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SECOND DIVISION

[A.M. No. 77-MJ. April 18, 1975]

JUAN B. CASTILLO, Provincial Fiscal of Batanes, *complainant, vs.* **TEOFILO A. BARSANA, Municipal Judge of Mahatao, Batanes,** *respondent.*

SYLLABUS

1. **LEGAL AND JUDICIAL ETHICS; JUDGES; CONDUCT AND BEHAVIOR OF A JUDGE SHOULD BE BEYOND REPROACH.** — A judge's conduct should be free from the appearance of impropriety, and his personal behaviour, not only in the Bench and in the performance of his official duties but also in his everyday life, should be beyond reproach. The judicial office demands that the incumbent should conduct himself in such a manner as to merit the respect, reverence and confidence of the people. As a judicial officer he should be studiously careful in avoiding commission of any infraction of the law, lest his example demoralize the people of the community, who necessarily form their conceptions of the administration of justice on their impressions of his official and even private conduct.

2. **ID.; ID.; SERIOUS MISCONDUCT; ASSAULTING A SOLDIER IN UNIFORM.** — The penalty of two months' suspension without pay was imposed upon a municipal judge who was found guilty of assaulting a soldier in uniform and inflicting upon the latter slight physical injuries.

R E S O L U T I O N

ANTONIO, *J.:*

This is an administrative case against Municipal Judge Teofilo A. Barsana of Mahatao, Batanes, for serious misconduct.

The facts found by the Investigating Judge, Hon. Alfredo C. Florendo, of the Court of First Instance of Batanes, are as follows:

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"The late Provincial Fiscal Juan B. Castillo filed the following charges against Teofilo A. Barsana, Municipal Judge of Mahatao, Batanes, to wit:

'1. That on or about the 2nd day of February, 1964, in the municipality of Mahatao, Province of Batanes, the respondent herein, Mr. Teofilo A. Barsana, who was then as now the Municipal Judge of said municipality, without any just motive and without any provocation on the part of the offended party, willfully, unlawfully and feloniously assaulted and attacked one Cpl. Florentino Bongay, who is a member of the 1st PC Co., at Basco, Batanes, and who, together with Pfc. Eulogio Biccay, was then on patrol duty in the *poblacion* of Mahatao, by kicking him on the chest in the house of one Eugenia Galdo whom the respondent was then paying a visit, causing thereby an injury to the said Florentino Bongay which necessitated medical attendance for a period of five (5) days in the Batanes Hospital; that as a consequence of the offense committed, the undersigned filed an information for Assault upon an Agent of a Person in Authority against Mr. Teofilo A. Barsana, Criminal Case No. 341, which is pending trial before this Court.

'2. That the crime committed by the respondent as alleged in charge No. 1 is highly reprehensible and gives occasion for the people to criticize him for being morally weak and unfit to serve as the dispenser of justice in the municipality of Mahatao because his position demands that he should always conduct himself with respect and reverence as befits one who is a member of the bench; to merit the respect and confidence of the people, judges should be men of the highest integrity and unquestioned moral character, men who should always be courteous and kind and considerate of other people's rights and feelings, in short, men who, despite the exalted position that they occupy, should at all times act in a manner that leaves no room for doubt in the minds of the people that ours is a government of laws and not of men.'

"On November 17, 1964, the respondent Municipal Judge filed a motion, which was granted by the Court, that he would submit this administrative case on the basis of the evidence adduced in Criminal Case No. 341 against him.

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"After due trial in Criminal Case No. 341, this Court, thru Honorable Lauro S. Esteban, rendered a decision, the dispositive portion of which is as follows:

'WHEREFORE, in view of the foregoing considerations, the Court finds the accused not guilty beyond reasonable doubt of the crime of direct assault upon an agent of a person in authority, as provided in Article 148 of the Revised Penal Code but of slight physical injuries, penalized under Article 266, paragraph 2, of the said Code, and hereby imposes upon the said accused the penalty of 15 days of *arresto menor*, or to pay fine not exceeding ₱100.00, and public censure for his act unbecoming of a municipal judge, and of having insulted the uniform of a soldier by kicking the latter while in uniform. When this decision shall have become final he shall appear before this Court to receive the censure corresponding to the gravity of the crime committed.'

xxx xxx xxx

Apart from the foregoing, a penalty of public censure was imposed upon said respondent judge.

During the investigation on May 7, 1968 at Basco, Batanes, the Provincial Fiscal submitted the case on the basis of the documentary evidence, while respondent municipal judge submitted his case without any testimonial evidence and offered his testimony and all his witnesses in Criminal Case No. 341 as his exhibits.

On the basis of these facts, the Investigator recommended that respondent be suspended from office for one (1) month without pay and reprimand.

Respondent contends that since the incident subject of the criminal case (Criminal Case No. 341) occurred when both the offended party and the herein respondent were not in the performance of their official duties, and the same occurred in a private house, he should not be held administratively liable therefor.

We do not agree. A judge's conduct should be free from the appearance of impropriety, and his personal behaviour, not only in the Bench and in the performance of his official duties but

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also in his everyday life, should be beyond reproach. The judicial office demands that the incumbent should conduct himself in such a manner as to merit the respect, reverence and confidence of the people. As a judicial officer he should have been studiously careful in avoiding commission of any infraction of the law, lest his example demoralize the people of the community. The people of Mahatao necessarily form their conceptions of the administration of justice on their impressions of his official and even private conduct. In conducting himself in a manner unbecoming his high office, respondent merits the imposition of an administrative sanction.

WHEREFORE, in view of all the foregoing, judgment is hereby rendered suspending the Municipal Judge, Teofilo A. Barsana of Mahatao, Batanes, for two (2) months, without pay.

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

SECOND DIVISION

[A.M. No. 772-CJ. April 18, 1975]

PASCUAL SANTIAGO and CARMEN SANTIAGO, spouses, *petitioners (complainants), vs.* **HON. VICENTE T. SANTOS, Presiding Judge of Branch II, City Court of Pasay City,** *respondent.*

SYLLABUS

1. **LEGAL AND JUDICIAL CONDUCT; JUDGES; NORM OF CONDUCT; MUST BE MORE JUDICIOUS IN HIS COURSE OF ACTION.** -- Where, after fourteen postponements of the hearing of a case, defendant lawyer failed to appear at the "intransferable" hearing, but one of the defendant was in court,