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EN BANC

[A.M. No. RTJ-92-798. November 15, 2000]

JAVIER A. ARIOSA, *complainant, vs.* **JUDGE CAMILO TAMIN, RTC, BRANCH 23, MOLAVE, ZAMBOANGA DEL SUR,** *respondent.*

SYNOPSIS

Complainant charged respondent Judge with Gross Ignorance of the Law for having dismissed two criminal informations for libel filed by complainant, then Provincial Governor of Zamboanga del Sur, on the ground that he had no jurisdiction over the libel cases. The Office of the Court Administrator (OCA) recommended that respondent Judge be imposed a fine of ₱5,000.00 for ignorance of the law. The Supreme Court, in an *En Banc* Resolution dated November 19,1992 adopted the recommendation of the OCA. In a Manifestation dated May 17, 2000, respondent Judge assailed the *En Banc* Resolution. Thus, in another *En Banc* Resolution dated August 8, 2000, respondent Judge was required to show cause why he should not be disciplinarily dealt with for using intemperate language in his manifestation. The judge expressed deep regrets for his conduct and explained that the same was written in a state of deep depression and despair which darkened his sense of propriety in his dealings with the Supreme Court.

The Supreme Court found respondent Judge guilty of using intemperate, abrasive and abject language against the Court. By using vindictive tone and acrimony in his manifestation, the judge clearly engaged in an act so undignified, repulsive and unbecoming a man of his stature as a magistrate of the law and a distinguised member of the Bench. A judge should be temperate in all his dealings, official or otherwise, more so when the subject of comment and criticism is no less than the Highest Court of the Land — the Supreme Court. The respondent Judge was fined the amount of ₱20,000.00.

SYLLABUS

1. JUDICIAL ETHICS; JUDGES; USING INTEMPERATE, ABRASIVE AND ABJECT LANGUAGE AGAINST THE HIGH

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COURT IS AN ACT SO UNDIGNIFIED, REPULSIVE AND UNBECOMING. — We find respondent judge guilty of using intemperate, abrasive and abject language against the High Court. Certainly, the ill-suited actuation and scabrous language of respondent judge demand the sternest rebuke from this Court, if we were to preserve the integrity and hallowed image of the Supreme Court as the bastion of justice and unflappable refuge of the oppressed. By using such vindictive tone and acrimony in his Manifestation, respondent judge clearly engaged in an act so undignified, repulsive and unbecoming a man of his stature as a magistrate of the law and a distinguished member of the Bench. From the standpoint of conduct and demeanor expected of a judge, resorting to intemperate language only detracts from the respect due a member of the judiciary and becomes self-destructive. High-strung and belligerent behavior has no place in government service where the personnel are enjoined to act with self-restraint and civility at all times. Applying this aphorism to the solemn realm of the judicial arm of government, it is apt for us to reiterate that "*an overspeaking judge is no well-tuned cymbal.*"

2. **ID.; ID.; A JUDGE SHOULD BE TEMPERATE IN ALL HIS DEALINGS, OFFICIAL OR OTHERWISE MORE SO WHEN THE SUBJECT OF COMMENT AND CRITICISM IS NO LESS THAN THE HIGHEST COURT OF THE LAND.** — By occupying an exalted seat in the judiciary, judges, in effect, undertake to embrace a profession and lead lives that demand stringent ethical norms. Being in the forefront of the noble task of dispensing justice, respondent judge should have demonstrated finesse in his choice of words, as normally expected of men of his stature. Verily, the use of vulgar and curt language — *especially against the Highest Tribunal* — does not befit the person of a judge who is viewed by the public as men and women of wisdom and scruples. To put it differently, a judge should be temperate in all his dealings — official or otherwise — more so when the subject of comment and criticism is no less than the Highest Court of the land — the Supreme Court. To this end, this Court, in dissecting the language employed in respondent's Manifestation, is of the firm view that respondent Judge Tamin has undeniably transgressed the permissible limits and bounds of constructive criticism and fair comment so as to render him liable for administrative liability and penalty. Free expression, after all, must not be used as a vehicle to satisfy

Supreme Court E-Library

one's irrational obsession to demean, ridicule, degrade and even destroy the courts and their members.

3. ID.; ID.; RESPONDENT JUDGE FINED ₱20,000.00 FOR USING INTEMPERATE AND UNDIGNIFIED LANGUAGE AGAINST THE SUPREME COURT. — Under these circumstances, we can neither overemphasize nor underestimate the significance of according utmost premium to the integrity and image of the Courts of justice—*most especially that of the Supreme Court*—considering that appearance is an essential manifestation of reality. As the final bastion of justice, the Supreme Court cannot sanction any act, or omission, that shatters the faith of every law-abiding citizen in the judiciary and puts the judicial arm of government in shameful light and chagrin. This rubric grasps deeper relevance when the ravisher of the image of the court of justice, so to speak, is one within its distinguished ranks—a magistrate supposedly sworn to protect, uphold and perpetuate the rule of law and reign of justice. Wherefore, in view of the foregoing, the Court finds respondent Judge Camilo Tamin guilty of using intemperate and undignified language against the Supreme Court, in clear violation of the Canons of Judicial Ethics. Accordingly, the Court hereby imposes upon respondent judge a fine of Twenty Thousand Pesos (₱20,000.00) and further sternly warns respondent that a repetition of the same or similar acts shall be dealt with more severely.

D E C I S I O N

BUENA, *J.*:

The administrative matter before us is an incident and offshoot of a sworn letter complaint,[1] dated 15 January 1992, filed by complainant Javier Ariosa, then Provincial Governor of Zamboanga Del Sur, charging respondent Judge Camilo Tamin of the Regional Trial Court (RTC) of Molave, Zamboanga City, Branch 23, with Gross Ignorance of the Law, involving the dismissal of two informations for libel,[2] on the ground of lack of jurisdiction.

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[1] *Rollo*, p. 1.

[2] Annex "A", *Rollo*, pp. 3-5; Annex "B", *Rollo*, pp. 6-8.

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In an Order dated 05 December 1991, respondent RTC Judge dismissed Criminal Case No. 91-10-212 and Criminal Case No. 91-10-213, both for Libel and entitled "*People vs. Billy Yu, et al.*," where then Provincial Governor Ariosa stood as complainant, alleging in said Order that the Regional Trial Court, Branch 23, of which respondent acted as Presiding Judge, had no jurisdiction over the subject libel cases inasmuch as the crime of libel carries only an imposable penalty of *arresto mayor* or a fine of ₱2,000.00 or both.[3]

Acting on the sworn-letter complaint of then Governor Ariosa, this Court in a Resolution dated 02 June 1992, required respondent judge to file Comment within (10) days from notice.

On 17 August 1992, respondent filed his Comment[4] alleging that the dismissal of the subject libel cases was proper considering that the Regional Trial Court had "no jurisdiction over the subject matter of the information," invoking the provisions of Article 357 of the Revised Penal Code.

In a Resolution dated 03 September 1992, this Court ordered the referral of the instant administrative matter to the Office of the Court Administrator (OCA), for evaluation, report and recommendation.

In a Memorandum dated 04 November 1992, the OCA recommended that respondent judge be imposed a fine of ₱5,000.00 for ignorance of the law, which recommendation the Supreme Court resolved to adopt in an *En Banc* Resolution[5] dated 19 November 1992, the decretal portion of which reads:

"Accordingly, the Court resolved to hold respondent Judge Camilo E. Tamin GUILTY of ignorance of the law and to impose on him a FINE of ₱5,000.00 with a warning that a repetition of the same or similar offense will be dealt with more severely. Let a copy of this resolution be attached to the personal records of respondent judge."

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[3] *Rollo*, p. 23.

[4] Dated 20 July 1992, *Rollo*, p. 25-27.

[5] *Rollo*, pp. 35-37.

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On 11 January 1993, respondent judge filed a Motion for Reconsideration[6] of the *En Banc* Resolution, dated 19 November 1992.

In a Manifestation dated 07 December 1992, respondent judge asked "for leave to withdraw the ill-considered Motion for Reconsideration."

In a Resolution dated 21 January 1993, the Supreme Court *En Banc* resolved to note the Manifestation and granted the request of respondent judge to withdraw the Motion for Reconsideration.

In a Manifestation dated 17 May 2000,[7] respondent judge assailed the *En Banc* Resolution dated 19 November 1992 and "*submitted that the Supreme Court has no constitutional jurisdiction over the above-entitled case, and therefore the decision rendered by the High Court in November 1992, in the above-entitled case is a patent nullity, because the same is contrary to the provisions of the Constitution and the laws which this Honorable Court has sworn to uphold and protect.*"[8]

Likewise in the same Manifestation, respondent judge alleged that *"the Office of the Court Administrator, in directly filing the above-entitled case before this Honorable Court, illegally usurped the judicial appellate power of review over the judicial work of the court of respondent, which is clearly against the provisions of Presidential Decree No. 828, and the Constitution.*"[9]

In its Prayer,[10] respondent judge ask that *"the patently null and void decision of this High Court* in the above-entitled case, dated November 19, 1992, *which is roughly an equivalent*

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[6] Dated 25 November 1992.

[7] Received by the OCA on 14 June 2000.

[8] *Rollo*, p. 63.

[9] *Ibid.*

[10] *Rollo*, p. 67.

Supreme Court E-Library

to a skull offering before the jurisprudential banquet of history, be set aside and ordered removed from the annals of this Honorable Court." (italics ours)

In an *En Banc* Resolution, dated 08 August 2000, this Court resolved to note the Manifestation dated 17 May 2000, and further required respondent Judge Tamin to show cause why he should not be disciplinarily dealt with for using intemperate language in said Manifestation.

On 07 September 2000, respondent judge filed his Compliance,[11] alleging therein that he "wholly acknowledges, deeply regrets and is full of contrition" for having used "intemperate language in his Manifestation." Respondent judge explained that his Manifestation was written and prepared by him "in a state of deep depression and despair which darkened his sense of propriety in dealing with this Honorable Court."

Moreover in said Compliance, respondent judge prayed that the Supreme Court grant amnesty, "as a gift of benevolence," to all lower court judges found guilty of administrative charges which "do not involve immorality, dishonesty, and graft and corruption, or any acts which would cause dishonor and disrepute to the judiciary," "to inaugurate the commencement of the new era of the highest standard of excellence in the jurisprudential craftsmanship, judicial statesmanship and wisdom for the Philippine Judiciary in the new century and millennium."

Stripped of rhetoric, we find respondent judge guilty of using intemperate, abrasive and abject language against the High Court. Certainly, the ill-suited actuation and scabrous language of respondent judge demand the sternest rebuke from this Court, if we were to preserve the integrity and hallowed image of the Supreme Court as the bastion of justice and unflappable refuge of the oppressed. By using such vindictive tone and acrimony in his Manifestation, respondent judge clearly engaged in an act so undignified, repulsive and unbecoming a man of his stature as a magistrate of the law and a distinguished member of the Bench.

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[11] Dated 23 August 2000.

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From the standpoint of conduct and demeanor expected of a judge, resorting to intemperate language only detracts from the respect due a member of the judiciary and becomes self-destructive.[12] High-strung and belligerent behavior has no place in government service where the personnel are enjoined to act with self-restraint and civility at all times.[13] Applying this aphorism to the solemn realm of the judicial arm of government, it is apt for us to reiterate that "*an overspeaking judge is no well-tuned cymbal.*"[14]

Notably, by occupying an exalted seat in the judiciary, judges, in effect, undertake to embrace a profession and lead lives that demand stringent ethical norms. Being in the forefront of the noble task of dispensing justice, respondent judge should have demonstrated finesse in his choice of words, as normally expected of men of his stature. Verily, the use of vulgar and curt language — *especially against the Highest Tribunal* — does not befit the person of a judge who is viewed by the public as men and women of wisdom and scruples.[15] To put it differently, a judge should be temperate[16] in all his dealings — official or otherwise — more so when the subject of comment and criticism is no less than the Highest Court of the land — the Supreme Court.

To this end, this Court, in dissecting the language employed in respondent's Manifestation, is of the firm view that respondent

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[12] *Alfonso and Coraminda Lumibao vs. Judge Mamerto C. Panal, MCTC, Malungon-Alabel, Saranggani*, A.M. No. 95-35-MTJ, promulgated on 25 November 1999, per Justice Arturo B. Buena, citing *Galang vs. Santos*, 307 SCRA 582 [1999] *and Court Employees of the RTC, Br. 27, Gingoog City vs. Galon*, 265 SCRA 770 [1996].

[13] *Quiroz vs. Orfila*, 272 SCRA 324 [1997].

[14] *Delgra, Jr. vs. Gonzales*, 31 SCRA 237 [1970]; Malcolm, *Legal and Judicial Ethics*, 1949 ed., pp. 214-215, citing Bacon in his Essay, "*Of Judicature.*"

[15] *Lumibao vs. Judge Panal, supra.*

[16] Canon 4, Canons of Judicial Ethics.

Supreme Court E-Library

Judge Tamin has undeniably transgressed the permissible limits and bounds of constructive criticism and fair comment so as to render him liable for administrative liability and penalty. Free expression, after all, must not be used as a vehicle to satisfy one's irrational obsession to demean, ridicule, degrade and even destroy the courts and their members.[17]

Under these circumstances, we can neither overemphasize nor underestimate the significance of according utmost premium to the integrity and image of the Courts of justice — *most especially that of the Supreme Court* — considering that appearance is an essential manifestation of reality. As the final bastion of justice, the Supreme Court cannot sanction any act, or omission, that shatters the faith of every law-abiding citizen in the judiciary and puts the judicial arm of government in shameful light and chagrin. This rubric grasps deeper relevance when the ravisher of the image of the court of justice, so to speak, is one within its distinguished ranks — a magistrate supposedly sworn to protect, uphold and perpetuate the rule of law and reign of justice.

WHEREFORE, in view of the foregoing, the Court finds respondent Judge Camilo Tamin guilty of using intemperate and undignified language against the Supreme Court, in clear violation of the Canons of Judicial Ethics.

ACCORDINGLY, the Court hereby imposes upon respondent judge a fine of Twenty Thousand Pesos (₱20,000.00) and further sternly warns respondent that a repetition of the same or similar acts shall be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Panganiban, Quisumbing, Pardo, Gonzaga-Reyes, Ynares-Santiago, and *De Leon, Jr., JJ.*, concur.

Mendoza, JJ., is on leave.

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[17] *In Re: Column of Ramon Tulfo*, promulgated on April 17, 1990, A.M. No. 92-7-360-0.