

STEPHEN L. MONSANTO, COMPLAINANT, VS. HON. POMPEYO L. PALARCA, CITY JUDGE, ILIGAN CITY COURT, RESPONDENT.*Adm. Matter No. 1812-CTJ. November 29, 1983*

Ponente: GUERRERO, J.

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In a verified complaint dated January 3, 1978, com-plainant Atty. Stephen L. Monsanto charged City Judge Pompeyo L. Palarca of the City Court of Iligan City, who has been reappointed City Judge, Municipal Trial Court, Branch I, Iligan City, 12th Judicial District, following the reorganization of the Judiciary pursuant to the Judiciary Reorganization Act of 1980 (Batas 129) of gross ignorance of the law and/or gross incompetence warranting dismissal from the Judiciary. In support of these charges, complainant attached to the complaint documentary evidence to prove the veracity of his accusations.

As synthesized by Deputy Court Administrator Leo D. Medialdea in his Memorandum to the Chief Justice dated February 27, 1981, the complaint together with the annexed documents points out the following issues for the Court's consideration, to wit:

"1. In at least thirty (30) criminal cases decided by the respondent judge from October 31, 1969 to November 17, 1977, he had prescribed the penalty of subsidiary imprisonment in case of incapacity of the committed prisoner to pay the indemnity imposed in addition to the principal penalty (Exhibits "A"- "A-29", "K", "K-1"- "K-13"), which imposition is in violation of Republic Act No. 5465, abolishing subsidiary imprisonment for civil indemnity or liability, which took effect on April 21, 1969 as an amendment to Article 39 of the Revised Penal Code.

2. Respondent Judge refused permission for complainant to examine the Docket Books for Criminal Cases of the City Court of Iligan City despite repeated requests from the com-plainant (Exhibits "E" and "F"), in violation of Rule 135, Section 2 of the Rules of Court until the Honorable Nathaniel M. Grospe, Exe-cutive Judge, CFI of Lanao del Norte, Iligan City, wrote the respondent judge urging him to grant the permission requested by the complain-ant for the reason that under the circumstances, there is no rule or law that would serve as basis in denying the complainant the privilege of examining the Docket Books of Criminal Cases of the City Court of Iligan City. The Execu-tive Judge advised respondent to allow complainant to have access to the criminal docket books should the latter express a desire to do so, further venturing the comment that 'the administration of justice would be better served thus, specially so as in this case where the interested party is a member of the bar and a practicing lawyer.' (Exhibits "G" and "H").

3. In the transcripts of the stenographic notes of several hearings in the cases of People of the Philippines vs. Ramona Vda. de Geonson and People of the Philippines vs. Asuncion Surban, complainant tried to show the Court in recorded documents the overbearing manner, and apparent partiality of respondent judge against the complainant and his clients. (Rollo, pp. 50-58).

4. In the particular case of People of the Philippines vs. Cornelio Surban, Criminal Case No. 10102-AF for serious physical injuries, the records show that respondent judge imposed subsidiary imprisonment upon the accused, Cor-nelio Surban, in case of accused's incapacity to pay the damages imposed in addition to the

principal penalty, in a decision dated October 5, 1977. As a result of this wrongful imposition, Cornelio Surban suffered incarceration for two (2) days and four (4) hours more than the legal period of time he would have served if the subsidiary imprisonment were not added to his prison term in spite of complainant's protests for correction of the illegal imposition of the subsidiary imprisonment. (Rollo, pp. 7-12 and 26, Exh. "A").

5. The respondent judge had been scolding and upbraiding the accused and counsel in open court, in the full view of the public. (Rollo, pp. 8; 18-19).

6. In the case of *People vs. Banaan*, Criminal Cases Nos. 12094-AF, 12095-AF and 12044-AF and *People vs. Lapida* docketed as Criminal Case No. 699-V-120 of the Court of First Instance of Lanao del Norte, complainant charged respondent judge of reckless disregard of the Rules of Court regarding the procedure in conducting preliminary examinations and investigations in criminal cases before the issuance of warrants of arrests. In these cases which are not isolated cases according to the complainant, the warrants of arrest were issued before the preliminary examinations and investigations were made. Preliminary examinations and investigations were allegedly made in a haphazard manner without due regard to finding out if there were probable causes that the crimes charged were committed. (Rollo, pp. 13-17).

Respondent Judge was required on January 25, 1978 to submit his comment to the verified complaint within ten (10) days from receipt of notice, and was received by the Court on February 28, 1978. To refute the charges of the complainant, respondent raised the following contentions similarly drawn-up by Deputy Court Administrator Medialdea in his Memorandum to the Chief Justice, to wit:

"1. Respondent admitted having imposed subsidiary imprisonment on Cornelia Surban, the accused in Criminal Case No. 10102-AF, in addition to the penalty of imprisonment of ONE MONTH and ONE DAY, in case of insolvency in paying the indemnity of P1,000.00 for the injuries sustained by the offended party, but he claimed that such imposition was done without malice on his part, further explaining that upon being apprised of his mistake, he immediately rectified the same by issuing an Order amending the decision containing the aforesaid subsidiary imprisonment clause on November 2, 1977. However, the inclusion of the provision pertaining to subsidiary imprisonment in the Order of Commitment of Cornelia Surban was a clerical inadvertence and he tried to extricate himself by explaining that he took immediate steps to correct said error upon realizing the same, so that the concerned prisoner did not suffer any part of the subsidiary imprisonment mistakenly written in the Commitment Order but in fact he was released two (2) days before the completion of his principal penalty. Respondent, therefore, contended that since he had ordered the deletion of the subsidiary imprisonment clause before any harm could be done, he incurred no liability, either criminal or administrative. (Rollo, pp. 78-81).

2. It is true that he denied permission to complainant to examine the public records of the City Court of Iligan City but said denial was prompted by his desire as head of the office and custodian of its records to protect the integrity of those records, to prevent their loss and to see to it that said records do not fall into unauthorized hands. (Rollo, pp. 81-82).

3. Picking out the cases of *People of the Philippines vs. George Bado* for Theft, docketed as Criminal Case No. 11392-AF by way of explaining the imposition of subsidiary imprisonment which respondent claimed was a mere clerical error that was corrected immediately upon his learning of the mistake; *People of the Philippines vs. Lacida*, et al., docketed as Criminal Case No. 12454-AF and *People of the Philippines vs. Banaan*, docketed as Criminal Cases Nos. 12094-AF; 12044-AF; and 12095-AF in which respondent judge was charged to have issued warrants of arrest against the accused before the preliminary examination and investigation required by law was conducted by him, from among the varied and numerous recorded criminal cases illustrated by complainant to prove the latter's charges, respondent judge raised the defense of waiver on the part of accused and their respective counsel and clerical error committed by his clerk in writing June 24, 1977 as the date that the Warrant of Arrest of Lacida was signed by him instead of June 29, 1977 which was the real and actual date."

Respondent Judge, in his Comment, submitted the following, with reference to the other cases cited by complainant:

"(a) the accused in said cases had already served their corresponding sentences;

"(b) the accused in said cases were duly represented by counsel;

"(c) the accused and their counsel in said cases could have appealed the erroneous decisions assuming they were erroneous;

"(d) the accused and their counsel in said cases did not appeal the supposedly erroneous decisions;

"(e) the accused and their counsel in said cases could have filed habeas corpus proceedings but they did not file such proceedings.

"In other words, the accused and their counsel could have called the attention of the undersigned to the allegedly erroneous decisions. They did not. They could have gone to the appellate courts to correct such erroneous decisions. They did not. In short, there was no judicial finding that such decisions were erroneous. Having failed to question the decisions in the proper appellate forum, the accused in said cases are deemed to have waived their rights to appeal, for the right to appeal 'is not an inherent right of a convicted person.' (Francisco, Criminal Procedure, Second Edition, 1969, p. 880). 'He may avail of it or not, as he pleases. He may waive it either expressly or by implication.' (Francisco, supra, p. 880-881). To correct those decisions, appeal was the proper remedy (Francisco, supra, p. 882), and not to hold the judge rendering them administratively accountable.

'To hold a judge administratively accountable for every erroneous ruling or decision he renders, assuming that he has erred, would be nothing short of harassment and would make his position unbearable.' (Dizon vs. De Borja, 57 SCRA 48).'

"By way of information, the undersigned has been the City Judge for twenty-four (24) years now. Until recently, he was the only judge in the only City Court of Iligan, hearing and calendaring fifteen (15) to twenty (20) cases for trial every day aside from hearing motions and incidental matters. In addition thereto, he had to attend to the administrative functions of his Office. Errors under such a situation or circumstance are to be expected. After all, to borrow an expression, there is a limit to human endurance. The undersigned might have erred for after all he is only human. Errare humanum est. He might have erred, but again to borrow an expression, 'with malice towards none.'"

By way of Counter-Complaint, respondent Judge charged the complainant for using and employing offensive and abusive language in his complaint, citing one by one the pertinent passages (Rollo, pp. 88-90) for which complainant should be punished for contempt. He further prayed that the complaint be dismissed and stricken from the records. To substantiate his defenses, respondent Judge submitted Annexes "i" to "4" (Rollo, pp. 94-97).

On February 16, 1978, complainant submitted to the Court an Urgent Petition for Preventive Suspension of the Respondent, citing among other things his reasons, as follows: (1) respondent judge's ignorance of the law which appears to be incorrigible because he continues to illegally impose subsidiary imprisonment despite the numerous calls for correction; (2) respondent judge's lack of judicial decorum and propriety; (3) respondent judge's non-observance of the rules of procedure requiring punctuality and main-tenance of dignity of the court; (4) respondent judge's oppression of litigants and their counsel; and (5) respondent judge's lack of consideration of the local I.B.P. His con-tinued stay in the bench, the petition averred, would alle-gedly cause immeasurable harm to the administration of justice and the image of the New Society in that part of the country. (Rollo, pp. 98-105).

Acting on the petition for preventive suspension, the Court in its Resolution dated March 31, 1978 required res-pondent Judge to comment on the petition, and at the same time referred the complaint to Executive Judge

Nathaniel Grospe of the Court of First Instance of Lanao del Norte, Iligan City for investigation, report and recommendation.

Complying with the above Court resolution, respondent Judge submitted his comments wherein he adopted, reiterated and reproduced all the allegations and defenses contained in his comments dated February 28, 1978. He stated further that the preventive suspension sought by complainant is not proper for lack of sufficient legal and factual justification, claiming moreover that despite the insolent conduct of complainant in court, respondent had been courteous to him because the latter is young and inexperienced and that complainant had not submitted anything concrete or definite to support his allegations in the petition which merely aver general sweeping statements without specific basis. Respondent further stressed that in his past 25 years as a judge, he had never acted with malice, had always shown courtesy to counsel and litigants, although he was ready to utilize his opportunity to criticize, correct and curb unprofessional conduct of attorneys and counsellors. He had always maintained his accessibility to both the rich and the poor alike during office hours. In resume, respondent denied each and every charge levelled against him in the Urgent Petition for Preventive Suspension and prayed that the petition be denied, the complainant be disciplinarily dealt with for the use of improper and intemperate language and for having invaded respondent's privacy. (Rollo, pp. 111-116).

District Judge Nathaniel M. Grospe, to whom the case was referred for investigation, report and recommendation having been assigned to the defunct Court of First Instance of Pam-panga, the Court resolved on June 14, 1978 to designate in his stead the Presiding Judge of the defunct Court of First Instance of Iligan City to conduct the investigation and to submit the corresponding report and recommendation. Accordingly, the case was assigned and duly forwarded to Honorable Moises Dalisay, Presiding Judge, Court of First Instance, Iligan City. (Rollo, pp. 118-120).

Hearings of the case were held on August 7, 21, 22 and September 5, 12, 19, 1978.

On October 18, 1978, District Judge Moises F. Dalisay submitted his report to the Court with the following:

"FINDINGS AND RECOMMENDATIONS

Upon going over the evidence presented by the Complainant and the Respondent, the matter hinges on Surban and Lacida cases. In the Surban case, Cornelio Surban was convicted to an imprisonment of one month and one day and served 28 days imprisonment. In fact, this was the basis for Cornelio Surban filing an action for damages in Court - Civil Case No. V-243 against Judge Pompeyo Palarca which was dismissed by this Court for lack of cause of action and which dismissal was appealed to the Court of Appeals by the complainant, Atty. Monsanto, counsel for Cornelio Surban.

In the case of Franco Lacida, he filed his bail bond after a warrant of arrest was issued against him and the second stage of preliminary investigation having been waived by him, the case was remanded to Branch V and later on was dismissed upon motion of the Prosecution as the records will show.

The other grounds relied upon by the complainant need not be touched by the under-signed considering that the matter seem trivial and which redress to the Executive Judge, Judge Nathanael Grospe, for the authority to examine records was granted and the other with respect to the incident between complainant and City Fiscal Jurado during the proceedings before the respondent.

Suffice it to say, no sufficient and/or satisfactory evidence have been adduced by the complainant on the grounds relied upon, supra. The undersigned is aware that the City Court of Iligan City is a very congested Court with only one Judge Presiding and trying cases to the tune of from three to four thousand cases to date. It was only lately that the Court have been extended the much needed relief by the assignment of two Municipal Judges to try cases in the City Court by the Honorable Supreme Court. Judge Palarca, the respondent, have

been in the service for more than 25 years as City Judge of Iligan City and have pre-viously served as Assistant City Fiscal in Davao City.

Based on the foregoing, the undersigned hereby recommend the exoneration of the respondent, Judge Pompeyo Palarca, of the administrative charges filed against him by the complainant, Atty. Stephen Monsanto."

Notwithstanding the above report and recommendations submitted by Judge Dalisay, the Court in its Resolution of October 15, 1979, directed the Court Administrator to make a study, report and recommendation in the case, and as adverted to earlier, the Deputy Court Administrator, with the concurrence of Court Administrator Lorenzo Relova, submitted on February 27, 1981 his Memorandum to the Chief Justice. Disagreeing with the recommendation of District Judge Dalisay, the Deputy Court Administrator recommended the following:

"ACCORDINGLY, it is respectfully recom-mended that respondent City Judge Pompeyo L. Palarca of the Iligan City Court be held guilty of ignorance of the law, particularly on the application of subsidiary imprisonment as provided for in Article 39 of the Revised Penal Code, and that he be meted the penalty of fine equivalent to his three (3) months salary, with a stern warning that repetition of the same or similar offense in the future will be dealt with more severely."

The above recommendation for a finding of guilt for ignorance of the law and the imposition of a penalty equi-valent to three (3) months pay is grounded on the following findings concluded by the Deputy Court Administrator which We quote below:

"To our mind, the records are replete with proof to show that the charges were actually true and disciplinary action is called for. It is not correct to say here that the matter hinges only on the Surban and Lacida cases as the Honorable Investi-gator wants us to believe and that the other grounds seem trivial. (Rollo, p. 128). Those two named cases were only lead examples of a series of similar cases that show lapses committed by respondent judge in applying the laws in the discharge of primary judicial duties.

"The first above-named case was presented before the court for the purpose of showing in detail what really happened in cases of similar nature where due to the ignorance of respondent judge, subsidiary imprison-ment in violation of Republic Act No. 5465 was imposed. The other properly documented cases, thirty (30) in number, were presented as proofs to show the repeated instances and the length of time - 1969 to 1977 - said respondent judge had violated the law until his attention was called repeatedly to the series of mistakes. Respondent's attempts at exoneration such as congested dockets, harried trials, inadvertence of his clerks and his ignorance of amendments to the law because he had not memorized the Revised Penal Code are very poor attempts at exo-neration and did not in any way mitigate, much less condone the mistakes he had repeatedly committed in the span of almost a decade. Respondent judge's harping on his long years of judicial service (25 years) could not cure the undermined public faith in the Judicial Branch of the government which his ignorance had wrought. For as this Court had opt-repeatedly upheld: 'Judges are required to adhere to the rules prescribed for the imposition of penalty for violation of the law. He must strictly adhere to the pertinent rules prescribed thereby, having due regard for the duration thereof x x x. If because of gross igno-rance, serious misconduct or grave abuse of discretion he runs counter to the law and tries to justify his action by one reason or another, he thereby exposes him-self to disciplinary action.' (Soriano vs. Mabbayad, Adm. Matter No. 378-MJ, Oct. 24, 1975, 67 SCRA 385, 392-393; Abibuag vs. Estonina, Adm. Matter No. 91-MJ and No. 319-MJ, July 23, 1944, 58 SCRA 49, 56-57)

"Without doubt it had been shown in the trial that respondent judge had exhi-bited his ignorance of the law and therefore his incompetence when he imposed the penalty of subsidiary imprisonment in case of accused's inability to pay indemnity due to the offended party as part of the principal penalty in no less than thirty (30) criminal cases. That fact is deeply written in the dockets of the City Court of Iligan City and in the minds of the people whose lives have been touched by the scandalous ignorance of the law displayed by respondent in the discharge of his judicial duties. What clearer proof of ignorance of the law is demanded under the present

circumstances? The rule which states that 'it is the duty of every judge to keep abreast of the latest laws and jurisprudence affecting their jurisdiction' is still a very good law up to the present. Respondent's claim that those criminal cases where he had mistakenly imposed the penalty of subsidiary imprisonment were appealed and said erroneous impositions were either corrected or erased by the appellate court, therefore, no harm was incurred, did not in any way erase, wipe away or lessen his culpability for the wrong imposition of the penalty. Respondent judge's other defense that Cornelio Surban, the accused in Criminal Case No. 10102-AF, only stayed in jail for twenty (28) days, so that he did not suffer any portion of the penalty or subsidiary imprisonment mistakenly imposed upon him is not true because when Surban was freed on December 2, 1977 he had stayed in prison two (2) days and four (4) hours more than the legal period of his incarceration after deducting from his penalty the five (5) days grace allowance given him by prison rules for good behavior/conduct. Respondent's efforts to skirt this particular issue did not for an instant blur the indelible mark of the truth in the records. The mistaken inclusion of the clause regarding the subsidiary imprisonment in the Commitment Order of prisoner Cornelio Surban to the jail warden of Lanao del Norte due to alleged inadvertence of his clerk cannot easily be explained away like erasing chalk etchings on a blackboard. Well can we apply at this instance the admonition of the Court to an erring judge when it said, 'The respondent judge cannot plead in avoidance the negligence or ignorance of the clerk of court, especially in view of the provisions of the last paragraph of Section 75 of the Judiciary Act of 1948, as amended by Republic Act No. 3828, that the clerk of court, stenographers and other minor employees of the City Courts are appointed by their respective City Judges. It is the obligation of judges to see that the officers appointed by them comply fairly and strictly with the duties that the law imposes upon them.' (Rodriguez vs. Barro, 84 SCRA 663, 666).

"The second named case which the Honorable Investigator selected as the alleged real crux of this controversy, the Lacida case, is also the lead case shown, together with other cases to prove the careless and unbusinesslike manner the respondent judge deals with the rights and liberties of the accused persons who had the misfortune of finding themselves before his sala. Respondent judge's irregular procedure of issuing warrants of arrest against accused persons before the preliminary investigations have been properly conducted by him in accordance with Rule 112, Section 5 of the Rules of Court, was substantially proven before the investigator by testimonial and documentary evidence. The records show that respondent judge impliedly admitted this fact and the defenses proffered by him that whatever irregularity were committed in the issuance of warrants of arrest of accused persons as charged by complainant were waived and cured by accused and their respective counsel when they went on to the trial of the case in the Courts of First Instance without their questioning the alleged irregularities committed in the issuance of warrants of arrests and the conduct of the preliminary investigations. He argued that the waiver on the part of the accused and their respective counsel cured every defect therein rendering himself free, and extenuated liability, if any, either administratively and/or criminally. This line of reasoning of respondent judge, his panel of lawyers and the court investigator in his report misses the point of all administrative matter cases such as the present one, where by the very nature of the proceedings, the sole purpose is to ferret out and determine the fitness or unfitness of a member of the judiciary to occupy his position because it affects public interest, involving as it does the administration of justice. In other words, an administrative proceeding against a judge is predicated on his right to hold the office or position of a judge. It is a pity that respondent judge who had stayed in the judicial branch of the government for twenty-five (25) years could have failed to perceive the real import of the administrative proceedings filed against him, which to repeat, is mainly for the purpose of defining his qualifications as a member of the Philippine bench."

With respect to complainant's charge of arbitrary denial of free access to the criminal docket books of the City Court of Iligan City and the unreasonable oppression and harassment of accused and counsel by respondent judge, the Deputy Court Administrator showed that the same were proven at the hearings but respondent's disclaimer of the accusations, citing reasons in denying the access to the docket books such as for the protection of said books and records and claiming good faith in correcting and teaching complainant proper court decorum and attitudes as well as his lack of malice, appear to be and accepted as well-intentioned.

That the respondent has more than twenty-five (25) years of service in the judiciary and that this is the first administrative case filed against him have been recommended to serve as mitigating circumstances in respondent Judge's favor.

We have further reviewed the evidence on record and We affirm that said evidence clearly and fully prove that respondent Judge was in truth and in fact grossly ignorant of the law in meting the penalty of subsidiary imprisonment in the numerous cases cited by complainant in palpable violation of Republic Act 5465 abolishing subsidiary imprisonment for civil indemnity amending Article 39 of the Revised Penal Code, which Act took effect on April 21, 1969. These cases decided by respondent Judge during the period from October, 1969 to November 17, 1977 are fully documented in Exhibits "A" to "A-29", "K", "K-1" to "K-13". They number about 30 criminal cases which needless to list them here have not been denied by respondent Judge. (See pp. 15-16, Rollo).

We also accept and affirm the report of the Deputy Court Administrator that in the specific case of *People vs. Cornelio Surban*, the accused therein was detained two (2) days and four (4) hours more than the legal period of his incarceration after deducting from his penalty the five (5) days grace allowance given him by prison rules for good behavior and conduct, as a result of the erroneous imposition of subsidiary imprisonment meted by respondent Judge. We agree that the mistaken inclusion of the subsidiary imprisonment in the Commitment Order of prisoner Cornelio Surban attributed to the inadvertence of respondent Judge's clerk "cannot easily be explained away like erasing chalk etchings on a blackboard." Indeed, Our admonition to an erring judge in *Rodriguez vs. Barro*, 84 SCRA 663, 666, is well-nigh pertinent and applicable to respondent Judge, to wit: "The respondent judge cannot plead in avoidance the negligence or ignorance of the clerk of court, especially in view of the provisions of the last paragraph of Section 75 of the Judiciary Act of 1948, as amended by Republic Act No. 3828, that the clerk of court, stenographers and other minor employees of the City Courts are appointed by their respective City Judges. It is the obligation of judges to see that the officers appointed by them comply fairly and strictly with the duties that the law imposes upon them."

The charges of irregular procedure in the conduct of preliminary examination by means of searching questions and answers before issuing the warrant of arrest in the specific cases of *People vs. Lacida* and *People vs. Banaan* filed in the court of respondent Judge likewise are clearly substantiated. The defense of respondent Judge that the *Lacida* case was later dismissed for lack of interest of the prosecution because of monetary consideration and that the failure of the accused in the *Banaan* case to question any irregularity in the conduct of the preliminary investigation was a waiver of whatever anomaly had been committed in said investigation and whatever defect was incurred had been cured when the CFI found the accused guilty in the three (3) informations filed against him, is absolutely without merit. The erroneous procedure taken by respondent Judge is manifestly prejudicial to the rights and liberties of the accused and no amount of shifting the blame to the accused or his counsel by reason of alleged waiver or failure to complain about the error can exculpate respondent who stands by himself alone for inefficiency and unworthiness as a dispenser of justice.

Respondent Judge's attempt to defend himself on the ground that he was not aware of Republic Act 5465; that he had not memorized the Revised Penal Code; that the accused in the more than thirty (30) cases cited by complainant had already served their corresponding sentences; that said accused were duly represented by counsel; that the accused and their counsel should have appealed the erroneous decisions or could have filed habeas corpus proceedings but did not do so, are, to say the least, irresponsible, unsatisfactory and ridiculous. Given the above poor and puerile protestation, it confounds this Court to note and understand how respondent Judge could have served twenty-four (24) years as City Judge of Iligan City and preside over the lives and liberties, the fortunes and properties of party litigants coming to his court.

The serious nature of the charges imputed to the respondent Judge warrants a heavier penalty than that recommended by the Deputy Court Administrator. While it may be true that said charges were committed during his incumbency as City Judge of the City Court of Iligan which was abolished and reorganized under the Judiciary Reorganization Act of 1980 including his position but was recreated as Municipal Trial Court, Branch I, Iligan City, 12th Judicial District and respondent Judge appointed as City Judge thereof, and may be considered moot and academic, We hold that compelling reasons dictate said charges should be continued and be resolved since they affect the judicial competency and integrity of the respondent in the present position that he holds.

WHEREFORE, We find the respondent Judge guilty as charged for gross ignorance of the law and gross incompetence and he is hereby imposed the penalty of fine equivalent to his six (6) months salary, with a stern warning that repetition of the same or similar offenses in the future will be dealt with more severely.

SO ORDERED.

Teehankee, Makasiar, Concepcion, Jr., Abad Santos, De Castro, Melencio-Herrera, Plana, Escolin, Relova, and Gutierrez, Jr., JJ., concur.

Fernando, C.J., and Aquino, J., no part.

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