

FELIX LEYNES, COMPLAINANT, VS. MUNICIPAL JUDGE PEDRO D. VELOSO OF GENERAL NAKAR, QUEZON, RESPONDENT.*A.M. No. 689-MJ. April 13, 1978*

Ponente: AQUINO, J.

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For having illicit relations with a concubine under scandalous circumstances in a house located at the poblacion of General Nakar, Quezon, Pedro D. Veloso, the municipal judge of that town, was charged by Atty. Benjamin H. Virrey with immorality in public office (Complaint dated October 23, 1974, p. 10, Rollo of Administrative Matter No. 809-MJ).

Judge Veloso, who is now sixty-eight years old and who was admitted to the bar in 1938, started his judicial career in 1946 as a justice of the peace of Infanta, Quezon. Since 1950, he has been functioning as the incumbent judge of General Nakar.

The respondent contracted marriage with Ligaya Veluz at the parish church of Infanta on October 24, 1955. Curiously enough, that was the date (one day after his 46th birthday) when he suffered serious injuries in a vehicular accident at Infanta and when he was brought by plane to Manila and admitted to the V. Luna General Hospital at six-thirty in the evening.

Apparently, Judge Veloso married Ligaya Veluz when he had already begotten three children. (In his personal reference sheet of September 10, 1947, he indicated that he was married with two children named Linda and Nonong but he did not mention his wife's name. In his information sheet for GSIS insurance dated November 9, 1960 he named his children as Ulpiano, Evangelina and Asuncion, twelve, ten and six years old, respectively. Again, he did not state his wife's name. See pages 7 and 58 of his personal record).

The respondent admits that the thirty-seven-year old Gloria Tropicales (his alleged housemaid) is his mistress. Out of their union, two children, named Juana and Paulo, were born in 1970 and 1972 when the respondent was already a sexagenarian.[*]

Respondent Judge, invoking "the interest of justice" and article 344 of the Revised Penal Code, prays for the dismissal of the immorality charge on the ground that his wife, Rosario V. Veluz (she is named Ligaya in the marriage certificate), condoned his acts of concubinage, as shown in her affidavit of November 21, 1974. In that affidavit, she unabashedly stated that, because her husband's thighbone was broken in a vehicular accident in 1955, she chose Gloria Tropicales to serve her husband, like a real wife ("upang paglingkuran ang aking asawa na ang gagawin niyang paglilingkod ay parang tunay na asawa"). She gave the assurance that she would not persecute their offspring.

The respondent also presented to the Investigating Judge the affidavit dated March 5, 1976 of complainant Virrey wherein the latter withdrew his complaint for immorality (on the condition that he would not incur any liability) because he was convinced that Mrs. Veloso hired her husband's mistress to take care of him (Exh. A).

Respondent's counsel in his memorandum in lieu of the oral argument scheduled before the Court en banc on December 9, 1976 made the preposterous contention that the respondent should be exonerated because there was no evidence presented against him since the complainant did not appear at the hearing.

Respondent and his counsel should know that since he had admitted the commission of concubinage, that charge is conclusively established and it does not have to be proven anymore. His admission is a confession (Sec. 2, Rule 129 and secs. 22 and 29, Rule 130, Rules of Court).

We hold that Judge Veloso should be dismissed by reason of his immoral conduct. His moral delinquency renders him unfit for the office of municipal judge and warrants his removal from office (Sec. 97, Judiciary Law).

A lawyer, of course, should have good moral character. He may be disbarred for grossly immoral conduct or when he is convicted of a crime involving moral turpitude such as concubinage (Secs. 2 and 27, Rule 138, Rules of Court; *In re Isada*, 60 Phil. 915).

If good moral character is required of a lawyer, with more reason that requirement should be exacted of a member of the judiciary who at all times is expected to observe irreproachable behavior and is bound not to outrage public decency (Canon 3 of Judicial Ethics, Administrative Order No. 162 of the Secretary of Justice, August 1, 1946, 42 O.G. 1803).

Judge Veloso, in relying on his wife's condonation of his immorality, erroneously confounded or equated the extinction of his criminal liability with his moral fitness to occupy the position of town magistrate. While the moral stigma connected with concubinage may be tolerated in a private person by those who are not fastidious, it is intolerable when the concubinage is committed by a judge and even if the spouse of the judge allegedly condones the offense. (See marital disqualification rule in section 20, Rule 130, Rules of Court; *Ordoño vs. Daquigan*, L-39012, January 31, 1975, 62 SCRA 270, 272-3).

A judge suffers from moral obtuseness or has a weird notion of morality in public office when he labors under the delusion that he can be a judge and at the same time have a mistress in defiance of the mores and sense of morality of the community. The absence of criminal liability does not preclude disciplinary action by reason of his highly unconventional and censurable behavior.

Nor does the withdrawal by complainant Virrey of his charge render the administrative case moot. This Court may *motu proprio* investigate a judge for his continuing, grossly immoral conduct.

Felix Leynes, who complained against Judge Veloso for acquitting Ricardo Pujeda and Esperidion Pujeda of the charge of having assaulted his son, Juancho Leynes (Criminal Case No. 872), adopted the charge of immorality withdrawn by Virrey.

According to Leynes' counsel, the respondent lives with his concubine in a house just across the municipal hall and plaza. Leynes posed a rhetorical question: how can the inhabitants of a town have confidence in the administration of justice by an immoral judge who himself violates the law? (p. 326, Rollo of Administrative Matter No. 689-MJ).

In view of the result arrived at in this case, it becomes unnecessary to make any adjudication on the charge of Leynes that Judge Veloso was guilty of partiality in the disposition of Criminal Case No. 872 and the other charges of Virrey imputing to the respondent malicious delay in the administration of justice, misconduct in office, neglect of duty and failure to hear, try and decide Election Case No. 8.

WHEREFORE, respondent Veloso is removed from the office of municipal judge. His application for disability retirement is disapproved.

SO ORDERED.

Castro, C.J., Fernando, Barredo, Makasiar, Antonio, Muñoz Palma, Concepcion, Jr., Santos, Fernandez, and Guerrero, JJ., concur.

Teehankee, J., no part.

[*] The imputation of immorality was first aired against Judge Veloso when one F. Marquez, in a confidential letter to the President of the Philippines dated October 20, 1972, denounced the judge as "immoral" for having "raped and impregnated his maid". Another complainant, Miguela Astueva, in a handwritten letter dated January 11, 1973 to the Secretary of National Defense, accused Judge Veloso of (1) immorality for having two wives, (2) bribery and (3) partiality in deciding cases (pp. 83, 85, 97, 99, 101, Personal Record).

The same charge was repeated by Carmelita Nollo do of Barrio Pinaglapatan, Infanta, in a letter to the President of the Philippines dated July 26, 1975. In that letter, she inquired whether it was a "legal act or conduct" for a public official, like Judge Veloso, to have two wives, considering that a public official in that situation "is liable to commit graft and corruption in order to support his family" (p. 163, Personal Record).

Judge Manolo Maddela on April 11, 1975 dispatched a telegram to the Chief Justice "strongly recommending acceptance of (the) resignation of Municipal Judge Pedro Veloso of General Nakar, Quezon for incompetency" (p. 156, Personal Record).

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