

EPHRAIM MARIANO, DORIS QUINTO AND RUTH ROMAN, COMPLAINANTS, VS. MUNICIPAL JUDGE CRISOSTOMO GONZALES, DINGALAN, AURORA, RESPONDENT.

Adm. Matter No. 2180-MJ. May 31, 1982

Ponente: PLANA, J.

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PLANA, J.:

This is an administrative case against Municipal Judge Crisostomo Gonzales of Dingalan, Province of Aurora, for conduct unbecoming of a judge.

The complainants are Ephraim Mariano of Dingalan, Aurora, and two nurses (Doris Quinto and Ruth Roman) who were boarding in his house. They allege that on September 21, 1977, the respondent Judge - accompanied by Nilo Buenconsejo, Jesse Querijero, Rogelio Bacani and Sergio Gonzales - went to the house of Ephraim Mariano and asked the two nurses to go with respondent's friends and take a stroll along the beach of Dingalan Bay. The girls refused because they were busy and it was already late in the afternoon. This was considered by the respondent as an affront, which infuriated him. He became rude and berated complainants Doris Quinto and Ruth Roman.

Asked to comment on the complaint, the respondent Judge, while nakedly charging "gross distortion" of facts by the complainants, actually did admit - although in a rather evasive way - the general allegations in the complaint. Specifically, respondent admitted "inviting them (nurses) to have some fresh air along the beach of Dingalan Bay"; that the refusal of the girls to oblige, for which he blamed Ephraim Mariano, infuriated him; that together with several male companions, he went to the house of Ephraim Mariano to confront the latter and the nurses, and there was "a discussion" during which he "questioned" the actuations of Ephraim Mariano and Doris Quinto was vehemently defending him; that he (respondent) " had an argument" with Doris Quinto who was "disrespect-ful"; and that he "admonished" Doris Quinto "in a manner she would understand." Summarizing, respondent said in his Comment:

"Allow me to summarize the incident. The nurses and my two guests Jorge and Nilo got well acquainted in the picnic sponsored by us that my said guests would like to invite them for a stroll in the beach. They requested me to help them invite the nurses. The nurses were willing on condition that their landlord Ephraim permit them. Ephraim gave his word to me that he will allow the nurses to go. The nurses did not go because Ephraim broke his commitment to me. I went to the house of Ephraim to find out why the plan to go to the beach did not materialize. I did not see Ephraim there although he was there then hiding with his wife afraid to face me because he broke his commitment to me. I had an argument with Doris. She was defending the behavior of Ephraim. I was questioning said behavior. Doris became disrespectful to me. I admonished her in a way she would understand.

"In conclusion it could be seen that it was I who should complain because Ephraim broke his commitment to me and because Doris in her vehement defense of the actuations of her landlord Ephraim got to the extent of being disrespectful to me."

The case was referred to Executive Judge Ernesto B. Valencia of the Court of First Instance of Aurora for investigation. Hearing was scheduled thrice but the complainants - having transferred their residence - failed to appear because the notices did not reach them.

Nevertheless, the Inquest Judge found that respondent "tried to impose his will upon Mr. Mariano and Miss Quinto to ingratiate himself to his two guests, to the extent of being discourteous and of using his office for the purpose of increasing his popularity, contrary to Canon 34 of the Canons of Judicial Ethics (Moran's Comments on the Rules of Court, 1963 ed., Vol. 6, 371-372) ..." and recommended that the respondent "be advised to be more courteous and to refrain from using his office to increase his popularity."

Although the complainants have failed to testify, there is enough basis in the records to sustain disciplinary action against the respondent. This Court has repeatedly held that complainant's failure to testify, or even desistance, would not warrant dismissal of the case if the charges are sufficiently established by the evidence on record.

In the instant case, the Comment of respondent clearly indicates, as found by the Inquest Judge, that he tried to impose his will on complainant nurses by insisting that the latter go out with his (respondent's) friends and, after an argument with Doris Quinto, arrogantly "admonished her in a way she would understand." This behavior of respondent, committed within the municipality where he exercises his judicial functions and inside the residence of the offended parties, constitutes conduct unbecoming of a judge who should be civil, humble and considerate of the rights of others. As judge, one should so comport himself as not to degrade or bring embarrassment to his august office.

WHEREFORE, respondent Judge Crisostomo Gonzales is hereby found guilty of conduct unbecoming of a judge and is ordered to pay a fine equivalent to his salary for two months, not deductible from his leave, with the warning that a repetition of the same or similar infraction shall be dealt with more severely.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Melencio-Herrera, Vasquez, and Gutierrez, JJ., concur.
Relova, J., no part.

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