

## **BUENAVENTURA B. MARTINEZ, COMPLAINANT, VS. JUDGE TEODORO O. PAHIMULIN, RESPONDENT.**

*Adm. Matter No. 78-MJ. August 30, 1982*

Ponente: TEEHANKEE, J.

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### **TEEHANKEE, J.:**

Then Court Administrator, now a member of this Court, Justice Lorenzo Relova in his report and recommendation dated April 13, 1982 states the history and background of the present administrative case as follows:

"This administrative case filed by Atty. Buenaventura B. Martinez against Judge Teodoro O. Pahimulin of the Municipal Court of Binangonan, Rizal, charging him of oppression, inefficiency, discourtesy, dishonesty, intolerance, misconduct and slander, was referred to this Office by the Second Division of the Court on April 7, 1982.

Records show that on September 30, 1972 complainant appeared as counsel for the plaintiff in Civil Case No. 2001. He was cross-examining Pilar Harada, a witness for the defendant, when opposing counsel objected in such a way that he was suggesting to the witness the answer to the question. Whereupon, complainant asked respondent Judge to stop him from coaching the witness and to limit his objection on legal grounds. Judge Pahimulin told complainant that opposing counsel was 'still talking.'

Atty. Martinez insisted that respondent stop opposing counsel from talking because he was putting into the mouth of the witness the answer to his question. This remark of complainant angered the judge who, in a loud voice told him: 'You are a disrespectful lawyer.' Complainant remarked: 'Then, Your Honor, I have to quit as a lawyer.' At this juncture, respondent banged his gavel telling complainant: 'You are a disrespectful lawyer. You talk too much.' Complainant was about to make an explanation but respondent told him: 'Get out. I do not want to hear you. You have already quitted (sic).'

This case was referred to then Judge Pedro C. Navarro of the Court of First Instance in Pasig for his investigation and he submitted the report which, in part, reads:

'The complaining witness was corroborated by Caridad Lozada, Pilar Harada and Carlos Francisco.

'Even without taking the explanation of the respondent, the foregoing evidence does not sustain the charge of oppression, inefficiency, discourtesy, dishonesty, intolerance, misconduct, and slander.

'The respondent could have been short of temper which the complainant may have considered intolerance but this can only be due to the respondent's desire to bring about a more expeditious proceeding.

'The most that can be said of the respondent is he lost his cool which is not a conduct expected of a judge.'

and the recommendation as follows:

'WHEREFORE, it is hereby recommended that respondent be exonerated with an admonition that he behave as a judge is expected to behave - calm, cool, and collected, so that he can act with utmost sobriety in the solutions of problems before him.'"

The Court, after examining the records, agrees with the submittal and recommendation of then Court Administrator Justice Relova that "both the complainant and the respondent were remiss in the observance of their duties in maintaining the high esteem and regard for the court. As coun-sel for the plaintiff, complainant was bound to defend and protect the interest of his client but when respondent judge tried to explain some-thing in connection with his objection and cautioned him from continuing with his objection as the opposing counsel was still talking, complain-ant should have heeded such admonition. For if everybody would be talking at the same time there will be chaos in the courtroom" and that "on the other hand, the respondent should not have lost his temper when he was continuedly interrupted by the complainant. Instead of shouting at the complainant, he should have maintained his composure. While the res-pect and dignity of the court had to be upheld, respondent should not have acted with anger and shouted at the lawyer who must have suffered embarrassment in front of many people. He should have acted with utmost sobriety and for this he should be censured."

The Court has further taken note that in another administrative case resolved on September 30, 1976 against same respondent,[1] the Court found "respondent guilty of negligence for his failure to terminate and remand with dispatch the preliminary investigation of Criminal Case No. 3797 and for his lack of due care in the preparation of his Certificates of Service, and, therefore, ordered him to pay a fine equivalent to his salary for three (3) months" and further warned him "that a repetition of the same acts of negligence in the future would merit a more severe penalty."

ACCORDINGLY, respondent Judge is hereby reprimanded for his uncontrolled passion and lack of proper decorum in the conduct of the proceedings in his court and warned that a repetition of the same or other misconduct in office will be dealt with more severely.

Makasiar, Melencio-Herrera, Plana, Vasquez, and Gutierrez, Jr., JJ., concur.

Relova, J., no part.

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[1] Patrocinio F. Magdamo, complainant, vs. Judge Teodoro O. Pahimulin, respondent, reported in 73 SCRA, p. 110 (Second Division).

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