

JIMMY GARCIA, ROMIE GARCIA, RODOLFO GARCIA, FEDERICO GARCIA, PABLO CATCHAPERO, CONRADO CATCHAPERO, NESTOR CATCHAPERO, JAIME CATCHAPERO, REGIE CATCHAPERO, SIMPLICIO GUIANG, ALBER...

A.M. No. MTJ-98-1156. July 13, 1998

Ponente: ROMERO, J.

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ROMERO, J.:

For the Court's resolution is a joint affidavit-complaint dated September 23, 1996, filed against respondent Judge Panfilo V. Valdez by the following complainants: Jimmy, Romie, Rodolfo, and Federico, all surnamed Garcia; Pablo, Conrado, Nestor, Jaime, and Regie, all surnamed Catchapero; Simplicio and Alberto Guiang; Victoriano Mariano; Ramon Gaetos; and Efren Reyes. Judge Valdez of the Municipal Circuit trial Court of Capas, Tarlac, allegedly duly interfered in DARAB Cases No. 282-T-93, Blg. III-T-1384-96, and Blg. III-T-1397-96, a land case involving herein complainants as plaintiffs against as certain Raul Valdez and other heirs of the late Dr. Cosme T. Valdez, Sr., brother of respondent Judge.

The records show that Cosme owned a 59-hectare farmland which he sold to the Land Bank of the Philippines during his lifetime. The LBP, in turn, distributed said farmland to herein complainants, but Raul and the other heirs of Cosme refused to recognize these transfers and proceeded to take possession of the land.

In their joint affidavit, complainants alleged that, even though not a party therein, Judge Valdez appeared during office hours in the three DARAB cases on April 10, and September 9, 1996, and in a conference before Provincial Agrarian Reform Officer (PARO) Teofilo Q. Inocensio in Tarlac. They are apprehensive that they might lose these cases and, consequently, their land, with the tremendous influence wielded by Judge Valdez and his alleged promises to those who helped his relatives. By resolution dated July 21, 1997, Judge Valdez was required to file his comment to the complaint.

In his comment dated September 8, 1997, Judge Valdez denied the charges but admitted that on the dates in question, he was present in said hearings and conference, albeit for different reasons. On April 10, 1996, he went with Atty. Yolanda Castro, counsel for the Valdezes, supposedly to attend a hearing on a motion for contempt of court. He " did not addressed the board, (but) only talked to the persons cited for contempt (and) why they sabotage(d) the implementation of the Writ of Execution issued by the Board." During the conference before PARO Inocencio, he merely requested a review of the land coverage considering that there was already a land valuation, but this was denied. On September 9, 1996, he returned to the DARAB hearing to pick up his aunt, the representative of the heirs of Cosme. He arrived when the Board was still in session. After its adjournment, presiding Adjudicator Yambao asked for his comment, and he said the heirs of Cosme were "not opposed to land reform." [1]

On April 20, 1998, the Office of the Court Administrator submitted a memorandum recommending that Judge Valdez be reprimanded for misconduct. It was observed thus:

"We note that if the respondent judge did not have any relationship with the Valdezes involved in the DARAB cases at hand, his presence at the proceedings on April 10 and September 9, 1996 would not have been misinterpreted. Absent such relationship, he would have been considered merely as a disinterested third party or observer. However, such relationship colored his presence. Owing to his position as a judge, the presence alone of the respondent judge provided the intended or unintended insinuation of influence and intimation of pressure.

The respondent judge actively participated in the proceedings need not be belabored. The documents attached to the record of this case indicate that he was given the floor during the meeting and he suggested the review of the land reform coverage; and that he 'talked to the persons cited for contempt' and inquired as to the reasons 'why they sabotage(d) the implementation of the Writ of Execution' issued by the DARAB. These acts at least constitute interference in the proceedings before the DARAB. Note should be taken that the said respondent judge was not a counsel with the appropriate authorization, a party or a witness in the cases involving the Valdezes being handled by the DRAB. (Underscoring supplied.)

As a member of the bench, the respondent judge should realize that his presence, opinion and participation in any proceeding could slant the evaluation and resolution of the case in favor of (the) party he identifies himself with. A judge need not utter any word for his sheer presence - as a member of the Judiciary - would be sufficient suggestion of persuasion and influence. In this case, the respondent judge's presence and participation in the proceedings were to the advantage of his relatives, the heirs of Dr. Cosme T. Valdez, Sr. That his efforts failed to influence the DARAB, for the motion filed by the Valdez heirs in DARAB Case No. 282-T-93 for contempt was dismissed, has no relevance.

Aside from the acts of interference, the respondent judge can be faulted with authorized practice of law. Clearly, his interest in the administrative cases before the DARAB cannot be considered as merely cursory or that of a disinterested third party or observer as he purported to be. He spoke in behalf of the defendants and he advanced their cause, making him in effect as their legal advocate.

The use of court hours for matters or business falling outside the ambit of judicial concerns can also be imputed to the respondent judge. Under extant premises, the respondent judge utilized improperly the resources of the court. When a lawyer accepts an appointment as a member of the Judiciary, he embraces all the responsibilities attached to that office. One of these responsibilities is 'to render eight (8) hours of service every working x x x. As a judge and also as a public officer duty-bound to render public service, nothing less is expected of [a judge]." (Medina v. De Guia, 219 SCRA 153, 185[1993]. A judge can always find tasks to do in court, all connected with judicial business. That he finished the court's business for the day does not constitute an excuse that could justify his leaving his station, much less, to go elsewhere to attend administrative proceeding involving relatives.

"The Code of Judicial Ethics mandates that the conduct of a judge must be free of a whiff of impropriety not only with respect to his performance of his judicial duties, but also to his behavior outside his sala and as a private individual. x x x. The Code dictates that a judge, in order to promote public confidence in the integrity and impartiality of the judiciary behave with propriety at all times.' (Castillo v. Calanog, Jr., 199 SCRA 75, 83 [1991] '[O]ne who occupies a position of such grave responsibility in the administration of justice must conduct himself in a manner befitting the dignity of such exalted office. A judge's private as well as official conduct must at all times be free from all appearances of impropriety, and be beyond reproach.' (Dysico v. Dacumos, 262 SCRA 275, 283 [1996])). In the case at hand, the respondent judge has failed to conduct himself in the manner prescribed by the provisions of Canon 2 of the Code of Judicial Conduct which Canon 2 directs the avoidance of impropriety and the appearance of impropriety in all activities. (Arcenio v. Pagorogon, 224 SCRA 247, 255 [1993])"

The Court sees no plausible reason why this recommendation should not be honored.

WHEREFORE, the Court RESOLVED to REPRIMAND respondent Judge Panfilo V. Valdez for the commission of acts constituting misconduct with the WARNING that a repetition of similar acts will be dealt with more severely.

SO ORDERED.

Narvasa, C.J. (Chairman), Kapunan, and Purisima, JJ., concur.

[1] Rollo, p. 6.

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