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Indeed, these provisions, which are also found in P.D. No. 1508, have already been authoritatively interpreted by this Court, and the duty of respondent judge was to follow the rulings of this Court. Her insistence on her own interpretation of the law can only be due either to an ignorance of this Court's ruling or to an utter disregard thereof. We choose to believe that her failure to apply our rulings to the case before her was simply due to gross ignorance which, nevertheless, is inexcusable. In accordance with the ruling in *Ting v. Atal*,[7] in which a judge who was similarly found guilty of gross ignorance of the law was fined ₱2,000.00, respondent judge should likewise be fined the same amount.

WHEREFORE, respondent is hereby found guilty of gross ignorance of the law and is hereby ordered to pay a *FINE* of TWO THOUSAND (₱2,000.00) PESOS with a *WARNING* that repetition of the same or similar acts will be dealt with more severely.

SO ORDERED.

Bellosillo (Chairman), Quisumbing, Buena, and *De Leon, Jr., JJ.*, concur.

SECOND DIVISION

[A.M. No. MTJ-00-1266. April 6, 2000]

PROSECUTOR SALVADOR C. RUIZ, *complainant, vs.* **JUDGE AGELIO L. BRINGAS, Municipal Trial Court in Cities, Branch 1, Butuan City,** *respondent.*

SYNOPSIS

This is an administrative complaint filed by Prosecutor Salvador C. Ruiz against respondent Judge Agelio L. Bringas of the Municipal Trial Court in Cities, Branch 1, Butuan City, charging him with serious misconduct and inefficiency for allegedly using intemperate

[7] 231 SCRA 80 (1994).

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language against lawyers appearing before his court. He alleged that respondent "is fond of insulting and maligning both young lawyers and old including the prosecutors who appear before him in the presence of party litigants and lawyers"; that respondent had changed the name of his court from Municipal Trial Court in Cities to City Trial Court, notwithstanding the fact that the Judiciary Reorganization Act of 1988 changed the name of previous City Trial Courts. This case was referred to the Office of the Court Administrator (OCA), which in its memorandum, dated February 28, 2000, found that Judge Bringas was indeed guilty of serious misconduct. It recommended that respondent be suspended from office without pay for at least a month and directed to refrain from using "City Trial Court" in referring to his court.

The Supreme Court found the recommendation to be well taken. The duty to maintain respect for the dignity of the court applies to members of the bar and bench alike. A judge should be courteous both in his conduct and in his language especially to those appearing before him. He can hold counsels to a proper appreciation of their duties to the court, their clients, and the public without being petty, arbitrary, overbearing, or tyrannical. He should refrain from conduct that demeans his office and remember always that courtesy begets courtesy. Above all, he must conduct himself in such a manner that he gives no reason for reproach. Accordingly, respondent Judge Agelio L. Bringas was found guilty of conduct unbecoming a member of the judiciary and was ordered suspended from office for one (1) month without pay with warning that repetition of the same or similar acts will be dealt with more severely.

SYLLABUS

LEGAL AND JUDICIAL ETHICS; JUDGES; A JUDGE SHOULD BE COURTEOUS BOTH IN HIS CONDUCT AND IN HIS LANGUAGE ESPECIALLY TO THOSE APPEARING BEFORE HIM.— The duty to maintain respect for the dignity of the court applies to members of the bar and bench alike. A judge should be courteous both in his conduct and in his language especially to those appearing before him. He can hold counsels to a proper appreciation of their duties to the court, their clients, and the public without being petty, arbitrary, overbearing, or tyrannical. He should refrain from conduct that demeans his office and remember always that courtesy begets courtesy. Above all, he must conduct

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himself in such a manner that he gives no reason for reproach. [*San Juan v. Bagalacsa*, 283 SCRA 416 (1997)] As stated in Canon 2 of the Code of Judicial Conduct, a judge should avoid impropriety and the appearance of impropriety in all his activities.

DECISION

MENDOZA, *J.*:

This concerns the complaint filed by Prosecutor Salvador C. Ruiz against respondent Judge Agelio L. Bringas of the Municipal Trial Court in Cities, Branch 1, Butuan City, charging him with serious misconduct and inefficiency.

Complainant cites the following instances in which respondent allegedly used intemperate language against lawyers appearing before his court:

At the hearing held on August 19, 1998 in Criminal Case No. 22445, entitled *"The People of the Philippines vs. Manuel Cenita y Cabanlit"* (for falsification of a private document), the following exchange took place between complainant and respondent after the accused had pleaded guilty:

PROSECUTOR RUIZ:

> Although the accused here is pleading guilty to the charge, but his plea is conditional which is tantamount to a plea of not guilty, Your Honor.

ATTY. CHAVEZ:

> Anyway the amount is immaterial, Your Honor, so I believe that is unconditional. The penalty is *prision correccional* in its medium and minimum period and the maximum is TWO (2) YEARS, TWO (2) MONTHS and ONE (1) DAY, the minimum should be FOUR (4) MONTHS and ONE (1) DAY, Your Honor.

PROSECUTOR RUIZ:

> We would like to take for the record considering the plea of guilt of the accused here, we would like to request that we be given until Friday to submit our recommendation.

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COURT:

This is very clear, you will prolong the agony of the accused.

PROSECUTOR RUIZ:

Or this afternoon, I will submit my recommendation, Your Honor.

COURT:

Does the prosecution admit that you do not know how to compute?

PROSECUTOR RUIZ:

Your Honor, we are only requesting until Friday the defense has no right to recommend, Your Honor.

COURT:

Do you think the Court will just accept that, it is this Court who will determine. You should have been ready when you come to Court.

PROSECUTOR RUIZ:

But today's incident is only for arraignment.

ATTY. CHAVEZ:

May I respectfully pray, Your Honor, that the maximum should be TWO (2) YEARS, TWO (2) MONTHS and ONE (1) DAY and the minimum should be FOUR (4) MONTHS which is within the range.

PROSECUTOR RUIZ:

This is the prerogative of the prosecution not the defense. Well, for the record, the prosecution will not recommend. I am praying that the prosecution be given until Friday to formally make a written recommendation.

COURT:

Why would you tell the Court what to do?

PROSECUTOR RUIZ:

No, that is not the import of my manifestation.

COURT:

Put it on record that Prosecutor Ruiz does not know how to compute. Put it on record also that Fiscal Ruiz took the Bar three times.

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PROSECUTOR RUIZ:

Put it on record also that the Honorable presiding judge did not graduate from Ateneo.

COURT:

I will show you the record that I graduated from Ateneo, Class 1963, you want me to show you the certificate?

PROSECUTOR RUIZ:

We are going beyond, Your Honor. This is just the defense of the plight of the honor of the prosecution, I am just praying that the prosecution be given until Friday to submit my recommendation.

Supposing the prosecution would recommend that the accused be made to pay the civil aspect of the case.

We submit, Your Honor.

COURT:

That is not your problem, that is the problem of the Court.

What is your problem Fiscal Ruiz?

PROSECUTOR RUIZ:

We stand pat [on] our manifestation.

COURT:

Good?

What can you say about the request of the prosecution Atty. Chavez?

ATTY. CHAVEZ:

Well, Your Honor, it is just a matter of computation.

COURT:

Just give the prosecution until August 21, 1998, at 8:30 o'clock in the morning, so that he can confer properly in their office just to compute the proper penalty.

PROSECUTOR RUIZ:

This is unfair.

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COURT:

Call it unfair or whatever.

Call the next case.

In Criminal Case Nos. 17691 and 17692 for slight physical injuries and direct assault, respectively, respondent issued an order, dated June 3, 1998, in which, after noting that Prosecutor Augustus L. Calo called up to say that he could not attend the hearing because his foot was swollen, sarcastically commented: "At least, Prosecutor Calo is better than Prosecutor [Hector B.] Salise who did not inform yesterday his whereabouts, whether he is in hell or in purgatory."

According to complainant, respondent "is fond of insulting and maligning both young lawyers and old including the prosecutors who appear before him in the presence of party litigants and lawyers. He berated new practicing lawyers like Atty. Clementino C. Rabor, Atty. Roy Orlando Doyon. He insulted an old lawyer, Atty. Ismael Sanchez by uttering to the latter 'you go to hell.' These incidents were just left unnoticed by the aforementioned lawyers lest they would lose their cases pending before respondent Judge."

Complainant points out that this is not the first time that a complaint was filed against respondent. In A.M. No. MTJ-95-1064, entitled *"Cecilia T. Rosacena v. Judge Agelio L. Bringas,"* decided on December 6, 1995, respondent was admonished "to be more tolerant of people, to be discreet in issuing court statements, not to be onion-skinned and to be kindly to women especially to those in the teaching profession." In A.M. No. MTJ-89-255, entitled *"Elias Ortega v. Judge Agelio L. Bringas, Municipal Trial Court, Branch 1, Butuan City,"* decided on July 3, 1990, respondent was fined ₱5,000.00 for oppression in ordering the defendant in an unlawful detainer case imprisoned for contempt of court because the latter refused to vacate the land when the writ of execution issued by respondent has not even been served.

Complainant also claims that respondent misrepresented himself as a graduate of the Ateneo Law School when the fact is that respondent judge's name does not appear in the directory of the graduates of that school from 1963 to 1965.

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Finally, complainant says that respondent has changed the name of his court from Municipal Trial Court in Cities to City Trial Court, notwithstanding the fact that the Judiciary Reorganization Act of 1988 changed the name of previous City Trial Courts.

Complainant, therefore, prays that administrative sanctions be imposed on respondent.

Answering the charges against him, respondent says that he made the remarks at the hearing in Criminal Case No. 22445 on August 19, 1998 in disgust at complainant's unpreparedness to recommend the imposable penalty after the accused in the case had entered a plea of guilty. He says that in his time as prosecutor, he was always ready to submit his recommendation with respect to the penalty once the accused pleads guilty. Respondent says: "It is indeed so depressing to witness a prosecutor in a court room who is not well-prepared. Prosecutor Ruiz tears down his dignity and creates disillusionment and what he did thus wears out the patience of the court. He glooms the day for everyone." He cites the following instances of complainant's alleged incompetence: filing a motion for reconsideration of a judgment of acquittal; filing a complaint for slight physical injuries when the same had already prescribed; filing a case for trespass under Article 281 of the Revised Penal Code although he knew that the house of the complainant was inhabited; and not being present in court when his case was called.

Respondent claims in extenuation of his conduct the fact that he had recently suffered a stroke which makes him irritable. He denies, however, that he told a lawyer to go to hell and justifies his statement in Criminal Case Nos. 17691-92 that Prosecutor Salise did not even have the courtesy to tell respondent whether said prosecutor was "in hell or in purgatory" on the ground that the accused and the prosecution witnesses attended even though they came from far-flung areas.

This case was referred to the Office of the Court Administrator (OCA), which in its memorandum, dated February 28, 2000, found:

> In the matter at hand, although the complainant may have used less than polite language in the course of his argument during the hearing on 19 August 1998, respondent judge should not be too quick in "returning

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the favor" to the complainant. Moreover, the use of the phrase "whether he is in hell or in purgatory" in referring to Prosecutor Salise in Criminal Cases Nos. 17691 and 17692 is obviously uncalled for considering that it does not appear from the records that Pros. Salise is the one in-charge of the cases.

In view of the foregoing, we conclude that Judge Bringas should be found guilty of serious misconduct. Had this been respondent judge's first and only offense, we would have been willing to recommend a reprimand but as we looked into the records of respondent judge, it is apparent that neither admonition nor fine could make him change his attitude towards litigants and lawyers. Thus, we feel compelled to recommend his suspension from office without pay for at least a month to see to it that Judge Bringas will receive the right message which the Court sent him in its resolution dated 3 July 1990 in MTJ-89-255 and in resolution dated 6 December 1995 in MTJ-95-1064.

Anent the charge of changing the designation of his court from Municipal Trial Court in Cities to "City Trial Court" [*Rollo,* p. 9], the same could lead to confusion among litigants and lawyers as such designation is really not within the provisions of Judiciary Reorganization Act of 1980. Hence, this practice must be stopped and respondent judge should be admonished to be more circumspect in his choice of words when referring to his court.

Regarding the charge that respondent had misrepresented himself as a graduate of Ateneo Law School, the same should be dismissed for being too trivial. Even assuming that Judge Bringas indeed misrepresented on this aspect, the misrepresentation is inconsequential as it will not in any way affect his qualification as a judge. He is still a graduate of law and a prosecutor before he became a judge.

On the basis of these findings, the OCA recommends that respondent judge be suspended from office without pay for one (1) month and directed to refrain from using "City Trial Court" in referring to his court.

The Court finds the recommendation to be well-taken. The duty to maintain respect for the dignity of the court applies to members of the bar and bench alike. A judge should be courteous both in his conduct and in his language especially to those appearing before him. He can hold counsels to a proper appreciation of their duties to the court, their clients, and the public without being petty,

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arbitrary, overbearing, or tyrannical. He should refrain from conduct that demeans his office and remember always that courtesy begets courtesy. Above all, he must conduct himself in such a manner that he gives no reason for reproach. [*San Juan v. Bagalacsa*, 283 SCRA 416 (1997)] As stated in Canon 2 of the Code of Judicial Conduct, a judge should avoid impropriety and the appearance of impropriety in all his activities.

WHEREFORE, respondent Judge Agelio L. Bringas of the Municipal Trial Court in Cities, Branch 1, Butuan City is hereby found guilty of conduct unbecoming a member of the judiciary and is ordered *SUSPENDED* from office for one (1) month without pay with *WARNING* that repetition of the same or similar acts will be dealt with more severely. He is directed to stop referring to the Municipal Trial Court in Cities of Butuan City as the "City Trial Court" and to use instead its proper designation.

SO ORDERED.

Bellosillo (Chairman), Quisumbing, Buena, and *De Leon, Jr., JJ.*, concur.

EN BANC

[A.M. No. RTJ-00-1550. April 6, 2000]

ANTONIO T. ALMENDRA, *complainant, vs.* **JUDGE ENRIQUE C. ASIS, Regional Trial Court, Branch 10, Abuyog, Leyte,** *respondent.*

SYNOPSIS

Gaudencio Almendra was declared co-owner with the defendants in Civil Case No. 3773, an action for quieting of title, filed with respondent Judge. The decision was affirmed on appeal by the Court of Appeals and later became final and executory. Subsequently,