

MARK ANTHONY I. PAGA, COMPLAINANT, VS. HON. EMMANUEL W. PADERANGA, PRESIDING JUDGE, MUNICIPAL CIRCUIT TRIAL COURT (MCTC), BALINGOAN-TALISAYAN, MISAMIS ORIENTAL, RESPONDENT.

AM-MTJ-10-1762 (Formerly OCA IPI No. 09-2176-MTJ). May 05, 2021

Ponente: GAERLAN, J.

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GAERLAN, J.:

This resolves the Affidavit-Complaint[1] filed by Mark Anthony I. Paga (Paga) against respondent Judge Emmanuel W. Paderanga (Judge Paderanga) of the Municipal Circuit Trial Court of Balingoan-Talisayan, Misamis Oriental, for violation of the Code of Judicial Conduct and for Gross Ignorance of the Law.

Antecedents

Sometime in December 2008, Judge Paderanga arrived at the port of Benoni, Camiguin Island. He brought with him 10 pieces of mango seedlings. Paga, a Quarantine Personnel at the said port,[2] approached Judge Paderanga and respectfully asked if the latter had a permit for his seedlings. The Judge responded by asking if there was a need for that, and insisted to see the law.

Unfortunately, Paga was unable to produce a copy of the law. Judge Paderanga retorted, "since you cannot show me anything, then stand aside, otherwise, I will slap your face." He then immediately left, taking the mango seedlings with him.[3]

Paga's second encounter with Judge Paderanga occurred on April 19, 2009, at around 8:45 in the morning. Paga was walking towards his boarding house at Rizal Street, Poblacion, Mambajao, Camiguin, when he chanced upon Judge Paderanga and his son Ethaniel Evagrio Paderanga (Ethaniel), who were on board a motorcycle. Paga continued walking, he heard someone call "psst." He did not respond, since he had just moved to the place and did not know anyone in the area. Suddenly, somebody grabbed him from behind. Upon turning, he saw Judge Paderanga's other son Mython Emmanuel Paderanga (Mython). Mython grabbed Paga by the collar and took him to where Judge Paderanga stood. Judge Paderanga asked Paga why he was glaring at him. Paga answered that he was not. Suddenly, Mython, while holding Paga's collar, hit him on the right side of his neck, and menacingly asked, "do you not know who my father is?" Meanwhile, Ethaniel beat Paga with his fists, hitting the latter on the left side of his neck and on the left side of his torso. Ethaniel uttered "don't act fearless here, you are not from this place." [4]

While Mython and Ethaniel were ganging up on Paga, Judge Paderanga slapped the left side of Paga's face. Paga hurriedly walked away and called his supervisor Michael Gomez (Gomez).[5] Then, he and Gomez reported the incident at the Office of the Chief of Police of Mambajao, Camiguin.[6] Thereafter, they proceeded to the Camiguin General Hospital for Paga's medical examination.[7]

Aggrieved by Judge Paderanga's acts, Paga filed an Affidavit- Complaint[8] charging the former of violation of

Canon 2 of the Code of Judicial Conduct for slapping him and allowing his sons to maul him. He likewise charged Judge Paderanga with Gross Ignorance of the law, for the latter's act of questioning the performance of his functions as a quarantine officer.[9]

In response,[10] Judge Paderanga vehemently denied Paga's allegations. Initially, he clarified that he did not bring mango seedlings to the province of Camiguin. Rather, five seedlings were found in the multi-cab owned by Antonino L. Cioco. He was seated at the front seat of the said vehicle when Paga approached and asked about the permit. He honestly did not know whether there was a permit for the seedlings, considering that he did not own them. When Paga warned to confiscate the seedlings, he sincerely inquired if such act was necessary since there was no declaration of a pandemic or disease in the province, nor was there any information or bulletin regarding the matter. He stressed that he never threatened to slap Paga.[11]

He further related that on April 19, 2009, he was riding behind his son Ethaniel on a motorcycle, when he noticed a person wearing dark sunglasses meeting them head on. He later recognized the man as Paga. Ethaniel was forced to swerve to the left to avoid hitting Paga. Ethaniel nearly fell to the ground. During this time, Mython was walking along the street and called Paga, but the latter did not respond. So Mython tapped Paga's back, but the latter parried Mython's hand and positioned himself for a fight. Mython was taken aback and embraced Paga's body and held the latter's right hand. Then, Ethaniel approached them and asked Paga why he did that. Ethaniel warned Paga not to be arrogant, as he is a stranger to the place. Judge Paderanga denied slapping Paga.[12]

On March 26, 2010, the OCA issued a Report[13] recommending that the complaint be re-docketed as a regular administrative matter and referred for further investigation.[14] Accordingly, on July 19, 2010, this Court issued a Notice[15] referring the case to the Executive Judge of the Regional Trial Court (RTC) of Misamis Oriental for investigation.

Report of the Investigating Judge

In the Investigation Report[16] dated July 11, 2011, Investigating Judge Judy A. Sia-Galvez gave credence to Paga's statements. She believed Paga's narration that he was slapped by Judge Paderanga, and ganged up on by the latter's sons. She observed that Paga was small in built compared to the Paderangas, who were tall men with athletic bodies. Likewise, Paga's allegation that Judge Paderanga slapped him on the cheek was proven by the medical report, which indicated that Paga had red lines on the left side of his neck. Even assuming that Judge Paderanga did not slap Paga, he is still at fault for failing to prevent his sons from hurting and harassing Paga.[17] Furthermore, although the incident happened on a Sunday and partakes of a personal squabble, Judge Paderanga is still accountable, as a judge's personal behavior must always be beyond reproach.

Thus, Investigating Judge Sia-Galvez found that Judge Paderanga violated Canon 4 of the Code of Judicial Conduct which demands propriety and the appearance of propriety in the judge's activities. His acts constituted conduct unbecoming of a judge, which is regarded as a light offense under Section 10, Rule 140 of the Rules of Court. Hence, she recommended admonishing Judge Paderanga, with a stern warning that the commission of a similar act would be dealt with more severely. However, she dismissed the charges of Gross Misconduct and Gross Ignorance of the Law.[18]

Report and Recommendation of the OCA

The OCA submitted its Report and Recommendation[19] dated March 1, 2017, where it accorded respect to the factual findings of the Investigating Judge.[20] It likewise agreed that Paga, a newcomer in the province, did not know Judge Paderanga and the power and influence he wielded in the community. Paga was unwavering in his claim that the Judge slapped him and allowed his sons to manhandle him. Paga had no axe to grind against the

Judge that would compel him to concoct a story against the latter. He was prompted solely by the desire to seek justice for the physical injuries and emotional trauma he sustained by reason of the acts committed by Judge Paderanga and his sons, when he was merely performing his duties as a quarantine personnel.

The OCA stressed that Sections 1 and 2 of Canon 4 of the New Code of Judicial Conduct impose upon judges the duty to act with proper decorum and in a manner consistent with the dignity of their exalted position, whether in the performance of their functions or outside the realm of their judicial office.[21] Judge Paderanga fell short of the exacting standards expected of him as a magistrate.[22] By being involved in a scuffle with Paga, he demonstrated a predisposition to violence and absence of self-restraint. Such behavior manifests impropriety and is anathema to an irreproachable conduct either in the discharge of his official duties or in his daily personal life.[23]

The OCA recommended that Judge Paderanga be found guilty of violation of Sections 1, 2 and 8 of Canon 4 of the Code of Judicial Conduct. However, the OCA took exception to the penalty of admonition with warning imposed by the Investigating Judge. It noted that on August 24, 2005, Judge Paderanga was fined in the amount of P20,000.00 in A.M. No. 05-8-203 (Re: Reports on the Judicial Audit of the MCTC, Balingoan, Misamis Oriental) for his failure to promptly resolve the cases assigned to him. Accordingly, the OCA recommended the imposition of a fine of P20,000.00, with a stern warning that a repetition of the same or similar act shall be dealt with more severely.[24]

Issue

The pivotal issue in the instant case is whether or not Judge Paderanga is administratively liable for violation Sections 1, 2 and 8, Canon 4 of the Code of Judicial Conduct.

Ruling of the Court

The Court agrees with the findings of fact of the OCA, but increases the fine to be imposed on Judge Paderanga.

Judge Paderanga is guilty of violating Canon 4 of the Code of Judicial Conduct.

Time and again it has been stressed that a judge is the visible representation of the law.[25] In view of this sacred image, a judge's conduct is subject to stricter and exacting standards. No position requires a greater call for moral uprightness than a seat in the Judiciary.[26] Thus, a judge's behavior, both official and personal, must withstand the most searching public scrutiny.[27]

On this score, Canon 4 of the Code of Judicial Conduct exhorts members of the judiciary to be models of propriety at all times:

CANON 4

Propriety

Propriety and the appearance of propriety are essential to the performance of all the activities of a judge.

Section 1

Judges shall avoid impropriety and the appearance of impropriety in all of their activities.

x x x x

Section 2

As a subject of constant public scrutiny, judges must accept personal restrictions that might be viewed as burdensome by the ordinary citizen and should do so freely and willingly. In particular, judges conduct

themselves in a way that is consistent with the dignity of the judicial office.

x x x x

Section 8

Judges shall not use or lend the prestige of the judicial office to advance their private interests, or those of a member of their family or of anyone else, nor shall they convey or permit others to convey the impression that anyone is in a special position improperly to influence them in the performance of judicial duties.

Verily, Sections 1 and 2 of Canon 4 mandate that members of the Judiciary must be beyond reproach and above suspicion. Likewise, they should avoid any appearance of impropriety not only in the discharge of their official duties, but also in their personal behavior and everyday life.[28] After all, a judge's official life cannot be separated from his/her personal existence.[29]

Moreover, an exacting standard of behavior is expected since people look upon courts with a high degree of respect. A judge's misconduct inevitably diminishes the judiciary's dignity. Consequently, a judge is reminded to always keep his/her passion guarded. He/she must not allow it to run loose and overcome by reason.[30] Indeed, a fight or a disgraceful occurrence will tarnish the Judiciary's good image.

In the case at bar, Judge Paderanga violated Sections 1, 2 and 8 of Canon 4 of the Code of Judicial Conduct. During his first encounter with Paga, he threatened to slap the latter who was merely performing his duties as a quarantine officer. His sarcastic remark that Paga must first show him a copy of the law, followed by his snide threat to slap Paga if the latter refuses to let the vehicle pass, betray the judicial restraint and temperament required of a magistrate. He acted like an ill-mannered tyrant, who was easily irritated by the enforcement of legitimate rules in the Port of Camiguin.

The second confrontation was even worse. This time, he actually slapped Paga in front of his sons. His act of slapping Paga was confirmed by the Medical Certificate which stated that the latter had red lines on the left side of his cheek.[31] The reason behind the slap was trivial. Apparently, Judge Paderanga was irked when Paga purportedly glared at him, and failed to move to the side to avoid the motorcycle he and Ethaniel were riding. It is certainly strange that Paga, who was merely walking, would brazenly meet the motorcycle head on, when doing so would certainly place him in grave danger. Needless to say, even assuming Judge Paderanga's version to be true, his act of slapping Paga was certainly uncalled for. Undoubtedly, Judge Paderanga's act of slapping a hapless man reveals his petty and quarrelsome demeanor that is unbecoming of a respectable member of the Judiciary.

Furthermore, even assuming for the sake of argument that Judge Paderanga did not slap Paga, still, his act of condoning his sons' harassment is improper. He did not bother to stop them while they mauled Paga. Sadly, he watched in silence as Mython grabbed Paga's collar and hit him, while Ethaniel boxed the latter. It must be noted that the RTC observed that Paga was short and barely 5 feet, 3 inches in height, compared the Padarengas, who towered over him. The Paderangas were described as tall men, who stood at 5 feet and 8 inches; 5 feet and 9 inches; and 5 feet and 11 inches; and were said to be of athletic built.[32] Indeed, Judge Paderanga's indifference while his sons manhandled Paga certainly constitutes impropriety and unbecoming conduct that diminish the public's confidence in his exalted position as a judge.

In addition, Judge Paderanga allowed his sons to brag about his stature as a judge, and use his position to instill fear in Paga. By doing so, he unwittingly dragged not only his name, but the entire judiciary to disrepute. Section 8, Canon 4 strongly forbids judges from using or lending the prestige of their judicial office to advance their, or their family member's interests. A judge's position should never be used as an instrument to instill fear and terror on others.

Without a doubt, Judge Paderanga must be administratively sanctioned for his improper conduct which certainly tarnished the image of the Judiciary. Accordingly, he should be charged with a fine of P50,000.00 pursuant to A.M. No. 21-03-17-SC, which increased the imposable penalty for less serious charges to P35,000.00 but not more than P100,000.00. The increased fine is warranted considering that Judge Paderanga had been previously penalized in the amount of P20,000.00 in A.M. No. 05-8-203 (Re: Reports on the Judicial Audit of the MCTC, Balingoan, Misamis Oriental) for undue delay in rendering a decision. Likewise, he is sternly warned that the repetition of the same or similar act shall be dealt with more severely.

In fine, judges are always reminded to comport themselves in a manner that reaffirms the people's faith and trust in the integrity of the Judiciary.[33] As a member of the Bench, Judge Paderanga must never forget that he is a visible representation of the law and justice. He must exercise temperance, courtesy and patience in his personal dealings. Regrettably, he fell short of the exacting norms of his judicial office. As such, he must be held administratively accountable.

WHEREFORE, Judge Emmanuel W. Paderanga is found GUILTY of violation of Sections 1, 2 and 8 of Canon 4 of the Code of Judicial Conduct, for which he is FINED P50,000.00. He is STERNLY WARNED that a repetition of the same or similar offense shall warrant an even more severe penalty.

Let a copy of this Resolution be attached to the personal records of Judge Paderanga in the Office of Administrative Services, Office of the Court Administrator and the Office of the Bar Confidant.

SO ORDERED.

Gesmundo, C.J., (Chairperson), Caguioa, Carandang, and Zalameda, JJ., concur.

[1] Rollo, pp. 1-4.

[2] Id. at 1.

[3] Id.

[4] Id. at 10.

[5] Id. at 2.

[6] Id. at 2-3.

[7] Id. at 3.

[8] Id. at 1-4.

[9] Id. at 3.

[10] Id. at 30-32.

[11] Id. at 30.

[12] Id. at 31.

[13] Id. at 46-49.

[14] Id. at 49.

[15] Id. at 51-52.

[16] Id. at 56-63.

[17] Id. at 62.

[18] Id. at 63.

[19] Id. at 230-237.

[20] Id. at 234.

[21] Id. at 235.

[22] Id.

[23] Id.

[24] Id.

[25] Sison-Barias v. Judge Rubia, et al., 736 Phil. 81, 119-120 (2014).

[26] Belen v. Judge Belen, 641 Phil. 120, 130 (2010).

[27] Sison-Barias v. Judge Rubia, et al., supra.

[28] Belen v. Judge Belen, supra note 26.

[29] Re: Anonymous Complaint against Judge Gedorio, Jr., 551 Phil. 174, 180 (2007), citing Hon. Decena v. Judge Malanyaon, 471 Phil. 52, 63-64 (2004).

[30] Dela Cruz (Concerned Citizen of Legazpi City) v. Judge Carretas, 559 Phil. 5, 16 (2007).

[31] Rollo, p. 15.

[32] Id. at 60.

[33] CODE OF JUDICIAL CONDUCT, Canon 2, Section 2.

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