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ACCORDINGLY, the judgment appealed from is *affirmed.* No costs.

Makasiar, Esguerra, Muñoz Palma, and *Martin, JJ.*, concur.

Teehankee, J., is on leave.

SECOND DIVISION

[A.M. No. 72-MJ. July 22, 1975]

IGMEDIO T. LI, *complainant, vs.* **JOSE H. MIJARES, Municipal Judge,** *respondent.*

SYLLABUS

LEGAL AND JUDICIAL ETHICS; JUDGES; SHOULD BE NOT ONLY MEN OF HIGHEST INTEGRITY BUT THEY SHOULD ALSO AT ALL TIMES CONDUCT THEMSELVES IN SUCH A MANNER AS TO BE ABOVE SUSPICION.— The facts remain that the respondent Judge demanded from the complainant the sum of ₱40.00 which he received in open court and before the outcome of the case; and that he failed to issue a receipt for the amount he received. These acts of the respondent are in violation of Section 13, Rule 33 of the Rules of Court, the meaning of which was made explicit by this Tribunal in the case of *Paredes vs. Bayona*, G.R. No. L-10004, October 18, 1956, as well as of Section 15, Rule 141 of the Rules of Court which requires the issuance of a receipt for such payment. The respondent Judge therefore acted improperly and unlawfully in the performance of his duties. Complainant indeed had reason to air his grievances. Judges should be not only men of highest integrity but they should also at all times conduct themselves in such a manner as to be above suspicion. This respondent failed to do.

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RESOLUTION

CONCEPCION, JR., *J.*:

The present administrative case arose from the allegation of Igmedio T. Li made in the course of his testimony before Hon. Natalio P. Amarga, Judge of the Court of First Instance of Northern Samar, as a witness in Criminal Case No. C-3 entitled *People of the Philippines versus Porferio de la Torre and Mauricio Surio* for frustrated murder, to the effect that respondent Municipal Judge Jose Mijares of San Roque, Northern Samar, demanded ₱80.00 from him but succeeded in getting only the amount of ₱40.00, allegedly as commissioner's fee in connection with the ocular inspection of a parcel of land involved in a civil case.

Because of this derogatory statement, Judge Amarga in a letter dated April 21, 1971 gave respondent "72 hours to explain why he should not be dealt with accordingly."[1]

Respondent Judge, in his letter of explanation[2] and in the formal hearing of the administrative case before Judge Natalio P. Amarga,[3] admitted that he received from complainant the sum of ₱40.00 as the latter's share in the commissioner's fee of the Chief of Police whom respondent had appointed as commissioner to conduct an ocular inspection of the land involved in a forcible entry case.

The records show that in Civil Case No. 58 of the Municipal Court of an Roque, Province of Northern Samar, entitled "*Igmedio Li, plaintiff versus Porferio de la Torre, defendant*," for forcible entry, both parties agreed that an ocular inspection of the property in question be conducted before trial of the case on the merits. They also agreed that the Chief of Police

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[1] *Rollo*, p. 27.

[2] *Id.*, pp. 25-26.

[3] *Id.*, pp. 20-21.

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of San Roque be appointed as commissioner to conduct the ocular inspection as indeed he was so appointed by respondent.[4]

The Chief of Police did conduct an ocular inspection in connection with which he submitted his report.[5]

Respondent's defense that the amount of ₱40.00 which he received from complainant was the latter's share in the commissioner's fee of ₱80.00 is borne out not only by the records but also by the testimony of the Chief of Police given before Judge Amarga wherein the former admitted receipt of the ₱40.00 as part of the commissioner's fee and which amount he used "for his subsistence for conducting the ocular inspection and for his return trip to the town of San Roque."[6]

However, the facts remain that the respondent Judge demanded from the complainant the sum of ₱40.00 which he received in open court and before the outcome of the case; and that he failed to issue a receipt for the amount he received. These acts of the respondent are in violation of Section 13, Rule 33 of the Rules of Court, the meaning of which was made explicit by this Tribunal in the case of *Paredes vs. Bayona,* G.R. No. L-10004, October 18, 1956, as well as of Section 15, Rule 141 of the Rules of Court which requires the issuance of a receipt for such payment. The respondent Judge therefore acted improperly and unlawfully in the performance of his duties. Complainant indeed had reason to air his grievances.

Judges should be not only men of highest integrity but they should also at all times conduct themselves in such a manner as to be above suspicion. This respondent failed to do.

WHEREFORE, the respondent Judge Jose Mijares of San Roque, Northern Samar, is hereby reprimanded and admonished to be more careful and discreet in the performance of his duties.

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[4] *Id.*, p. 31.

[5] *Id.*, p. 32.

[6] *Id.*, p. 4.

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SO ORDERED.

Fernando (Chairman), Barredo, Antonio, and *Aquino, JJ.,* concur.

FIRST DIVISION

[A.M. No. P-105. July 22, 1975]

AUREA G. PEÑALOSA, *complainant, vs.* **LIGAYA P. SALAYON,** *respondent.*

SYLLABUS

LEGAL AND JUDICIAL ETHICS; ATTORNEYS; LAWYERS IN GOVERNMENT SERVICE ARE ALL THE MORE BOUND BY SUCH RULE OF PROPER AND DECOROUS BEHAVIOR IN THE OFFICE PREMISES; RATIONALE.— Sight should not be lost of the fact that the complainant is a lawyer and a deputy clerk of court while the respondent is a stenographer of the same court. Granting for the sake of argument that the stenographer provoked the incident, as Deputy Clerk of Court the complainant is all "the more bound by such rule of proper and decorous behavior in the office premises, even on the fact of complainant's provocation, for she is called upon to set the example for the emulation of her co-employees."

RESOLUTION

MARTIN, *J.*:

Respondent Ligaya P. Salayon, stenographer in the Court of First Instance, Labo, Camarines Norte seeks to reconsider the decision of the Department of Justice acquitting complainant Aurea G. Peñalosa against whom she had also filed an