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public officers and employees in their dealings with each other and with the public should be marked by respect for and consideration of the feelings of others. Indeed, courtesy and tactfulness are the most eloquent manifestations of a decent social behaviour.

WHEREFORE, in view of the foregoing, the Court hereby resolved to DISMISS the charges against respondent. She is, however, admonished to improve her relationship with her co-employees, to act with civility, tact and courtesy in her dealings with them and with the public.

Fernando, C.J., Teehankee, Barredo, Makasiar, Concepcion Jr. Fernandez, Guerrero, De Castro, and *Melencio-Herrera, JJ.*, concur.

Aquino, J., concurs. It may be advisable to transfer the respondent to another branch of the Occidental Negros CFI.

Santos and *Abad Santos. JJ.*, are on official leave.

SECOND DIVISION

[A.C. No. 532-MJ. July 30, 1979]

PAULA S. QUIZON, TERESITA G. HIPOLITO, VICTORIA D. SAMIA, BENJAMIN S. VERGARA, ROMULO DE JESUS, BENIGNO RAMOS, and HONORATO LAYUG, *complainants, vs.* **JUDGE JOSE G. BALTAZAR, JR., of the Municipal Court of Mabalacat, Pampanga,** *respondent.*

SYLLABUS

LEGAL AND JUDICIAL ETHICS; JUDGES; ENJOINED TO BE MORE SEDULOUS IN THE DISCHARGE OF THEIR JUDICIAL DUTIES; CASE AT BAR.— The respondent judge is enjoined to be more sedulous in the discharge of his judicial duties. The commission of a similar offense will be dealt with more severely.

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RESOLUTION

CONCEPCION JR., *J.*:

On July 25, 1975, the Court promulgated a Resolution in the above-entitled case, the dispositive portion of which reads, as follows:

"WHEREFORE, IN VIEW OF ALL THE FOREGOING, respondent is hereby found guilty of grave ignorance of the provisions of Article 360 of the Revised Penal Code as amended by Republic Act No. 4363 and of the provisions of Section 87 of the Judiciary Act of 1948, as amended, for which he shall suffer the penalty of suspension without pay for a period of six (6) months, effective upon receipt of this resolution."[1]

A copy of the resolution was received by the respondent on August 8, 1975,[2] and on August 14, 1975, he filed a motion for the reconsideration of said resolution.[3] On August 19, 1975, the respondent filed a Supplemental Motion for Reconsideration, praying for the modification of the judgment upon the ground that the penalty imposed upon him "is highly incommensurate to the error committed, if there was any."[4] Both motions were denied on August 17, 1977.[5]

But, while said motions were pending consideration, the Collecting and Disbursing Officer of this Court, in contemplation of the resolution of July 25, 1975, withheld payment of the salary of the respondent judge, corresponding to the months from September, 1975 to February, 1976, inclusive, although the respondent judge was regularly performing his judicial duties during said period.

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[1] *Rollo*, p. 287.

[2] *Id.*, p. 309.

[3] *Id.*, p. 292.

[4] *Id.*, p. 313.

[5] *Id.*, p. 338.

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On September 9, 1977, the respondent judge filed a second motion for the reconsideration of the Resolution of July 25, 1975, praying that since he was not paid his salary for six (6) months, thus serving part of the punishment meted to him and leaving only that portion of suspension unserved, the judgment "be modified by suppressing therefrom the suspension from office and thus modified the non-payment of salary be pronounced to have been complied with by the respondent."[6] The Court, however, denied the motion on May 9, 1979.[7]

On June 4, 1979, the respondent judge filed a pleading denominated CLARIFICATORY MANIFESTATION, respecting the execution of the resolution of July 25, 1975, asking whether or not he will still be suspended for six (6) months, but with pay since the monetary portion of the judgment had already been satisfied when his salary for the period of six (6) months had been withheld from him.[8]

The Executive Officer recommends:

"x x x that the order of suspension of respondent judge for the period of six (6) months without pay be now implemented. However, considering that his salary (under the old rate) for seven (7) months (September 1975 to March 1976) were actually withheld from him while he continued to serve as such judge after he filed his motion for reconsideration of the order of suspension issued by this Court on July 25, 1975, the total amount of what was withheld from him should be refunded to him, or in the alternative his present salary may be paid to him while serving the six (6) months suspension (his salary for the same period under the old rate having been withheld from him already) or to release to him during his suspension the difference between his present salary and his old salary."[9]

After considering the circumstances of the case, as well as the arguments adduced, We are of the opinion that it would be

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[6] *Id.*, p. 339.

[7] *Id.*, p. 348.

[8] *Id.*, p. 350.

[9] *Id.*, p. 349.

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just and reasonable to all concerned by amending the judgment and reduce the penalty imposed upon the respondent judge to a fine equivalent to his salary for six (6) months and then consider the judgment, so amended, as having been fully satisfied in view of the non-payment of the respondent's salary for the same period. For one, no material benefit will be attained in further suspending the respondent from his position, and nothing is lost in allowing him to continue with the performance of his judicial duties. Upon the other hand, to remit to the respondent judge his withheld salary and thereafter order his suspension from office without pay, pursuant to the resolution of July 25, 1975 would leave the Municipal Court of Mabalacat, Pampanga without a judge and thereby cause the clogging of its docket. With the imposition of the fine, the judicial actuations of the respondent judge shall have been sufficiently rectified as to dissuade him from committing another mistake.

WHEREFORE, the resolution of May 9, 1979 is set aside, and the resolution of July 25, 1975 is hereby amended to the effect that the respondent judge is sentenced to pay a fine equivalent to his salary for six (6) months; and it appearing that the respondent judge has not been paid his salary for such a period, such non-payment of his salary shall be considered as satisfaction in full of the judgment, as amended, and the case considered CLOSED. The respondent judge is enjoined to be more sedulous in the discharge of his judicial duties. The commission of a similar offense will be dealt with more severely.

SO ORDERED.

Barredo (Chairman), Antonio, Aquino, and *Abad Santos, JJ.*, concur.

Santos, J., is on leave.