

ZENECIO BARRIOS, COMPLAINANT, VS. MUNICIPAL JUDGE LEONIDES J. LLAMAS OF MAGSAYSAY, OCCIDENTAL MINDORO, RESPONDENT.

A.M. No. 1149-MJ. June 30, 1980

Ponente: AQUINO, J.

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AQUINO, J.:

Zenecio Barrios in his verified complaint dated November 2, 1975 charged respondent judge with gross ignorance of the law and notoriously disgraceful and immoral conduct.

1. Ignorance of the law. - According to respondent judge's version, his wife, who was employed in Iloilo City, visited him in February, 1973 in Magsaysay, Occidental Mindoro where he was stationed as a municipal judge (he is now circuit municipal judge of Abra de Ilog-Paluan of the same province).

While in the public market, respondent's wife was informed by Engracia Olivares and Erlinda Tan that the judge was having amorous relations with Evelyn Pilar, a casual employee in the office of the election registrar.

That information infuriated Mrs. Llamas. She rushed to the office of Evelyn Pilar in the municipal building and had an altercation with her in the presence of many persons.

For several days, Mrs. Llamas did not speak to the respondent and, as he confessed, he could not concentrate on the task of writing the decision in Civil Case No. 6, Felipe de los Reyes versus Estanislao Reyes, Sr., an ejectment case. He decided the case on February 14, 1973.

That circumstance gave the respondent the idea that he should treat the misconduct of Mrs. Olivares and Mrs. Tan as a contempt incident in the ejectment case although the two were not parties in that case. The respondent theorized that the rumormongering tended to obstruct and degrade the administration of justice in the ejectment case.

So, he issued an order dated February 13, 1973 in the ejectment case requiring the talebearers, Mrs. Olivares and Mrs. Tan, to explain within seventy-two hours from notice why they should not be held in contempt of court "for spreading wild and ugly rumors touching on the official and personal integrity" of the court.

As respondent explained, the order was designed to enable him to have a confrontation with the gossipers. The two appeared in court, answered the charge and promised not to smear the judge's good name.

However, when they persisted in spreading the same calumny, the judge issued on March 13, 1973 another order not in the ejectment case but from the "Office of the Municipal Judge".

In that order, he "cited for contempt" the two gossipers, meaning he found them guilty of contempt of court and directed Mrs. Olivares to pay a fine of ten pesos and Mrs. Tan to pay a fine of twenty pesos within twelve hours from notice and, if they failed to do so, they would "be put behind bars for twenty-four hours".

Afraid of being incarcerated in the calaboose, the two rumormongers paid the fines immediately. Mrs. Olivares, who is a comadre of the respondent, executed in connection with this administrative case an affidavit wherein she stated that she had nothing to do with the filing thereof.

We hold that the respondent erred in holding Mrs. Olivares and Mrs. Tan in contempt of court. They were defamers, not contemnors. The fact that they slandered the judge did not mean that they committed contempt of court. A criminal action for defamation could have been brought against them but not a contempt proceeding. Much less could they have been held in contempt of court in the ejectment case to which they were strangers.

Contempt, which used to be a provisional remedy (Rule 64 of the 1940 Rules of Court), is a special civil action in the present Rules of Court.

Of course, a court has the inherent power to punish contempt but the fact that a judge, as distinguished from the court to which he is assigned, is exposed to public ridicule, discredit or dishonor by reason of his private conduct does not mean that the libeler has committed contempt of court.

In its broad sense, contempt constitutes "a disobedience to the court by acting in opposition to its authority, justice and dignity". "In its restricted and more usual sense, contempt comprehends a despising of the authority, justice, or dignity of a court." (17 C.J.S. 5.)

For having mistakenly used his office in an oppressive and vindictive manner against the two rumormongers, a fine equivalent to his salary for one month is imposed on the respondent and, furthermore, he deserves a severe censure.

2. Immoral conduct. - Complainant Barrios who, according to the respondent, was a disgruntled litigant in his court, also charged the judge with having maintained amorous relations with his clerk-stenographer, Evelyn Magallanes (not to be confounded with Evelyn Pilar), even using the courtroom as a motel.

The respondent denied the charge. He explained that Miss Magallanes is the younger sister of his friend, Edgardo Magallanes, and that he could not possibly have used his sala, a very public place, as the venue for having an illicit relation-ship with her.

The respondent further explained that it was not probable that he would commit immorality because he is an ex-seminarian, a devout Catholic and a member of the cursillo movement and the Knights of Columbus.

We find respondent's detailed answer to the immorality charge to be satisfactory and adequate for his exoneration.

WHEREFORE, in connection with the first charge, the fine already mentioned is imposed on the respondent and, in addition, he is severely reprimanded. He is warned that a more drastic penalty will be imposed on him if he commits another irregularity. A copy of this decision should be attached to his personal record.

SO ORDERED.

Barredo, (Chairman), Concepcion, Jr., Abad Santos, and De Castro,[*] JJ., concur.

[*] De Castro, J., was designated to sit in the Second Division.

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