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[A.M. No. MTJ-99-1197. May 26, 1999]

BENALFRE J. GALANG, *complainant, vs.* **JUDGE ABELARDO H. SANTOS,** *respondent.*

SYNOPSIS

Benalfre J. Galang filed with this Court a complaint against Judge Abelardo H. Santos for a reprehensible conduct for engaging in the publication of a *gossip tabloid* being an editor and legal adviser of *The Mirror* and as a *gossip-mongering* columnist of a local newspaper, *Sun Star Clark.* Complainant claimed that the respondent wrote articles to display his personal prejudices and personal anger toward people and institutions, which constitute improper interference and meddling in purely administrative matters that are of no material concern to his office or sala. And further he used the print media to promote the interests of one political party against another which showed his political bias for one party in violation of the Canons of Judicial Ethics. After investigation, finding the allegations in the complaint to be true, the Office of the Court Administrator recommended the dismissal of respondent judge from service for conduct unbecoming a member of the bench and for violation of the Code of Judicial Conduct.

The Court ruled that a judge is viewed as the visible representation of law and justice from whom the people draw their will and inclination to obey the law. Thus, his official conduct should be free from the appearance of impropriety, and his personal behavior, not only in the bench and in the performance of judicial duties, but also in his everyday life, should be beyond reproach. Rule 2.01 of the Code of Judicial Conduct also provides that a judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary. In this case, respondent judge has displayed conduct that falls short of the standards expected of a magistrate of the law. A perusal of the newspaper articles and the pleadings filed by respondent betrays a lack of judicial decorum which requires the use of temperate language at all times.

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The Court DISMISSES respondent Judge Abelardo A. Santos from service.

SYLLABUS

1. **LEGAL AND JUDICIAL ETHICS; JUDGE; PERSONAL BEHAVIOR SHOULD BE BEYOND REPROACH.—** A judge is viewed as the visible representation of law and justice from whom the people draw their will and inclination to obey the law. Thus, his official conduct should be free from the appearance of impropriety, and his personal behavior, not only in the bench and in the performance of judicial duties, but also in his everyday life, should be beyond reproach. Rule 2.01 of the Code of Judicial Conduct also provides that a judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary.

2. **ID.; ID.; SHOULD AVOID IMPROPRIETY IN ALL ACTIVITIES.—** Although such statements were not given in relation to his official duties as judge, the Code of Judicial Conduct mandates that a judge should avoid impropriety and the appearance of impropriety *in all activities*. The personal behavior of a judge not only upon the bench but also in his everyday life should be above reproach and free from the appearance of impropriety. In this case, respondent displayed a lack of respect toward the Provincial Prosecutor through the insults he hurled in his articles and pleadings submitted to the Court. Respondent degraded the capabilities of complainant as legal adviser of the Provincial Government, and challenged the governor with disqualification for allegedly practicing a different profession aside from public office. In his pleadings, respondent also belittled complainant as a public officer through unnecessary and injurious descriptions.

3. **ID.; ID.; WRITING OF ACTIVE AND VARIOUS EDITORIALS COMPROMISES HIS DUTIES AS JUDGE.—** There is a difference between freedom of expression and compromising the dignity of the Court through publications of emotional outbursts and destructive criticisms. Respondent's writing of active and various editorials compromises his duties as judge in the impartial administration of justice, for his views printed on newspapers reflect on his office as well as on the public officers that he challenges. From the standpoint of conduct

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and demeanor expected of a judge, resort to intemperate language only detracts from the respect due a member of the judiciary and becomes self-destructive.

4. **ID.; ID.; MUST MAINTAIN EQUANIMITY AND NOT INSTIGATE LITIGATION.—** Moreover, in persistently attacking the movie-making activities of the provincial governor and repeatedly threatening to file an action against a public officer, respondent encourages litigation and causes dissention against the public officer concerned. As a judge, respondent's role is to maintain equanimity and not instigate litigation. This is not to say that one can not question the improper activities of government officials if there are any. However, it is not proper for a judge to write publications of carelessly-worded editorials in local newspapers.

5. **ID.; ID.; OTHER LAWFUL ACTIVITIES SHOULD NOT INTERFERE WITH PERFORMANCE OF JUDICIAL DUTIES.—** Also worth noting is the fact that respondent judge holds sensitive and demanding positions at *The Mirror*. Not only does he act as its contributor or columnist, he is also its publisher, editor and legal adviser. Although the Code of Judicial Conduct allows a judge to engage in certain lawful activities, they should not interfere with the performance of judicial duties nor detract from the dignity of the court.

6. **ID.; ID.; IRRESPONSIBLE OR IMPROPER CONDUCT ERODES PUBLIC CONFIDENCE IN JUDICIARY.—** The judicial office circumscribes the personal conduct of a judge and imposes a number of restrictions thereon, which he has to pay for accepting and occupying an exalted position in the administration of justice. The irresponsible or improper conduct of a judge erodes public confidence in the judiciary. It is thus the duty of the members of the bench to avoid any impression of impropriety to protect the image and integrity of the judiciary.

RESOLUTION

PER CURIAM:

The case before the Court is a letter-complaint filed by Pampanga Provincial Attorney Benalfre J. Galang charging Judge Abelardo H. Santos, presiding judge, Municipal Trial Court in

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Cities (MTCC), Angeles City, Pampanga, with acts unbecoming of a judge.

On December 10, 1996, Benalfre J. Galang filed with this Court a complaint[1] seeking administrative action for the reprehensible conduct of respondent judge in engaging in the publication of a gossip tabloid, *The Mirror*, as editor and legal adviser, and as a gossip-mongering columnist of a local newspaper, *Sun Star Clark.*

Complainant alleged that respondent used his newspaper column to ventilate his biases or personal anger at people or institutions. For instance, when respondent failed to receive payment from the Office of the Governor for advertisement in exchange for a congratulatory message in the maiden issue of *The Mirror*, respondent placed a blank space purportedly for the governor's message, and expressed contempt with a few lines underneath a picture of the governor.[2] Complainant believes that respondent judge should not engage in active, sensational, and free-for-all journalistic writing because such act degrades the judicial system and compromises his impartiality as an administrator of justice.

When required by this Court to answer the charges against him, respondent filed a Motion for Bill of Particulars and to Require Complainant to Verify his Letter-Complaint.[3] The Court granted the motion in its Resolution dated June 16, 1997.[4]

On September 29, 1997, Benalfre J. Galang filed a Verified Complaint with Bill of Particulars.[5] Complainant alleged that

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[1] *Rollo*, pp. 1-2.

[2] "Note Some lady factotums at the Governor's Office told the publisher that the message was unsigned and Gov. Lito could not be disturbed. This was after more than one week of follow-ups. Don't worry Bong L. and Ram M. We won't charge you a cent. The contract was torn. (Editor)," *Rollo*, p. 4.

[3] Dated April 18, 1997.

[4] *Rollo*, p. 9.

[5] *Rollo*, pp. 16-18.

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respondent wrote articles to display his personal prejudices and personal anger toward people and institutions, which constitute improper interference and meddling in purely administrative matters that are of no material concern to his office or sala. Moreover, complainant alleged that respondent used the print media to promote the interests of one political party against another, which showed his political bias for one party, in violation of the Canons of Judicial Ethics.[6]

On October 8, 1997, respondent filed his answer, which is reproduced here in full, to wit:

"*Res Ipsa Loquitur*! Complainant's verified complaint speaks for itself. It is an ENTIRELY *NEW* Complaint. If complainant is a lawyer worth his salt and if he truly understood respondent's Motion for a Bill of Particulars AND TO REQUIRE COMPLAINANT TO VERIFY HIS *LETTER-COMPLAINT*, then he should have known (even a mediocre lawyer will) that it was the *original* complaint dated December 9, 1996 which should have been verified.

"As to the alleged Bill of Particulars, Complainant, in blatant or ignorant defiance of the June 16, 1997 Resolution of this Honorable Court, filed a *BILL OF GENERALITIES!* Respondent moved for a more definite and clear statements on several matters contained in his motion. *NONE*, of these were "particularized" by said Complainant. It is, therefore, clear that Complainant miserably *failed* to comply with the Resolution of this Honorable Court. A Bill of Generalities is the exact opposite of a Bill of Particulars. But then, Complainant seems unable to distinguish between the two?

"*As an act of Obedience to the June 16, 1997 Resolution* of this Court requiring respondent to Comment within ten (10) days on the Complaint, suffice it to say that he invokes his constitutional right of Freedom of Speech and of the Press enshrined in the 1987 Constitution for which the Honorable Supreme Court is a staunch defender. As a brief backgrounder, respondent has been a member of the 4th Estate since 1971. He covered, together with Vicente B. Foz, a fine lawyer and a writer, the 1987 Con-Con for the Pre-Martial Law Manila Times, with the late Jose Luna Castro as editor. In 1987, he resumed his writing career for local newspapers, up to the present.

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[6] Complaint, *Rollo*, p. 17.

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Respondent *admits* the dare he hurled against the Complainant which appeared in the December 9, 1996 issue of the Sun-Star Clark. Unfortunately, the Complainant *TURNED DOWN* the challenge for what reasons only he can fathom. One of these days respondent will file a case with the proper forum against Gov. Lito Lapid so as to clear once and for all the issues I raised anent Section 90 (a) of R.A. 7160 which respondent quoted in paragraph 2 of his *new* complaint.

"Paragraph 3 of the Complaint speaks of a column, The Capital Mole which I deny having written. It has no by-line. How can I be the *MOLE* when the last time I was at the Capitol was on June 30, 1995? Complainant seems to be suffering from astigmatism.

"Paragraph 4 of the Complaint has *NO* basis. Respondent is neither promoter nor a member of any political party. He has no intention whatsoever to join any. As to the fact that the late Governor Bren Z. Guiao *LOST* to Lapid is neither here nor there. It is immaterial, irrelevant, stupid and most of all, unfortunate."[7]

The Office of the Court Administrator, in a Memorandum dated April 13, 1998, recommended the dismissal of respondent judge from the service, for conduct unbecoming a member of the bench and for violation of the Code of Judicial Conduct.

We agree.

A judge is viewed as the visible representation of law and justice from whom the people draw their will and inclination to obey the law.[8] Thus, his official conduct should be free from the appearance of impropriety, and his personal behavior, not only in the bench and in the performance of judicial duties, but also in his everyday life, should be beyond reproach.[9] Rule 2.01 of the Code of Judicial Conduct also provides that a judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary.[10]

In this case, respondent judge has displayed conduct that falls short of the standards expected of a magistrate of the law.

[7] Comments, dated September 19, 1997, *Rollo*, pp. 24-29.

[8] *Moroño v. Lomeda*, 246 SCRA 69.

[9] Canon 3, Canons of Judicial Ethics.

[10] See Code of Judicial Conduct.

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A perusal of the newspaper articles and the pleadings filed by respondent betrays a lack of judicial decorum which requires the use of temperate language at all times.[11] Samples of such articles are as follows:

"I did not see Mayor ED (not the crook as in CROOKED) and Mayor Boking during former Gov. BREN Z. GUIAO's birthday bash last July 9, *lumipat na ba kayo ng kampo*?" [*The Mirror*, Aug. 19-Sept. 4, 1996, p. 3]

"To all those who, supported this maiden issue of the Mirror, *Salamat po*! To those who did not, like PROVINCIAL LAWYER BENJIE GALANG, *mas maraming salamat*!!!" [*The Mirror*, Aug. 19-Sept. 4, 1996, p. 3]

"I will not seek the annointment of Lito Lapid. Who is he anyway? A nice book with nothing in between the covers? *May pride yata ako*." ["If I were Bren Z. Guiao", *Sun Star Clark*, Dec. 2, 1996, p. 5]

"I will not support LEVY LAUS in his intended bid to run for Mayor of San Fernando. *Akala ko sincere sa pagganap niya sa Save San Fernando Movement; yun' pala may ulterior motive!*" ["If I were Bren Z. Guiao", Sun Star Clark, Dec. 2, 1996, p. 5]

"As Chief Legal Counsel of Pampanga's Chief Executive, I challenge, *katuwaan lang*, Atty. BENJIE GALANG, my successor, to an open, public and friendly debate on the following issue... May a governor, who is at the same time an actor, still make films?"

"This writer will take the NEGATIVE side (it would be highly illogical for Benjie to be on this side. I know he does not have the brain of a gun.)"

From the looks of it, this side believes that Gov. Lito is not getting the proper legal advice from his Provincial Attorney?"

"Lapid fans will abhor me for bringing up this issue but the rule is – *DURA LEX SED LEX*!! I can not, in conscience, allow a patently, clear and blatant, to my belief, violation of Sec. 90 (a) of RA # 7160."

"As a clincher, I will RESIGN from my position as a judge if Benjie wins. If he loses, will he resign as Provincial Attorney of Pampanga?" ["Livewire", *Sun Star Clark*, Dec. 9, 1996, p. 5]

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[11] *Turqueza v. Hernando*, 97 SCRA 483.

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Although such statements were not given in relation to his official duties as judge, the Code of Judicial Conduct mandates that a judge should avoid impropriety and the appearance of impropriety *in all activities*.[12] The personal behavior of a judge not only upon the bench but also in his everyday life should be above reproach and free from the appearance of impropriety.[13] In this case, respondent displayed a lack of respect toward the Provincial Prosecutor through the insults he hurled in his articles and pleadings submitted to the Court. Respondent degraded the capabilities of complainant as legal adviser of the Provincial Government, and challenged the governor with disqualification for allegedly practicing a different profession aside from public office. In his pleadings, respondent also belittled complainant as a public officer through unnecessary and injurious descriptions.

There is a difference between freedom of expression and compromising the dignity of the Court through publications of emotional outbursts and destructive criticisms. Respondent's writing of active and vicious editorials compromises his duties as judge in the impartial administration of justice, for his views printed on newspapers reflect on his office as well as on the public officers that he challenges. From the standpoint of conduct and demeanor expected of a judge, resort to intemperate language only detracts from the respect due a member of the judiciary and becomes self-destructive.[14]

Moreover, in persistently attacking the movie-making activities of the provincial governor and repeatedly threatening to file an action against a public officer, respondent encourages litigation and causes dissension against the public officer concerned. As a judge, respondent's role is to maintain equanimity and not instigate litigation. This is not to say that one can not question the improper activities of government officials if there are any. However, it is not proper for a judge to write publications of carelessly-worded editorials in local newspapers.

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[12] *Alfonso v. Juanson*, 228 SCRA 239.

[13] *Alazas v. Reyes*, 131 SCRA 445.

[14] *Court Employees of the RTC, Br. 27, Gingoog City v. Galon*, 265 SCRA 770.

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Also worth noting is the fact that respondent judge holds sensitive and demanding positions at *The Mirror.* Not only does he act as its contributor or columnist, he is also its publisher, editor and legal adviser. Although the Code of Judicial Conduct allows a judge to engage in certain lawful activities, they should not interfere with the performance of judicial duties nor detract from the dignity of the court.[15]

The judicial office circumscribes the personal conduct of a judge and imposes a number of restrictions thereon, which he has to pay for accepting and occupying an exalted position in the administration of justice.[16] The irresponsible or improper conduct of a judge erodes public confidence in the judiciary.[17] It is thus the duty of the members of the bench to avoid any impression of impropriety to protect the image and integrity of the judiciary.[18]

Respondent judge's conduct has failed to measure up to what is expected of a member of the bench, and has demonstrated his unfitness to be or to remain in office.

IN VIEW WHEREOF, the Court hereby *DISMISSES* respondent Abelardo H. Santos, Judge, Municipal Trial Court in Cities (MTCC), Angeles City, Pampanga, from the service, with forfeiture of all retirement benefits and accumulated leave credits, if any, and with prejudice to reinstatement or reemployment in any branch, instrumentality or agency of the Government, including government-owned or controlled corporations.

SO ORDERED.

Davide, Jr., C.J., Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Pardo, Buena, Gonzaga-Reyes, and *Ynares-Santiago, JJ.,* concur.

Purisima, J., on leave.

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[15] Rule 5.01.

[16] *Apiag v. Cantero*, 268 SCRA 47.

[17] *Panganiban v. Guerrero, Jr.*, 242 SCRA 11.

[18] *Nazareno v. Almario*, 268 SCRA 657.