

**PEDRO SAN JUAN, COMPLAINANT, VS. JUDGE LORE V. BAGALACSA,
REGIONAL TRIAL COURT, BRANCH 23, NAGA CITY, RESPONDENT.**

A.M. No. RTJ-97-1395. December 22, 1997

Ponente: MENDOZA, J.

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MENDOZA, J.:

This is a complaint alleging a conduct by respondent judge of the Regional Trial Court, Branch 23, at Naga City in violation of the Code of Judicial Conduct. Complainant is one of the oppositors in Special Proceedings No. R-22 (1144), then pending before respondent Judge Lore V. Bagalacsa's court. It appears that one of the properties involved in the intestate proceedings was a parcel of land, consisting of 15,141 square meters, which was tenanted by Sergia Pontillas; that on November 27, 1995, the administrator of the intestate estate sold the property under an emancipation patent to Pontillas for P75,705.00, over the objection of the oppositors; and that, on April 10, 1996, Pontillas in turn sold the land to the Newreach Corporation for P1,514,000.00.

Complainant alleges that on June 6, 1996, respondent judge presented for registration to the register of deeds of Camarines Sur the deed of sale executed by Sergia Pontillas in favor of the Newreach Corp.. On the same day, respondent judge wrote the following note to the register of deeds:

6 June 96

Makikiolay sina Mr. And Mrs. Salvador Motos kung puede tabi makua ngonian na aga ang title. Kaipuhan daa nindang maray sa hapon. Sana naman matapos na ngonian na aga.

I'll be in Libmanan kaya kung puede irelease na nindo sainda. midbid mo man sinda.

Thanks so much and God Bless.

[Translation: Mr. and Mrs. Salvador Motos are requesting that if it is possible, they would like to get the title this morning, as they need it in the afternoon. I hope the title will be finished this morning.

[I'll be in Libmanan, so please release it to them. You know them anyway.

[Thanks so much and God Bless.]

Complainant accuses respondent judge of showing interest in the sale of property which was subject of litigation in her sala.

In her comment, respondent judge explains that she did not know that the property was involved in the intestate proceeding before her, as title was in the name of Pontillas; that she merely assisted the attorney-in-fact of Pontillas, Victoria Pontillas-Motos, because the latter was her personal friend; that it was Motos who actually presented the title to the register of deeds for registration and respondent judge merely helped her since she (respondent) happened to be there on another business. Respondent claims that the clerk of the register of deeds probably thought that the documents were hers. Respondent explains that she went to see the register of deeds, Atty. Teresita B. Aquino, to check the authenticity of certain bailbonds which had been filed in her court; that on

the way to the Office of the Register of Deeds, she saw Motos, who asked for her help in registering the emancipation patent; that she then went to see the register of deeds to ask about the bailbonds which she suspected might be spurious and only incidentally about requirements for the registration of emancipation patents; that as she was about to leave the Office of the Register of Deeds, Motos pleaded with her to intercede in her behalf so that she (Motos) could get the title on the same day. It appears that the new title was issued the next day, June 7, 1996.

In an affidavit submitted in this case, the register of deeds, Atty. Theresita B. Aquino, corroborates respondent judge and claims that, even without the judge's intercession, title to the land would have been issued after one day because all the papers were in order. She denies that release of the title was facilitated by the intercession of the judge.

It appears that respondent subsequently inhibited herself from the consideration of the case so that, according to her, there would be no suspicion of bias.

On the basis of the foregoing facts, the Office of the Court Administrator recommends that respondent judge be reprimanded for impropriety and warned that repetition of the same conduct in the future will be dealt with more severely.

The recommendation is well taken. Respondent claims that she did not know that the land (whose transfer was sought to be registered) was involved in the intestate proceedings before her court. But although the evidence may not be sufficient to prove that respondent judge took interest in a matter before her court, it does indicate that she took charge of registering the transfer in the Office of the Register of Deeds, contrary to her claim that she merely helped Victoria Pontillas-Motos whom she happened to meet there. Respondent claims that her main reason for going to the Office of the Register of Deeds was to check the authenticity of bailbonds, which she said she suspected to be spurious. She has not explained, however, why she had to go to the register of deeds' office personally and why she could not simply have issued an order to the parties to secure a certification from the register of deeds. The fact is that even the clerk of the register of deeds believed respondent judge to be the party registering the sale.

This, plus the fact that respondent judge wrote the note in question, in which she asked that the title be released to Motos because respondent was going to Libmanan that day, suggests that it was really she who had presented the documents for registration. It does not seem that respondent judge merely happened to be in the Office of the Register of Deeds, met a friend who asked for help and only did the friend a good turn. Indeed, if this had been the case, respondent judge could have just introduced friend, Victoria Pontillas-Motos, to the register of deeds and that would have ended the matter. But respondent judge even had to write the note in question obviously to insure the early release of the title. She thus used her office to facilitate the registration of the sale. Although expectedly the register of deeds denies that because of respondent's intercession the early release of the tile was facilitated, the impression cannot be avoided that, at the very least, respondent's intercession nonetheless helped.

Canon 2 of the Code of Judicial Conduct enjoins judges to avoid not just impropriety in their conduct but even the mere appearance of impropriety. This is true not only in the performance of their judicial duties but in all their activities, including their private life. They must conduct themselves in such a manner that they give no ground for reproach.

In this case, as Deputy Court Administrator Reynaldo L. Suarez correctly observes, respondent judge's note to the register of deeds, requesting that the issuance of the TCT be expedited, "gives ground for...suspicion...that she is utilizing the power or prestige of her office to promote the interest of others." Indeed, the clerk of the register of deeds thought it was respondent judge who was the one who was causing the transfer of the emancipation patent.

ACCORDINGLY, respondent judge is hereby REPRIMANDED and WARNED that a repetition of the same will be dealt with more severely.

SO ORDERED.

Regalado, (Chairman), Puno, and Martinez, JJ., concur.

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