

**ATTY. RAUL L. CORREA, COMPLAINANT, VS. JUDGE MEDEL
ARNALDO B. BELEN, REGIONAL TRIAL COURT, BRANCH 36,
CALAMBA CITY, LAGUNA, RESPONDENT.**

A.M. No. RTJ-10-2242 [Formerly OCA IPI NO. 09-3149-RTJ]. August 06, 2010

Ponente: NACHURA, J.

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NACHURA, J.:

Before us is a Verified-Complaint dated February 20, 2009 filed by complainant Atty. Raul L. Correa charging respondent Judge Medel Arnaldo B. Belen of the Regional Trial Court, Branch 36, Calamba City, Laguna of Misconduct.

Complainant narrated that he was one of the Co-Administrators appointed by the court in Special Proceedings No. 660-01C, entitled "Intestate Estate of Hector Tan." He revealed that during the hearing of the case, respondent Judge Belen disagreed with various items in the Administrator's Report, including the audited Financial Report covering the said estate, and immediately ruled that they should be disallowed. Complainant added that respondent Judge Belen scolded their accountant, branded her as an incompetent, and threatened to sue her before the regulatory body overseeing all certified public accountants.

Complainant further claimed that, in the course of the proceedings, he was asked by respondent Judge Belen to stand up while the latter dictated his order on their Administrator's Report. Respondent Judge Belen even rebuked him for some mistakes in managing the affairs of the estate, adding that it is regrettable "because Atty. Raul Correa is a U.P. Law Graduate and a Bar Topnotcher at that." Complainant regrets the actuations and statements of respondent Judge Belen, especially because the remark was uncalled for, a left-handed compliment, and a grave insult to his Alma Mater. Worse, respondent Judge Belen ousted complainant as co-administrator of the estate of Hector Tan.

On June 18, 2008, respondent Judge Belen issued an Order citing complainant for indirect contempt, allegedly with administrator Rose Ang Tee, for surreptitiously and unlawfully withdrawing from and emptying the account of the estate of Hector Tan. The June 18, 2008 Order contained snide remarks, viz--

x x x. The action of Rose Tee and Atty. Raul Correa is contumacious and direct challenge to lawful orders, and judicial process of this [c]ourt and malicious assault to the orderly administration of justice, more specifically abhorrent the act and deed of Atty. Raul Correa, a U.P. Law alumnus and Bar Topnotcher, who as a lawyer knows very well and fully understands that such action violates his oath of office which the Court cannot countenance. x x x

Lastly, complainant insisted that he should not have been cited for indirect contempt because he had fully explained to the court that he had done his part as co-administrator in good faith, and that, through his efforts, the estate was able to meet the deadline for the latest Tax Amnesty Program of the government, consequently saving the estate the amount of no less than P35 Million.

In his Comment dated August 18, 2009, respondent Judge Belen argued that a judge, having the heavy burden to always conduct himself in accordance with the ethical tenets of honesty, probity and integrity, is duty bound to remind counsel of their duties to the court, to their clients, to the adverse party, and to the opposing counsel.

Respondent Judge Belen claimed that the conduct of complainant in handling the settlement of the estate of Hector Tan violated and breached the tenets and standards of the legal profession and of the Lawyer's Oath. He alleged that, despite the clear tenor of a lawyer-client relationship, complainant associated himself as corresponding counsel and member of the Ongkiko Law Office, the counsel of the opposing party in the settlement proceedings.

Respondent Judge Belen further alleged that complainant, in connivance with Rose Ang Tee, surreptitiously released millions of pesos for the now deceased Purification Tee Tan and to themselves, in clear violation of complainant's legal and fiduciary relationship and responsibilities as court-appointed co-administrator.

Both the Verified-Complaint and the Comment were referred to the Office of the Court Administrator (OCA) for evaluation, report, and recommendation.

In its Report dated March 10, 2010, the OCA found respondent Judge Belen guilty of conduct unbecoming of a judge for his use of intemperate language and inappropriate actions in dealing with counsels, such as complainant, appearing in his sala. The OCA said that respondent Judge Belen should have just ruled on the motion filed by complainant instead of opting for a conceited display of arrogance. The OCA also noted that the incidents subject of this administrative matter were not the first time that respondent Judge Belen had uttered intemperate remarks towards lawyers appearing before him. It noted that in *Mane v. Belen*,^[1] the Court found respondent Judge Belen guilty of conduct unbecoming of a judge and was reprimanded for engaging in a supercilious legal and personal discourse.

Based on its evaluation, the OCA recommended that (a) the administrative case against respondent Judge Belen be re-docketed as a regular administrative matter; and (b) respondent Judge Belen be fined in the amount of P10,000.00 for conduct unbecoming of a judge, with a stern warning that a repetition of the same or similar act shall be dealt with more severely.

The findings and the recommendations of the OCA are well taken and, thus, should be upheld.

Indeed, the New Code of Judicial Conduct for the Philippine Judiciary exhorts members of the judiciary, in the discharge of their duties, to be models of propriety at all times. Canon 4 mandates -

CANON 4
PROPRIETY

Propriety and the appearance of propriety are essential to the performance of all the activities of a judge.

SECTION 1. Judges shall avoid impropriety and the appearance of impropriety in all of their activities.

x x x

SEC. 6. Judges, like any other citizen, are entitled to freedom of expression, belief, association and assembly, but in exercising such rights, they shall always conduct themselves in such a manner as to preserve the dignity of the judicial office and the impartiality and independence of the judiciary.

The Code also calls upon judges to ensure equality of treatment to all before the courts. More specifically, Section 3, Canon 5 on Equality provides -

SEC. 3. Judges shall carry out judicial duties with appropriate consideration for all persons, such as the parties,

witnesses, lawyers, court staff and judicial colleagues, without differentiation on any irrelevant ground, immaterial to the proper performance of such duties.

We join the OCA in noting that the incidents narrated by complainant were never denied by respondent Judge Belen, who merely offered his justification and asserted counter accusations against complainant.

Verily, we hold that respondent Judge Belen should be more circumspect in his language in the discharge of his duties. A judge is the visible representation of the law. Thus, he must behave, at all times, in such a manner that his conduct, official or otherwise, can withstand the most searching public scrutiny. The ethical principles and sense of propriety of a judge are essential to the preservation of the people's faith in the judicial system.[2]

A judge must consistently be temperate in words and in actions. Respondent Judge Belen's insulting statements, tending to project complainant's ignorance of the laws and procedure, coming from his inconsiderate belief that the latter mishandled the cause of his client is obviously and clearly insensitive, distasteful, and inexcusable. Such abuse of power and authority could only invite disrespect from counsels and from the public. Patience is one virtue that members of the bench should practice at all times, and courtesy to everyone is always called for.

Conduct unbecoming of a judge is classified as a light offense under Section 10, Rule 140 of the Revised Rules of Court, penalized under Section 11 (c) thereof by any of the following: (1) a Fine of not less than P1,000.00 but not exceeding P10,000.00; (2) Censure; (3) Reprimand; and (4) Admonition with warning. Inasmuch as this is not respondent Judge Belen's first offense, the penalty of fine of P10,000.00 is deemed appropriate.

WHEREFORE, we find Judge Medel Arnaldo B. Belen, Presiding Judge of the Regional Trial Court of Calamba City, Branch 36, GUILTY of Conduct Unbecoming of a Judge, and FINE him P10,000.00, with a stern warning that a repetition of the same or similar act shall be dealt with more severely.

SO ORDERED.

Carpio, (Chairperson), Peralta, Abad, and Mendoza, JJ., concur.

[1] A.M. No. RTJ-08-2119, June 30, 2008; 556 SCRA 555.

[2] Velasco v. Angeles, A.M. No. RTC-05-1908, August 15, 2007; 530 SCRA 204, 233.

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