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SO ORDERED.

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

SECOND DIVISION

[A.M. No. 196-MJ. April 30, 1975]

ISABEL AGDEPPA, *complainant, vs.* **JUDGE VIRGILIO SY JAVIER of Sta. Praxedes, Cagayan,** *respondent.*

SYLLABUS

LEGAL AND JUDICIAL ETHICS; JUDGES; MUNICIPAL JUDGES CANNOT ENGAGE IN THE PRACTICE OF LAW; RATIONALE OF THE DIRECTIVE OF THE DEPARTMENT OF JUSTICE. — The commitment of the judiciary to the ideal of justice impartially administered, in reality as well as in appearance, is a truism. When municipal judges were allowed to practice, it was not unreasonable to harbor the suspicion that their appearance before other municipal courts could in close cases tilt the balance in their favor. Hence the directive of the Department of Justice, at a time when courts were under its administrative supervision, prohibiting them from practicing therein.

R E S O L U T I O N

FERNANDO, *J.*:

The commitment of the judiciary to the ideal of justice impartially administered, in reality as well as in appearance, is a truism. When municipal judges were allowed to practice, it was not unreasonable to harbor the suspicion that their appearance

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before other municipal courts could in close cases tilt the balance in their favor. Hence the directive of the Department of Justice prohibiting them from practicing therein. It was the non-observance thereof by Judge Virgilio Sy Javier of Sta. Praxedes, Cagayan that was the basis of an administrative complaint against him. It turned out that on several occasions, after his appointment as such municipal judge, respondent appeared as counsel for the accused Juanito Dascil in a preliminary investigation for a murder charge in Criminal Case No. 688, pending before the municipal court of Sanchez Mira, Cagayan. There was vigorous opposition on such appearance on the part of the counsel for complainant but respondent persisted. The complaint against the accused therein was dismissed.

The matter was then referred for investigation to District Judge Victorino A. Savellano of the Court of First Instance of Sanchez Mira, Cagayan. Thereafter, with both complainant and respondent being duly heard, he submitted his report. He stressed therein that the high regard of the public for the judiciary would be minimized if judges failed to obey circulars intended to "strengthen the people's abiding faith" in judicial impartiality. There could be an erosion thereof if one municipal judge can appear before another. Rightfully, the suspicion may be entertained that the sense of fraternity among the men on the bench may influence the disposition of cases. Accordingly, he recommended that respondent be admonished.

Such recommendation of mere admonition is, however, according to our Judicial Consultant, too mild a penalty considering the rather defiant attitude exhibited by respondent. To impress upon him the seriousness of the infraction, it is his submission that respondent be censured and reprimanded. Such a recommendation meets with our approval.

WHEREFORE, respondent Judge Virgilio Sy Javier is censured for his failure to obey and respect the Department of Justice circular prohibiting municipal judges from appearing for party-litigants in municipal courts. Let a copy of this resolution be spread on his record.

Barredo, Antonio, Aquino, and *Concepcion, Jr., JJ.,* concur.