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FIRST DIVISION

[A.M. No. 655-MJ. May 23, 1974]

CESAR G. OTERO, *complainant, vs.* **MUN. JUDGE JUAN G. ESGUERRA,** *respondent.*

SYLLABUS

ADMINISTRATIVE PROCEEDINGS; COMPLAINT AGAINST A MUNICIPAL JUDGE; CHARGE OF IGNORANCE OF THE LAW AS WELL AS CONDUCT UNBECOMING A JUDICIAL MAGISTRATE; ADMINISTRATIVE COMPLAINT DISMISSED BUT JUDGE ADMONISHED.— The complainant charges the respondent Municipal Judge with gross ignorance of the law as well as conduct unbecoming a judicial magistrate. Complain- ant alleged in his verified complaint that on November 8, 1971 at about 2:00 P.M., he appeared as counsel for Liberal Party mayoralty candidate Benjamin Esguerra before the respondent to oppose a petition for inclusion of one Natalia M. Austria; that the respondent immediately granted the petition after hearing the argument of Austria's lawyer, whereupon complainant moved for reconsideration; that the respondent's temper rose and he shouted at complainant, saying, "I told you to stop talking. I do not like to hear anything more from you! Sino ka dito?"; that complainant was then ousted from the courtroom on orders of respondent; and that respondent likewise arbitrarily dismissed complainant's appeal from the order granting the petition for inclusion. The complaint was referred to the Executive Judge, CFI, Pasig, Rizal, for investigation, report and recommendation but before investigation could commence, complainant withdrew his complaint in view of which the complaint stands unsubstantiated. The complaint against respondent judge is dismissed but he is admonished to refrain, at all times, from any official conduct that may well be regarded as not entirely free from the appearance of impropriety or intemperateness.

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RESOLUTION

CASTRO, *J.:*

The respondent municipal judge Juan G. Esguerra of Taytay, Rizal, is here charged with gross ignorance of the law as well as conduct unbecoming a judicial magistrate. The complainant Cesar G. Otero alleged in his verified complaint that on November 8, 1971, at about 2:00 o'clock in the afternoon, he appeared as counsel for Liberal Party mayoralty candidate Benjamin Esguerra before the respondent to oppose a petition for inclusion filed in behalf of one Natalia M. Austria; that the respondent immediately granted the petition after hearing the argument of Austria's lawyer, whereupon Otero moved for reconsideration; that the respondent's temper rose and he shouted at Otero, saying, "I told you to stop talking. I do not like to hear anything more from you! You get out of this courtroom! *Sino ka dito?*"; that Otero was then ousted from the courtroom on orders of the respondent; and that the respondent likewise arbitrarily dismissed Otero's appeal from the order granting the petition for inclusion.

The complaint was referred on December 7, 1971 by the then Undersecretary of Justice Estelito P. Mendoza to the Executive Judge, Court of First Instance, Pasig, Rizal for investigation, report and recommendation.

Answering the complaint, the respondent states that he granted the petition for inclusion over Otero's opposition because the petitioner, among other things, possessed a voter's ID card; that he disapproved the appeal taken by the complainant Otero so as not to disenfranchise Austria, considering that it was then 2:50 o'clock in the afternoon and the elections were only up to 3:00 o'clock; and that he ordered a policeman to oust complainant from the courtroom in order to end Otero's heated verbal argument which, in the presence of many persons, imputed to him gross ignorance of the law.

The CFI judge assigned to investigate set the case for hearing; before the investigation could commence, however, Otero filed a "Manifestation" withdrawing his complaint. In view of this development, the complaint stands unsubstantiated.

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ACCORDINGLY, the administrative complaint against the respondent judge is dismissed. He is admonished, nevertheless, to refrain, at all times, from any official conduct that may well be regarded as not entirely free from the appearance of impropriety or intemperateness.

Makalintal, C.J., Teehankee, Makasiar, Esguerra, and *Muñoz Palma, JJ.*, concur.

FIRST DIVISION

[G.R. No. L-25172. May 24, 1974]

LUIS MA. ARANETA, *petitioner,* ***vs.*** **ANTONIO R. DE JOYA,** *respondent.*

SYLLABUS

CIVIL LAW; QUASI-DELICT; LIABILITY OF OFFICERS OF CORPORATION FOR UNAUTHORIZED DISBURSEMENT OF FUNDS.— This Court holds the view that the judgment of the Court of Appeals — ordering the petitioner to indemnify respondent for one-third of the sum which the latter was adjudged to pay the Ace Advertising Agency, Inc. — should be upheld. The petitioner's assertion that he signed the questioned payroll checks in good faith has not been substantiated, he in particular not having testified or offered testimony to prove such claim. Upon the contrary, in spite of his being a vice-president and director of the company, petitioner remained passive concerning the unauthorized disbursements of corporate funds for Taylor. This plus the fact that he even approved thrice payroll checks for the payment of Taylor's salary, demonstrate quite distinctly that the petitioner neglected to perform his duties properly, to the damage of the firm of which he was an officer. The fact that he was occupying a contractual position at the Ace Advertising is of no moment. The existence of a contract between