

**JONATHAN A. LUZURIAGA, COMPLAINANT, VS. JUDGE JESUS B. BROMO, MUNICIPAL COURT, GUIHULGAN, NEGROS ORIENTAL, RESPONDENT.***Adm. Matter No. 2385-MJ. August 19, 1982*

Ponente: DE CASTRO, J.

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In a verified letter-complaint dated May 6, 1980,[1] Jonathan A. Luzuriaga charged Judge Jesus B. Bromo of the Municipal Court of Guihulgan, Negros Oriental with election-eering. He alleged that respondent Judge, without being appointed as watcher, unduly intervened at about 6:00 P.M. on January 30, 1980 in the proceedings of the Citizens Election Committee by getting inside the polling center of Precinct No. 33 at Matu-og Elementary School Building, Matuog, Tayasan, Negros Oriental and asked the Chairman of the Citizens Election Committee to stop the casting of votes, despite the authority given by the Election Registrar; that because of the intervention of the respondent, the casting of votes was suspended and unreasonably delayed; that voters were harassed, and some went home and did not vote; that respondent openly campaigned for all the candidates of the opposition party (United Negros Opposition), and he was the brain of the election tactics and strategies of the opposition; that respondent per-sonally intervened in favor of the opposition during the canvassing of votes held at the Tayasan Municipal Hall, Tayasan, Negros Oriental.

In his comment dated July 7, 1980[2] respondent Judge denied that his wife, Mrs. Lea Ga. Bromo, ran as a United Negros Opposition (UNO) candidate for vice-mayor. He claimed that, on the contrary, she was an independent candidate who supported the Kilusan Bagong Lipunan (KBL) provincial slate; that her victory as an independent vice-mayoral candidate angered the Luzuriagas who considered the same as their political defeat; that complainant brought this administrative case as a retaliatory measure and to maliciously harass the respondent because his (respondent) wife was one of the prosecution witnesses in Criminal Case No. 959 for slight physical injuries against Mayor Jose Luzuriaga, father of the herein complainant, for mauling the watcher of the Independent (KBL) in Voting Center No. 7 on election day, and because respondent filed a case for grave oral defamation against the herein complainant with the Provincial Fiscal's Office docketed as OPF Case No. 40-80.

On the charge of electioneering, respondent Judge denied that he interrupted the proceedings of the Citizens Election Committee of Voting Center No. 33, explaining that he merely accompanied his wife to visit the various voting centers on Election Day as it was already 7:00 P.M., because at that time most of the voting centers were already counting the results; that when they noticed that in Voting Center No. 33 people were crowding and no voting was going on, and the Chairman seemed confused on what to do, he asked permission from the Chairman that he be allowed to say something and suggest a solution to the problem, he being a former election registrar; that he then explained that according to the provisions of Section 135 of the Election Code of 1978, if there are still voters who have not voted at 5:00 o'clock in the afternoon, their names should be listed and numbered consecutively; that this clarification was given in view of the new arrival of voters at that time and their names were being written by Jonathan A. Luzuriaga and his group in small pieces of paper and handed to the Citizens

Election Committee; that momentarily, the Election Registrar arrived and decided that all voters who were listed be allowed to vote which was objected to and pro-tested by respondent's wife.

Commenting on his alleged open campaign for the opposition candidates, respondent Judge contended that during the campaign period, particularly in the month of January, he was busy with his duties as Municipal Judge disposing 28 cases during that month; that he cannot afford to lose his 18 years of service in the government after having survived the circuitization of the municipal courts through hard work and efficiency; that he was not the brain of the election tactics and strategies of the opposition, explaining that after passing the Bar, he immediately entered the government first as an Army officer, then as an Election Registrar, and thereafter, as Municipal Judge; and that he was no match with the Luzuriagas as a politician.

On the charge of intervention in the canvassing of votes by the Municipal Board of Canvassers, respondent Judge averred that although he knew beforehand that his wife had already won as vice-mayor, yet he called the attention of the Board of Canvassers, for the sake of clarity, to the error it committed in Voting Center No. 10 wherein his wife was credited with only 86 votes instead of 106 which was listed in the election returns, and that upon noticing their mistake, the Board of Canvassers corrected their tallies and thanked him for correcting them.

In a resolution of this Court (Second Division) dated June 17, 1981,[3] the letter-complaint was referred to the Executive Judge of the Court of First Instance of Negros Oriental for investigation, report, and recommendation. On October 30, 1981 Executive Judge Alejandro Boncarros submitted his report[4] but without findings and recommendations.

Deputy Court Administrator Arturo B. Buena went over the entire records of the case, the transcript of stenographic notes of the testimonies of the witnesses of the respective parties, including the report of the Investigating Judge and found the evidence insufficient to hold respondent Judge liable for the accusation levelled against him.

After a careful review of the records of the case, We are convinced that there is indeed no sufficient evidence to conclude that respondent Judge violated any of the provisions of the Election Code of 1978 relative to the instant charge of electioneering. Records reveal that complainant Jonathan A. Luzuriaga himself testified that he did not personally see respondent Judge Jesus B. Bromo interrupt the proceedings in Voting Center No. 33 at Matu-og Elementary School Building, Matu-og, Tayasan, Negros Oriental. What he narrated in his testimony was what he was merely told by his father, Mayor Jose Luzuriaga, that Atty. Isidro Bayawa and Judge Jesus Bromo objected to the casting of votes and disturbed the voting proceedings at Voting Center No. 33.[5] Complainant, however, did not present his father to confirm his statement.

On the other hand, respondent Judge denied that he interrupted the proceedings of the Citizens Election Committee at Voting Center No. 33, arguing that at the time he arrived at the voting center people were crowding and that there was actually no voting going on, and that upon being informed of the problem whether to allow the persons present in the vicinity of the polling center to vote after the casting of votes officially closed at 5:00 o'clock in the afternoon, he volunteered, with the consent of the Chairman, to enlighten the members of the Citizens Election Committee about the provisions of the Election Code of 1978 regarding those persons who have not yet voted but were present at 5:00 P.M. within the vicinity of the election precinct. Obviously, the alleged intervention of respondent Judge appeared not to be of a partisan color, and therefore, does not amount to electioneering as contemplated under the provisions of the Election Code of 1978, nor does it fall within the purview of prohibited acts under Section 178 of the Code.

Anent the alleged intervention of respondent Judge in the proceedings of the Municipal Board of Canvassers on February 1, 1980 at the Municipal Hall of Tayasan, Negros Oriental, respondent Judge satisfactorily explained

that he merely called the attention of the Board of Canvassers regarding the discrepancies in the tabulation of votes credited to his wife who was a vice-mayoral candidate and that of what appeared in the tally sheets. The Board of Canvassers gratefully acknowledged the correction sought of a clearly erroneous tally of votes made because instead of an erroneous entry of 86 votes, his wife was correctly credited with 106 votes in Precinct No. 10. As testified to by the Election Registrar Felicito Gravador, the discrepancy noted by respondent was made the subject of an order requiring the Citizens Election Committee to explain said discrepancy, and the order was entered in the Minutes of the proceedings in the canvassing of votes.

Nevertheless, a salutary reminder as to the standard of judicial conduct that must be religiously observed is most opportune at this instance. The Judge is the visible representation of the law and, above all, a living symbol of justice in the community in which he serves or resides. In his zeal to uphold the law, a judge should not lose sight of one basic judicial norm that his official conduct should be free from appearance of impropriety and more importantly, his personal behavior, not only in the Bench and in the performance of his official duties but also in his everyday life, should be beyond reproach.[6] The judicial office demands that the incumbent should conduct himself in such a manner as to merit the respect, reverence and confidence of the people.[7] As a judicial officer respondent then should have been studiously careful in avoiding the commission of any transgression on the law, lest his example demoralize the people of the community.[8]

While it is true that respondent Judge is the husband of the vice-mayoral candidate in the January 30, 1980 elections in Tayasan, Negros Oriental, and understandably, it was his duty to protect his wife, still, he should have been more discreet and judicious in doing an act that would give the impression of tainting his official conduct and judicial stature with some political hues and overtones, even if he must take no little pain in seeing to it that his official, as well as private conduct, carries not the least vestige of impropriety, to preserve the respect and reverence of the people to his office as well as to his person. As this Court emphatically declared in the case of *Jugueta vs. Boncaros*,[9] one who occupies an exalted position in the administration of justice must pay a high price for the honor bestowed upon him, for his private as well as his official conduct must at all times be free from appearance of impropriety.

WHEREFORE, respondent Judge Jesus B. Bromo is hereby admonished to observe at all times a norm of conduct which will inspire the community he serves with respect and reverence for, and confidence in, the office he holds; and that he should be more discreet in his actuations so as to avoid the suspicion of impropriety in his official and personal conduct. Accordingly, he is warned that a repetition of the same or similar acts in the future will be dealt with not with the same leniency, but with appropriate severity.

SO ORDERED.

Barredo, (Chairman), Concepcion, Jr., Guerrero, Abad Santos, and Escolin, JJ., concur. Aquino, J., I reserve my vote. The case should be returned to the investigator, Judge Boncarros, who should be required to submit his findings and recommendations.

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[1] pp. 1-2, Rollo.

[2] pp. 10-14, Rollo.

[3] p. 25, Rollo.

[4] pp. 66-105, Rollo.

[5] TSN, September 3, 1981, pp. 215-216, Rollo

[6] Cabreana vs. Avelino, 107 SCRA 640; Jugueta vs. Boncaros, 60 SCRA 27; Lague vs. Kayawan, 29 SCRA 165.

[7] Castillo vs. Barsana, 63 SCRA 388.

[8] Ibid.

**[9] 60 SCRA 27.**

**SECOND DIVISION**

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