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SECOND DIVISION

[Adm. Matter No. 99-11-158-MTC. August 1, 2000]

RE: PROCEDURE ADOPTED BY JUDGE DANIEL LIANGCO, EXECUTIVE JUDGE, MUNICIPAL TRIAL COURT (MTC) OF SAN FERNANDO, PAMPANGA, RE RAFFLE OF CASES UNDER P.D. 1602.

SYNOPSIS

Juanita Flores, Clerk of Court of the Municipal Trial Court (MTC) of San Fernando, Pampanga, informed Executive Judge Pedro M. Sunga of the Regional Trial Court of San Fernando, Pampanga about the irregularities in the assignment of *jueteng* cases in their jurisdiction. Pursuant thereto, Judge Sunga issued a Memorandum to Executive Judge Daniel B. Liangco of MTC, San Fernando, Pampanga inquiring from him about the raffling of cases involving violation of Presidential Decree No. 1602 (*Jueteng*). In compliance, Judge Sunga noticed that out of 55 cases, 53 cases were assigned to Branch 1 where Judge Liangco presides. When required to explain, Judge Liangco reasoned out that the accused in these cases were detained having been caught *in flagrante delicto* and he assumed jurisdiction over the cases without waiting for the raffle dates so that he can act on motions to post bail filed by the accused in order to allow them to enjoy their provisional liberty. Automatically, those cases were considered as having been raffled or assigned to his *sala*. Moreover, this practice is in consonance with the Memorandum dated September 1, 1998 that was issued by him purposely to obviate the unnecessary preparation and filing of motions for consolidation of cases such that cases with common and the same evidence shall be raffled to the same branch. This issue was referred to Senior Deputy Court Administrator Reynaldo Suarez for appropriate action. After a thorough investigation, the Office of the Court Administrator found that the act of Judge Liangco in issuing the Memorandum dated September 1, 1998, under which certain cases are not subjected to the required raffle, in violation of Supreme Court Circular No. 7, constitutes a serious breach of his duty as the Executive Judge of the MTC of San Fernando, Pampanga and calls for the imposition of administrative sanctions.

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The Court ruled that the questioned acts of respondent Judge Liangco constitute a clear breach of his duty as a judge. Respondent judge's manner of automatically assigning cases of violation of P.D. 1602 or "*Jueteng*" cases to its own branch [Branch 1, MTC, San Fernando, Pampanga] without the benefit of raffle, casts doubt on his integrity as a judge and erodes the confidence of the people in the judicial system. Respondent Judge Liangco should remember that judges are held to higher standards of integrity and ethical conduct than attorneys or other persons not invested with the public trust. A judge's official conduct and his behavior in the performance of judicial duties should be free from the appearance of impropriety and must be beyond reproach. He should avoid even the slightest infraction of the law.

Respondent Judge Daniel Liangco was SUSPENDED without pay from the service for six (6) months.

SYLLABUS

1. **LEGAL AND JUDICIAL ETHICS; JUDGES; THEIR ACTS MUST BE CIRCUMSPECT AND SHOULD NOT AROUSE SUSPICION IN THE MINDS OF THE PUBLIC.**— Officers of the court have the duty to see to it that justice is dispensed with evenly and fairly. Not only must they be honest and impartial, but they must also *appear* to be honest and impartial in the dispensation of justice. Judges should make sure that their acts are circumspect and do not arouse suspicion in the minds of the public. When they fail to do so, such acts may cast doubt upon their integrity and ultimately on the judiciary in general.

2. **REMEDIAL LAW; ASSIGNMENT OF CASES; SUPREME COURT CIRCULAR NO. 7; VIOLATED BY AN EXECUTIVE JUDGE WHO ISSUED A MEMORANDUM ALLOWING CASES INVOLVING SAME PARTIES OF SIMILAR EVIDENCE TO BE DIRECTLY ASSIGNED TO A PARTICULAR BRANCH.**— Supreme Court Circular No. 7, dated September 23, 1974, provides in part: "All cases filed with the Court in stations or groupings where there are two or more branches shall be assigned or distributed to the different branches by raffle. *No case may be assigned to any branch without being raffled.*" By issuing the Memorandum dated September 1, 1998, whereby cases allegedly involving the same parties and common or similar evidence are directly assigned to a particular branch

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without the benefit of raffle, and considering the established fact that in the month of July 1999, fifty-four (54) out of fifty-five (55) cases involving jueteng or violation of P.D. 1602 were actually assigned without benefit of raffle to his own *sala* (Branch 1 of the MTC, San Fernando, Pampanga), respondent Executive Judge Liangco knowingly and willfully violated the above-cited Circular of the Supreme Court.

3. **ID.; ID.; GRANTING OF BAIL TO THE ACCUSED IS NOT A JUSTIFICATION FOR AN ACT OF AN EXECUTIVE JUDGE OF RETAINING RECORDS OF CASES FOR DIRECT ASSIGNMENT TO HIS OWN *SALA*.**— [T]here is no connection at all between respondent's alleged desire to facilitate the release of such accused on bail and his questionable act of retaining the records of the cases for direct assignment to his own sala. For after granting bail to the accused, his alleged purpose of immediately extending provisional liberty to the accused shall already have been served. There is thus no need or justification to retain the records of the cases and consider them "raffled off" to his own *sala* which is Branch 1 of the MTC, San Fernando, Pampanga.

4. **ID.; EVIDENCE; CREDIBILITY OF WITNESSES; INCONSISTENCY IN EXPLANATION IS INDICATIVE OF FALSITY OF CLAIMS.**— The inconsistency in his explanation is indicative of the falsity of his claims. From claiming that the non-inclusion of the subject fifty-four (54) cases in the raffle was for the purpose of helping the accused in obtaining expeditiously their provisional liberty, respondent wavered in his November 19, 1999 explanation and claimed that the assignment of the said cases to his *sala* was due to his desire to help in the speedy administration of justice. Such inconsistent statements cast doubt on his sincerity as to his true intentions in directly assigning the subject fifty-four (54) cases to his *sala* instead of having them raffled in accordance with Supreme Court Circular No. 7 dated September 23, 1974.

5. **ID.; ASSIGNMENT OF CASES; RESPONDENT'S CLAIM OF GOOD FAITH IN ISSUING THE MEMORANDUM IS DEFEATED BY SEVERAL ORDERS DIRECTING CONSOLIDATION OF CASES AFTER THE ISSUANCE THEREOF.**— [R]espondent's claim of good faith in issuing the Memorandum dated September 1, 1998 is defeated or demolished by the fact that the judicial audit conducted by the Office of the Court Administrator in the four (4) branches of the Municipal Trial Court of San Fernando, Pampanga

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on December 6-10, 1999, pursuant to the November 9, 1999 Resolution of the Court *En Banc,* revealed that contrary to the avowed purpose of respondent's Memorandum "(t)o avoid unnecessary preparation and filing of motions for consolidation," there were actually cases filed between the months of January, 1999 and August, 1999, which were not subjected to the said Memorandum, as evidenced by several Orders directing the consolidation of cases.

6. **ID.; ID.; VERY UNEQUAL DISTRIBUTION OF CASES INVOLVING VIOLATION OF P.D. 1602 TO THE FOUR BRANCHES OF THE MUNICIPAL TRIAL COURT IS HIGHLY IRREGULAR.**— [T]he detailed list of cases raffled to the different branches of the MTC, San Fernando, Pampanga from January, 1999 to October 15, 1999, submitted by Ms. Juanita Flores, Clerk of Court II, MTC, San Fernando, Pampanga, in compliance with the Resolution of the Court *En Banc*, dated November 9, 1999, reveals that for the period from January, 1999 to August, 1999 (which is prior to the issuance by respondent Judge of the September 1, 1999 Memorandum revoking his Memorandum of September 1, 1998), a total of two hundred thirty-eight (238) cases involving violation of P.D. 1602 were assigned to Branch 1, as against only three (3) [Criminal Case Nos. 99-1053, 99-2155 and 99-2380] assigned to Branch 2, only one (1) [Criminal Case No. 99-0899] to Branch 3 and twelve (12) [Criminal Case Nos. 99-0900, 99-0934 to 99-0941, 99-0944, 99-1088 and 99-2736] to Branch 4. This very unequal distribution of cases involving violation of P.D. 1602 to the four branches of the MTC, San Fernando, Pampanga is highly irregular. Add to this fact is that cases of a different nature – those not involving violations of P.D. 1602 - were more or less equally distributed in accordance with the requirements of Supreme Court Circular No.7, thus further indicating the undue interest which respondent Judge Liangco has taken with respect to cases involving Violation of P.D. 1602.

7. **LEGAL AND JUDICAL ETHICS; CODE OF JUDICIAL CONDUCT; A JUDGE SHOULD SO BEHAVE AT ALL TIMES AS TO PROMOTE PUBLIC CONFIDENCE IN THE INTEGRITY AND IMPARTIALITY OF THE JUDICIARY; VIOLATED IN CASE AT BAR.**— The questioned acts of respondent Judge Liangco constitute a clear breach of his duty as a judge. The Code of Judicial Conduct mandates that: "A judge should so behave at all times as to promote public confidence in the integrity

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and impartiality of the judiciary." Respondent judge's manner of automatically assigning cases of violation of P.D. 1602 or "*Jueteng*" cases to its own branch [Branch 1, MTC, San Fernando, Pampanga] without the benefit of raffle, casts doubt on his integrity as a judge and erodes the confidence of the people in the judicial system. Respondent Judge Liangco should remember that judges are held to higher standards of integrity and ethical conduct than attorneys or other persons not invested with the public trust. A judge's official conduct and his behavior in the performance of judicial duties should be free from the appearance of impropriety and must be beyond reproach. He should avoid even the slightest infraction of the law.

8. **ID.; ID.; ID.; PENALTY FOR VIOLATION THEREOF.**— [W]e are of the view that dismissal is too harsh a penalty to be imposed in the case at bench inasmuch as there was no direct proof that respondent Judge Liangco profited from automatically assigning P.D. 1602 cases to his own branch without the benefit of raffle. A six-month suspension would be a more appropriate penalty to be imposed in the case at bench.

DECISION

DE LEON, JR., *J.*:

Officers of the court have the duty to see to it that justice is dispensed with evenly and fairly. Not only must they be honest and impartial, but they must also *appear* to be honest and impartial in the dispensation of justice. Judges should make sure that their acts are circumspect and do not arouse suspicion in the minds of the public. When they fail to do so, such acts may cast doubt upon their integrity and ultimately on the judiciary in general.

The present administrative case has its origin from the Memorandum[1] dated August 17, 1999 issued by Executive Judge Pedro M. Sunga, Regional Trial Court (RTC), Branch 42, San Fernando, Pampanga and addressed to Hon. Daniel B. Liangco, Executive Judge, Municipal Trial Court (MTC), San Fernando, Pampanga. The said Memorandum directed Judge Liangco to furnish Judge Sunga with information on the *sala* or branches where

[1] *Rollo*, p. 7.

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the twenty-nine (29) cases for violation of Presidential Decree No. 1602 (*Jueteng*) filed in July, 1999 before the Office of the Executive Judge of the MTC of San Fernando, Pampanga were respectively filed.

Prior to the issuance of said Memorandum, Juanita Flores, Clerk of Court II, OCC, MTC, San Fernando, Pampanga, has been furnishing the Office of the Executive Judge, RTC, San Fernando, Pampanga, with copies of the monthly report of cases filed with the Office of the Clerk of Court, MTC, San Fernando, for the purpose of informing Judge Sunga of the irregularities in the assignment of *jueteng* cases. This prompted the issuance of the subject August 17, 1999 Memorandum to Judge Liangco.

In compliance with the said Memorandum, Judge Liangco submitted a letter[2] dated August 20, 1999 informing Judge Sunga that the twenty-nine (29) cases for violation of P.D. 1602 indicated in the monthly report for July, 1999, were all assigned to Branch 1 of the MTC, San Fernando, Pampanga where Judge Liangco presides.

Upon receipt of the letter-compliance of Judge Liangco, Judge Sunga issued another Memorandum[3] dated August 24, 1999 asking the respondent judge to explain in writing the manner of raffling of cases filed in his court. When Judge Sunga was going over the attachment ("Filed Criminal Cases for the Month of July, 1999"), he noticed that there were actually fifty-five (55) *jueteng* cases filed during the said period. He also noticed that out of the said fifty-five (55) cases, fifty-three (53) were assigned to Branch 1. Noting the statistical improbability of having fifty-three (53) out of fifty-five (55) cases assigned to just one branch, Judge Sunga required respondent Executive Judge Liangco, all Municipal Judges, and the Clerk of Court of the MTC, San Fernando, Pampanga to explain in writing the manner or conduct of raffling of cases in the said Municipal Trial Court and how the above-described circumstances came about.

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[2] *Rollo*, p. 15.

[3] *Rollo*, p. 16.

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In a letter[4] dated August 25, 1999, respondent Judge Liangco gave the following explanation:

"The reason for the assignment of these cases for Violation of P.D. 1602 to the Municipal Trial Court, Branch 1 was due to the fact that the accused in these cases were detained or otherwise restrained of their liberty they having been apprehended in *flagrante delicto*, so that to enjoy provisional liberty they would file motions to be allowed to post bail addressed to the undersigned he, being the Executive Judge without awaiting the scheduled raffle dates of cases during Tuesdays and Fridays. In short, because of the necessity of enjoying provisional liberty, immediately after the filing of criminal complaints said accused would file as above indicated their motions to be allowed to post bail. The same would be immediately acted upon without awaiting the scheduled raffle dates, more particularly if the complaints filed against them would fall during dates which are not raffle dates. The criminal complaints affected thereby would be considered as having been raffled off or otherwise assigned to MTC-Branch 1. This is made to facilitate the release from custody of the accused upon the filing of their bonds. On the raffle dates the criminal complaints for violation of said law shall be considered as having assigned to MTC-Branch 1.

The practice above indicated approximates and is in consonance with the Memorandum dated September 1, 1998 whereby to obviate unnecessary preparation and filing of motions for consolidation of cases in reference to cases with common and the same evidence, the same accused or defendant, or where the complainant/complainants, plaintiff/plaintiffs, private or public are the same shall be raffled off and assigned to a particular branch to the exclusion of the other branches of the Municipal Trial Court, copy of which is hereto attached as Annex "A" and made an integral part hereof."

In compliance with the same Memorandum dated August 24, 1999 issued by Judge Sunga inquiring about the conduct of raffling of cases in the Municipal Trial Court, San Fernando, Pampanga, Clerk of Court, Juanita M. Flores, gave the following explanation:

"The raffling of cases is conducted at the Office of the Clerk of Court every Tuesdays and Fridays at 2:00 o'clock in the afternoon, wherein a prepared list of cases scheduled for raffle for that particular date is submitted to the Executive Judge prior to raffle.

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[4] *Rollo*, pp. 41-42.

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As to Your Honor's query regarding cases for violation of PD 1602 (*Jueteng*) which seemingly were all assigned/raffled to Branch I, the undersigned wishes to inform Your Honor that when she assumed her position as the Clerk of Court, she came to know that such cases were not raffled and it has been the practice at Branch I that upon filing of said cases, one of their staff will automatically get the records (apparently for the purpose of approving the cashbond of the accused therein who are under detention) without returning them. Jueteng cases not yet raffled together with the records are automatically retained by Branch I without subjecting the case to the formalities of the procedure in raffling of cases, as mandated by Supreme Court Circular No. 7 dated September 23, 1974, *despite request or demand by the undersigned for their return*, contrary to the allegation of the Executive Judge in his letter dated August 20, 1999 that the 29 cases (actually 53 out of 55 as correctly noticed by Your Honor and as reflected) for Violation of PD 1602 indicated in our monthly report for July, 1999 were "raffled or assigned" to Branch I.

There was even an instance wherein one of the Judges here confronted the undersigned questioning why *jueteng* cases are seemingly not being raffled, for the obvious reason that no such case is assigned to him. For this reason, the undersigned was constrained to discuss the matter with the Municipal Trial Court Executive Judge on one occasion. To her dismay, the Executive Judge replied in the vernacular "*ala yang pakialam kanita, designated judge yamu.*"

Judge Rodrigo R. Flores, Municipal Trial Court, Branch 2, San Fernando, Pampanga, for his part, alleged the following in his letter-explanation[5] dated August 27, 1999:

"Conduct of raffle of cases is done at the Office of the Clerk of Court every Tuesday and Fridays at 2:00 o'clock in the afternoon, wherein Branch Clerk of Court or their duly authorized representatives are present. Cases are numbered consecutively and corresponding numbers were drawn like that of a bingo game. Afterwards each representative will sign the result and each branch will be furnished a copy duly signed by the Clerk of Court and certified by the Executive Judge.

As to cases of P.D. 1602 please be informed that for the month of July 1999 only one case of *Jueteng* docketed as Criminal Case No. 99-2155 was raffled to this Court."

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[5] *Rollo*, p. 46.

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Two other judges, namely, Judge Perfecto S. Corpus, Jr.[6] of MTC, Branch 3, San Fernando, Pampanga and Judge Domingo C. San Jose, Jr. of MTC, Branch 4, San Fernando, Pampanga, submitted their Memoranda[7] explaining the conduct of the raffling of cases and stated that they had no personal participation with regard to the raffling of cases.

On September 3, 1999, by way of a 1st Indorsement,[8] RTC Executive Judge Sunga referred to Senior Deputy Court Administrator Reynaldo L. Suarez, for appropriate action, the explanation letters of the Judges and the Clerk of Court of the Municipal Trial Court of San Fernando, Pampanga, in response to his Memorandum dated August 24, 1999.

Subsequently, on September 17, 1999, the Hon. Chief Justice Hilario G. Davide, Jr. sent a communication[9] to RTC Executive Judge Sunga informing the latter of the receipt by the Office of the Chief Justice of the letter-explanation of MTC Clerk of Court Juanita M. Flores dated August 26, 1999, exposing the irregularities being committed in the raffle of *jueteng* cases. The Chief Justice directed Judge Sunga to inform him of what action he has taken on the said letter of Clerk of Court Flores as well as the result thereof, if any.

In response to the communication of the Chief Justice, Judge Sunga sent a letter[10] dated September 23, 1999, informing the Chief Justice that as early as August 17, 1999 he has instructed respondent Executive Judge Liangco of the Municipal Trial Court of San Fernando, Pampanga, to explain the conduct of raffle in the said Municipal Court particularly of cases involving violation of P.D. 1602 (Illegal Gambling). Judge Sunga also stated in his letter that he sent another Memorandum dated August 24, 1999 to respondent

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[6] Judge Perfecto S. Corpus, Jr., adopted the contents of the Memorandum of his Branch Clerk of Court, Ernesto Maninang, found on p. 24 of the *Rollo*.

[7] *Rollo*, pp. 47-48.

[8] *Rollo*, p. 29.

[9] *Rollo*, p. 2.

[10] *Rollo*, pp. 5-6.

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Executive Judge Liangco, the Judges and the Clerk of Court of the said Municipal Court and to which all said officials of the Municipal Court submitted their respective letter-compliance.

Finally, on October 19, 1999, by way of a 1st Indorsement,[11] the Chief Justice referred to Senior Deputy Court Administrator Reynaldo L. Suarez the letter dated September 17, 1999 of the Chief Justice to Judge Sunga, the latter's answer dated September 23, 1999, together with all the annexes, for evaluation and recommendation, especially on the procedure adopted by respondent Executive Judge Daniel Liangco on the raffle of cases involving Violation of P.D. No. 1602.

In its evaluation report[12] dated October 22, 1999, the Office of the Court Administrator (OCA) made the following recommendations:

1. Executive Judge Daniel Liangco, MTC, San Fernando, Pampanga, be DIRECTED to explain why the fifty-four (54) cases for violation of P.D. 1602 (*Jueteng*) were directly assigned to his *sala* without the benefit of raffle, in willful violation of Circular No. 7, dated September 23, 1974;
2. A Judicial Audit Team be DIRECTED to audit and inspect all the cases pending and submitted for decision at the four (4) branches of the MTC, San Fernando, Pampanga;
3. Ms. Juanita Flores, Clerk of Court, OCC, MTC, San Fernando, Pampanga, be DIRECTED to submit a detailed list of all the cases raffled to each of the branches of the MTC, San Fernando, Pampanga, indicating therein the nature of each case from January 1999 to October 15, 1999;
4. Judge Liangco be placed under indefinite suspension pending the investigation of this complaint as well as of the administrative charge for gross ignorance of the law, also pending before this court, docketed as A.M. No. 97-248-OCA-IPI No. 97-248-MTJ now MTJ-97-1136 (*Hermogenes Gozum vs. Judge Daniel B. Liangco*).

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[11] *Rollo*, p. 1.

[12] *Rollo*, pp. 51-57.

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In a Resolution[13] of the Court *En Banc* dated November 9, 1999, the Court resolved to adopt the above recommendations of the OCA.

Pursuant thereto, respondent Judge Liangco submitted the following explanation[14] dated November 19, 1999:

1. That when the respondent Judge Daniel B. Liangco assumed the duties and functions of acting Executive Judge of the Municipal Trial Court of San Fernando, Pampanga, he devised a scheme of procedure in the raffle and assignment of cases to various branches of the same court, whereby cases of the same nature and character, involving the same parties and common or the same evidence, either criminal or civil, were grouped together and assigned to a particular branch, to the exclusion of the other branches. The primary purpose of the respondent judge is to avoid motions for consolidation which entail unnecessary delay in the disposition of cases. In order to implement this scheme of procedure, a Memorandum dated September 1, 1998, was issued by the respondent judge and the grouping of the 54 cases referred to in the said Resolution of this Honorable Tribunal was made pursuant to the said Memorandum dated September 1, 1998. A copy of the Memorandum dated September 1, 1998, is hereto attached and made an integral part hereof as Annex "A";

2. That the Executive Judge, the Honorable Pedro M. Sunga, Jr., of the Regional Trial Court, San Fernando, Pampanga, called the attention of the respondent judge regarding the Memorandum dated September 1, 1998, and advised him to just follow Circular No. 7 of this Honorable Tribunal respecting the raffle of cases to avoid any problem in the future. Following the advice of Executive Judge Pedro M. Sunga, Jr., the respondent judge issued another Memorandum dated September 1, 1999, which in effect revoked the Memorandum dated September 1, 1998. This latter Memorandum dated September 1, 1999, adhered to the requirements of the said Circular No. 7 of this Honorable Tribunal respecting the raffle of cases, a copy of the said Memorandum dated September 1, 1999, is hereto attached and made an integral part hereof as Annex "B";

3. That the system of grouping cases under one branch pursuant to the said Memorandum dated September 1, 1998, was inspired by the

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[13] *Rollo*, pp. 65-66.

[14] *Rollo*, pp. 202-205.

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respondent judge's intention to provide facility in the assignment and disposition of cases and avoid unnecessary delay, which is necessarily brought about by the preparation of motions for consolidation and the preparation and issuance of the corresponding orders;

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8. That the respondent judge did not have any intention whatsoever to violate the said Circular No. 7 of this Honorable Tribunal or any existing law or any other circular of this Honorable Tribunal when he issued and had the Memorandum dated September 1, 1998, implemented, and his only purpose was only to assist in the speedy administration of justice;

9. That if in issuing and having the said Memorandum dated September 1, 1998, implemented, the respondent judge committed any violation of the said Circular No. 7 or any existing law or any other circular, rules or regulations of this Honorable Tribunal, the respondent judge hereby begs the kind indulgence of this Honorable Tribunal and hereby assures this Honorable Tribunal that the same shall not be repeated.

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Respondent Judge thus prays for the dismissal of the instant administrative case against him and for the lifting of his preventive suspension.

In a resolution dated February 8, 2000, the Court *En Banc* noted the Explanation dated November 19, 1999 of respondent Judge Liangco in compliance with the Resolution of this Court dated November 9, 1999. The Court further resolved to refer this administrative matter to the OCA for evaluation, report and recommendation.

After a thorough investigation of the case, the OCA found that the act of respondent Judge in issuing the Memorandum dated September 1, 1998 under which certain cases are not subjected to the required raffle, in violation of Supreme Court Circular No. 7, constitutes a serious breach of his duty as the Executive Judge of the MTC of San Fernando, Pampanga and calls for the imposition of administrative sanctions. The OCA also recommended that respondent Judge Liangco be dismissed from the service, with

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forfeiture of all retirement benefits and accrued leave credits, with prejudice to re-employment in any branch of government including government-owned or controlled corporations.

Pursuant to the Memorandum submitted by Senior Deputy Court Administrator Suarez, we find that respondent Executive Judge Liangco of MTC, Branch 1, San Fernando, Pampanga, has indeed committed gross and blatant irregularity with respect to the raffle of cases involving violations of P.D. 1602 (*Jueteng*).

Supreme Court Circular No. 7, dated September 23, 1974, provides in part:

> All cases filed with the Court in stations or groupings where there are two or more branches shall be assigned or distributed to the different branches by raffle. *No case may be assigned to any branch without being raffled.*[15]

By issuing the Memorandum dated September 1, 1998, whereby cases allegedly involving the same parties and common or similar evidence are directly assigned to a particular branch without the benefit of raffle, and considering the established fact that in the month of July 1999, fifty-four (54) out of fifty-five (55) cases involving *jueteng* or violation of P.D. 1602 were actually assigned without benefit of raffle to his own *sala* (Branch I of the MTC, San Fernando, Pampanga), respondent Executive Judge Liangco knowingly and willfully violated the above-cited Circular of the Supreme Court.

Respondent contends that the fifty-four (54) cases for violation of P.D. 1602 were directly assigned to his branch without the benefit of raffle pursuant to his said Memorandum dated September 1, 1998. The Memorandum was allegedly issued by respondent Judge in view of the desire of the accused in said cases to enjoy provisional liberty, so that immediately after the filing of the criminal complaint against them the accused could file their petition for bail. Respondent Judge would then act upon the petitions for bail and the records of the cases would be retained by Branch 1 inasmuch as said cases are "considered as having been raffled off

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[15] Italics supplied.

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or otherwise assigned to MTC-Branch 1," which is his own sala. Respondent Judge further contends that this procedure is adopted "to facilitate the release from custody of the accused upon the filing of their bonds."

The contention of respondent Judge is untenable. If respondent merely wanted to facilitate the release on bail of such accused, why then did he have to retain the records of the cases concerned and consider said cases automatically assigned to his own sala? Indeed, there is no connection at all between respondent's alleged desire to facilitate the release of such accused on bail and his questionable act of retaining the records of the cases for direct assignment to his own *sala*. For after granting bail to the accused, his alleged purpose of immediately extending provisional liberty to the accused shall already have been served. There is thus no need or justification to retain the records of the cases and consider them "raffled off" to his own *sala* which is Branch 1 of the MTC, San Fernando, Pampanga.

On the other hand, in his Explanation dated November 19, 1999, in response to the Resolution of the Court *En Banc*, dated November 9, 1999, respondent mentioned little about his alleged purpose of being able to grant immediately provisional liberty to the accused in cases involving violations of P.D. 1602, and instead he concentrated on another reason for the assignment of the fifty-four (54) cases for violation of P.D. 1602 to his *sala*: "to provide facility in the assignment and disposition of cases," inasmuch as motions for consolidation entailed by the assignment of cases involving the same parties, subject matter and evidence to different branches of the MTC allegedly results in an unnecessary delay in the disposition of said cases.

The inconsistency in his explanation is indicative of the falsity of his claims. From claiming that the non-inclusion of the subject fifty-four (54) cases in the raffle was for the purpose of helping the accused in obtaining expeditiously their provisional liberty, respondent wavered in his November 19, 1999 explanation and claimed that the assignment of the said cases to his *sala* was due to his desire to help in the speedy administration of justice. Such inconsistent statements cast doubt on his sincerity as to his true

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intentions in directly assigning the subject fifty-four (54) cases to his *sala* instead of having them raffled in accordance with Supreme Court Circular No. 7 dated September 23, 1974.

Furthermore, respondent's claim of good faith in issuing the Memorandum dated September 1, 1998 is defeated or demolished by the fact that the judicial audit conducted by the Office of the Court Administrator in the four (4) branches of the Municipal Trial Court of San Fernando, Pampanga on December 6-10, 1999, pursuant to the November 9, 1999 Resolution of the Court *En Banc*, revealed that contrary to the avowed purpose of respondent's Memorandum "(t)o avoid unnecessary preparation and filing of motions for consolidation," there were actually cases filed between the months of January, 1999 and August, 1999, which were not subjected to the said Memorandum, as evidenced by several Orders[16] directing the consolidation of cases.

In addition, the detailed list[17] of cases raffled to the different branches of the MTC, San Fernando, Pampanga from January, 1999 to October 15, 1999, submitted by Ms. Juanita Flores, Clerk of Court II, MTC, San Fernando, Pampanga, in compliance with the Resolution of the Court *En Banc*, dated November 9, 1999, reveals that for the period from January, 1999 to August, 1999 (which is prior to the issuance by respondent Judge of the September 1, 1999 Memorandum revoking his Memorandum of September 1, 1998), a total of two hundred thirty-eight (238) cases involving violation of P.D. 1602 were assigned to Branch 1, as against only three (3) [Criminal Case Nos. 99-1053, 99-2155 and 99-2380] assigned to Branch 2, only one (1) [Criminal Case No. 99-0899] to Branch 3 and twelve (12) [Criminal Case Nos. 99-0900, 99-0934 to 99-0941, 99-0944, 99-1088 and 99-2736] to Branch 4. This very unequal distribution of cases involving violation of P.D. 1602 to the four branches of the MTC, San Fernando, Pampanga is highly irregular. Add to this fact is that cases of a different nature — those not involving violations of P.D. 1602 — were more or less equally

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[16] Memorandum submitted by Senior Deputy Court Administrator to the Office of the Chief Justice, pp. 11-12.

[17] *Rollo*, pp. 69-200.

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distributed in accordance with the requirements of Supreme Court Circular No. 7, thus further indicating the undue interest which respondent Judge Liangco has taken with respect to cases involving Violation of P.D. 1602.

The questioned acts of respondent Judge Liangco constitute a clear breach of his duty as a judge. The Code of Judicial Conduct mandates that: "A judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary."[18] Respondent judge's manner of automatically assigning cases of violation of P.D. 1602 or "*Jueteng*" cases to its own branch [Branch 1, MTC, San Fernando, Pampanga] without the benefit of raffle, casts doubt on his integrity as a judge and erodes the confidence of the people in the judicial system. Respondent Judge Liangco should remember that judges are held to higher standards of integrity and ethical conduct than attorneys or other persons not invested with the public trust.[19] A judge's official conduct and his behavior in the performance of judicial duties should be free from the appearance of impropriety and must be beyond reproach.[20] He should avoid even the slightest infraction of the law.

Nevertheless, we are of the view that dismissal is too harsh a penalty to be imposed in the case at bench inasmuch as there was no direct proof that respondent Judge Liangco profited from automatically assigning P.D. 1602 cases to his own branch without the benefit of raffle. A six-month suspension would be a more appropriate penalty to be imposed in the case at bench.

IN VIEW OF ALL THE FOREGOING, respondent Judge Daniel Liangco is *SUSPENDED*, without pay, from the service for six (6) months with *WARNING* that a repetition of the same or similar acts in the future will be dealt with more severely.

The Clerk of Court of the Municipal Trial Court of San Fernando, Pampanga is hereby ordered to raffle pending cases

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[18] Rule 2.01.

[19] *Office of the Court Administrator vs. Estacion, Jr.*, 247 SCRA 503, 505 (1995).

[20] *Legaspi vs. Garrete*, 242 SCRA 679, 697 (1995); *Alazas vs. Reyes,* 131 SCRA 445, 453 (1984).

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involving violation of P.D. 1602 that were assigned, without raffle, to Branch 1, MTC, San Fernando, Pampanga.

SO ORDERED.

Mendoza (Acting Chairman), Quisumbing, and *Buena, JJ.*, concur

Bellosillo (Chairman), J., is on leave.

SECOND DIVISION

[Adm. Matter No. MTJ-00-1289. August 1, 2000]
(Formerly A.M. No. OCA-IPI-96-216-MTJ)

JESUSA M. SANTIAGO, *complainant, vs.* **JUDGE EDUARDO U. JOVELLANOS, MCTC, Alcala-Bautista, Pangasinan; ADORACION R. MARCOS, Clerk of Court, MCTC ,Alcala-Bautista, Pangasinan; and CELESTINA B. CORPUZ, Clerk of Court, Municipal Trial Court, Urdaneta, Pangasinan,** *respondents.*

[Adm. Matter No. MTJ-00-1289. August 1, 2000]
(Formerly A.M. No. OCA-IPI-97-262-MTJ)

MARGARITA SANCHEZ, *complainant, vs.* **JUDGE EDUARDO U. JOVELLANOS, MCTC, Alcala-Bautista, Pangasinan,** *respondent.*

SYNOPSIS

Two verified complaints were filed against Judge Eduardo U. Jovellanos of the Municipal Circuit Trial Court (MCTC) of Alcala-Bautista, Pangasinan. The first case was filed by Jesusa M. Santiago against Judge Jovellanos, Adoracion R. Marcos as Clerk of Court of said court, and Celestina Corpuz as Clerk of Court of the Municipal Trial Court (MTC) of Urdaneta, Pangasinan. Santiago