

ATTY. MANUEL M. ROSALES, COMPLAINANT, VS. JUDGE ROMULO S.G. VILLANUEVA, PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH 12, LIGAO, ALBAY, RESPONDENT.

A.M. No. RTJ-03-1784 (AM OCA IPI No. 97-400-RTJ). June 17, 2003

Ponente: AZCUNA, J.

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AZCUNA, J.:

On June 30, 1997, Atty. Manuel M. Rosales filed a Complaint against respondent Judge Romulo S.G. Villanueva for Grave Misconduct and Acts Unbecoming of a Judge.

Complainant stated that he is the legal counsel of respondent's father, Jose Villanueva, Sr., in a case for partition[1] filed by respondent in his own behalf and in behalf of his brothers and sisters.

Complainant alleged that on June 16, 1997, between 8:30 to 9:00 a.m., he and Crispolo Cerdan, the driver of respondent's father, were outside the courtroom of Branch 36 of the Regional Trial Court of Iriga City awaiting the pre-trial of the case for partition. While waiting thereat, respondent approached Cerdan and told him, "Poloy, sabihan mo si Boss mo na pigpapara kuwartahan lang siya kan abogado niya (Poloy, tell your employer that he is just being bled dry by his lawyer)."

According to complainant, respondent uttered the said remark within the hearing distance of other persons, including a police officer, who were also waiting outside the courtroom. After respondent had uttered the remark, he glanced at complainant with an insulting smile and complainant told him, "I will take note of that judge." Respondent then sarcastically asked complainant, "Ika ang abogado? (Are you the lawyer?)" Complainant answered, "I will take note of your comment, judge."

Complainant further alleged that while the session was ongoing in the courtroom, respondent menacingly looked at him thrice from head to toe and uttered, "Guwapong-guwapo ka sa sulot mon yan, noy! (You are just too handsome in your attire, boy!)" Complainant thanked respondent for the "compliment."

Complainant contends that respondent's actuation was uncalled for, demeaning and unbecoming of one who is a member of the judiciary.

Complainant cited other instances allegedly illustrating that respondent was unfit to be in the bench, thus:

a) During the first pre-trial conference of the Partition case between respondent as plaintiff and his father as defendant, [respondent] without any qualms whatsoever told the herein complainant to relay his message to his father to wit:

`Pañero, tell your client (referring to his father, Jose Villanueva, Sr.), he cannot outlive this case.'

b) Sometime in December 1996, without any reason [or] justification and probably borne out of his seething anger towards his father, respondent slashed all four (4) tires of the Lite Ace Van owned by his father's wife (stepmother of herein respondent) as well as two (2) of the opposite tires of their service jeepney parked inside the garage of

Jose Villanueva, Sr. (please refer to Affidavit of Crispolo Cerdan);

c) That sometime on April 28, 1997, again, without any apparent reason, herein respondent slapped his father's personal driver, Crispolo Cerdan, and Romeo Reodique, Jr., the personal aid/helper of respondent's father, which incident is now the subject of a criminal complaint to be filed by said persons (please refer to Affidavit and Police Blotter, Annexes "A" and "B");

d) That without any knowledge or consent of respondent's father (Jose Villanueva, Sr.) and while the Partition case was already pending, respondent, using his position as an RTC Judge, unceremoniously threatened and drove out the lessee of the residential house owned by respondent's father which was then being leased to [a] foreigner thereby depriving respondent's father of the income which defrays his father's day to day expenses (please refer to Annexes "C," "D" and "E") which incident was the subject of a complaint for contempt of court in the Partition case and now an Ejectment case is being prepared for respondent's ouster from the subject premises.

In his Comment, respondent vehemently denied ever committing grave misconduct and acts unbecoming of a judge. He claimed that the complaint is intended to harass and silence him in view of the partition case he and his siblings filed against their father, former Mayor Villanueva, who is the client of complainant.

Respondent specifically denied telling his father's driver, Crispolo Cerdan, "to tell [his] employer that he is just being bled dry by his lawyer." Moreover, he stated that "analyzing the statement, the undersigned (respondent) finds nothing wrong in that statement because though we have property disputes with our father, we want his money to be spent wisely." "Besides, this Mr. Cerdan being a driver of our father and his spouse will do everything to please his employers," added respondent.

Respondent also denied having uttered the sarcastic remarks inside the courtroom that complainant was "too handsome" in his attire, reasoning that it is not his trait to comment on or praise people whom he does not know.

Respondent admitted that he told complainant that his (respondent's) father could not outlive the case. He claimed, however, that his complete statement was "Please tell your client (respondent's father) to just have the case settled amicably for he cannot outlive the case." Respondent stated that complainant, with his incomplete statement, tried to make it appear that he wishes evil upon his father.

In regard to the taking of the property subject of the case for partition, respondent stated that "it is a personal matter and a right being a co-owner, intended to protect the interest of the heirs."

Respondent denied knowledge of the alleged slashing of tires (of his father's Lite Ace van and jeepney) and the slapping of Crispolo Cerdan and Romeo Reodique, Jr. He claimed that he did not know Reodique, Jr.

Respondent insisted that all the aforementioned imputations on his character and integrity were fabricated and intended to harass him, the root cause of which is the property dispute between him and his siblings and their father. He prayed for the dismissal of the charges against him.

In a Resolution dated August 9, 1999, the Court resolved to refer this case to then Court of Appeals Associate Justice Conchita Carpio Morales[2] for investigation, report and recommendation.

The Investigating Justice set the case for hearing on October 20-22, 1999 at the Court of Appeals. During the hearing, complainant and respondent gave their respective testimonies.

Complainant gave details of the incidents subject of his complaint.

As for respondent, he again denied uttering the aforementioned remark to Crispolo Cerdan who, he claimed, was not then present. In support thereof, respondent presented a certification[3] showing that at the time of the alleged

incident, Cerdan was an employee of the Camarines Sur provincial government and that he appeared to have reported for work as shown by the entries in his Daily Time Record.[4] Respondent also declared that he did not see his father on June 16, 1997, although he thought that his father arrived after he had left the courtroom.

Respondent likewise denied having talked to complainant inside the courtroom and stated that he harbored no grudge or ill feeling against complainant.

After respondent concluded his testimony, complainant filed with this Court an Urgent Motion to Designate the Provincial Prosecutor of Camarines Sur to Hear/Investigate Complainant's Other Witnesses, namely, Crispolo Cerdan and SPO1 Stanislaw Mota, who were unable to appear in Manila. The Court referred[5] said motion to the Investigating Justice who dispensed with the presentation of the testimonies of complainant's other witnesses as they appeared to be merely corroborative of complainant's testimony.

The Investigating Justice thereafter reported the following findings:

I. With respect to the alleged utterance of respondent to his father's driver Cerdan to "tell your employer that he is just being bled dry by his lawyer."

Between the word of complainant and that of respondent, the undersigned investigator finds for complainant. Why would a practitioner, like complainant, falsely complain against a trial judge without jeopardizing his practice before him and other judges for that matter.

While respondent presented a certification that Cerdan was employed at the Camarines Sur provincial government and that he appeared to have reported for work on the incident in question, it does not necessarily mean that Cerdan was not present during the incident, given the practice of some provincial employees being detailed to current or ex government officials.

Besides, and this is more crucial, respondent did not at his first opportunity to comment on the complaint, by 2[nd] Indorsement of September 5, 1997, claim not having seen Cerdan during the incident, he having merely denied uttering the quoted remark to Cerdan, as in fact he added that there was to him nothing wrong therewith in light of his and his siblings' property dispute with their father.

II. With respect to the alleged remark inside the courtroom regarding complainant's "too handsome" look in his attire following respondent's thrice looking at him from head to toe: Assuming that respondent indeed uttered the remark, he may have meant it, the perception by complainant of the accompanying sarcasm having possibly arisen from respondent's previous remark to Cerdan while the parties were still outside the courtroom. For if respondent had intended to insult complainant, he certainly would have carried it outside the courtroom when he earlier saw him outside, instead of doing it inside the courtroom where it could be witnessed by those present.

The Court agrees with the findings of the Investigating Justice, particularly regarding the utterance by respondent of the words, "Poloy, sabihan mo si Boss mo na pigpapara kuwartahan lang siya kan abogado niya (Poloy, tell your employer that he is just being bled dry by his lawyer)." The positive testimony of complainant is stronger than the negative testimony of respondent.[6]

Respondent in fact does not seriously deny having made said remark but claims that he finds nothing wrong with it. Accordingly, the Investigating Justice correctly stated that respondent has shown that he does not measure up to the standard of conduct expected of a member of the judiciary that would merit the respect and confidence of the people.

In uttering, within the hearing distance of complainant and other persons, the aforesaid remark, respondent violated Canon 2 of the Code of Judicial Conduct which provides that "[a] judge should avoid impropriety and the

appearance of impropriety in all activities." He also violated Canon 3 of the Canons of Judicial Ethics, thus:

A judge's official conduct should be free from the appearance of impropriety, and his personal behavior, not only upon the bench and in the performance of judicial duties, but also in his everyday life, should be beyond reproach.

The Court has repeatedly reminded members of the judiciary to be irreproachable in conduct and to be free from any appearance of impropriety in their personal behavior, not only in the discharge of their official duties, but also in their every day life.[7] For no position exacts a greater demand for moral righteousness and uprightness of an individual than a seat in the judiciary.[8]

WHEREFORE, respondent Judge Romulo S.G. Villanueva is hereby found guilty of language unbecoming a member of the judiciary and, accordingly, FINED in the amount of Eight Thousand Pesos (P8,000). Respondent is hereby WARNED that a repetition of said offense, or the commission of a similar one in the future, will be dealt with more severely.

Costs de officio.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Vitug, Ynares-Santiago, and Carpio, JJ., concur.

[1] Docketed as Civil Case No. IR-2799.

[2] Now Associate Justice of this Court.

[3] Annex "B," Rollo, p. 53.

[4] Exhibit "7," Rollo, p. 59.

[5] Resolution dated December 6, 1999, Rollo, p. 205.

[6] *Naval v. Panday*, 275 SCRA 654, 678 (1997).

[7] *Dionisio v. Escano*, 302 SCRA 411, 420 (1999); *Naval v. Panday*, *supra* at 689.

[8] *Ibid*.

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