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WHEREFORE, respondent Judge Salvador M. Occiano, Presiding Judge of the Municipal Trial Court of Balatan, Camarines Sur, is fined ₱5,000.00 pesos with a *STERN WARNING* that a repetition of the same or similar offense in the future will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Kapunan, and *Ynares-Santiago, JJ.,* concur.

THIRD DIVISION

[A.M. No. MTJ-02-1411. April 11, 2002]
(Formerly OCA IPI No. 96-208-MTJ)

JOCELYN T. BRIONES, *complainant, vs.* **JUDGE FRANCISCO A. ANTE, JR.,** *respondent.*

SYNOPSIS

Jocelyn T. Briones, a clerk in the Municipal Trial Court of Sto. Domingo, Ilocos Sur, filed a letter-complaint with the Office of the Court Administrator charging Francisco A. Ante, Jr., judge of the said court, with grave misconduct, acts unbecoming of a judge, oppression, and abuse of authority. Complainant claimed that Judge Ante shouted at her and threw a monobloc chair at her hitting her on the forehead and right arm. In addition, she filed another complaint against respondent judge for sexual harassment. The administrative complaints were consolidated and assigned to Executive Judge Alipio V. Flores. Judge Flores absolved the respondent from the charge of sexual harassment charge finding the remarks uttered by the respondent, which was the basis of the complaint, was actually made as a joke. However, with regard to the other

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charges, the investigating judge recommended that respondent be suspended for one (1) month without pay. The Office of the Court Administrator adopted the findings and recommendation of the investigating judge for being adequately supported by evidence presented during the course of the investigation.

After a careful evaluation of records of the case, the Supreme Court concluded that the respondent was indeed guilty of grave misconduct, acts unbecoming of a judge and abuse of authority. The Court concurred with the findings made by the investigating judge and the OCA. However, as to the penalty imposed, the Court found the recommended penalty too light in the view of the nature and import of the offense to complainant and the judiciary. Judge Ante was suspended from office for a period of three (3) months without pay.

SYLLABUS

1. **LEGAL AND JUDICIAL ETHICS; CODE OF JUDICIAL CONDUCT AND CANONS OF JUDICIAL ETHICS; REQUIRE EXACTING STANDARDS OF DECORUM EXPECTED OF MAGISTRATES IF ONLY TO PROMOTE PUBLIC CONFIDENCE; VIOLATION IN CASE AT BAR.** — The evidence positively shows that respondent judge shouted invectives and threw a chair at the complainant on September 3, 1996, as a result of which, complainant, as proven by a medical certificate, sustained wrist and other injuries. Clearly, this behavior of respondent judge cannot be sanctioned. Respondent's act, coupled with his being a public official, holding a position in the judiciary and specifically entrusted with the sacred duty of administering justice, violates Canon 2 of the Code of Judicial Conduct and Canon 3 of the Canons of Judicial Ethics which mandate, respectively, that "a judge should avoid impropriety and the appearance of impropriety in all activities," and that "a judge's official conduct should be free from the appearance of impropriety, and his personal behavior, not only upon the bench and in the performance of official duties, but also in his everyday life, should be beyond reproach." These most exacting standards of decorum are expected of magistrates if only to promote

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public confidence in the judiciary. Adding credibility to the complaint, there is no evidence on record indicating that complainant was motivated by ill-will, contrary to what respondent would like this Court to believe. Respondent's act of hitting complainant with a chair showed contempt for complainant and possibly was made to ridicule and embarrass her in the presence of her co-workers. Worse, respondent judge displayed a predisposition to use physical violence and intemperate language which reveals a marked lack of judicial temperament and self- restraint — traits which, aside from the basic equipment of learning in the law — are indispensable qualities of every judge. Verily, no position is more demanding as regards uprightness of any individual than a seat on the Bench. Occupying as he does an exalted position in the administration of justice, a judge must pay a high price for the honor bestowed upon him. Thus, the judge must comport himself at all times in such a manner that his conduct, official or otherwise, can bear the most searching scrutiny of the public that looks up to him as an epitome of integrity and justice (*Vendaña vs. Valencia,* 295 SCRA 1 [1998]).

2. **ID.; CODE OF JUDICIAL CONDUCT; SECTION 3; PENALTIES FOR VIOLATION THEREOF.** — Section 2 of Rule 140 of the Rules of Court classifies administrative charges filed against judges as serious, less serious, or light. Section 3 of Rule 140 considers violations of the Code of Judicial Conduct to be serious charges. For a serious charge, the respondent found culpable therefor may be imposed the sanction of either: (1) dismissal from the service and disqualification from reinstatement or appointment to any public office; (2) suspension for three months without salary or benefits; or (3) a fine of not less than ₱20,000.00 but not more than ₱40,000.00.

RESOLUTION

MELO, *J.*:

In a sworn letter-complaint filed with the Office of the Court Administrator on September 17, 1996, Jocelyn T. Briones, a Clerk II of the Municipal Trial Court of Sto. Domingo, Ilocos Sur, charged Judge Francisco A. Ante, Jr., the Municipal Trial

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Court of Sto. Domingo, with grave misconduct, acts unbecoming of a judge, oppression, and abuse of authority. The complaint docketed as OCA IPI No. 96-208-MTJ.

In her letter, complainant alleged that on September 3, 1996, she was instructed by clerk of Court Apolonio T. Tagelo to docket the order archiving a particular case. Not finding the docket book in its place, complainant searched for it and saw it in the possession of Court Interpreter Marcela Rabanal who was in the courtroom. Complainant asked for and got the docket book from Rabanal. She then went back to the staff room and placed the docket book on top of a filing cabinet but it fell on the floor, causing a loud sound. She was about to pick it up when respondent judge appeared and shouted at her "Why did you throw the docket book?" Respondent also added, "You get out of here, *punyeta,* we don't need you." Worse, respondent got a monobloc chair and threw it at complainant, hitting her on the forehead and right arm. Immediately thereafter, Heraclea Soliven, the court stenographer, brought complainant outside the staff room. The other court employees restrained respondent.

On October 11, 1996, complainant filed another complaint against respondent judge, this time for sexual harassment, docketed as OCA IPI No. 96-229-MTJ. Complainant claimed that on March 13, 1996, while the whole staff of the court were having snacks on the occasion of their janitor's birthday, respondent told her that somebody was interested in her position. Respondent then added, "I cannot give your job to that somebody because I plan to have you as my girlfriend first." Complainant was not able to say a word. She just turned away, went to the staff room and cried. Since that time, complainant claimed that respondent was always mad at her, which eventually culminated in the incident that occurred on September 3, 1996.

In his Comment dated February 18, 1997, respondent judge denied hitting complainant with a chair on September 3, 1996. He, likewise, maintained that the charge of sexual harassment against him was just a figment of complainant's imagination. Moreover, he asserted that these two complaints against him were purely for harassment purposes as complainant knew that

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he was about to file a complaint against her for falsifying her Daily Time Record.

The aforementioned administrative complaints were consolidated and assigned to Executive Judge Alipio V. Flores of the Regional Trial Court of Vigan, Ilocos Sur for investigation, report, and recommendation.

In his Report dated February 5, 2001, Executive Judge Flores absolved respondent from the charge of sexual harassment, finding that the remarks allegedly uttered by respondent — the basis of the complaint — was actually made as a joke. However, with regard to the charges of grave misconduct, acts unbecoming of a judge, and abuse of authority, the Investigating Judge recommended that respondent be suspended for one (1) month without pay. Said report and recommendation was thereafter referred to the Office of the Court Administrator (OCA) for evaluation, report, and recommendation.

In its Memorandum dated December 12, 2001, the OCA adopted the findings and recommendation of Executive Judge Flores for being adequately supported by the evidence presented during the course of the investigation.

On January 30, 2002, Administrative Matter IPI 96-229-MTJ was dismissed, the Court approving the recommendation of the Court Administrator. Thus, this resolution shall deal only with the first complaint.

We have carefully evaluated the record of this case and we come to the conclusion that respondent is indeed guilty of grave misconduct, acts unbecoming of a judge and abuse of authority. To prove that respondent did throw a chair at complainant, complainant presented herself, two stenographers, and the clerk of court as witnesses to the incident. The Investigating Judge himself stated that the testimony of complainant and her witnesses were categorical, straightforward, spontaneous, and frank. On the other hand, to refute the incident, respondent could only present himself and the testimony of the court interpreter. It should be noted that the court interpreter was then respondent's girlfriend, and later his wife.

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The evidence positively shows that respondent judge shouted invectives and threw a chair at the complainant on September 3, 1996, as a result of which, complainant, as proven by a medical certificate, sustained wrist and other injuries. Clearly, this behavior of respondent judge cannot be sanctioned. Respondent's act, coupled with his being a public official, holding a position in the judiciary and specifically entrusted with the sacred duty of administering justice, violates Canon 2 of the Code of Judicial Conduct and Canon 3 of the Canons of Judicial Ethics which mandate, respectively, that "a judge should avoid impropriety and the appearance of impropriety in all activities," and that "a judge's official conduct should be free from the appearance of impropriety, and his personal behavior, not only upon the bench and in the performance of official duties, but also in his everyday life, should be beyond reproach." These most exacting standards of decorum are expected of magistrates if only to promote public confidence in the judiciary.

Adding credibility to the complaint, there is no evidence on record indicating that complainant was motivated by ill-will, contrary to what respondent would like this Court to believe. Respondent's act of hitting complainant with a chair showed contempt for complainant and possibly was made to ridicule and embarrass her in the presence of her co-workers. Worse, respondent judge displayed a predisposition to use physical violence and intemperate language which reveals a marked lack of judicial temperament and self- restraint — traits which, aside from the basic equipment of learning in the law — are indispensable qualities of every judge.

Verily, no position is more demanding as regards uprightness of any individual than a seat on the Bench. Occupying as he does an exalted position in the administration of justice, a judge must pay a high price for the honor bestowed upon him. Thus, the judge must comport himself at all times in such a manner that his conduct, official or otherwise, can bear the most searching scrutiny of the public that looks up to him as an epitome of integrity and justice (*Vendaña vs. Valencia,* 295 SCRA 1 [1998]).

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While we concur with the findings made by the Investigating Judge and the OCA, we are, however, unable to adopt the recommendation as to the penalty to be imposed, which we find too light in view of the nature and import of the offense to complainant and the judiciary. Section 2 of Rule 140 of the Rules of Court classifies administrative charges filed against judges as serious, less serious, or light. Section 3 of Rule 140 considers violations of the Code of Judicial Conduct to be serious charges. For a serious charge, the respondent found culpable therefor may be imposed the sanction of either: (1) dismissal from the service and disqualification from reinstatement or appointment to any public office; (2) suspension for three months without salary or benefits; or (3) a fine of not less than ₱20,000.00 but not more than ₱40,000.00.

In *Lim vs. Sequiban* (158 SCRA 532 [1988]), we dismissed a judge for slapping his clerk of court in public, without sufficient provocation or justifiable cause. In *Ferrer vs. Maramba* (A.M. No. MTJ-93-795, 290 SCRA 44 [1998]), the Court suspended a judge for six months for slapping and hitting complainant with a logbook. In *Alumbres vs. Caoibes* (A.C. No. RTJ-99-1431, January 23, 2002), the Court fined a judge only ₱20,000.00, for fighting within the court premises, only because the respondent had been provoked. Consequently, we find it proper that respondent judge, for having acted in an improper and violent manner, should be suspended for three (3) months without pay.

WHEREFORE, Judge Francisco Ante, Jr. is hereby found guilty of grave misconduct, acts unbecoming of a judge and abuse of authority and is *SUSPENDED* from office for a period of three (3) months without pay effective immediately, with the warning that a repetition of the same shall be dealt with more severely.

SO ORDERED.

Vitug, Panganiban, Sandoval-Gutierrez, and *Carpio, JJ.,* concur.