

**LORETO T. YU, COMPLAINANT, VS. JUDGE MATEO M. LEANDA (RET.)
REGIONAL TRIAL COURT, BRANCH 8 TACLOBAN CITY,
RESPONDENT.**

A.M. No. RTJ-99-1463 (Formerly OCA IPI 97-456-RTJ). January 16, 2001

Ponente: DE LEON, JR., J.

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DE LEON, JR., J.:

Complainant Loreto T. Yu, Municipal Mayor of Alanglang, Leyte charged[1] respondent Mateo M. Leanda, Presiding Judge of the Regional Trial Court (RTC, for brevity) of Tacloban City, Branch 8 with: (a) making special arrangement with the protestant in an election case pending before the respondent's court and (b) discourtesy during a hearing on April 7, 1997. On June 10, 1998, or during the pendency of this administrative case, respondent retired after more than nineteen (19) years of public service.

The complaint stemmed from the actions of respondent relative to Election Case No. 95-05-58 entitled "Ricardo Salazar v. Loreto T. Yu." Complainant alleged that sometime in the first week of January 1997, respondent instructed Ramon Cortel, a court stenographer in the RTC, Branch 8, Tacloban City, which was then presided over by respondent, to go on leave on the first two weeks of March 1997 in order to assist him in drafting the decision in Election Case No. 95-05-58. Respondent allegedly told Cortel that Ricardo Salazar, the protestant in the election case involving the mayoralty post of Alangalang, Leyte, would pay him P200.00 per day for his services.

Since Cortel did not want to use his leave credits as he was contemplating of optional retirement, he wrote a letter dated January 10, 1997 to Judge Leodegario Alimangohan (retired), respondent's predecessor, asking for advice on his quandary.[2] Judge Alimangohan advised Cortel to remain in the office and be more patient. Nevertheless, respondent's instruction was not followed.

In the second week of February 1997, respondent allegedly told Cortel that he (respondent) would draft the decision in the said election case in the evening, instead of daytime, and that Salazar would pay Cortel P100.00 per hour for his services. It was in the evening of February 17, 19, 20, 24 and 27, 1997 and March 3 and 6, 1997 and early morning of February 26, 1997 that Cortel allegedly rendered secretarial services to respondent in the drafting of the decision. Each session lasted for at least three hours. For Cortel's services, respondent gave him P800.00 but allegedly told him to collect the balance from Salazar.

On March 10, 1997, complainant Yu, the protestee in the said election case, filed a petition[3] for the inhibition of respondent principally on the basis of Cortel's letter dated January 10, 1997. However, respondent denied the petition. Complainant sought reconsideration of the denial order, which was set for hearing on April 7, 1997, at 8:30 a.m.

On April 7, 1997, Judge Alimangohan appeared before respondent's court. However, the motion for reconsideration was not included in the court calendar for that day. Consequently, Judge Alimangohan invited respondent's attention to the omission. In the presence of several persons, including complainant, lawyers and the

public prosecutor, respondent allegedly shouted, “I cannot entertain that Motion that is not found in the calendar. You can go to the Supreme Court, you can file charges against me and the employee who failed to include your case in the calendar.”

When Judge Alimangohan requested the stenographer on duty, Mrs. Jenny Aguilar, to take down respondent’s remarks, the latter allegedly shouted, “You are no longer the presiding judge of this Court, you cannot dictate what to do.” On April 9, 1997, Judge Alimangohan wrote to respondent recalling what transpired on April 7, 1997.[4]

On May 2, 1997, respondent allegedly asked Cortel to refund the amount of P800.00 for the reason that the latter was a witness of Judge Alimangohan. Immediately, Cortel returned P600.00 to respondent. He remitted the balance of P200.00 last May 21, 1997 thru the Branch Clerk of Court.[5]

While admitting that Cortel rendered secretarial services to him in connection with the drafting of the decision in the election case, respondent denied that the money for Cortel’s remuneration came from Salazar. He claimed that he paid Cortel with money from the Revision Committee Fund, which he borrowed and would later repay out of his salary.

With respect to the alleged shouting incident on April 7, 1997, he averred that retired Judge Alimangohan, in open court, yelled at the court stenographer to take down his observation concerning the non-inclusion of the motion for reconsideration in the court’s calendar for that day. Judge Alimangohan who was respondent’s classmate in the college of law, was mad and suspected that the omission was intentional. Being the presiding judge, respondent told retired Judge Alimangohan that it was improper to take down his observation, as it was not part of the proceedings. He did not shout at Judge Alimangohan nor did he bang the gavel. Neither was he rude nor guilty of unbecoming behavior.

Respondent concluded that charges against him were part of complainant’s dilatory scheme. Earlier, complainant asked for the inhibition of Judge Butalid and respondent and filed two motions for extension of time to file memorandum.[6] Although respondent granted[7] the motions, complainant did not file the required memorandum.

The case was referred to Court of Appeals’ Associate Justice Edgardo P. Cruz to conduct the necessary investigation, report and recommendation.[8] After weighing the two conflicting versions before him, Justice Cruz submitted his findings per his Report and Recommendation, thus[9]:

Despite the conflicting versions of the parties on the charge, there is no dispute that respondent gave Cortel the sum of P800.00 (or “money”) as remuneration for the latter’s secretarial services in the drafting of the decision in the election case. It is on the identity of the payor where there is controversy.

Complainant asserts that respondent told Cortel that the expense for said secretarial services would be shouldered by Salazar. This assertion is supported by Cortel’s letter dated January 10, 1997, Affidavit dated April 29, 1997, Reply-Affidavit dated August 27, 1997 and Testimony (T.S.N. October 14, 1997, pp. 5-9 and 25).

On the other hand, respondent testified that he borrowed the money from the Revision Committee fund which he would repay upon receiving his salary but that he immediately returned the same when it was voluntarily refunded by Cortel (Answer to Question No. 10 of respondent’s Sworn Statement dated October 26, 1999 [Exh. “29”]; T.S.N., October 27, 1999, pp. 11, 15 and 18-22). Incidentally, Exh. “29” served as respondent’s testimony on direct-examination upon agreement of the parties.

In par. (a) of his Amended Counter-Affidavit dated August 7, 1997 (rollo, p. 110), respondent did not state that he borrowed from the Revision Committee. He merely alleged that Cortel was “entitled to receive said amount

from the Revision Fund contributed by both litigants for the revision proceedings as provided by law.”

Denying that he received the money from Salazar, respondent stated in his order dated May 2, 1997 (Exh. “27”) that “(p)rotestee’s counsel know (sic) it very well that stenographers in our courts of law are authorized to collect the amount from litigants corresponding to the volume or pages of the notes they transcribed out of court proceedings. In effect, respondent was saying that the money was given as payment for Cortel’s transcript of stenographic notes.

Consequently, it appears that respondent identified three payors of the money, namely: (i) himself (respondent), although borrowed from the Revision Committee; (ii) the Revision Committee, for Cortel’s services to it; and (iii) Salazar, as payment for transcript of stenographic notes.

If respondent borrowed the money from the Revision Committee, which is anomalous, it must have been documented. But no record of such “transaction” was presented. On the other hand, respondent’s order dated September 30, 1996 (Exh. “15”) states that the “revision of the contested ballots x x x both for the protestant and the protestee, x x x (was) already completed and terminated.” Since the Revision Committee’s work had been finished as early as September 30, 1996, Cortel was not entitled to remuneration from the former for secretarial services “rendered” five months thereafter. Finally, it has not been explained why the money, whether originating from the Revision Committee or Salazar, had to be coursed thru respondent.

As between the two versions, Cortel’s testimony inspires belief. He was consistent and steadfast in his testimony that respondent told him that he (Cortel) would be paid by Salazar for his secretarial services. On the other hand, respondent gave conflicting and vague statements on the source and application of the money.

Moreover, there is nothing in the record indicating that Cortel was actuated by improper motive. While Judge Alimangohan was Cortel’s former “boss”, respondent was his current “boss”. If Judge Alimangohan wielded moral ascendancy over Cortel, so did respondent and even at a greater degree.

Consequently, the undersigned believes that respondent really told Cortel that the money would come from Salazar. Such representation generates the suspicion that respondent had entered into an arrangement with Salazar for the latter to finance the typing of the decision which he fulfilled and, worse, to give something to respondent for his (respondent) own labor in making the decision.

While there is no proof of delivery of the money from Salazar to respondent, the latter’s actuation engenders doubt on his impartiality and integrity. He did not observe the dictum that a judge, like Cesar’s wife, must not only be pure but beyond suspicion (Palang v. Zosa, 58 SCRA 776). He violated the Code of Judicial Conduct ordaining that a judge “should uphold the integrity and independence of the judiciary” and “should avoid impropriety and the appearance of impropriety in all activities” (Canon 1 and 2). He has demonstrated that he cannot be a model of uprightness, fairness and honesty (Rural Bank of Barotac Nuevo v. Cartagena, 84 SCRA 128).

On the other hand, the charge of discourtesy is planted on the gratuitous allegation of Judge Alimangohan. Although the remarks imputed to respondent were allegedly uttered in the presence of several people, including the public prosecutor, complainant, lawyers and court stenographer, nobody – not even complainant – came forward to corroborate Judge Alimangohan’s testimony. Even as Judge Alimangohan asked the court stenographer to take down the proceedings, the transcript of stenographic notes was not presented, with the former giving the lame excuse that the same was not recorded.

The undersigned believes that the second charge was merely prompted by an intention to delay the disposition of the election case. Since respondent had denied complainant’s petition for his inhibition, the latter must have thought that the charge would convince respondent to relent and finally inhibit himself from sitting in the election case, thereby causing further delay in the disposition thereof.

Concluding, Justice Cruz recommended that respondent be found guilty of the first charge and fined in an amount

equivalent to two months of his salary as of his retirement; and that the second charge be dismissed.

This Court agrees with the factual findings of the investigator, Justice Cruz. The people's confidence in the judicial system is founded not only on the magnitude of legal knowledge and the diligence of the members of the bench, but also on the highest standard of integrity and moral uprightness they are expected to possess.[10] In line with this sacrosanct goal, the Code of Judicial Conduct strongly mandates the following:

RULE 1.02. A Judge should administer justice impartially and without delay.

CANON 2 – A JUDGE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES.

RULE 2.01 – A judge should so behave at all times to promote public confidence in the integrity and impartiality of the judiciary.

CANON 3. – A JUDGE SHOULD PERFORM OFFICIAL DUTIES HONESTLY, AND WITH IMPARTIALITY AND DILIGENCE.

The spirit and philosophy underlying these Canons is eloquently expressed in *Castillo v. Calanog*[11] thus:

The Code of Judicial Ethics mandates that the conduct of a judge must be free of a whiff of impropriety not only with respect to his performance of his judicial duties, but also to his behavior outside his sala and as a private individual. There is no dichotomy of morality; a public official is also judged by his private morals. The Code dictates that a judge, in order to promote public confidence in the integrity and impartiality of the judiciary, must behave with propriety at all times. As we have very recently explained, a judge's official life cannot simply be detached or separated from his personal existence. Thus:

Being the subject of constant public scrutiny, a judge should freely and willingly accept restrictions on conduct that might be viewed as burdensome by the ordinary citizen.

A judge should personify judicial integrity and exemplify honest public service. The personal behavior of a judge, both in the performance of official duties and in private life should be above suspicion.[12]

This Court has often stated that a judge, being the visible representation of the law and the embodiment of the people's sense of justice, must adhere to the highest tenets of judicial conduct and he should constantly keep away from any act of impropriety,[13] not only in the performance of his official duties but also his everyday actuations[14] for no other position exacts a greater demand on moral righteousness and uprightness of an individual than perhaps a seat in the judiciary.[15] A judge should always be a symbol of rectitude and propriety, comporting himself in a manner that will raise no doubt whatsoever about his honesty.[16]

Respondent has displayed conduct that falls short of the standards expected of a magistrate of the law. Accordingly, this Court must wield its disciplinary power. However, this Court finds that the amount of fine recommended, i.e., equivalent to respondent's two months salary is somewhat excessive. Besides, this is the first and only time that respondent judge, now retired, was ever administratively charged. The amount of P10,000.00 as fine to be imposed on the respondent is more appropriate given the circumstances of this case.

WHEREFORE, for committing an act of impropriety, respondent Judge Mateo M. Leanda, now retired, is hereby ordered to pay a FINE of P10,000.00, the same to be deducted from whatever retirement benefits are due him.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Quisumbing, and Buena, JJ., concur.

[1] Complainant initially brought the complaint on April 14, 1997 before the Tacloban City Prosecutor's Office.

He charged respondent judge with violation of Article 206 of the Revised Penal Code (Knowingly Rendering An Unjust Interlocutory Order) and Section 3 (a) of Republic Act 3019 (Anti-Graft and Corrupt Practices Act). Upon a petition filed by respondent judge to request that the Office of the Ombudsman (Visayas) conduct a preliminary investigation, the case was turned over to the said Office. Finding, however, that the charges against respondent judge involved the performance of his official duties in the administration of justice, the Ombudsman, in a letter dated August 29, 1997, referred the case to the Supreme Court.

[2] Exhs. “A”, “A-1 and “A-2”.

[3] Exh. “E”.

[4] Exh. “G”.

[5] Exh. “B”.

[6] Exhs. “16” and “19”.

[7] Exhs. “17” and “18”.

[8] Per Resolution dated June 16, 1999.

[9] Report and Recommendation dated January 17, 2000.

[10] *Dawa v. De Asa*, 292 SCRA 703, 724-725 [1998].

[11] 199 SCRA 75, 83-84 [1991].

[12] See also *Junio v. Rivera, Jr.*, 225 SCRA 688 [1993]; *Imbing v. Tiongson*, 229 SCRA 690 [1994].

[13] *Marcas, Sr. v. Arcangel*, 258 SCRA 502, 517 [1996].

[14] *Panganiban v. Guerrero, Jr.*, 242 SCRA 11, 15 [1995].

[15] *Legaspi v. Garrete*, 242 SCRA 679, 701 [1995].

[16] *Office of the Court Administrator v. Barron*, 297 SCRA 376 [1998], citing *Yuson v. Noel*, 227 SCRA 1 [1993].

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