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FIRST DIVISION

[A.M. No. RTJ-00-1567. January 19, 2001]
[Formerly A.M. No. OCA-IPI-98-559-RTJ]

FERNANDO DELA CRUZ, *complainant, vs.* **JUDGE JESUS G. BERSAMIRA, RTC, Branch 166, Pasig City,** *respondent.*

SYNOPSIS

In a resolution dated July 24, 2000, Judge Jesus G. Bersamira was reprimanded and fined Ten Thousand Pesos (₱10,000.00) with a stern warning that a repetition of similar acts complained of will be dealt with more severely. He filed a Motion for Reconsideration strongly insinuating that the investigating Justice was actuated by malice and was biased against him. He insisted that the "Magtolis Report" was too incomplete, slanted, subjective, misleading and untruthful even in its presentation of the case against respondent to have been correct and just basis of the subject resolution. The words used in the said motion for reconsideration come close to saying that the investigating Justice prevaricated and that her factual findings are speculative fabrications. Respondent judge asserted that he is innocent, arguing at length that the recital of the Magtolis Report of the "factual milieu" of the administrative complaint at hand, was dishonest and distorted.

The Court ruled that respondent judge's charges of "dishonesty" and "distortion" of facts against an Associate Justice of the second highest court in the land, who was tasked to look into administrative indictments for wrongdoing against him, ring hollow in the absence of any evidence whatsoever showing that the investigator harbored any ill-feelings or malice toward him. Such charges not only revealed a deplorable deficiency in that degree of courteousness respondent is supposed to observe and extend towards other magistrates like him, it also betrays a character flaw which leaves the Court even more convinced that he deserves the administrative sanctions imposed on him.

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While a circumspect scrutiny of the factual findings of the investigating Justice discloses that there are indeed certain points therein which may raise a quizzical eyebrow, the said findings nevertheless do not detract from the immutable fact that respondent's conduct was anything but exemplary in this case. Contrary to respondent's bare claim that these findings "are denied, belied, contradicted by and/or nowhere at all in 'the documentary evidence submitted by respondent and the record (sic) of the three criminal cases as well as respondent's answers to the clarificatory questionings (sic) of the investigator'", the fmdings of the investigating justice are, in fact, supported by the documentary evidence on record.

However, in the interest of compassionate justice, the Court has resolved to reduce the fine imposed on respondent judge to five thousand pesos (₱5,000.00).

SYLLABUS

1. **LEGAL AND JUDICIAL ETHICS; JUDGES; INTEMPERATE SPEECH DETRACTS FROM THE EQUANIMITY AND JUDICIOUSNESS THAT SHOULD BE THE CONSTANT HALLMARKS OF A DISPENSER OF JUSTICE.** — A judge without being offensive in speech may endeavor to call attention to what he perceives to be erroneous findings against him. He may criticize the points he feels are incorrect but he may not do so in an insulting manner. If respondent disagrees and feels he has to express his dissent thereto, a firm and temperate remonstrance is all that he should ever allow himself. Intemperate speech detracts from the equanimity and judiciousness that should be the constant hallmarks of a dispenser of justice. Those who don the judicial robe are expected to be restrained and sober in their speech. Restraint is, in fact, a trait desirable to those who dispense justice. Indeed, a judge's language, both written and spoken, must be guarded and measured lest the best of intentions be misconstrued. Offensive and intemperate speech directed against brethren on the bench can not be condoned and deserves reproof.

2. **ID.; ID.; ID.; TRIAL JUDGE'S CHARGES OF "DISHONESTY" AND "DISTORTION" OF FACTS AGAINST AN ASSOCIATE JUSTICE OF THE COURT OF APPEALS REVEAL A DEPLORABLE DEFICIENCY IN THE DEGREE OF**

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COURTEOUSNESS SUPPOSED TO BE OBSERVED AND EXTENDED TOWARDS OTHER MAGISTRATES. — Respondent judge's charges of "dishonesty" and "distortion" of facts against an associate justice of the second highest court in the land, who was tasked to look into administrative indictments for wrongdoing against him, ring hollow in the absence of any evidence whatsoever showing that the investigator harbored any ill-feelings or malice toward him. Such charges not only reveal a deplorable deficiency in that degree of courteousness respondent is supposed to observe and extend towards other magistrates like him, it also betrays a character flaw which leaves the Court even more convinced that he deserves the administrative sanctions imposed on him.

3. **ID.; ID.; EXPECTED TO POSSESS HIGHEST STANDARD OF INTEGRITY AND MORAL UPRIGHTNESS.** — The points raised by respondent judge will not cleanse him of the whiff of impropriety in this case. The Court pointed out in *Dawa v. De Asa* that the people's confidence in the judicial system is founded not only on the magnitude of legal knowledge and the diligence of the members of the bench, but also on the highest standard of integrity and moral uprightness they are expected to possess. It is towards this sacrosanct goal of ensuring the people's faith and confidence in the judiciary that the Code Judicial Conduct mandates the following: "CANON 2 – A JUDGE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES. RULE 2.01 — A judge should so behave at all times to promote public confidence in the integrity and impartiality of the judiciary. CANON 3 – A JUDGE SHOULD PERFORM OFFICIAL DUTIES HONESTLY, AND WITH IMPARTIALITY AND DILIGENCE.

4. **ID.; ID.; ID.; TWO PREVIOUS ADMINISTRATIVE CHARGES AGAINST THE RESPONDENT JUDGE INDICATE THAT HIS THIRTY-NINE YEAR STINT IN THE GOVERNMENT SERVICE IS NOT SPOTLESSLY CLEAN AND ENTIRELY FREE OF WRONG DOING.** — To bolster his cause, respondent judge makes reference to his thirty nine (39) year stint in the government service "with not one record of dishonesty or corruption" pointing out that neither of the two administrative cases against him referred to in the Court's Resolution involved dishonesty or corruption. While indeed the two administrative complaints had nothing to do with dishonesty and corruption,

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the reference to these two cases by the Court was made precisely to call attention to the fact that respondent judge's claimed thirty-nine year stint is not spotlessly clean entirely free of wrongdoing. In *Cecilio Wycoco v. Judge Jesus G. Bersamira,* respondent was initially admonished for absenteeism by the Court. Subsequently, in *Jose Oscar M. Salazar v. Judge Jesus G. Bersamira,* respondent intervened in a case which he could not properly take cognizance of causing the complainant great prejudice resulting from the delay of the execution of a decision in his favor in Civil Case No. 39608 of the MeTC of Makati. For such transgression, respondent was again sanctioned and fined Five Thousand (₱5,000.00) with the warning that a repetition of the same act would be dealt with more severely for violating Administrative Order No. 3, series of 1983. It will be readily noted from the foregoing that respondent judge had been meted penalties which steadily became stiffer for his subsequent infractions, this case included.

5. **ID.; ID.; ID.; UNFLATTERING FOOTNOTES ON RESPONDENT'S SERVICE RECORD FURTHER ERODE PEOPLE'S FAITH AND CONFIDENCE IN THE JUDICIARY.** — Needless to state, such unflattering footnotes on respondent's service record only further erode the people's faith and confidence in the judiciary for it is the duty of all members of the bench to avoid any impression of impropriety to protect the image and integrity of the judiciary, which in recent times has been the object of criticism and controversy. To reiterate – Officers of the court have the duty to see to it that justice is dispensed with evenly and fairly. Not only must they be honest and impartial, but they must also *appear* to be honest and impartial in the dispensation of justice. Judges should make sure that their acts are circumspect and do not arouse suspicion in the minds of the public. When they fail to do so, such acts may cast doubt upon their integrity and ultimately the judiciary in general.

6. **ID.; ID.; REQUIRED TO OBSERVE AN EXACTING STANDARD OF MORALITY AND DECENCY.** — By the very nature of the bench, judges, more than the average man, are required to observe an exacting standard of morality and decency. The character of a judge is perceived by the people not only through his official acts but also through his private morals as reflected in his external behavior. It is therefore paramount that a judge's personal behavior both in the performance of his duties and

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his daily life, be free from the appearance of impropriety as to be beyond reproach. Only recently, in *Magarang v. Judge Galdino B. Jardin, Sr.,* the Court pointedly stated that: While every public office in the government is a public trust, no position exacts a greater demand on moral righteousness and uprightness of an individual than a seat in the judiciary. Hence, judges are strictly mandated to abide by the law, the Code of Judicial Conduct and with existing administrative policies in order to maintain the faith of the people in the administration of justice. Judges must adhere to the highest tenets of judicial conduct. They must be the embodiment of competence, integrity and independence. A judge's conduct must be above reproach. Like Caesar's wife, a judge must not only be pure but above suspicion. A judge's private as well as official conduct must at all times be free from all appearances of impropriety, and be beyond reproach.

7. ID.; CODE OF JUDICIAL CONDUCT; A JUDGE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL HIS ACTIVITIES. — In *Vedana vs. Valencia,* the Court held: The Code of Judicial Ethics mandates that the conduct of a judge must be free of a whiff impropriety not only with respect to his performance of his judicial duties, but also to his behavior outside his sala as private individual. There is no dichotomy of morality: a public official is also judged by his private morals. The Code dictates that a judge, in order to promote public confidence in the integrity and impartiality of the judiciary, must behave with propriety at all times. As we have recently explained, a judge's official life can not simply be detached or separate from his personal existence. Thus: Being the subject of constant public scrutiny, a judge should freely and willingly accept restrictions on conduct that might be viewed as burdensome by the ordinary citizen. A judge should personify judicial integrity and exemplify honest public service. The personal behavior of a judge, both in the performance of official duties and in private life should be above suspicion. As stated earlier, in Canon 2 of the Code of Judicial Conduct, a judge should avoid impropriety and the appearance of impropriety in all his activities. A judge is not only required to be impartial; he must also *appear* to be impartial. Public confidence in the judiciary is eroded by irresponsible improper conduct of judges.

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8. ID.; ID.; JUDGES SHOULD NOT ONLY BE IMPARTIAL BUT SHOULD ALSO APPEAR IMPARTIAL.— [T]he Court pointed out in *Joselito Rallos, et al. v. Judge Ireneo Lee Gako Jr., RTC Branch 5, Cebu City,* that: Well-known is the judicial norm that "judges should not only be impartial but should also appear impartial." Jurisprudence repeatedly teaches that litigants are entitled to nothing less than the cold neutrality of an impartial judge. The other elements of due process, like notice and hearing, would become meaningless if the ultimate decision is rendered by a partial or biased judge. Judges must not only render just, correct and impartial decisions, but must do so in a manner free of any suspicion as to their fairness, impartiality and integrity. *This reminder applies all the more sternly to municipal, metropolitan and regional trial court judges like herein respondent, because they are judicial front-liners who have direct contact with the litigating parties.* They are the intermediaries between conflicting interests and the embodiments of the people's sense of justice. Thus, their official conduct should be beyond reproach.

9. ID.; JUDGES; ADMINISTRATIVE PENALTIES DO NOT PLAY THE STRAINS OF THE VALKYRIAN CHANT TO A PUBLIC CAREER, JUDICIAL OR OTHERWISE. — Respondent's closing plea that "the unfairness letting the subject Resolution stand as is . . .will . . . destroy Respondent's future . . . and takes away from him any further opportunity for career advancement or promotion" is regrettable because respondent judge appears unaware that he is actually the recipient of sympathetic consideration in this case. Be that as it may, respondent must bear in mind that – Administrative penalties do not play the final strains of the valkyrian chant to a public career, judicial or otherwise. It is for respondent judge, by subsequently demonstrating his true worth through observance of judicial standards, to vindicate himself from a misjudgment which is the heritage of the heedless and to rise to higher levels which is the destiny of the deserving.

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RESOLUTION

YNARES-SANTIAGO, *J.*:

In a Resolution dated July 24, 2000, the Court reprimanded respondent judge and fined him Ten Thousand (₱10,000.00) Pesos with a stern warning that a repetition of similar acts complained of will be dealt with more severely.

On September 12, 2000, respondent judge filed a Motion for Reconsideration insisting that —

I. THE "MAGTOLIS REPORT" WAS TOO INCOMPLETE, SLANTED, SUBJECTIVE, MISLEADING, AND UNTRUTHFUL EVEN, IN ITS PRESENTATION OF THE CASE AGAINST RESPONDENT TO HAVE BEEN CORRECT AND JUST BASIS OF THE SUBJECT RESOLUTION.

II. BY ADOPTING AND VALIDATING THE "MAGTOLIS REPORT", THE SUBJECT RESOLUTION CAN ONLY BE MISREAD AS AN ABANDONMENT OF THE TIME-HONORED PUBLIC POLICY THAT GOOD FAITH, NOT MALICE, MUST BE PRESUMED.

strongly insinuating that the investigating Justice was actuated by malice and was biased against him.

Using words which come close to saying that the investigating Justice prevaricated and that her factual findings are speculative fabrications, respondent judge asserts he is innocent arguing at length that the recital of the "'Magtolis Report' of the 'factual milieu' of the administrative complaint at hand, was *dishonest* and *distorted*."[1]

Respondent judge's charges of "dishonesty" and "distortion" of facts against an associate justice of the second highest court in the land, who was tasked to look into administrative indictments for wrongdoing against him, ring hollow in the absence of any evidence whatsoever showing that the investigator harbored

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[1] Motion for Reconsideration, p. 3, 3rd paragraph.

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any ill-feelings or malice toward him. Such charges not only reveal a deplorable deficiency in that degree of courteousness respondent is supposed to observe and extend towards other magistrates like him, it also betrays a character flaw which leaves the Court even more convinced that he deserves the administrative sanctions imposed on him.

A judge without being offensive in speech may endeavor to call attention to what he perceives to be erroneous findings against him. He may criticize the points he feels are incorrect but he may not do so in an insulting manner.[2] If respondent disagrees and feels he has to express his dissent thereto, a firm and temperate remonstrance is all that he should ever allow himself.[3] Intemperate speech detracts from the equanimity and judiciousness that should be the constant hallmarks of a dispenser of justice.[4]

Those who don the judicial robe are expected to be restrained and sober in their speech. Restraint is, in fact, a trait desirable to those who dispense justice.[5] Indeed, a judge's language, both written and spoken, must be guarded and measured lest the best of intentions be misconstrued.[6] Offensive and intemperate speech directed against brethren on the bench can not be condoned and deserves reproof.

While a circumspect scrutiny of the factual findings of the investigating Justice discloses that there are indeed certain points

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[2] See Canon 4, Canons of Judicial Ethics; *Royeca v. Animas,* 71 SCRA 1 [1976].

[3] Agpalo, R. E. *Legal Ethics*, 6th Ed. (1997), p. 438, citing IV Hoffman's Fifty Resolutions in Regard to Professional Deportment and *Calo v. Tapucar*, 88 SCRA 78 [1979].

4 *Kalalang v. Fernandez*, 39 SCRA 418 [1971].

[5] *Delgra, Jr. v. Gonzales,* 31 SCRA 237 [1971]; *Ysasi v. Fernandez,* 26 SCRA 393 [1968].

[6] Agpalo R. E., *Legal Ethics*, 6th Ed. (1997), p. 440, citing Masadao and Elizaga Re: Criminal Case No. 4954-M, 155 SCRA 72 [1987] and *Naldoza v. Lavilles*, 254 SCRA 286 [1996].

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therein which may raise a quizzical eyebrow, the said findings nevertheless do not detract from the immutable fact that respondent's conduct was anything but exemplary in this case. Contrary to respondent's bare claim that these findings "are denied, belied, contradicted by and/or nowhere at all in 'the documentary evidence submitted by respondent and the record (*sic*) of the three criminal cases as well as respondent's answers to the clarificatory questionings (*sic*) of the investigator',[7] the findings of the investigating justice are, in fact, supported by the documentary evidence on record.

Stated differently, the points raised by respondent judge will not cleanse him of the whiff of impropriety in this case. The Court pointed out in *Dawa v. De Asa*[8] that the people's confidence in the judicial system is founded not only on the magnitude of legal knowledge and the diligence of the members of the bench, but also on the highest standard of integrity and moral uprightness they are expected to possess.[9] It is towards this sacrosanct goal of ensuring the people's faith and confidence in the judiciary that the Code of Judicial Conduct mandates the following:

CANON 2 — A JUDGE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES.

RULE 2.01 — A judge should so behave at all times to promote public confidence in the integrity and impartiality of the judiciary.

CANON 3 — A JUDGE SHOULD PERFORM OFFICIAL DUTIES HONESTLY, AND WITH IMPARTIALITY AND DILIGENCE.

By the very nature of the bench, judges, more than the average man, are required to observe an exacting standard of morality and decency. The character of a judge is perceived by the people not only through his official acts but also through his private morals as reflected in his external behavior. It is therefore paramount that a judge's personal behavior both in the

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[7] Motion for Reconsideration, p. 23, 2nd paragraph.

[8] 292 SCRA 703 [1998].

[9] Citing *Talens-Dabon v. Arceo,* 259 SCRA 354 [1996].

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performance of his duties and his daily life, be free from the appearance of impropriety as to be beyond reproach.[10] Only recently, in *Magarang v. Judge Galdino B. Jardin, Sr.*,[11] the Court pointedly stated that:

While every public office in the government is a public trust, no position exacts a greater demand on moral righteousness and uprightness of an individual than a seat in the judiciary. Hence, judges are strictly mandated to abide by the law, the Code of Judicial Conduct and with existing administrative policies in order to maintain the faith of the people in the administration of justice.[12]

Judges must adhere to the highest tenets of judicial conduct. They must be the embodiment of competence, integrity and independence.[13] A judge's conduct must be above reproach.[14] Like Caesar's wife, a judge must not only be pure but above suspicion.[15] A judge's private as well as official conduct must at all times be free from all appearances of impropriety, and be beyond reproach.[16]

In *Vedana vs. Valencia*,[17] the Court held:

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 as a private individual. There is no dichotomy of morality: a public official is also judged by his private morals. The Code dictates that a judge, in order to promote public confidence in the integrity and impartiality of the judiciary, must behave with propriety at all times. As we have recently explained, a judge's official life can not simply be detached or separated from his personal existence. Thus:

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[10] *Dawa v. De Asa, supra,* citing *Yulo-Tuvilla v. Balgos,* 288 SCRA 358 [1998].

[11] A.M. No. RTJ-99-1448, 6 April 2000, pp. 11-12.

[12] *Garciano v. Sebastian,* 231 SCRA 588 [1994].

[13] Rule 1.01, Code of Judicial Conduct.

[14] Canon 31, Canons of Judicial Ethics.

[15] *Palang v. Zosa,* 58 SCRA 776 [1974].

[16] *Dysico v. Dacumos, supra.*

[17] 295 SCRA 1 [1998].

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> Being the subject of constant public scrutiny, a judge should freely and willingly accept restrictions on conduct that might be viewed as burdensome by the ordinary citizen.
>
> A judge should personify judicial integrity and exemplify honest public service. The personal behavior of a judge, both in the performance of official duties and in private life should be above suspicion.

As stated earlier, in Canon 2 of the Code of Judicial Conduct, a judge should avoid impropriety and the appearance of impropriety in all his activities.[18] A judge is not only required to be impartial; he must also *appear* to be impartial.[19] Public confidence in the judiciary is eroded by irresponsible or improper conduct of judges.[20]

Viewed *vis-à-vis* the factual landscape of this case, it is clear that respondent judge violated Rule 1.02,[21] as well as Canon 2,[22] Rule 2.01[23] and Canon 3.[24] In this connection, the Court pointed out in *Joselito Rallos, et al. v. Judge Ireneo Lee Gako Jr., RTC Branch 5, Cebu City*,[25] that:

> Well-known is the judicial norm that "judges should not only be impartial but should also appear impartial." Jurisprudence repeatedly teaches that litigants are entitled to nothing less than the cold

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[18] *Prosecutor Salvador C. Ruiz v. Judge Agelio L. Bringas, MTC, Branch I, Butuan City,* A.M. No. MTJ-00-1266, 6 April 2000, p. 8.

[19] Canon 3, Code of Judicial Conduct.

[20] *In Re: Judge Benjamin H. Virrey*, 202 SCRA 628 [1991].

[21] "A judge should administer justice *impartially* and *without delay*." (Italics supplied)

[22] "A judge should *avoid impropriety* and the *appearance of impropriety* in all activities." (Italics supplied)

[23] "A judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary."

[24] "A Judge should perform official duties honestly, and with impartiality and diligence." (Italics supplied)

[25] A.M. Nos. RTJ-99-1484 and RTJ-99-1484 (A), 17 March 2000, p. 19.

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neutrality of an impartial judge. The other elements of due process, like notice and hearing, would become meaningless if the ultimate decision is rendered by a partial or biased judge. Judges must not only render just, correct and impartial decisions, but must do so in a manner free of any suspicion as to their fairness, impartiality and integrity.

This reminder applies all the more sternly to municipal, metropolitan and regional trial court judges like herein respondent, because they are judicial front-liners who have direct contact with the litigating parties. They are the intermediaries between conflicting interests and the embodiments of the people's sense of justice. Thus, their official conduct should be beyond reproach.[26]

To bolster his cause, respondent judge makes reference to his thirty nine (39) year stint in the government service "with not one record of dishonesty or corruption"[27] pointing out that neither of the two administrative cases against him referred to in the Court's Resolution involved dishonesty or corruption. While indeed the two administrative complaints had nothing to do with dishonesty and corruption, the reference to these two cases by the Court was made precisely to call attention to the fact that respondent judge's claimed thirty-nine year stint is not spotlessly clean and entirely free of wrongdoing.

In *Cecilio Wycoco v. Judge Jesus G. Bersamira*,[28] respondent was initially admonished for absenteeism by the Court. Subsequently, in *Jose Oscar M. Salazar v. Judge Jesus G. Bersamira*,[29] respondent intervened in a case which he could not properly take cognizance of causing the complainant great prejudice, resulting from the delay of the execution of a decision in his favor in Civil Case No. 39608 of the MeTC of Makati. For such transgression, respondent was again sanctioned and fined Five Thousand (₱5,000.00) with the warning that a repetition

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[26] Citing *Macasasa v. Imbing*, A.M. No. RTJ-99-1470, 16 August 1999.

[27] Motion for Reconsideration, 2nd paragraph, p. 29.

[28] A.M. No. RTJ-87-128, 30 June 1988.

[29] A.M. No. RTJ-91-711, 29 April 1993.

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of the same act would be dealt with more severely for violating Administrative Order No. 3, series of 1983. It will be readily noted from the foregoing that respondent judge had been meted penalties which steadily became stiffer for his subsequent infractions, this case included.

Needless to state, such unflattering footnotes on respondent's service record only further erode the people's faith and confidence in the judiciary for it is the duty of all members of the bench to avoid any impression of impropriety to protect the image and integrity of the judiciary, which in recent times has been the object of criticism and controversy.[30] To reiterate —

> Officers of the court have the duty to see to it that justice is dispensed with evenly and fairly. Not only must they be honest and impartial, but they must also *appear* to be honest and impartial in the dispensation of justice. Judges should make sure that their acts are circumspect and do not arouse suspicion in the minds of the public. When they fail to do so, such acts may cast doubt upon their integrity and ultimately the judiciary in general.[31]

Respondent's closing plea that "the unfairness letting the subject Resolution stand as is . . . will . . . destroy Respondent's future . . . and takes away from him any further opportunity for career advancement or promotion"[32] is regrettable because respondent judge appears unaware that he is actually the recipient of sympathetic consideration in this case. Be that as it may, respondent must bear in mind that —

> Administrative penalties do not play the final strains of the Valkyrian chant to a public career, judicial or otherwise. It is for respondent judge, by subsequently demonstrating his true worth through observance of judicial standards, to vindicate himself from

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[30] *Antonio Yu Asensi v. Judge Francisco D. Villanueva,* A.M. No. MTJ-00-1245, January 19, 2000.

[31] *Re: Procedure Adopted By Judge Daniel Liangco, Executive Judge Municipal Trial Court (MTC), San Fernando, Pampanga, Re: Raffle of Cases Under P.D. No. 1602,* A.M. No. 99-11-1580-MTC, 1 August 2000.

[32] Motion for Reconsideration, 1st paragraph, p. 29.

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a misjudgment which is the heritage of the heedless and to rise to higher levels which is the destiny of the deserving.[33]

However, in the interest of compassionate justice, the Court has resolved to reduce the fine imposed on respondent judge to five thousand pesos (₱5,000.00).

WHEREFORE, in view of all the foregoing, the Motion for Reconsideration is hereby *DENIED* for lack of merit. The Resolution dated July 24, 2000 is *MODIFIED* by reducing the fine imposed on respondent judge from ten thousand pesos (₱10,000.00) to five thousand pesos (₱5,000.00). This denial is *FINAL*.

SO ORDERED.

Kapunan and *Pardo, JJ.*, concur.

Davide, Jr., C.J. and *Puno, J.*, took no part.

FIRST DIVISION

[G.R. No. 91486. January 19, 2001]

ALBERTO G. PINLAC, ATTY. ERIBERTO H. DECENA, RODOLFO F. REYES, FELIPE BRIONES, JUANITO METILLA, JR., FELIPE A. FLORES, HERMINIO ELEVADO, NARCISO S. SIMEROS, *petitioners, vs.* **COURT OF APPEALS, ATTY. CORAZON A. MERRERA, ATTY. JEAN MAKASIAR-PUNO, SERGIO ACABAN, represented by Atty. Ramon Gerona, ATTY. ROGELIO VELASCO, MARTINA S. NONA, OVIDEO MEJICA, ALFREDO ITALIA, MARIANO**

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[33] *People v. Gacott, Jr.*, 246 SCRA 52 [1995].