

**SPS. FERNANDO AND ELENITA MARCELINO, COMPLAINANTS, VS.
JUDGE MARIANO M. SINGSON, JR., METROPOLITAN TRIAL COURT,
BRANCH 31, QUEZON CITY, RESPONDENT.**

A.M. No. MTJ-94-962. April 24, 1995

Ponente: VITUG, J.

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VITUG, J.:

In a letter-complaint submitted to this Court, the spouses Fernando Marcelino and Elenita Marcelino charged Judge Mariano M. Singson, Jr., of the Metropolitan Trial Court, Branch 31, of Quezon City, with conduct prejudicial to the best interest of the Judiciary.

Complainants averred that at about two o'clock in the afternoon of 27 April 1994, Fernando Marcelino, a fish vendor, was slowly "backing" his passenger jeepney (with Plate No. DJG-393) in order to give way to another vehicle, when a Toyota Corona Car (Model 1980 with Plate No. NDD-878, driven by respondent Judge) unexpectedly crossed his path, resulting in an unfortunate minor impact between Fernando's jeepney and the car. Respondent Judge alighted from the car, approached Fernando and "boxed" the latter twice on the face. Respondent Judge returned to his car, got a gun, poked it at Fernando, and shouted "Hayop Ka!" The Judge then tucked the gun on his waist and delivered another blow on Fernando's face. He thereupon left the premises, taking with him Fernando's license.

Fernando reported the incident to the Central Police District, Police Station No. 3, Cubao Sub-station, Quezon City.[1] He submitted himself to the Quirino Memorial Medical Center, Quezon City, for medical treatment.[2] He also inquired from the COMELEC office whether respondent Judge was authorized to carry a firearm outside his residence or place of business considering that the May 1994 Barangay elections were only a few days away. A certification,[3] dated 06 May 1994, signed by Committee Chairman Regalado E. Maambong stated that no such authority was issued to respondent Judge.

In his comment, dated 25 May 1994, respondent Judge countered that he was driving his Toyota Corona Model 1980, along Session Road at the back of Farmers Market, when "heavy traffic" forced him to a stop. Suddenly, a passenger jeepney, driven by Fernando Marcelino, started to back up. Sensing a collision, respondent Judge blew the car's horn for about fifteen (15) seconds but the jeepney kept on coming closer until it hit the right rear door of the car. He alighted from his car and confronted the jeepney driver. The latter, instead of asking for an apology, acted rather belligerently and uttered "unsavory remarks" against respondent Judge. The Judge admitted having then lost his temper and to have slapped Fernando "slightly" on the face. He denied having poked a gun on Fernando. He left the premises shortly after an investigation was conducted by a police officer.[4] Respondent Judge later filed with the Office of the City Prosecutor of Quezon City a case for Grave Oral Defamation (I.S. No. 94-6549) and for Damage to Property through Reckless Imprudence (I.S. No. 94-6749) against Fernando.

In his reply, Fernando insisted on his version of the incident. Claiming that no traffic investigation was ever conducted, Fernando explained that the report submitted by respondent Judge was clearly dubious, since it would

appear to have been prepared by the Traffic Section III, Central Police Command, located in Aurora Boulevard corner Katipunan Road, Loyola Heights, Quezon City, or about 6 kilometers away from the incident, instead of Police Station No. 3, Cubao Sub-Station, Central Police District, Araneta Center, Cubao, Quezon City, which was only about 100 meters from the scene of the incident.

The Court, in its resolution of 01 August 1994, referred the case to Quezon City Executive Judge Pedro T. Santiago for investigation, report and recommendation.

In his report,[5] dated 03 November 1994, Judge Santiago recommended the dismissal of the complaint on the basis of the desistance of complainants and on the ground that respondent's reaction was only "natural" under the circumstances.

In a resolution of 12 December 1994, the Court referred the matter to the Office of the Court Administrator for evaluation and recommendation.

In a memorandum, dated 30 January 1995, addressed to Chief Justice Andres R. Narvasa, Deputy Court Administrator Reynaldo L. Suarez recommended, duly noted by Court Administrator Ernani Cruz-Paño, thusly:

"In view of the foregoing, the undersigned respectfully recommends that respondent Judge be found guilty of the charge of conduct prejudicial to the best interest of the judiciary and be FINED equivalent to Five Thousand Pesos (P5,000.00)."

The Court has held in a number of instances that mere desistance on the part of the complainant does not warrant the dismissal of administrative cases against members of the bench.[6] The withdrawal of complaints cannot divest the Court of its jurisdiction nor strip it of its power to determine the veracity of the charges made[7] and to discipline, such as the results of its investigation may warrant, an erring respondent.[8] The Court's interest in the affairs of the judiciary is a paramount concern that must not know bounds.

The Canons of Judicial Ethics requires a judge to keep himself free from any appearance of impropriety. His personal behavior, not only while in the performance of official duties but also outside the court, must be beyond reproach,[9] for he is, as he so aptly is perceived to be, the visible personification of law and of justice. A judicial office circumscribes a personal conduct, and imposes a number of inhibitions, whose faithful observance is the price one has to pay for holding an exalted position.[10]

We agree with the Office of the Court Administrator in finding respondent Judge guilty of misconduct. It would appear, however, that respondent Judge somehow has relented and realized that his actuations have, indeed, been intemperate that could warrant a mitigation of his liability.

WHEREFORE, respondent Judge is hereby ordered to pay a fine of One Thousand Pesos (P1,000.00) and ADMONISHED to be more circumspect than he has heretofore shown.

SO ORDERED.

Feliciano, (Chairman), Romero, Melo, and Francisco, JJ., concur.

[1] Rollo, p. 7.

[2] Rollo, p. 3.

[3] Rollo, p. 5.

[4] Traffic Investigation Report issued by the Central Police District Command, NC12C, PNP, Traffic Section III,

Aurora Boulevard, corner Katipunan Road, Quezon City (Rollo, p. 19).

[5] Rollo, pp. 104-106.

[6] Dela Cruz vs. Curso, 221 SCRA 66; Presado vs. Genova, 223 SCRA 489.

[7] Cabandong vs. Judge Calderon, A.M. No. RTJ-89-343, 20 February 1990, En Banc Minute Resolution.

[8] Anguluan vs. Taguba, 93 SCRA 179.

[9] Canon 3.

[10] Jugueta vs. Boncaros, 60 SCRA 27; Conde vs. Superable, Jr., 29 SCRA 727; Luque vs. Kayanan, 29 SCRA 165.

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