

CRISPINA M. CAMPILAN, COMPLAINANT, VS. JUDGE FERNANDO C. CAMPILAN, JR., RESPONDENT.*A.M. No. MTJ-96-1100 (Formerly OMB-VIS-95-0311). April 24, 2002*

Ponente: PUNO, J.

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We recently held that judicial office demands the best possible men and women from the service.[1] For this reason, the Court will not hesitate to discipline its members who taint its image in the eyes of the public. A judicial office circumscribes personal conduct, and imposes a number of inhibitions, whose faithful observance is the price one has to pay for holding an exalted position.[2]

This is an administrative case filed by the legal spouse of respondent Judge Fernando C. Campilan, Jr., former judge of the Municipal Circuit Trial Court, Macrohon-Padre Burgos, Southern Leyte, and presently the Presiding Judge of the Regional Trial Court, 8th Judicial Region, Branch 39, Sogod, Southern Leyte.

The case was initiated via an Affidavit-Complaint for Grave Misconduct with prayer for support and back support, received by the Office of the Ombudsman for Visayas on 11 September 1995. The complainant alleges that respondent has failed and refused to support his family since 1995 despite repeated demands of his children. She likewise alleges that in September 1994, respondent forged her signature on PNB Check No. W127597, dated 10 October 1994, covering her life insurance proceeds and collected the amount of P13,176.00 without her knowledge and consent.

The Affidavit-Complaint was referred by Deputy Ombudsman for Visayas Arturo C. Mojica to the Office of the Court Administrator (OCA) pursuant to Section 23 (2) of Republic Act No. 6770, otherwise known as the Ombudsman Act. While the referred Affidavit-Complaint has the same contents as the one earlier filed, it bears the date 17 November 1995. The OCA received it on 5 December 1995[3] and required respondent to comment.

Respondent filed his Comment,[4] dated 2 May 1996, praying that the charge be dismissed. He explains that the case is a domestic problem resulting from marital differences and misunderstandings. He denies forging the check of complainant, expressing surprise and suspicion over the fact that this was raised only after a lapse of about one (1) year and two (2) months from the date of maturity of the said check. On the issue of support, he avers that complainant, a pharmacist by profession, never demanded support and deserted the conjugal home. He surmises that the complainant was “simply seized with ill-will, resentment, spite or animosity” and was trying to block his nomination to the Regional Trial Court.

On 19 September 1996, or a little after one year from the time the original Affidavit-Complaint was instituted, another Supplemental Affidavit,[5] dated 10 September 1996, was filed by complainant. In her Supplemental Affidavit, complainant alleges that she left respondent due to his immoral acts and marital infidelity and she prayed for the disbarment of respondent, his dismissal from the service, the reimbursement of P13,176.00, and the grant to her and her children of monthly support in such reasonable amount as may be determined by the Court.

On 26 September 1996, then Deputy Court Administrator (DCA) Bernardo P. Abesamis recommended that the case be referred to Executive Judge Leandro T. Loyao, Jr. of the Regional Trial Court, Branch 24, Maasin, Southern Leyte, for investigation, report and recommendation. In a Resolution dated 20 November 1996, the Court, acting through its Second Division, referred the case to Executive Judge Loyao.

On 6 December 1996, complainant executed an Affidavit of Desistance, stating, among others, viz:

“x x x

2. That after a serious and sober consideration of the facts and circumstances surrounding the case, I am now convinced and of the honest belief that the same was only a result of some marital misunderstandings and misapprehension of facts;

3. That as a consequence thereof, I am no longer interested in the further prosecution and in effect voluntarily withdrawing the same.

x x x”[6]

On 9 December 1996, respondent executed an “Undertaking”,^[7] stating that “the beneficiaries of all (his) retirement benefits will only be (his) wife and five (5) children and no other (sic) else, and they shall be entitled to all their lawful shares as (his) sole (sic) legal heirs in accordance with law.” He likewise declared that upon his appointment as Regional Trial Court Judge, he would undertake “to negotiate regarding financial monthly assistance to (his) wife and assume existing mortgage obligations and other matters of mutual concern.”

On 16 December 1996, respondent informed then DCA Abesamis that he and complainant have “already resolved or settled (their) domestic differences which were only a result of misunderstandings and misapprehension of facts.” He prayed that the Affidavit-Complaint be “dismissed on the ground of desistance on the part of complainant and the matter being already moot and academic.”^[8]

On 24 January 1997, respondent likewise filed a Motion for Inhibition^[9] to inhibit Judge Loyao from hearing the case. He cited as grounds the Investigating Judge’s familiarity with both parties and his close official relationship to the investigating Judge, the latter being his superior. Without notice of this pending incident, the OCA, thru then DCA Abesamis, transmitted the records of the case to the Investigating Judge on 14 March 1997.

On 4 March 1997 and during the pendency of the Motion for Inhibition, respondent again executed a “Deed of Undertaking,”^[10] with terms and conditions similar to the “Undertaking” earlier executed.

On 21 April 1997, complainant wrote to Investigating Judge Loyao alleging that respondent’s promise to give monthly assistance was vague and uncertain as it was made dependent upon his appointment as Regional Trial Court Judge. She asked that respondent’s undertaking to give monthly support be not subject to any condition and that the amount be pegged at P8,000.00 per month.^[11]

On 19 May 1997, respondent took his oath, before no less than Executive Judge Loyao, as Presiding Judge of the Regional Trial Court, Branch 39, Sogod, Southern Leyte.

In an Order dated 4 June 1997, Judge Loyao granted respondent’s Motion for Inhibition^[12] on the ground of his personal and official relations with the parties. Respondent filed an ex-parte Motion for Reconsideration^[13] praying, in the interest of justice and fair play, for the deletion of the third paragraph of the questioned Order, to wit:

“x x x

Respondent is only too willing to provide an P8,000.00 monthly support/stipend to the complainant in

fulfillment of his moral obligation to her as her husband.”[14]

In an Order dated 14 July 1997, Investigating Judge Loyao granted respondent’s motion and left the amount of monthly support to be fixed by this Court.

On 1 August 1997, respondent again filed a Manifestation[15] addressed to then DCA Abesamis raising the same issues in his ex-parte Motion for Reconsideration. He additionally avers that the questioned part of the Order is baseless. He states that the records of the mediation conference of the parties do not show that respondent promised to provide such an oppressive amount as support. Allegedly, he only agreed to negotiate with complainant a voluntary monthly financial assistance for humanitarian considerations, as he maintains that complainant deserted the conjugal home and hence, is not entitled to support. On 25 August 1997, complainant also wrote then DCA Abesamis. She sought help from the OCA to enjoin respondent in fulfilling his promise of negotiating the terms of the financial assistance in her favor.

In a Memorandum dated 9 June 1998, Assistant Court Administrator (ACA) Antonio H. Dujua recommended that the case be referred to the Presiding justice of the Court of Appeals for investigation, report and recommendation. The Court adopted this recommendation thru its Second Division in a Resolution dated 15 July 1998. The case was assigned by raffle to Associate Justice Eloy R. Bello, Jr.

In the hearings conducted before the Investigating Justice, complainant testified and offered the testimonies of the following witnesses: Salvador O. Solima, Fernando M. Campilan, Jr.,[16] Oscar E. Cabrera, and Ramon Y. Bustrillo. On the part of respondent, only he testified.

The evidence shows that complainant and respondent were married in 1960,[17] and except for a brief period of six (6) months, lived in the house of the parents of respondent. They had five (5) children. Their marital problems began in 1973 when complainant’s friends informed her of her husband’s infidelities and philandering. In 1983, complainant left the house of her parents-in-law and went back to her parents.[18] Complainant testified, viz:

“Q:

Why did you leave the house where your husband resides?

A:

Because I could no longer stand his unfaithfulness. I was very much depressed and I notice (sic) that I was a victim of false promises.

Q:

What do you mean by false promises?

A:

He promised to construct a house to be called our home.”[19]

Witness Salvador O. Solima testified that he helped the complainant prepare her Affidavit of Desistance dated 9 December 1996. He stated that he was requested by respondent to help effect the withdrawal of the charges, as respondent was then slated to be appointed as Regional Trial Court Judge.[20] He advised complainant to sign the Affidavit of Desistance because of respondent’s promise to give her support.[21]

Fernando M. Campilan, Jr., son of respondent and complainant, declared that in the early 1990’s, he saw his father holding hands with a woman as they were about to enter the White Gold Shopping Center in Cebu City.

Campilan, Jr. was then with his mother. He narrated that respondent and his woman companion immediately left the area and sped away on a taxi upon seeing them. He suspected the woman to be his father's paramour. He said that his suspicion is in accord with vicious rumors that had reached him and his family. He, however, admitted that apart from this uncanny incident, he did not see respondent with the same woman again.[22]

Oscar E. Cabrera, Senior Manager of the Claims Department, Insular Life Assurance Company, Ltd., testified on the procedure regarding the release of checks that represent the proceeds of matured insurance policies. He averred that the check of the complainant was issued by the bank on 10 October 1994. He said that Ramon Y. Bustrillo, head of the Insular Life Assurance Company, Ltd., Maasin Branch, released complainant's check to respondent.[23] Bustrillo confirmed this, and testified that he released the check to respondent even without the complainant's authorization, on the strength of respondent's position as a judge.[24]

Respondent vehemently denied the complainant's accusation of forgery. He reiterated that complainant left him because she comes from a well-to-do family and is not content with their standard of living. He likewise explained that the negotiation on the issue of support bogged down because complainant's demand of P8,000.00 per month is unreasonable and excessive.[25]

In his Report and Recommendation,[26] Justice Bello, Jr. found the charges of grave misconduct, immorality and marital infidelity as groundless but recommended that respondent pay a monthly support of P10,000.00 to the complainant.

The case was referred to the OCA for further recommendation. On 1 December 1999, the OCA recommended that respondent be fined the amount of Forty Thousand Pesos (P40,000.00) for forging the signature of complainant, with a warning that a repetition of the same or similar offense shall be dealt with more severely. The OCA, however, was also of the view that the charge of immorality and the action for support should be dismissed for lack of merit.[27]

The following issues are submitted for our resolution: (1) whether the case at bar has become moot and academic; (2) whether the respondent forged the signature on the check belonging to complainant; (3) whether this Court can take cognizance of the charge of immorality and marital infidelity against respondent; (4) whether respondent is liable to provide support to complainant; and (5) whether respondent is guilty of grave misconduct.

This case was filed against the respondent in September 1995 while he was still a Municipal Circuit Trial Court Judge. In 1997, despite the pendency of the case, he was appointed Regional Trial Court Judge. Respondent contends that these circumstances, together with the execution of the Affidavit of Desistance on 6 December 1996, rendered the case against him moot and academic.

We reject respondent's contention. His promotion and the complainant's desistance to pursue the charges against him do not necessarily warrant the dismissal of the case at bar.

Disciplinary actions against members of the bench do not involve purely private or personal matters. Resolutions of these complaints cannot depend upon the will of the complainant who may, for one reason or another, condone a punishable act. This Court cannot be bound by the unilateral act of a complainant in a matter which involves the exercise of its disciplinary power. Otherwise, that power may be put to naught, thereby undermine the trust character of a public office and impair the integrity and dignity of this Court as a disciplining authority.[28]

On the issue of forgery, complainant testified that the respondent secured her check, representing her matured insurance policy, without her knowledge and authorization. The officers of the bank released the check to respondent on account of his status as a judge. They had no information that respondent and complainant were estranged.[29] In defense, respondent alleged:

“Their separate insurance policies matured together in September 1994. Respondent claimed his check from the Insular Life Assurance Corporation branch at Maasin, Southern Leyte, including that of the complainant because she was then in Cebu City. Thereafter, respondent sent to the complainant her check through their own daughter without any demand for payment of the P10,000.00 earlier secured from him. But in due time, the said check was sent back by their daughter already bearing an endorsement and with the instruction that out of the proceeds thereof, P10,000.00 shall be deducted as payment to the respondent. In deference to their wishes, respondent encashed or deposited the same to his account and thereafter remitted the balance to them.”[30]

In the proceedings before the Investigating Justice, respondent stuck to this explanation:

“Q

With respect to the check of your wife, the complainant, what did you do with it?

A

I sent it over to my daughter.

Q

Who is that daughter you are referring to?

A

The same Doctora Ana Jean Campilan Crisanto.

Q

You sent it again by what means?

A

I don’t remember exactly but this time I sent it through registered mail.

Q

Could you produce in court the registered mail?

A

I’m sorry, I don’t have the receipt anymore.

Q

Did you not confirm with your daughter whether she received this check or not?

x x x

A

The check was returned back (sic) to me in Maasin with instructions that x x x the 10,000 be paid out (sic) of the proceeds of the said check. And it already bore an indorsement at the back thereof.

x x x

Q

Whose indorsement appeared in those supposed returned checks?

A

There was already an indorsement at the back of the check and cursorily looking over the same, I have no doubt that it was an indorsement by the complainant.”[31]

The OCA found the respondent guilty of forgery. Analyzing the evidence, it held:

“Even a cursory examination of the signature of complainant at the back of the check (Exh. F-4) reveals that it is different from that appearing in the passport of complainant (Exh. K, Rollo, p. 159) and the other documentary evidence of complainant wherein her signature appears. x x x Special attention is drawn on the middle initial of complainant which is written in a totally different manner in the check.”[32]

In addition, it held that respondent failed to overthrow the presumption that he who is in the possession of a falsified document and makes use of the same is the forger.[33]

We sustain the finding of the OCA. A disinterested witness, Mr. Ramon Y. Bustrillo, testified as follows:

“Q

You mentioned a while back that it was Judge Campilan who followed up the matured policies and for (sic) the release of the check, did you look for authorization from him via Mrs. Campilan?

A

Yes, Ma’am, I asked from him the authorization coming from Mrs. Campilan.

Q

Did he give you any authorization coming from Mrs. Campilan?

A

None, Ma’am.

Q

So, in spite of this lack of authorization, why did you release the check of Mrs. Campilan to him?

A

The truth of the matter is, Judge Campilan is a well-known person in our city and he is the Judge in our place and his reputation is good in our community and so I trusted the release of the check to him.[34]

x x x

Q

Who went to your office to get the checks if it was not Judge Campilan?

A

It was a certain Jessa Segovia.

Q

And this Jessa Segovia who went to your office to get the checks, what did she have with her, what document did she have (sic) her when you gave the checks to her?

A

An authorization coming from Judge Campilan.

Q

I have here a xerox copy of an authorization of Judge Campilan written on the letter-head of Judge Fernando C. Campilan, Jr., dated October 18, 1994, does the xerox copy bear any similarity or semblance to what you originally received?

A

Yes, Ma'am, it does.”[35]

The original of this authorization is marked as Exhibit Z.[36] We quote its contents:

“AUTHORIZATION

INSULAR LIFE INC.

Maasin, Southern Leyte

This is to authorize Ms. MA. JESSA S. SEGOVIA to demand and receive two (2) checks representing matured policies of myself and my wife.

Maasin, Southern Leyte Oct. 18, 1994.

Signed by Respondent”

On the lower left-hand corner of this authorization, the following notation is jotted in red ink: “Released 10/18/94”. The date of release of the check was confirmed by Mr. Bustrillo on cross-examination:

“Q

You said that you released the checks, two checks, one for Judge Campilan and the other for Mrs. Campilan, the wife of Judge Campilan. When did you release the check to them?

A

I released it to the bearer of the Letter of Authorization.

Q

When?

A

October 18, 1994.”[37]

The release of the check was never disputed by respondent. The dorsal side of said check[38] will show that it was deposited the day after it was released, or on 19 October 1994. This totally crushes the stance of the respondent that he sent the check to his daughter by registered mail, but his daughter sent it back to him already indorsed by complainant and with an instruction that he deduct from the proceeds of the check the amount of P10,000.00 which he claims he earlier loaned to complainant. This explains why respondent could not present any proof, which could have been easily done if true, that he sent the check to his daughter by registered mail.

It is also established that respondent did not possess any authority to collect the check representing the proceeds of the matured insurance policy of complainant. As correctly argued by complainant, acting for and in behalf of another, without authority, is conduct that is wrong, in fact, it is unlawful.[39]

The above acts of respondent involve moral turpitude. In *Zari vs. Flores*,[40] we defined moral turpitude as an act done contrary to justice, honesty, modesty or good morals. Crimes like forgery involve moral turpitude.

Anent the charge of immorality and marital infidelity, this was embodied in the Supplemental Affidavit filed by the complainant on 19 September 1996, or after more than one year from the time the original Affidavit-Complaint was filed. Respondent contends the Supplemental Affidavit should not be considered as he was never given notice thereof in violation of his right to due process.[41] Respondent alleges that he was not even required to comment on the charge.

On the side of complainant, it is claimed that the Supplemental Affidavit was filed only to expound on the charges made in the Affidavits of September 11, 1995 and November 17, 1995.[42]

In sustaining the stance of the respondent, the Investigating Justice held:

“x x x Under Sec. 6, Rule 10 of the 1997 Rules of Court, filing of a supplemental pleading is proper under the following condition:

“Sec. 6. Supplemental Pleadings - Upon motion of a party the court may, upon reasonable notice and upon such terms as are just, permit him to serve a supplemental pleading setting forth transactions, occurrences or events which have happened since the date of the pleading sought to be supplemented. The adverse party may plead thereto within ten (10) days from notice of the order admitting the supplemental pleading.”

The marital infidelity and immorality allegedly of Judge Campilan is not something that transpired after the filing of the complaint, but is supposedly known long ago to the complainant x x x.”[43]

We agree. The Investigating Justice and the OCA found that the evidence of complainant against the respondent on the issue of infidelity and immorality is inconclusive. We quote the findings of the OCA:

“Indeed insofar as the testimony of complainant is concerned, the portions thereof touching on the alleged infidelity of respondent are either hearsay or inconclusive. According to complainant, she first learned of respondent’s infidelities through an anonymous letter (TSN, Nov. 5, 1998, pp. 48-49) but she did not offer the letter in evidence. Because of the alleged letter, complainant went to the place where respondent was holding office and she was “informed” about respondent’s infidelities (TSN, Nov. 5, 1998, pp. 49-50). Complainant alleged that respondent took his paramour with him to his conferences and conventions but it was her daughter who found this out, not her personally (TSN, Nov. 5, 1998, pp. 60-61). Complainant said that respondent and his alleged paramour made use of his office as their meeting place but she failed to present any witnesses to corroborate the same (TSN, Nov. 5, 1998, pp. 63-64). Likewise, with respect to the other lady with whom respondent allegedly has a relationship, complainant’s testimony is flimsy as she failed to present any witness to establish her allegation (TSN, Nov. 5, 1998, pp. 66-69). As to this other woman, it seems complainant found out about the alleged affair only from friends and relatives (TSN, Nov. 5, 1998, pp. 89-91) whom she neglected to present in court. Complainant’s mere suspicion of such infidelity based on what she perceived as changes in respondent’s behavior (TSN, Dec. 1, 1998, pp.11-12) is not sufficient to establish the charge on immorality.

It is true that complainant’s testimony to the effect that she saw respondent and another woman shopping in Cebu City (TSN, Nov. 5, 1998, pp. 58-59) was corroborated by her son, Fernando Campilan, Jr. (TSN, Dec. 1, 1998, pp. 125-131) but the testimony itself is not incontrovertible proof that respondent and the woman were having a relationship.

Equally inconclusive is the photograph of respondent with another woman (Exh. A, Rollo, p. 142). The person who took the photograph nor (sic) anyone present when the same was taken was not even presented. As correctly held by the Investigating Justice, the pose taken by respondent and the woman is susceptible of different interpretations.”[44]

We therefore dismiss the charge of immorality and marital infidelity for lack of evidence.

On the issue of support, respondent contends that it is not a proper ground for administrative action and being a contentious issue, it can only be best threshed out and resolved by the regular courts.[45] He further avers that complainant abandoned the conjugal home without his knowledge and without justifiable cause.[46]

Respondent’s contention is correct. The issue of support involves both legal and factual considerations such as complainant’s entitlement to support and her necessities and the respondent’s financial capacity, which are best left to the trial court to determine. At any rate, even if this Court were to take cognizance of this issue, the evidence on record does not warrant a finding of immorality and marital infidelity on the part of respondent. Absent this finding, complainant’s claim for support is left without a leg to stand on, as she has not presented any other justifiable cause for leaving the conjugal abode.[47] In respondent’s “Undertaking” dated 9 December 1996 and “Deed of Undertaking” dated 4 March 1997, he undertook “to negotiate regarding the financial monthly assistance to (his) wife,” but the negotiation was not concluded. At best, therefore, respondent can be faulted for not proceeding with the negotiation. Likewise, respondent’s subsequent act of promising complainant that monthly financial assistance would be given in exchange for the execution of an Affidavit of Desistance amounts to bad faith, if not deceit, for which he should be made liable.

Finally, we resolve the issue of whether or not respondent committed acts constituting grave misconduct.

We reiterate the rule that gross misconduct is such misconduct which affects a public officer’s performance of his duties as such officer, and not only that which affects his character as a private individual. For gross misconduct to warrant dismissal from the service, there must be reliable evidence showing that the judicial acts complained of were corrupt or inspired by an intention to violate the law. It must (1) be serious, important, weighty, momentary, and not trifling; (2) imply wrongful intention and not mere error of judgment; and (3) have a direct relation to and

be connected with the performance of his official duties.[48]

In the case at bar, the acts complained of may not be strictly connected with the performance of respondent's official duties, and thus cannot be legally considered as gross misconduct. Be that as it may, his acts violate Canon 2 of the Code of Judicial Conduct which mandates that "a judge should avoid impropriety and the appearance of impropriety in all activities." [49] It is an established norm that a judge's official conduct and his personal behavior, not only upon the bench and in the performance of official duties, but also in his everyday life, must be beyond reproach. Respondent cannot rely on *Apiag vs. Cantero* [50] where we held that gross misconduct as a ground for administrative action must be one that affects the officer's performance of his duties, for in the same case, we also ruled that:

"However, the absence of a finding of criminal liability on his part does not preclude this Court from finding him administratively liable for his indiscretion, which would have merited disciplinary action from this Court had death not intervened. In deciding this case, the Court emphasizes that '(t)he personal behavior of a judge, not only upon the bench but also in his everyday life, should be above reproach and free from the appearance of impropriety. He should maintain high ethical principles and sense of propriety without which he cannot preserve the faith of the people in the judiciary, so indispensable in an orderly society. For the judicial office circumscribes the personal conduct of a judge and imposes a number of restrictions thereon, which he has to observe faithfully as the price he has to pay for accepting and occupying an exalted position in the administration of justice. ' It is against this standard that we must gauge the public and private life of Judge Cantero.'" [51]

Hence, even if respondent's acts of forging the signature on complainant's check and deceitfully reneging on his undertaking to negotiate and provide support do not strictly relate to his official functions, this Court cannot allow him to run unscathed. Clearly, respondent violated the established norm for judicial behavior that a judge should avoid impropriety and the appearance of impropriety in all activities. As we explained in the case of *Dela Paz v. Inutan*, [52] viz:

"The judge is the visible representation of the law and, more importantly, of justice. From him, the people draw their will and awareness to obey the law. They see in him an intermediary of justice between two conflicting interests, especially in the station of municipal judges, like respondent Judge, who have that close and direct contact with the people before anybody else in the judiciary. Thus, for the judge to return that regard, he must be the first to abide by the law and weave an example for the others to follow. He should be studiously careful to avoid even the slightest infraction of the law." [53]

WHEREFORE, judgment is hereby rendered as follows:

- The charge of gross misconduct against respondent Judge Fernando C. Campilan, Jr., Presiding Judge of the Regional Trial Court, 8th Judicial Region, Branch 39, Sogod, Southern Leyte, is **DISMISSED**. He is, however, found **GUILTY** of committing acts of impropriety under the Code of Judicial Conduct and is imposed the fine of P40,000.00.
- The charge of immorality and marital infidelity against the respondent judge is **DISMISSED** for lack of sufficient evidence.
- The prayer for support is **DENIED** as complainant's entitlement to support and the terms thereof are not proper in the administrative case at bar, but should be resolved in appropriate proceedings in the trial courts.

The respondent is warned that repetition of the same or similar acts in the future shall be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Vitug, Mendoza, Panganiban, Quisumbing, De Leon, Jr., Sandoval-Gutierrez, Carpio, Austria-Martinez, and Corona, JJ., concur.

Melo, Kapunan, and Ynares-Santiago, JJ., on official leave.

[1] Re: Release by Judge Manuel T. Muro, RTC, Branch 54, Manila, of an Accused in a Non-Bailable Offense, A.M. No. 00-7-323-RTJ, 17 October 2001, citing Escanan v. Monterola II, A.M. No. P-99-1347, February 6, 2001.

[2] Marcelino vs. Singson, Jr., 243 SCRA 685, 689 (1995), citing Jugueta vs. Boncaros, 60 SCRA 27; Conde vs. Superable, Jr., 29 SCRA 727; Luque vs. Kayanan, 29 SCRA 165.

[3] Compare Exhibits G & H, Rollo, pp. 149-150, and 11-A & 11-B, Rollo, pp. 205-206.

[4] Comment; Rollo, p. 12.

[5] Rollo, pp. 26-27.

[6] Exhibit J, Rollo, p. 153.

[7] Rollo, p. 59.

[8] Rollo, p. 35.

[9] Id., pp. 47-48.

[10] Id., p. 60.

[11] Id., p. 64.

[12] Id., p. 67.

[13] Id., pp. 90-91.

[14] Rollo, p. 67.

[15] Id., pp. 73-74.

[16] Referred to as Fernando III in the Memorandum of complainant.

[17] TSN, Crispina M. Campilan, 5 November 1998, p. 41.

[18] Id., p. 74.

[19] TSN, Crispina M. Campilan, 7 December 1998, pp. 35-36.

[20] TSN, Salvador O. Solima, 1 December 1998, pp. 94-95.

[21] Id., pp. 103, 113.

[22] TSN, Fernando M. Campilan, Jr., 1 December 1998, pp. 125-131.

[23] TSN, Oscar E. Cabrera, 6 January 1999, pp. 36-38.

[24] TSN, Ramon Y. Bustrillo, 18 January 1999, pp. 6-52.

[25] TSN, Judge Fernando C. Campilan, Jr., 15 February 1999.

[26] Dated 8 June 1999.

[27] Memorandum for: Honorable Associate Justice Josue N. Bellosillo, Chairman, Second Division, Re: Crispina M. Campilan v. Judge Fernando C. Campilan, Jr., A.M. No. MTJ-96-1100 (Formerly OMB-VIS-95-0311), Rollo, pp. 65-67.

[28] Sandoval vs. Manalo, 260 SCRA 611(1996).

[29] TSN, Crispina M. Campilan, 5 November 1998, pp. 124, 136.

[30] Memorandum for the Respondent, p. 7; Rollo, p. 288.

[31] TSN, Judge Fernando C. Campilan, Jr., 15 February 1999, Rollo, pp. 121-129.

[32] Supra, Note 27, p. 68.

[33] The Investigating Justice, in contrast, held that the evidence against the respondent is insufficient.

[34] TSN, Ramon Y. Bustrillo, 18 January 1999, pp. 18-20.

[35] Id., pp. 23-24.

[36] Rollo, p. 169.

[37] TSN, Ramon Y. Bustrillo, 18 January 1999, pp. 44-45.

[38] See Exhibit F, Rollo, p. 147.

[39] Memorandum for the Complainant, p. 9; Rollo, p. 315.

[40] 94 SCRA 317, 322-323 (1979).

[41] Memorandum for the Respondent, p. 15; Rollo, p. 296.

[42] Memorandum for the Complainant, p. 5; Rollo, p. 311.

[43] Report and Recommendation, p.10.

[44] Supra, Note 27, pp. 69-70.

[45] Id., p. 14; Rollo, p. 295.

[46] Memorandum for the Respondent, p. 19; Rollo, p. 294.

[47] See *Goitia v. Campos Rueda*, 35 Phil. 252 (1916); *Garcia v. Santiago*, 53 Phil. 952 (1929); *Dadivas V. Villanueva*, 54 Phil. 92 (1929).

[48] *NBI vs. Villanueva*, A.M. No. MTJ-99-1207, 21 November 2001.

[49] Canon 2, Code of Judicial Conduct.

[50] 268 SCRA 47 (1997).

[51] *Apiag v. Cantero*, supra Note 50, p. 62.

[52] 64 SCRA 540 (1975).

[53] Dela Paz v. Inutan, *supra*, pp. 548-549, citing Canons of Judicial Ethics, sec. 24.

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