

**RE: ANONYMOUS COMPLAINT DATED FEBRUARY 18, 2005 OF A
#8220;COURT PERSONNEL#8221; AGAINST JUDGE FRANCISCO C.
GEDORIO, JR., RTC, BRANCH 12, ORMOC CITY.**

A.M. No. RTJ-05-1955. May 25, 2007

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

On February 24, 2005, the Office of the Chief Justice received an anonymous letter[1] dated February 18, 2005 from "a court personnel" denouncing Judge Francisco C. Gedorio, Jr.[2] of the Regional Trial Court (RTC), Branch 12, Ormoc City, as a disgrace to the bench for behaving unprofessionally.

The letter states that Judge Gedorio:

- shouts at and reprimands lawyers, personnel, witnesses, and litigants in open court;
- does not know the basic rules of procedure and the law;
- is corrupt, and favors two or three lawyers because "kusog mohatag niya," meaning "they give him too often";
- issued many controversial orders, such as granting bail to a Muslim drug lord although the case was assigned to another sala presided by a new judge; and directing that an order of arrest against the Vice Mayor of Palompon be quashed even if no case was filed against the latter in his (judge's) sala;
- assigning Atty. Clinton Nuevo, then RTC clerk of court, to write his orders and decisions; and
- reprimanded in open court Atty. Ruben Capahi, a private practitioner, and Atty. Pamela Oliver of the Public Attorney's Office (PAO).

On February 25, 2005, then Chief Justice Hilario Davide, Jr. referred the anonymous letter to Deputy Court Administrator (DCA) Zenaida Elepaño for discreet investigation.

The Investigating Team from the Office of the Court Administrator (OCA) conducted a discreet investigation and submitted to DCA Elepaño a Report containing the following findings:

- Judge Gedorio has a speech problem because he suffered a stroke. The lawyers and litigants have difficulty in understanding what he says. He gets angry whenever they do not respond correctly to his questions or directives;
- He has a short temper. He always shouts at others, using intemperate language. He usually embarrasses lawyers and litigants appearing before him;
- He once scolded PAO lawyer Pamela Oliver in open court;
- Atty. Ruben Capahi was also a victim of Judge Gedorio's tantrums;
- He appears fatherly to his staff, eating lunch and sometimes dinner with them. He works from 7:00 a.m. till 7:00

p.m.;

- However, the employees of the other courts avoid him because of his temper;
- He assigned Atty. Clinton Nuevo, then clerk of court, to draft decisions and orders;
- Sometime in October, 2004, he shouted at Jotham Lopez, court interpreter, uttering "Animal ka, bakla ka, ano pang ginagawa mo dyan" Punta ka doon?" when he found the latter talking to a security guard;
- He shouted "punyeta" at his staff and said, "Sino si Clinton? Bakla yon," when a woman was looking for Atty. Clinton Nuevo; and
- According to former Judge Francisco H. Escaño, Jr., now a practitioner in Ormoc City, he could no longer take Judge Gedorio's abuses, arrogance, and corruption; that Judge Gedorio does not know law and procedure; and that he does not talk and act like a judge.

DCA Elepaño then submitted to the Office of the Chief Justice, through then Court Administrator Presbitero J. Velasco (now a member of this Court), the Report of the Investigating Team.

In his comment on the instant anonymous letter, treated as an administrative complaint,[3] respondent Judge Gedorio denied having asked clerk of court Nuevo and Atty. Oliver to draft decisions or orders for him. He explained that whenever clerk of court Nuevo was designated court commissioner in land registration cases, he was the one who drafted the corresponding orders, subject to his (respondent judge's) review and approval.

Respondent judge denied having berated Attys. Capahi and Oliver.

On the charge of corruption, he denied the same and explained that he lives a very simple life.

As to the charge of granting bail to a Muslim whose case was not assigned to his sala, he claimed that this Court, in its Resolution dated April 6, 2005, authorized him to hear cases in Branch 35 where the case was raffled.

On the charge that he quashed an order of arrest against the Vice Mayor of Palompon, respondent judge claimed that this matter is the subject of an administrative complaint against him filed by Lorna Villanueva, docketed as A.M. OCA IPI No. 05-2244-RTJ pending evaluation by the OCA.

On December 6, 2005, this Court referred respondent judge's comment to the OCA for evaluation, report, and recommendation.

In his Memorandum dated May 4, 2006 for then Chief Justice Artemio V. Panganiban, Court Administrator Christopher O. Lock recommended that respondent judge be fined in the amount of P10,000.00 for conduct unbecoming a judge and be severely **ADMONISHED** to conduct himself in a way consistent with the dignity of his judicial office by refraining from using intemperate language. The OCA's Evaluation Report reads:

After a careful review of the records of this case, we find Judge Francisco C. Gedorio, Jr. administratively liable for conduct unbecoming of a judge.

It has been established that respondent judge berates and embarrasses persons irrespective of whether the subject of his vicious act is a judge like him, a lawyer, a court personnel or a litigant. The investigating team witnessed how he shouted at his staff, even uttering the word "punyeta." He also told a lady looking for Atty. Clinton Nuevo, then Clerk of Court, RTC, Ormoc City, "Sino, si Clinton? Bakla yon." Moreover, he called Jotham Lopez, Court Interpreter of Branch 35, "Animal ka, bakla ka."

Insulting and insensitive expressions such as "punyeta", "animal", "bakla" and "bull shit" is a language not befitting a judge. Judges should always be temperate, patient and courteous both in conduct and language.

Respondent's being a former member of the military is not an excuse for him to use intemperate language.

A judge's behavior, not only while in the performance of official duties, must be beyond reproach, being the visible personification of law and justice (Re: Anonymous Complaint Against Judge Edmundo T. Acuña, 464 SCRA 250 [2005]).

In the case of *Sps. Jesus and Nenita Jacinto v. Judge Placido V. Vallarta*, 453 SCRA 83 [2005], the Court declared that "Quiet dignity, self-restraint and temperate language are expected of every judge. Respondent judge must be reminded that government service is people-oriented. Patience is an essential part of dispensing justice and courtesy is a mark of culture and good breeding. Impatience and rudeness have no place in government service, in which personnel are enjoined to act with self-restraint and civility at all time."

While Clerk of Court Atty. Nuevo executed an affidavit describing respondent judge as a father figure to the court employees, he did not deny that he had been asked by respondent judge to prepare decisions for him (respondent judge). The practice of respondent judge of asking Atty. Nuevo to prepare decisions is a violation of Section 1, Rule 120 of the Revised Rules of Criminal Procedure which requires decisions to be personally and directly prepared by the judge.

The charge of corruption against respondent judge should be dismissed. No proof was shown that he asked money in exchange for a favorable decision. Even former Judge Francisco H. Escaño, now a practicing lawyer in Ormoc City, failed to substantiate his claim that respondent judge received from his client, the administrator of the estate in SP Proc. No. 3698 (In the Matter of the Intestate Estate of Carmelita C. Peñalosa), the amount of Fifty Thousand Pesos (P50,000.00) which was charged as extraordinary expenses to the estate of the decedent.

On August 24, 2006, respondent Judge filed a manifestation that he is submitting the instant case for resolution based on the pleadings and records filed.

First, we clear the objection of respondent judge that the letter-complaint should not be given due course because it is only anonymous. Section 1, Rule 140 of the Revised Rules of Court provides that the disciplinary proceedings against judges and justices may be instituted under either of three ways:

- by the Supreme Court *motu proprio*;
- upon a verified complaint; or
- upon an anonymous complaint, supported by public records of indubitable integrity.

The instant complaint was instituted through the last mode.

We find the Evaluation Report of the OCA well-founded.

The evidence, consisting of the Report of the OCA Investigating Team tasked to conduct discreet investigation of the anonymous complaint, supports the conclusion of Court Administrator Lock that respondent is administratively liable for conduct unbecoming a judge.

The Investigating Team personally heard respondent judge shouting "punyeta" at his staff and saying, "Sino si Clinton? Bakla yon." when asked by a lady looking for the latter. Likewise, he insulted Jotham Lopez, court interpreter, by shouting at him, "Animal ka, bakla ka."

The team had the occasion to talk to Atty. Francisco H. Escaño, former judge and now a practitioner before the courts in Ormoc City. He confided to them that he "can no longer take his (respondent judge's) abuses, arrogance, and corruption." However, according to Court Administrator Lock, there is no evidence to sustain the charge of corruption.

On the charge of granting bail to a Muslim whose case was not assigned to respondent's sala, suffice it to state that he was authorized by this Court in its Resolution dated April 6, 2005 to preside over Branch 35 where the case was raffled.

On the charge of quashing an order of arrest against Palompon Vice-Mayor Constantino Tupa, the records show that this matter is the subject of an administrative complaint, docketed as A.M. OCA IPI No. 05-2244-RTJ, still pending evaluation by the OCA.

We are convinced that respondent's actuations in the premises constitute conduct unbecoming a judge. We have held that a judge, even on the face of boorish behavior from those he deals with, ought to conduct himself in a manner befitting a gentlemen and a high officer of the court.[4]

The use of intemperate language is included in the proscription provided by Section 1, Canon 4 of the New Code of Judicial Conduct,[5] thus: "Judges shall avoid impropriety and the appearance of impropriety in all the activities of a judge."

The Court has repeatedly reminded members of the bench to conduct themselves irreproachably, not only while in the discharge of official duties but also in their personal behavior every day.[6] A judge's official life cannot be separated from his personal existence.[7]

It bears stressing that as a dispenser of justice, respondent should exercise judicial temperament at all times, avoiding vulgar and insulting language. He must maintain composure and equanimity.

The judicial office circumscribes the personal conduct of a judge and imposes a number of restrictions. This is a price that judges have to pay for accepting and occupying their exalted positions in the administration of justice. Irresponsible or improper conduct on their part erodes public confidence in the judiciary. Thus, it is their duty to avoid any impression of impropriety in order to protect the image and integrity of the judiciary.[8]

Relative to the charge that respondent judge asked Atty. Nuevo, then clerk of court, to draft orders and decisions, the Investigating Team failed to indicate any particular order or decision written by the latter. We are inclined to believe that as a commissioner in land registration cases, Atty. Nuevo was the one who drafted the corresponding orders or resolutions which, according to respondent, are subject to his review and approval.

Thus, we find respondent judge guilty of conduct unbecoming of a judge, classified as a light charge under Section 10, Rule 140 of the Revised Rules of Court. Under Section 11(c) of the same Rule, the penalty imposable is any of the following:

- A fine of not less than P1,000.00 but not exceeding P10,000.00; and/or
- Censure;
- Reprimand;
- Admonition with warning.

WHEREFORE, respondent Judge Francisco Gedorio, Jr. is declared GUILTY of conduct unbecoming a judge. He is FINED in the sum of P5,000.00 and is REPRIMANDED and WARNED that a repetition of the same act will warrant a more severe penalty.

SO ORDERED.

Puno, C.J., (Chairperson), Azcuna, and Garcia, JJ., concur.
Corona, J., on leave.

[1] Rollo, p. 9.

[2] He filed an application for retirement now pending consideration by the Office of the Court Administrator.

[3] Per Court Resolution dated September 6, 2005, Rollo, p. 11.

[4] Bravo v. Morales, A.M. No. MTJ-1612, August 30, 2006, 500 SCRA 154.

[5] Effective June 1, 2004.

[6] Atty. Manuel M. Rosales v. Judge Romulo S.G. Villanueva, RTC, Branch 12, Ligao, Albay, A.M. No. RTJ-03-1784, June 27, 2003, citing Dionisio v. Escaño, 302 SCRA 411, 420 (1999).

[7] Hon. Julieta A. Decena, et al. v. Judge Nilo A. Malanyaon, RTC, Branch 32, Pili, Camarines Sur, A.M. No. RTJ-02-1669, April 14, 2004.

[8] Busilac Builders, Inc. v. Judge Charles A. Aguilar, RTC, Branch 13, Laoag City, A.M. No. RTJ-03-1809, October 17, 2006, 504 SCRA 585, citing Jacinto v. Villarta, A.M. No. MTJ-04-1541, 453 SCRA 83 (2005).

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