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[A.M. No. 801-CFI. February 2, 1979]

DR. JORGE P. ROYECA, *complainant, vs.* **JUDGE PEDRO SAMSON C. ANIMAS,** *respondent.*

SYLLABUS

JUDICIAL ETHICS; JUDGES: PROPER DECORUM; JUDGES TO REFRAIN FROM USING UNDIGNIFIED LANGUAGE IN THEIR OFFICIAL CONDUCT. — Use of intemperate, insulting and undignified language such as "polluted and stupid mind," "self-annointed local tyrant," "dictator", and "crocodile and octopus" by a presiding judge is a departure from the proper judicial decorum and such words have no place in a judicial record. Since respondent's choice of words is not proper he is admonished to refrain from using intemperate language in his future judicial actuations.

D E C I S I O N

FERNANDEZ, *J.*:

In two (2) similar letters under oath, one sent to the President of the Philippines and referred to Us and another directly sent to this Court in September 1974, the complainant, Jorge P. Royeca, charged Judge Pedro Samson C. Animas of the Court of First Instance of Southern Cotabato, Branch I, General Santos City, with improper decorum, misconduct and/or having committed acts unbecoming of a judge. Specifically, the respondent Judge is charged with acting in a pugnacious and arrogant manner and in uttering to the complainant the following words: "You are stupid." "There are octopuses and crocodiles here and you are one" and calling the complainant "self-annointed local tyrant."

The respondent submitted his comment in a second indorsement dated December 4, 1974 wherein he denied having acted in an arrogant and pugnacious manner and alleged that

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he uttered the words complained of without personal allusion to the complainant.

The complainant filed a reply to the comment.

In the resolution of this Court dated March 9, 1976, the case was referred to Justice Lorenzo Relova of the Court of Appeals for investigation, report and recommendation.[1]

The record shows that Justice Relova immediately set the hearing of the investigation on May 3, 4, 6 and 7, 1976 at 1:30 o'clock in the afternoon in the Court of Appeals. On motion of the respondent and without objection of the complainant, the hearing was re-set to June 1, 3, 4, 7, 8, 10 and 11, 1976, at the same time and place.

Before the hearing, the complainant filed an affidavit which reads:

"1. That he is the complainant in the above entitled case;

"2. That after a serious reflection and deliberation of the circumstances which led to the filing of aforesaid complaint, he has realized that the same was spawned by a minor misunderstanding which was not attributable to anybody's fault;

"3. That he is executing this affidavit asking for the dismissal of this administrative case as he has lost his interest in the prosecution of the case."[2]

On June 1, 1976, at the initial hearing of the case, both complainant and respondent, notwithstanding due notice given them, failed to appear. Respondent's counsel, Atty. Salvador H. Laurel, appeared and moved for the dismissal of the case on the ground, among others, that the complainant has lost interest in the prosecution of the case which is shown by his allegation in paragraph 3 of this affidavit and his actual non-appearance at the hearing.

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[1] *Rollo*, p. 297.

[2] *Rollo*, p. 310.

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In his report and recommendation dated June 9, 1976, Justice Relova recommended the dismissal of the case because:

"Administrative actions are intended to improve and maintain the high standards of public service, to secure faithful and efficient performance of official functions, and to preserve the faith and confidence — not of disgruntled litigants but — of the people in their government and its officials. But then, if complainant would not appear at the investigation, coupled with an affidavit of desistance, the charge that the respondent berated and humiliated the complainant cannot be substantiated considering the denial by the respondent of the charge and the fact that the proceedings during the alleged incident was not recorded by the stenographer. There is, therefore, no other alternative for your investigator but to recommend the dismissal of this administrative matter."[3]

The complaint arose from an incident in Civil Case No. 1445 where complainant as plaintiff filed a motion to disqualify the respondent from hearing the case and to transfer the case to Branch II of the Court of First Instance of South Cotabato at Koronadal. The respondent considered the allegations of the motion as a slur and assault on his integrity and required the complainant and his counsel to show cause why they should not be cited for direct contempt. It was at the said hearing of the show cause order where the acts complained of were allegedly committed. The respondent issued the Order of Direct Contempt against the petitioner on September 6, 1974. On a petition for *certiorari* to this Court by the complainant the said Direct Contempt Order was set aside in a decision promulgated on May 3, 1976.[4] The pertinent portion of the decision reads:

"It is well to affirm finally that this Court was not unmindful of the fact that whether rightly or wrongly, respondent Judge was laboring under the sense of having been affronted not only by the motion for inhibition but by previous incidents, there being obviously personality differences. He must have been strengthened in the belief

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[3] *Rollo*, pp. 328-329.

[4] *Jorge P. Royeca vs. Hon. Pedro Samson Animas, etc., et al.*, 71 SCRA 1.

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that he had the right to feel offended with the admission by petitioner and counsel that such motion contained language that did cast reflection on his integrity. Had there been adherence, however, to the standard announced in *Azucena vs. Muñoz*, of a judge being a cerebral man 'who deliberately holds in check the tug and pull of purely personal preferences and prejudices,' perhaps he could have disposed of the whole matter with an admonition. Moreover, from the standpoint of the conduct and demeanor expected of a judge, he could have avoided resort to intemperate language which only revealed his emotional state. He did seek to impress on this Court that the words complained of in the challenged order, on their face vitriolic and scurrilous, were lifted out of context. There is some plausibility to such a view. Nonetheless, respondent judge is well-advised to refrain in the future from resort to the language of vilification. He may not be fully aware of it, but to do so only detracts from the respect due a member of the judiciary."[5]

The respondent has departed from the proper judicial decorum by the use of such intemperate and insulting language as "polluted and stupid mind," "self-annointed local tyrant," "dictator" and "crocodiles and octopuses" although the last two words were allegedly used out of context. These words have no place in a judicial record.

The respondent's choice of words is not proper. He should not resort to undignified language.

WHEREFORE, the respondent, Judge Pedro Samson C. Animas, is hereby admonished to refrain from using in temperate and insulting language in his future judicial actuations.

SO ORDERED.

Castro, C.J., Fernando, Teehankee, Barredo, Makasiar, Antonio, Aquino, Concepcion Jr., Santos, and *Guerrero, JJ.*, concur.

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[5] *Ibid.*, 71 SCRA 9.