereafter, every Monday, Wednesday and Thursday of the week, all at 1:00 o'clock in the afternoon.[17]

On October 1, 2001, the defense lawyers did not appear. Determined to proceed with the trial, Justice Badoy appointed Atty. Sabino Acut, Jr. and Atty. Martin Pison, counsel for accused Atty. Serapio, to represent the Estradas. Former President Estrada objected, insisting that he has the right to choose his counsel. Atty. Acut and Atty. Pison declined because of a possible conflict between their client's interest and that of the Estradas. As a last recourse, Justice Badoy appointed lawyers from the Public Attorneys Office (PAO) as counsel de officio for the Estradas.[18]

Feeling aggrieved, former President Estrada, "Jinggoy" Estrada and all their counsel of record in Criminal Case No. 26558 filed the instant administrative complaint charging Justices Badoy and De Castro with:

- 1) dishonesty and misrepresentation for incorporating in the Pre-trial Order a statement that "the defense admitted Plaintiff's Exhibit A up to Exhibit C-45 and its submarkings as to its existence" notwithstanding the fact that they did not admit the same;[19]
- 2) oppression and gross misconduct for "throwing" Atty. Saguisag out of the courtroom;[20]
- 3) violation of Supreme Court rules, directives and circulars for setting the hearing of the plunder case three times a week, at one o'clock in the afternoon, without prior consultation with the defense counsel;[21]
- 4) denial of the accused's right to counsel for appointing PAO lawyers as counsel de officio of the Estradas during the hearing of October 1, 2001;[22] and
- 5) penchant for late rulings[23] as shown in the following instances:
  - The release of the Resolution denying complainant Jinggoy Estrada's Motion to Quash (filed as early as April 2001) after office hours and on the eve of the July 10, 2001 arraignment.
  - The release of the Resolution denying complainant Estradas' Petition to Recuse on the scheduled date of the pre-trial or on September 3, 2001.
  - Respondents' failure to resolve complainants' Motion to Cancel the October 1, 2001 hearing filed as early as

September 19, 2001.

- The release of the Resolution denying complainant Jinggoy Estrada's Motion to be Allowed to Administer the Oath of Office to Senator Luisa "Loi" Estrada, on June 29, 2001, past beyond the scheduled hour of oath-taking, thus, prompting Justice Ricardo M. Ilarde (Ret.) to write the following annotations on the Resolution: "What is there to deny? This resolution was brought to us only at 4:45 p.m. The matter has been rendered moot and academic."

Respondents filed their separate comments.

Justice De Castro explains as follows:

First, in issuing the Pre-trial Order, the court merely relied on the parties' Joint Stipulations of Facts and on the notes of the five (5) stenographers recording the pre-trial conferences held before the Division Clerk of Court. Nonetheless, when complainants called the court's attention regarding the assailed statement in the Pre-trial Order, she ordered its deletion.[24] Second, it was Atty. Saguisag's contumacious conduct of "loudly speaking simultaneously with Atty. Cuevas" that prompted respondent Justices to order him to leave the courtroom.[25] Third, they consulted the complainants before they set the hearing of the plunder case three times a week, resulting in the revision of the trial settings embodied in the court's Order dated September 14, 2001.[26] Fourth, the appointment of three (3) PAO lawyers was intended to provide the accused with adequate legal assistance during the hearing. And fifth, they resolved the accused's three motions to quash only on July 9, 2001 because the parties' last pleading was filed only on July 5, 2001.[27]

For his part, Justice Badoy maintains that the Pre-trial Order has not prejudiced the accused since they were not obliged to sign it and that they are free to object to the presentation of any evidence during trial.[28] He ordered Atty. Saguisag to leave the courtroom because he ignored Justice De Castro's repeated order to stop arguing.[29] On the setting of the hearing of the plunder case three times a week, he stressed that the court was merely complying with the Speedy Trial Act.[30] And lastly, on the alleged late rulings, he explains:

"Regarding the release of the Resolution of the undersigned on the Motion for Recusation of the Estradas on the recusation issue. At the time, the undersigned had no intention of releasing it yet in order to fine-tune the same further. However, he was informed just before going out for the hearing that the Estradas were going to use the pendency of their Motion for Recusation as a reason, again, to ask for the postponement of the setting for that day, one of their several motions for postponement.

As regards the delay in the Resolution of the undersigned on the permission to have Mayor Jose "Jinggoy" Estrada go to San Juan City to administer the oath to both his mother as Senator and his brother as the new Mayor of San Juan City, the reason was because the undersigned was looking hard for a justification to grant the request since the undersigned sympathized with the same. The undersigned went to the extent of requesting a copy of the Rules and Regulations from both the Bureau of Jail Management and Penology (BJMP) as well as the Bureau of Corrections (BOC). Hence, the delay in the Resolution of the ponencia. But, even late, there was still a chance for then Mayor Jose "Jinggoy" Estrada to administer the oaths of office."

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The undersigned stated that, with every Justice having 100% load and 100% staff, with the plunder case (equivalent easily to 500%), the undersigned now had a load of 600% but with his support staff remaining in the same level. That is why he asked for additional staff."[31] (Emphasis supplied)

At the outset, it must be stressed that the retirement[32] of Justice Badoy from the Judiciary does not divest this Court of its jurisdiction over these cases. In *Perez vs. Abiera*,[33] this Court ruled:

"X x x. In other words, the jurisdiction that was Ours at the time of the filing of the administrative complaint

was not lost by the mere fact that the respondent public official had ceased to be in office during the pendency of his case. The Court retains its jurisdiction either to pronounce the respondent official innocent of the charges or declare him guilty thereof. A contrary rule would be fraught with injustices and pregnant with dreadful and dangerous implications. For what remedy would the people have against a judge or any other public official who resorts to wrongful and illegal conduct during his last days in office? What would prevent some corrupt and unscrupulous magistrate from committing abuses and other condemnable acts knowing fully well that he would soon be beyond the pale of the law and immune to all administrative penalties? If only for reasons of public policy, this Court must assert and maintain its jurisdiction over members of the judiciary and other officials under its supervision and control for acts performed in office which are inimical to the service and prejudicial to the interests of litigants and the general public. If innocent, respondent official merits vindication of his name and integrity as he leaves the government which he served well and faithfully; if guilty, he deserves to receive the corresponding censure and a penalty proper and imposable under the situation.”

We shall resolve A.M. No. 01-12-01-SC first.

An introspective appraisal of the “ambulance incident” yields reasons for this Court to adjudge Justice Badoy guilty of conduct unbecoming a Justice.

Canon 2 of the Code of Judicial Conduct provides that “a judge should avoid impropriety and the appearance of impropriety in all activities.” He should so behave at all times as to promote public confidence in the integrity of the Judiciary.[34] Concomitant with this is the express mandate of the Canons of Judicial Ethics that “justice should not be bounded by the individual idiosyncrasies of those who administer it.” A judge should adopt the usual and expected method of doing justice, and not seek to be spectacular or sensational in the conduct of his court.

Justice Badoy tramples upon the foregoing judicial norms. We see no reason why he should rush to the GMA-7 Broadcast Station just to inform the public about the loss of a Resolution. This is an internal office incident which should not be reported to the whole nation. His claim that the Resolution might have been stolen and sold by someone (using his name) for a fee is a wild conjecture. Not only did his conduct give an image that he could not manage his work effectively, but it also indicated that he had corrupt personnel. Moreover, it dragged innocent parties as possible culprits.

Justice Badoy’s aberrant behavior deserves administrative sanction. As the Chairman of the Division hearing the plunder case against the former President of the Philippines, he should have been more circumspect in his actuation. A short pause for reflection might have yielded a better judgment. The loss of the Resolution, being an internal matter, could have been addressed inside his own chamber. That he brought it to the arena of public opinion is pure vanity. It cannot be countenanced. If lawyers are prohibited from making public statements in the media regarding a pending case to arouse public opinion for or against a party,[35] with more reason should judges be prohibited from seeking publicity. Judges are not actors or politicians who thrive by publicity. Publicity undermines the dignity and impartiality of a judge.[36] Thus, at no time should he be moved by a desire to cater to public opinion to the detriment of the administration of justice.[37]

The fact that Justice Badoy, just three (3) weeks prior to the “ambulance incident,” was strictly ordered by Chief Justice Hilario G. Davide, Jr., “to cease and desist from holding press conferences, issuing press statements, or giving interviews to the media on any matter or incident related to the issues subject of the controversy”[38] all the more punctuates his indiscretion.

As we mentioned earlier, judges are subject to human limitations. Imbedded in their consciousness is the complex of emotions, habits and convictions. Aware of this actuality, it behooves them to regulate these deflecting forces and not to let them loose, either to their own detriment or to that of the courts they serve. This is the high price

they have to pay as occupants of their exalted positions.

We now resolve A.M No. SB-02-10-J.

At this juncture, let it be stressed that the administration of justice is primarily a joint responsibility of the judge and the lawyer. The judge expects a lawyer to properly perform his role in this task in the same manner that the lawyer expects a judge to do his part.[39] Their relation should be based on mutual respect and on a deep appreciation by one of the duties of the other. Only in this manner can each minimize occasions for delinquency and help attain effectively the ends of justice.[40]

The conflict between the herein parties could have been avoided if only they heeded the foregoing clarion call.

## I

Respondents are not guilty of the charges of dishonesty and misrepresentation. Dishonesty connotes a disposition to deceive,[41] while misrepresentation means a statement made to deceive or mislead.[42] Obviously, both imply an “intention” to deceive. Complainants failed to prove that respondents acted with deceit or with malice or bad faith in stating in the Pre-trial Order that the defense admitted the existence of certain exhibits. Other than their bare allegation, no sufficient evidence was adduced to support the charge.[43] That respondents did not intend to deceive complainants is clear from the fact that the Pre-trial Order states verbatim the Joint Stipulations of Facts submitted by both parties. Furthermore, when complainants expressed their objection to the inclusion of the assailed statement, respondents immediately ordered its deletion. The transcript of stenographic notes is revealing, thus:

“AJ BADOY:

The Court would appreciate if you can point out some grammatical errors.

Atty. Flaminiano:

Yes, Your Honor. I am going to do that.

On page 20, the last paragraph states: “The defense admitted exhibit “A” up to exhibit “C-45” and its sub markings as to its existence but not as to the truth of the content.” In the very first place there never was any admission made by the defense as even to the existence of the document. And the sentence also we believe not grammatically appropriate. It should be their sub markings or as to their existence because this involved several documents, Your Honors.

AJ DE CASTRO:

That portion may be deleted.

Atty. Flaminiano:

Well, I’m not sure about it. Your Honor. I only pointed that there is a need for us to go over page by page because we got a copy only after there was an incident –

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OMB Desierto:

We can have this deleted.

Atty. Flaminiano:

But there are several others.

AJ DE CASTRO:

What are those?

OMB Desierto:

After one (1) hour they should be able to determine that. After all Your Honor, I would like to emphasize the fact that the Joint Stipulation of Facts were signed—stipulations which we had a week ago were signed by the parties, by the counsels for the accused. And now, the things that are reflected here, are found in this Pre-trial Order. If there is any delineation from what stipulated then and were signed by the counsels for the defense and also the prosecution, then we can correct that, but it cannot be possible major changes will have to be made in the Pre-trial Order since this is only copied anyway from the Joint Stipulation of Facts. If there are such thing as that particular sentence which should be objectionable to the defense, the prosecution is ready to agree to its deletion.

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AJ DE CASTRO:

You know what we did here is simply copy verbatim every document that we found on record pertaining to the Pre-trial conference. We did not add. We did not subtract. So, anything that you will state now will simply be corrections of some clerical errors, that is all. Giving you enough time to go over.”[44] (Emphasis supplied)

On complainants’ refusal to sign the Pre-trial Order, Section 2, Rule 118 of the Revised Rules of Criminal Procedure provides that “All agreements or admissions made or entered during the pre-trial conference shall be reduced in writing and signed by the accused and counsel, otherwise, they cannot be used against the accused.” Considering that the Pre-trial Order contains the recital of the actions taken by the parties, agreements and admissions, the facts stipulated, and the evidence marked,[45] the parties must sign it. A party who participates in the pre-trial conference and who signs the Joint Stipulation of Facts is expected to sign the Pre-trial Order. If a party believes that the Pre-trial Order is not an honest representation of what transpired in the pre-trial conference, then he must specify his objections thereto and the court may modify it to prevent injustice. This was what respondents exactly did when complainants pointed out the assailed statement in the Pre-trial Order.

## II

We now come to complainants’ allegation of oppression and gross misconduct. Oppression is a “misdemeanor committed by a public officer, who under color of his office, wrongfully inflict upon any person any bodily harm, imprisonment or other injury.” It is an “act of cruelty, severity, or excessive use of authority.”[46] Upon the other hand, the word “misconduct” implies wrongful intention. For gross misconduct to exist, the judicial act complained of should be corrupt or inspired by an intention to violate the law or a persistent disregard of well-known legal rules.[47] We find no evidence to prove complainants’ charges of oppression and misconduct.

Records show that Atty. Saguisag was asking the court for a copy of the Pre-trial Order so that he could follow up the court’s discussion. He did not utter any disrespectful remark against respondents nor attack their integrity or authority. However, he kept on speaking simultaneously with Justice Cuevas and refused to yield to the court’s repeated order to stop. Such actuation must have constrained respondents to lose their cool and order the sheriffs to take him out of the courtroom. At that point, what respondents should have done was to cite him in direct contempt of court pursuant to Rule 71 of the 1997 Rules of Civil Procedure, as amended.[48] In *Romero vs. Valle, Jr.*,[49] this Court ruled:

“Precisely, judicial officers are given contempt powers in order that without being arbitrary, unreasonable or unjust, they may endeavor to hold counsel to a proper appreciation of their duties to the court. Respondent

judge could very well have cited complainant in contempt of court instead of indulging in tantrums by banging his gavel in a very forceful manner and unceremoniously walking out of the courtroom.”

It has been consistently stressed that the role of a judge in relation to those who appear before his court must be one of temperance, patience and courtesy. In this regard, Rule 3.04 of the Code of Judicial Conduct states: “A judge should be patient, attentive and courteous to all 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.”

In *Echano vs. Sunga*,<sup>[50]</sup> respondent judge, during the course of an argument in his sala, lost his cool and called the sheriff to take away the arguing attorney. And when the attorney kept on talking, respondent judge countered, “Submitted, Buntalin kita dian.” This Court admonished him to be more prudent and restrained in his behavior.

For his part, pursuant to Canon 11 of the Code of Professional Responsibility, Atty. Saguisag should have observed the respect due to respondent magistrates for the maintenance of the court’s supreme importance. Upon being ordered to stop arguing simultaneously with Justice Cuevas, he should have complied and behaved accordingly. Had he done so, he would not have been ordered to leave the courtroom. Indeed, he failed to comport himself in a manner required of an officer of the court.

### III

The setting of the hearing of the plunder case three times a week is in order, not only because the case is of national concern, but more importantly, because the accused are presently detained.<sup>[51]</sup> Contrary to complainants’ assertions, the continuous trial is in accordance with the mandate of the law. This Court, in Administrative Circular No. 3-90 dated January 31, 1990, ordered all trial courts to adopt the mandatory continuous trial system in accordance with Administrative Circular No. 4 dated September 22, 1988 and Circular No. 1-89 dated January 19, 1989. It was adopted precisely to minimize delay in the processing of cases. This delay was attributed to the common practice of piecemeal trial wherein cases are set for trial one day at a time and thereafter the hearing is postponed to another date or dates until all the parties have finished their presentation of evidence.<sup>[52]</sup> Section 2 of Rule 119 of the Revised Rules on Criminal Procedure provides:

“SEC. 2 Continuous trial until terminated; postponements. – Trial once commenced shall continue from day to day as far as practicable until terminated. It may be postponed for a reasonable period of time for good cause.

The court shall, after consultations with the prosecutor and defense counsel, set the case for continuous trial on weekly or other short-term trial calendar at the earliest possible time so as to ensure speedy trial. In no case shall the entire period exceed one hundred eighty (180) days from the first day of trial, except as otherwise authorized by the Supreme Court.” (Emphasis supplied)

Corolarilly, the “consultations” referred to in the foregoing provisions does not necessarily mean that the court has to secure first from the prosecution and defense their approval before it can set the date of hearing. To rule otherwise is to subject our trial system to the control of the parties and their counsel.

Complainants also assail respondents’ act of setting the hearing at one o’clock in the afternoon. Again, there is nothing irregular in it. The schedule of hearing is regarded as a matter necessarily at the discretion of the trial judge. As a matter of fact, a court may even hold night sessions, and a court of review will not interfere unless it clearly appears that there has been an abuse of the power of the judge and that injustice has been done.<sup>[53]</sup> This is because the good of the service demands more toil and less idleness, and the limitations imposed by law are aimed to cut indolence and not the other way around.<sup>[54]</sup>

#### IV

Our minds cannot sit easy with regard to the charge of violation of the accuseds' right to counsel. A PAO lawyer is considered as independent counsel within the contemplation of the Constitution considering that he is not a special counsel, public or private prosecutor, counsel of the police, or a municipal attorney whose interest is admittedly adverse to that of the accused. In *People vs. Bacor*,<sup>[55]</sup> we ruled that the assistance of a PAO lawyer satisfies the constitutional requirement of a competent and independent counsel for the accused.

#### V

Finally, we find that Justice Badoy incurred delay in resolving Jinggoy Estrada's motion to be allowed to administer the oath of his mother, a newly elected Senator. Every judge is required, at all times, to be alert in his rulings and in the conduct of the business of the court, so far as he can make it useful to litigants and to the community. Rule 3.05, Canon 3 of the Code of Judicial Conduct provides that "A judge shall dispose of the court's business promptly and decide cases within the required periods." A judge must cultivate a capacity for quick decision and habits of indecision must be sedulously overcome.

While we commend Justice Badoy's persistence in searching for precedents that would help him resolve Jinggoy Estrada's motion to be allowed to administer the oath of office of his mother, nonetheless, he should not have delayed resolving the same. As a result, the members of his Division failed to vote on his Resolution. He knew very well that the oath taking was to be held at 2:00 P.M. of June 29, 2001. Even if he had to deny the motion, he should have consulted his members before 2:00 P.M. so as to give them the opportunity to consider Jinggoy Estrada's arguments. When he submitted the Resolution to his members at 4:45 P.M., he rendered their votes inconsequential. Even Justices De Castro and Ilarde made notes in the same Resolution to the effect that the matter subject of the Resolution had become moot before it reached them. Justice De Castro stated: "The matter is now moot and academic;" while Justice Ilarde wrote: "What is there to deny? This resolution was brought to us only on 4:45 P.M. The matter has been rendered moot and academic." Clearly, Justice Badoy should be held liable for such delay.

In sum, we find Justice Badoy guilty of the following administrative offenses:

- 1) conduct unbecoming a Justice for going to GMA-7 Broadcast Station aboard an ambulance and reporting the loss of a Resolution, classified as a light charge under Section 10 of Rule 140 of the Revised Rules of Court, as amended;<sup>[56]</sup> and
- 2) undue delay in resolving Jinggoy Estrada's motion to be allowed to administer his mother's oath of office, a less serious charge under Section 9 of the same Rule.<sup>[57]</sup>

Likewise, we find that both Justice Badoy and Justice De Castro failed to exhibit judicial temperament. Such conduct deserves admonition.

One last word. The members of the bench and the bar ought to be reminded that the people expect from them a sense of shared responsibility in the administration of justice – a crucial factor in the speedy and fair disposition of cases. Each of them must do his share for in the last analysis the quality of justice meted out by the courts cannot be higher than the quality of the lawyers practicing in the courts and of the judges who have been selected from among them.

WHEREFORE, respondent Justice Anacleto D. Badoy, Jr. (Retired), is hereby FINED in the sum of P13,000.00 for conduct unbecoming a Justice and for delay in issuing an Order, to be deducted from his retirement benefits.

Justice Teresita Leonardo-De Castro is hereby ADMONISHED to be more tolerant of counsel's demeanor which do not detract from the dignity and solemnity of the court proceedings.

Let a copy of this Decision be attached to respondents' records with this Court.

**SO ORDERED.**

Davide, Jr., C.J., Bellosillo, Puno, Vitug, Mendoza, Panganiban, Quisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Corona, Carpio Morales, Callejo, Sr., and Azcuna, JJ., concur.

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[1] Royeca vs. Animas, 88 SCRA 180 (1979).

[2] "What is happening to Badoy," Today, November 30, 2001.

[3] Manila Bulletin, December 1, 2001.

[4] Malaya, November 30, 2001.

[5] Philippine Daily Inquirer, November 30, 2001.

"WHAT's with Sandiganbayan Justice Anacleto Badoy?

The controversial Sandiganbayan Justice handling the Estrada plunder case surprised court employees and mediamen by showing up at the GMA-7 TV Station late afternoon yesterday – seeking a meeting with news anchor Mike Enriquez.

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Badoy arrived at the GMA complex, oddly, in an ambulance – so he could travel 'lying down.'"

[6] Philippine Daily Inquirer, December 1, 2001.

"THE SUPREME COURT should look into the 'unorthodox behavior' of Sandiganbayan Justice Anacleto Badoy which 'casts the Judiciary in a bad light' and could damage the institution, lawyer Rene Saguisag said yesterday.

Saguisag, a member of the team defending jailed ex-president Joseph Estrada from plunder charges which Badoy is trying, said the Supreme Court should have a rule of behavior like Badoy's 'who's drawing attention to himself but keeps shooting himself in the foot.'"

[7] Resolution dated December 4, 2001.

[8] Dated December 11, 2001.

[9] TSN, September 13, 2001, at 7-13.

[10] Id., at 17-19.

[11] Id., at 37-42.

[12] Id., at 22.

[13] Id.

[14] Id., at 23.

- [15] Id., at 38.
- [16] Id., at 42-45.
- [17] Id., at 55.
- [18] Id., at 66.
- [19] Complaint, at 2-6.
- [20] Id., at 10-17.
- [21] Id., at 17-21.
- [22] Id., at 21-25.
- [23] Id., at 22-25.
- [24] Comment of Justice De Castro, at 3-6.
- [25] Id., at 6-9.
- [26] Id., at 9-13.
- [27] Id., at 14.
- [28] Comment of Justice Badoy, at 1.
- [29] Id., at 2.
- [30] Id.
- [31] Id., at 4.
- [32] Justice Badoy retired on October 19, 2002.

**[33] 64 SCRA 302 (1975).**

- [34] Rule 2.01 of the Code of Judicial Conduct.
- [35] Rule 13.02 of the Code of Professional Responsibility.
- A judge should not seek publicity for personal vainglory. (Rule 2.02, Canon 2 of Code of Judicial Conduct ).
- [36] Pineda, Legal and Judicial Ethics, 1995 Edition, at 342.
- [37] Go vs. Court of Appeals, Concurring Opinion of Justice Isagani Cruz, 206 SCRA 165 (1992).
- [38] “SC: Shut up, both of you,” Standard, November 7, 2001; “Davide steps into Sandiganbayan row,” Malaya, November 7, 2000; “Squabble at the Sandiganbayan” Philippine Star, November 7, 2001.
- [39] Lague vs. Kayanan, 29 SCRA 165 (1969); Romero vs. Valle, 147 SCRA 197 (1987).
- [40] Agpalo, Judicial Ethics, 6[th] Edition, 1997, at 436.
- [41] Black’s Law Dictionary, at 468.
- [42] Id., at 1001.
- [43] Tabao vs. Butalid, 262 SCRA 559 (1996).

[44] TSN, September 13, 2001, at 37-41.

[45] Section 4, Rule 118 of the Revised Rules of Criminal Procedure.

[46] Black's Law Dictionary, at 1093.

[47] Secretary of Justice vs. Bullecer, 56 SCRA 24 (1974).

[48] SECTION 1. Direct contempt punished summarily. – A person guilty of misbehavior in the presence or so near a court as to obstruct or interrupt the proceedings before the same, including disrespect toward the court, offensive personalities towards others, or refusal to be sworn or to answer as a witness, or to subscribed an affidavit or deposition when lawfully required to do so, may be summarily adjudged in contempt by such court and punished by a fine not exceeding two thousand pesos or imprisonment exceeding ten (10) days, if it be a Regional Trial Court or a court of equivalent or higher rank, or by a fine not exceeding two hundred pesos or imprisonment not exceeding one (1) day, or both, if it be a lower court.

[49] Supra.

**[50] 102 SCRA 738 (1981).**

[51] Circular No. 56-92: Speedy disposition of criminal cases with detention prisoners and with (WPSB) witness protection security and benefit.

[52] Matias vs. Plan, 293 SCRA 532 (1998).

[53] Apostol, supra, at 86.

[54] Cortes vs. Co Bun Kim, 90 Phil. 167 (1951).

[55] G.R. No. 122895, April 30, 1999.

[56] Punishable by 1) a fine of not less than P1,000.00 but not exceeding P10,000.00 and/or; 2) censure; 3) reprimand; and 4) admonition with warning. (Section 11 (C) of Rule 140, as amended).

[57] Punishable by 1) suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or 2) a fine of more than P10,000.00 but not exceeding P20,000.00. (Section 11 (B) of Rule 140, as amended).

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