

IGMEDIO T. LI, COMPLAINANT, VS. JOSE H. MIJARES, MUNICIPAL JUDGE, RESPONDENT.

A.M. No. 72-MJ. July 22, 1975

Ponente: CONCEPCION, JR., J.

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CONCEPCION, JR., J.:

The present administrative case arose from the allegation of Igmedio T. Li made in the course of his testimony before Hon. Natalio P. Amarga, Judge of the Court of First Instance of Northern Samar, as a witness in Criminal Case No. C-63 entitled People of the Philippines versus Porferio de la Torre and Mauricio Surio for frustrated murder, to the effect that respondent Municipal Judge Jose Mijares of San Roque, Northern Samar, demanded P80.00 from him but succeeded in getting only the amount of P40.00, allegedly as commissioner's fee in connection with the ocular inspection of a parcel of land involved in a civil case.

Because of this derogatory statement, Judge Amarga in a letter dated April 21, 1971 gave respondent "72 hours to explain why he should not be dealt with accordingly." [1]

Respondent Judge, in his letter of explanation [2] and in the formal hearing of the administrative case before Judge Natalio P. Amarga, [3] admitted that he received from complainant the sum of P40.00 as the latter's share in the commissioner's fee of the Chief of Police whom respondent had appointed as commissioner to conduct an ocular inspection of the land involved in a forcible entry case.

The records show that in Civil Case No. 58 of the Municipal Court of San Roque, Province of Northern Samar, entitled "Igmedio Li, plaintiff versus Porferio de la Torre, defendant," for forcible entry, both parties agreed that an ocular inspection of the property in question be conducted before trial of the case on the merits. They also agreed that the Chief of Police of San Roque be appointed as commissioner to conduct the ocular inspection as indeed he was so appointed by respondent. [4]

The Chief of Police did conduct an ocular inspection in connection with which he submitted his report. [5]

Respondent's defense that the amount of P40.00 which he received from complainant was the latter's share in the commissioner's fee of P80.00 is borne out not only by the records but also by the testimony of the Chief of Police given before Judge Amarga wherein the former admitted receipt of the P40.00 as part of the commissioner's fee and which amount he used "for his subsistence for conducting the ocular inspection and for his return trip to the town of San Roque." [6]

However, the facts remain that the respondent Judge demanded from the complainant the sum of P40.00 which he received in open court and before the outcome of the case; and that he failed to issue a receipt for the amount he received. These acts of the respondent are in violation of Section 13, Rule 33 of the Rules of Court, the meaning of which was made explicit by this Tribunal in the case of Paredes vs. Bayona, G.R. No. L-10004, October 18, 1956, as well as of Section 15, Rule 141 of the Rules of Court which requires the issuance of a receipt for such payment. The respondent Judge therefore acted improperly and unlawfully in the performance of his duties.

Complainant indeed had reason to air his grievances.

Judges should be not only men of highest integrity but they should also at all times conduct themselves in such a manner as to be above suspicion. This respondent failed to do.

WHEREFORE, the respondent Judge Jose Mijares of San Roque, Northern Samar, is hereby reprimanded and admonished to be more careful and discreet in the performance of his duties.

SO ORDERED.

Fernando, (Chairman), Barredo, Antonio, and Aquino, JJ., concur.

[1] Rollo, p. 27.

[2] Id., pp. 25-26.

[3] Id., pp. 20-21.

[4] Id., p. 31.

[5] Id., p. 32.

[6] Id., p. 4.

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