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EN BANC

[A.M. No. RTJ-99-1431. January 23, 2002]
(Formerly OCA IPI No. 97-387-RTJ)

JUDGE FLORENTINO M. ALUMBRES, *complainant, vs.* **JUDGE JOSE F. CAOIBES, JR., RTC, Branch 253, Las Piñas City,** *respondent.*

SYNOPSIS

Judge Jose F. Caoibes, Jr., was appointed as presiding judge of a newly created Branch 253 of the Regional Trial Court (RTC) of Las Piñas City. Judge Florentino M. Alumbres, who was then the Executive Judge of the said court, saw this golden opportunity to secure employment for his son. He lent an executive table to Judge Caoibes for his temporary use. He then approached Caoibes to indorse his son as a process server of his court. Caoibes agreed. Subsequently, the application of Alumbres' son was rejected by the Court Administrator for being nepotistic in character as it was inappropriate for Alumbres to indorse the appointment of his own son. When Alumbres was replaced as executive judge, Caoibes withdrew his earlier recommendation of Alumbres' son and instead, recommended David Cariño as his process server. As a consequence, Alumbres went to the chambers of Caoibes to take back the table he earlier lent to Caoibes. Despite the cordial gesture extended by Caoibes to Alumbres, the latter held the former's right wrist and forcefully jerked it. Incensed of the fierce reaction of Alumbres, Caoibes swung his left arm towards Alumbres, hitting him on the right temple. He also delivered a right hook, grazing Alumbres' lower jaw. This incident happened in front of the lawyers and litigants. Consequently, Caoibes was charged with Grave Misconduct/Conduct Unbecoming of a Judicial Officer.

Caoibes' use of physical violence against a colleague revealed a marked lack of judicial temperament and self-restraint, not only desirable, but indispensable, for every judge to possess besides the basic equipment of learning in the law. Such behavior put the judiciary into disrepute. While Alumbres himself may have provoked the incident in question by his forceful reaction to Caoibes' attempt to settle their differences,

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the unruly behavior and/or violent reaction of Alumbres may not be used to justify the felonious act of Caoibes. The Court found the infliction by Judge Caoibes of fistic blows on Judge Alumbres to be acts of serious impropriety unbecoming a judge, in violation of Canon 2 of the Code of Judicial Conduct. The Court imposed upon Judge Caoibes a fine of TWENTY THOUSAND PESOS (₱20,000.00).

SYLLABUS

1. **LEGAL AND JUDICIAL ETHICS; CODE OF JUDICIAL CONDUCT; AVOIDANCE OF APPEARANCE OF IMPROPRIETY; UPON ASSUMPTION OF OFFICE, A JUDGE CEASES TO BE AN ORDINARY CITIZEN.** — Upon his assumption to office, a judge ceases to be an ordinary citizen. He becomes the visible representation of the law, and more importantly, of justice. From him, the people draw their will and awareness to obey the law. Thus, a magistrate of the law 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 the epitome of integrity and justice. He must be the first to abide by the law and weave an example for others to follow.

2. **ID.; ID.; ID.; USE OF PHYSICAL VIOLENCE AGAINST A COLLEAGUE REVEALS A MARKED LACK OF JUDICIAL TEMPERAMENT AND SELF-RESTRAINT.** — We agree with the Investigating Justice that, indeed, Caoibes threw two punches at Alumbres, the first hitting his right temple and the second, the left side of his jaw. x x x Caoibes' use of physical violence against a colleague reveals a marked lack of judicial temperament and self-restraint, traits not only desirable, but indispensable, for every judge to possess besides the basic equipment of learning in the law. Such behavior puts the judiciary into disrepute. x x x In fine, we find the infliction by Judge Caoibes of fistic blows on Judge Alumbres to be acts of serious impropriety unbecoming a judge, in violation of Canon 2 of the Code of Judicial Conduct.

3. **ID.; ID.; ID.; ID.; SLIGHTNESS OF THE INJURIES SUFFERED BY THE VICTIM DO NOT DETRACT FROM THE GRAVITY OF THE OFFENSE COMMITTED.** — We also concur with Justice Callejo when he states that contrary

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to the claim of Alumbres, the punches of Caoibes were not severe as the injuries sustained by Alumbres which were merely superficial, the size of a pinhead similar to a mosquito bite.Nonetheless, the slightness of the injuries suffered by Alumbres do not detract from the gravity of the offense committed.

4. **ID.; ID.; ID.; ELUCIDATED.** — Canon 2 of the Code of Judicial Conduct states that "A judge should avoid impropriety and the appearance of impropriety in all activities. In amplification, Rule 2.01 provides that "A judge should behave at all times as to promote public confidence in the integrity and impartiality of the judiciary." Similarly, the Canon of Judicial Ethics provide that "a judge's official conduct should be free from the appearance of impropriety, and his personal behavior, not only on the bench and in the performance of judicial duties, but also in his everyday life, should be beyond reproach (*Marces, Sr. vs. Arcangel*, 258 SCRA 503 [1996]). Being the visible representation of the law and the embodiment of the people's sense of justice, he must be studiously careful himself to avoid even the slightest infraction of the law, lest it be a demoralizing example to others (Canon 22, Canon of Judicial Ethics).

5. **ID.; ID.; ID.; NO JUDGE SHOULD BE ALLOWED TO TAKE THE LAW INTO HIS OWN HANDS.** — While Alumbres himself may have provoked the incident in question by his forceful reaction to Caoibes' attempt to settle their differences, the unruly behavior and/or violent reaction of Alumbres may not be used to justify the felonious act of respondent. As incisively observed by the Investigating Justice, "no judge, from the lowest to the highest, should be allowed to take the law into his own hands. That is the law of the jungle, not the law of a civilized society to which [Alumbres] and [Caoibes] belong."

6. **ID.; ID.; ID.; MISBEHAVIOR WITHIN AND AROUND COURTS' VICINITY DIMINISHES THEIR SANCTITY AND DIGNITY.** — [C]ourts are looked upon by the people with high respect and are regarded sacred places, where litigants are heard, rights and conflicts settled and justice solemnly dispensed. Misbehavior within and around their vicinity diminishes their sanctity and dignity (*Bedural vs. Edroso*, AM No. 00-1395, October 12, 2000). By fighting within court premises, the parties have failed, not only to observe the proper

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decorum expected of members of the judiciary, they have failed to promote public confidence in the integrity and impartiality of the judiciary. More contemptible, the altercation arose out of a squabble involving a mere table. In *Quiroz vs. Orfila* (272 SCRA 324 [1997]), we declared: Fighting between court employees during office hours is disgraceful behavior reflecting adversely on the good image of the judiciary. It displays a cavalier attitude towards the seriousness and dignity with which court business should be treated. Shouting at one another in the workplace and during office hours is arrant discourtesy and disrespect not only towards co-workers, but to the court as well. The behavior of the parties was totally unbecoming members of the judicial service. Such conduct cannot be countenanced.

7. **ID.; ADMINISTRATIVE CHARGES AGAINST JUDGES; PENALTIES.** — Section 2 of Rule 140 of the Rules of Court classifies administrative charges 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.

8. **ID.; ID.; ID.; MITIGATED BY THE FACT THAT THE RESPONDENT WAS PROVOKED.** — While the Court is convinced that, based on the evidence on record, Judge Caoibes is culpable of a serious charge, it is likewise clear that he was provoked into the fracas that ensued. This circumstance leads us to temper the penalty imposable.

APPEARANCES OF COUNSEL

Gregorio D. Cañeda for complainant.
Rufino L. Policarpio III for respondent.

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DECISION

MELO, *J*:

Upon his assumption to office, a judge ceases to be an ordinary citizen. He becomes the visible representation of the law, and more importantly, of justice. From him, the people draw their will and awareness to obey the law. Thus, a magistrate of the law 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 the epitome of integrity and justice. He must be the first to abide by the law and weave an example for others to follow. He must studiously avoid even the slightest infraction of the law. Sadly, the actions in the instant case of complainant and respondent, both of whom are members of the Judiciary, fall far short of this exacting standard.

Judge Jose F. Caoibes, Jr., the Presiding Judge of Branch 253 of the Regional Trial Court of Las Piñas City, stands charged with Grave Misconduct/Conduct Unbecoming of a Judicial Officer for allegedly inflicting fistic blows — one to the right forehead and another to the left side of the jaw — on Judge Florentino M. Alumbres, Presiding Judge of Branch 255 of the Regional Trial Court of Las Piñas City on May 20, 1997 outside the Staff Room of Branch 253, in plain view of several lawyers and litigants.

The facts, as culled from the records, are as follows:

Branch 253 was a newly-created branch of the Regional Trial Court of Las Piñas City. Thus, when respondent Caoibes was appointed presiding judge thereof, he had the privilege of recommending to the Supreme Court the appointment of employees of his own choice. Complainant Alumbres, who was then the executive judge of the court, saw in this a golden opportunity to secure employment for his son. Learning that Caoibes' office furniture had yet to be delivered by the Supreme Court, Alumbres lent an executive table to the former for his temporary use.

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When Caoibes assumed office on September 16, 1996, Alumbres invited the former to lunch, during which he proposed that Caoibes recommend his son for appointment as utility man for Branch 253. Caoibes agreed. The next day, however, Alumbres proposed that instead of utility man, Caoibes should recommend his son for appointment as process server of Branch 253. Again, Caoibes agreed. Alumbres, as executive judge, favorably endorsed the appointment of his son, as recommended by Caoibes. However, his son was not appointed as process server because the Court Administrator found it inappropriate for Alumbres to endorse the appointment of his own son, rendering therefore such recommendation nepotistic in character.

When Alumbres was replaced as executive judge by Judge Bonifacio Sanz Maceda, he asked his replacement to favorably endorse his son's appointment as process server of Branch 253. Judge Maceda did so. This time, however, Caoibes reneged on his agreement with Alumbres. Caoibes withdrew his earlier recommendation of Alumbres' son and, instead, recommended David Cariño for process server of Branch 253.

Learning that an executive table had already been delivered to Caoibes, Alumbres, in the morning of May 20, 1997, sent his deputy sheriff to the chambers of Caoibes to take back the table earlier lent to Caoibes. Respondent Caoibes told the deputy sheriff that he would continue using the table until his office furniture was delivered by the Supreme Court. The deputy sheriff left to convey this message to Alumbres. Caoibes, thereafter went to Judge Maceda to ask that he be allowed to continue using the table lent to him by Alumbres. Judge Maceda opined that Caoibes could continue using the table, adding that if Alumbres needed a table, he (Judge Maceda) could lend one of his own tables to Alumbres.

In the meantime, Alumbres had been informed of Caoibes' refusal to return the table. Alumbres suspended court proceedings and, accompanied by his process server and the deputy sheriff, went to chambers of Caoibes to reclaim the table. Informed of their purpose, the deputy sheriff of Branch 253 informed the group to wait for the return of Caoibes since the latter still had

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some official papers on the table. Since the Staff Room of Branch 253 was in front of the chambers of Judge Maceda, Alumbres decided to wait for Caoibes in front thereof. Several lawyers and litigants who had hearings were all along the hallway.

Informed by his utility man that Alumbres was in his staff room to recover the table, Caoibes left Judge Maceda to see Alumbres. Caoibes saw Alumbres, with hands on his hips, standing along the hallway. Caoibes greeted Alumbres "*Hoy, ano ba ang atin?*" The latter replied in an angry tone "*Joey, kukunin ko na ang table ko. Akin naman iyun, eh.*" In response, Caoibes put his left arm around Alumbres' shoulder, extended his right hand to shake the latter's right hand, at the same time saying "*Huwag naman. Halika, pag-usapan natin dine.*" Despite the cordial gesture, Alumbres held Caoibes' right wrist and forcefully jerked it. Incensed at the fierce reaction of Alumbres, Caoibes shouted "*Tarantado ito, ah*," and swung his left arm towards Alumbres, hitting him on the right temple. Caoibes also delivered a right hook, grazing Alumbres' lower jaw. The latter felt dazed and the right lens of his eyeglass dropped to the floor. Before the incident could worsen, Judge Maceda, who had just emerged from his chambers, and one of the deputy sheriffs, placed themselves between the two. Alumbres swung at Caoibes while the latter was being led away by Judge Maceda but the blow missed. The incident, involving as it did members of the judiciary, was given extensive coverage by the media.

According to the medical certificate issued by the City Health Officer, the left side of Alumbres' chin was swollen and had a laceration about 1 cm. wide, while his right temporal region, anterior aspect, had a pin-head sized laceration as well as slight swelling and reddening.

In his defense, Caoibes denied having dealt fistic blows to Alumbres. He claimed that when his right wrist was jerked by Alumbres, he struggled to free himself and that, in the process, his right palm "slightly hit the face" of Alumbres. Moreover, he asserted that when he was being led away by Judge Maceda, Alumbres managed to extricate himself from those pacifying him (Alumbres), and threw several punches at Caoibes, all of

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which missed. He claimed that during this event, he instinctively "thrust" his right arm, implying that his right hand may have hit the complainant's jaw.

As succinctly defined by Justice Romeo J. Callejo, the Justice to whom this case was assigned for investigation, the threshold issue to be determined is whether or not Judge Caoibes deliberately inflicted fistic blows to complainant Judge Alumbres.

We agree with the Investigating Justice that, indeed, Caoibes threw two punches at Alumbres, the first hitting his right temple and the second, the left side of his jaw. In the trenchant words of Justice Callejo:

> The investigating Justice is not convinced of the claim of the respondent that he **unintentionally** and **slightly** hit the face of the complainant as the respondent struggled to free himself from the grip of the complainant. We did find it incredible, if not preposterous, that, as the respondent struggled to free himself from the grip of the complainant, the left hand of the respondent would go astray and hit **slightly** the face of the complainant. For, in such a situation, it would have been instinctive for the respondent to hold, with his left hand, the hand of the complainant holding on to the right hand of the respondent to free his right hand from the grip of the complainant. Equally implausible is respondent's claim that he **thrusted** his hand towards the complainant as the latter threw punches at the respondent as the latter was being brought by Judge Bonifacio Sanz Maceda to his chambers. The respondent did not specifically declare whether or not he hit any part of the body of the complainant and, if so, what part of the body of the complainant was hit. Judge Bonifacio Sanz Maceda was equally nebulous when he merely declared that the respondent was able to *reach* the complainant.
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> (Investigation Report, p. 10).

We also concur with Justice Callejo when he states that contrary to the claim of Alumbres, the punches of Caoibes were not severe as the injuries sustained by Alumbres which were merely superficial, the size of a pinhead similar to a mosquito bite.

Nonetheless, the slightness of the injuries suffered by Alumbres do not detract from the gravity of the offense committed. Canon 2 of the Code of Judicial Conduct states that "A judge should

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avoid impropriety and the appearance of impropriety in all activities. In amplification, Rule 2.01 provides that "A judge should behave at all times as to promote public confidence in the integrity and impartiality of the judiciary." Similarly, the Canon of Judicial Ethics provide that "a judge's official conduct should be free from the appearance of impropriety, and his personal behavior, not only on the bench and in the performance of judicial duties, but also in his everyday life, should be beyond reproach (*Marces, Sr. vs. Arcangel*, 258 SCRA 503 [1996]). Being the visible representation of the law and the embodiment of the people's sense of justice, he must be studiously careful himself to avoid even the slightest infraction of the law, lest it be a demoralizing example to others (Canon 22, Canon of Judicial Ethics).

Judge Caoibes has failed to live up to the standards of morality and uprightness demanded of a judge. As Justice Callejo observes:

> In this case, the respondent used his hands and inflicted physical injuries on the complainant, a felony in Article 266 of the Revised Penal Code and during office hours at that. And the respondent did so in full view of lawyers and litigants who were in the vicinity of the court and while judicial proceedings were ongoing. The respondent took the law unto his own hands and subjected the complainant with physical injuries. By his felonious acts, the respondent downgraded himself to an ordinary criminal, not a dispenser of justice. The respondent ignored the law he swore to uphold and defend and hid behind the law of the jungle.
>
> (Investigation Report, p. 11).

Caoibes' use of physical violence against a colleague reveals a marked lack of judicial temperament and self-restraint, traits not only desirable, but indispensable, for every judge to possess besides the basic equipment of learning in the law. Such behavior puts the judiciary into disrepute.

While Alumbres himself may have provoked the incident in question by his forceful reaction to Caoibes' attempt to settle their differences, the unruly behavior and/or violent reaction of Alumbres may not be used to justify the felonious act of respondent. As incisively observed by the Investigating Justice,

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"no judge, from the lowest to the highest, should be allowed to take the law into his own hands. That is the law of the jungle, not the law of a civilized society to which [Alumbres] and [Caoibes] belong."

Moreover, courts are looked upon by the people with high respect and are regarded sacred places, where litigants are heard, rights and conflicts settled and justice solemnly dispensed. Misbehavior within and around their vicinity diminishes their sanctity and dignity (*Bedural vs. Edroso,* AM No. 00-1395, October 12, 2000). By fighting within court premises, the parties have failed, not only to observe the proper decorum expected of members of the judiciary, they have failed to promote public confidence in the integrity and impartiality of the judiciary. More contemptible, the altercation arose out of a squabble involving a mere table. In *Quiroz vs. Orfila* (272 SCRA 324 [1997]), we declared:

> Fighting between court employees during office hours is disgraceful behavior reflecting adversely on the good image of the judiciary. It displays a cavalier attitude towards the seriousness and dignity with which court business should be treated. Shouting at one another in the workplace and during office hours is arrant discourtesy and disrespect not only towards co-workers, but to the court as well. The behavior of the parties was totally unbecoming members of the judicial service. Such conduct cannot be countenanced.

In fine, we find the infliction by Judge Caoibes of fistic blows on Judge Alumbres to be acts of serious impropriety unbecoming a judge, in violation of Canon 2 of the Code of Judicial Conduct.

Section 2 of Rule 140 of the Rules of Court classifies administrative charges 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.

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While the Court is convinced that, based on the evidence on record, Judge Caoibes is culpable of a serious charge, it is likewise clear that he was provoked into the fracas that ensued. This circumstance leads us to temper the penalty imposable.

WHEREFORE, premises considered, we find Judge Jose F. Caoibes, Jr. *GUILTY* of violating the Code of Judicial Conduct and hereby impose upon him a fine of TWENTY THOUSAND PESOS (₱20,000.00), with a warning that a repetition of the same or similar acts in the future will be dealt with more severely.

Davide, Jr., C.J., Bellosillo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Pardo, Buena, Ynares-Santiago, De Leon, Jr., Sandoval-Gutierrez, and *Carpio, JJ.,* concur.

EN BANC

[G.R. No. 101783. January 23, 2002]

MANILA ELECTRIC COMPANY, *petitioner, vs.* **PHILIPPINE CONSUMERS FOUNDATION, INC., EDGARDO S. ISIP, HON. JUDGE MANUEL M. CALANOG, JR., and HON. JUDGE TIRSO D'C. VELASCO,** *respondents.*

SYNOPSIS

On February 5, 1982, the Philippine Consumers Foundation, Inc. (PCFI) filed with the Board of Energy (BOE) a "Petition for Specific Performance, Damages and Violation of P.D. 551" against Manila Electric Company (MERALCO) docketed as BOE Case No. 82-198. PCFI sought, among others, for the immediate refund by Merealco to its customers, all savings it realized under P.D. No. 551, by reason of the reduction of its franchise tax from 5% to 2%. On November 25, 1982, the