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the amount of ₱25,000.00 with interest at the legal rate, computed from December 12, 1996.

SO ORDERED.

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

Buena, J., abroad on official business.

FIRST DIVISION

[A.M. No. MTJ-00-1310. December 18, 2001]
(Formerly OCA I.P.I. No. 98-510-MTJ)

ROSALINDA PUNZALAN AND RAINIER PUNZALAN, *complainants, vs.* **JUDGE RUBEN R. PLATA,** *respondent.*

SYNOPSIS

Complainants filed an administrative complaint against the respondent judge charging him with grave misconduct, lack of moral character and oppressive conduct unbecoming a judge. After reviewing the records of the case, the Supreme Court held: that complainants failed to adduce evidence that respondent judge participated in the filing of the fourteen allegedly retaliatory and harassment suits against the complainants and their eyewitnesses; that even assuming that respondent judge was in fact aware that his family and companions would file the subject fourteen cases, such awareness does not necessarily amount to promoting, giving aid or consenting to the filing of groundless, false or unlawful suits; but that it was glaringly improper for respondent judge to execute a compromise agreement for the dismissal of the instant administrative case. This is prohibited under Section 5, Rule 139-B of the Rule of Court.

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SYLLABUS

1. **LEGAL AND JUDICIAL ETHICS; ADMINISTRATIVE COMPLAINT AGAINST JUDGES; GRAVE MISCONDUCT; LACK OF EVIDENCE TO SHOW JUDGE PARTICIPATED IN FILING GROUNDLESS SUITS IN CASE AT BAR.** — The records show that the complainants failed to adduce evidence that respondent judge participated in the filing of the fourteen allegedly retaliatory and harassment suits against the complainants and their eyewitnesses, except in the case for robbery/theft filed by his son Michael where respondent judge filed a Supplemental Affidavit as registered owner of the vehicle subject of the case. Even assuming that contrary to his testimony, respondent judge was in fact aware that his family and companions would file the subject fourteen cases, such awareness does not necessarily amount to wittingly or willingly promoting or giving aid or consenting to the filing of groundless, false or unlawful suits. There is also a dearth of evidence with respect to complainants' allegation that respondent judge took advantage of his legal expertise and experience as a former prosecutor and exerted influence upon the Mandaluyong City prosecutors to secure favorable actions and recommendations. In fact, as pointed out by the OCA, eleven of the alleged harassment suits were dismissed by 3rd Assistant City Prosecutor Susante J. Tobias in her July 28, 1998 Joint Resolution for lack of sufficient basis in fact and in law.

2. **ID.; ID.; EXECUTION OF A COMPROMISE AGREEMENT FOR THE DISMISSAL OF THE ADMINISTRATIVE COMPLAINT IS GLARINGLY IMPROPER; CASE AT BAR.** — We, however, find improper respondent judge's execution of the July 16, 1999 compromise agreement. Worthy of notice is the subject matter of the compromise agreement, which, among others, is the dismissal of the instant administrative case in consideration of ₱180,000.00 and the withdrawal of the cases filed against the complainants and their eyewitnesses. It cannot be gainsaid that public office is a public trust and this truism is no more applicable than to the office of a judge for he is a visible representation of law and justice. The dignity of a public office cannot be bought nor compromised. . . . Lawyers are officers of the court tasked with aiding the court in its dispensation of justice. There are weightier reasons why investigations and

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complaints against judges should not be settled or compromised for judges not only aid in the dispensation of justice but dispense justice themselves. Respondent judge's execution of a compromise agreement to have the instant administrative case dismissed is glaringly improper and should not be countenanced.

APPEARANCES OF COUNSEL

Perlas Chan Abrenica Law Office for complainants.
Wilfredo P. Ambrosio for respondent.

D E C I S I O N

PUNO, *J.*:

Respondent Judge Ruben Plata is a judge and a father. As a judge, he is hidebound to the judicial canon that he should "avoid impropriety and the appearance of impropriety in all his activities."[1] As a father, he has a moral duty to care for and protect his family. In his effort to defend his family at the expense of propriety, he sullied his judicial robe and must therefore pay the price.

On February 18, 1998, Precioso R. Perlas and Ma. Teresa C. Manansala, on behalf of complainants Rosalinda B. Punzalan and Rainier B. Punzalan, filed with the Office of the Court Administrator (OCA) a Sworn Complaint against respondent judge for grave misconduct, lack of moral character and oppressive conduct unbecoming a judge.

The following facts gave rise to this complaint.

On August 15, 1997, an information for attempted homicide allegedly committed against Rainier Punzalan on August 13, 1997, was filed against Michael Plata. It was filed, on complaint of the victim, in the Metropolitan Trial Court, Branch 60, Mandaluyong City, and docketed as Criminal Case No. 66879.

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[1] Canon 2 of the Code of Judicial Conduct.

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The accused therein, twenty-year old Michael Plata, is the son of respondent Judge Plata. Michael Plata appealed to the Chief State Prosecutor the resolution in I.S. No. 97-10732 upon which the information in Criminal Case No. 66879 was based. On June 18, 1998, the Chief State Prosecutor set aside the said resolution upon finding that the testimonies of the prosecution witnesses were conflicting, and more importantly, that Dencio dela Peña voluntarily, spontaneously, and knowingly admitted that it was he who accidentally shot Rainier Punzalan on August 13, 1997. The Chief State Prosecutor directed the City Prosecutor of Mandaluyong to cause the withdrawal of the information for attempted homicide against Michael Plata.[2] Rainier Punzalan moved for reconsideration of the Chief State Prosecutor's June 18, 1998 resolution, but this was denied by former Justice Secretary Serafin Cuevas on February 8, 1999.[3]

After the information against Michael Plata was filed and while it was not yet withdrawn, numerous cases were filed by respondent's wife Rosario, his son Michael and his driver Robert Cagara, the Platas' house boarder Dencio dela Peña and Rolando Curampes, against herein complainant Rosalinda, her sons Rainier and Randall, and the latter's friends who were eyewitnesses to the shooting incident. The Platas and the Punzalans were neighbors in Hulo Bliss, Mandaluyong City. Complainants allege that, by taking advantage of his legal expertise and experience as a former prosecutor of Pasay City and of his judicial connections and influence, respondent judge orchestrated the filing of the following groundless cases to harass and retaliate to the Punzalans and their eyewitnesses:

1. I.S. No. 97-11487 for grave oral defamation allegedly committed on August 13, 1997, filed by Michael Plata against Rosalinda Punzalan;

2. I.S. No. 97-11528 for attempted murder allegedly committed on August 13, 1997, filed by Dencio dela Peña against Rainier Punzalan and six eyewitnesses;

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[2] *Rollo*, pp. 437-443.

[3] *Rollo*, p. 444.

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3. I.S. No. 97-11485 for slight physical injuries allegedly committed on August 30, 1997, filed by Robert Cagara against Randall Punzalan and three eyewitnesses;

4. I.S. No. 97-11786 for grave oral defamation allegedly committed on October 16, 1997, filed by Michael Plata against Rosalinda Punzalan;

5. I.S. No. 97-11522 for grave oral defamation allegedly committed on October 16, 1997, filed by Dencio dela Peña against Rosalinda Punzalan;

6. I.S. No. 97-44856 for grave oral defamation allegedly committed on October 16, 1997, filed by Robert Cagara against Rosalinda Punzalan;

7. I.S. No. 97-11764 for grave oral defamation allegedly committed on October 21, 1997, filed by Rolando Curampes and Robert Cagara against Randall Punzalan and ten eyewitnesses;

8. I.S. No. 97-11766 for robbery allegedly committed on October 25, 1997, filed by Judge Ruben R. Plata and Michael Plata against Randall Punzalan and eleven eyewitnesses;

9. I.S. No. 97-11765 for malicious mischief allegedly committed on October 25, 1997, filed by Michael Plata against Randall Punzalan and eleven eyewitnesses;

10. I.S. No. 97-11492 for grave threats allegedly committed on October 30, 1997, filed by Michael Plata against Rosalinda Punzalan.

Other cases were filed without preliminary investigation conducted by the Mandaluyong City prosecutors who, complainants allege, are "obviously friendly" to respondent judge, *viz:*

1. I.S. No. 97-11648 or Criminal Case No. 68742 for grave threats allegedly committed on October 21, 1997, filed by Rolando Curampes and Robert Cagara against Randall Punzalan, Rainier Punzalan, *et al*;

2. I.S. No. 97-11427 or Criminal Case No. 68848 for malicious mischief committed on August 13, 1997, filed by Rosario J. Plata against Randall Punzalan, *et al.*;

3. I.S. No. 97-11427 or Criminal Case No. 68849 for malicious mischief committed on August 30 and 31, 1997, filed by Rosario J. Plata against Rainier Punzalan, *et al.*

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For maliciously causing the filing of these allegedly unfounded cases, complainants seek the dismissal of respondent judge on the following grounds, *viz*:

"(a) GROSS MISCONDUCT

xxx x x x xxx

A GOOD JUDGE invites *the "peaceful settlement of disputes in the community."* A BAD JUDGE on the other hand, encourages *STRIFE, DISSENSION* and *DISCONTENTMENT* in the community.

The deliberate filing of the above false and concocted thirteen (13) countercharges in such a flagrant and shameless manner clearly demonstrates a serious flaw in the character of the respondent to be an *exemplary and respectable Member of the Bench.*

(b) LACK OF MORAL CHARACTER

xxx x x x xxx

A person (referring to Judge Plata) who bears a perverted notion of right and wrong is unfit and unsafe to sit in judgment of the citizens who seek his office. He is bound to misapply the law and thereby cause the loss of confidence in the judiciary. It would be dangerous to allow him to occupy such a position with its powers and prerogatives.

A judge who has a predisposition to do wrong is bound to commit frequent infractions of the law; he would set a bad example. (*Legal and Judicial Ethics*, Martin)

(c) OPPRESSIVE CONDUCT UNBECOMING OF A JUDGE

xxx x x x xxx

Had Judge Plata been an ordinary law practitioner, his desperate attempt to defend his son by unethically resorting to the Machevialllian (*sic*) strategy of "OFFENSE IS THE BEST DEFENSE" would be understandable. But being an incumbent and presiding Judge of a Court of the Republic who among others, had sworn as follows —

'xxx; **I will do no falsehood, nor consent to the doing of any in court; I will not wittingly nor willingly promote or sue any groundless, false or unlawful suit, or give aid nor consent to the same**; xxx.'

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his oppressive conduct is simply UNACCEPTABLE not only to the legal profession as a whole but more particularly to the other respectable members of the Judiciary.

Undeniably — this oath is so sacred. And it should be — specially for an individual like respondent Judge PLATA who now sits in a responsible and respectable judicial position in Isabela City, a major commercial city in North Luzon. He is obliged under the CANONS OF JUDICIAL ETHICS not only to act impartially but also to BEHAVE with dignity and above reproach."[4]

On March 2, 1998, Precioso Perlas filed a Supplemental Administrative Complaint informing the OCA that the daughter of respondent judge, Kathy Rose J. Plata, filed a 14th case, Criminal Case No. MC 98-319, entitled "*People v. Avelino 'Bobby' Serrano*" for attempted murder against one of complainants' eyewitnesses. Complainants allege that the case was filed upon the instigation of respondent judge.

In his Comment dated April 3, 1998, respondent judge denied the charges against him and narrated his version of what happened after the stabbing of complainant Rainier Punzalan, *viz*:

"As a father, after I learned of the foregoing incident (referring to the stabbing and the implication of his son), I immediately discussed the matter with my son who vehemently denied his involvement and professed to me that he merely became involved in the incident in his efforts to pacify a group of youngsters who were engaged in a rumble. While it is not for me to pass judgment on my son's guilt or innocence, it is evidently my moral obligation to make arrangements for the engagement of adequate and competent legal representation for my son to ensure that his rights will be protected and that the truth will be determined in accordance with due process of law. However, I have repeatedly advised my son as well (*sic*) my family to abide by the final resolution of said criminal case and to be ready to face whatever its consequences may be.

Further, in the interest of restoring peace and tranquility in the community where my children reside, far from my station in Santiago

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[4] *Rollo*, pp. 5-6; Administrative Complaint against Honorable Ruben R. Plata, pp. 6-8.

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City, Isabela, I exerted earnest efforts to resolve any misunderstanding that may have arisen from the foregoing incident. However, my efforts proved futile as my family even became the subject of subsequent repeated acts of harassment and intimidation. Thus, faced with the foregoing predicament, I also advised my family to always seek the assistance of the authorities for their protection. I also advised my family to resort only to peaceful and legal means to protect themselves and to seek redress for whatever grievance they may have within the confines of our judicial processes.

As a member of the bench, I recognized the implications of the foregoing incidents to the office that I hold. I realize the need to act with circumspection and to purposely avoid any untoward suspicion as what the complainants now have raised. Since the inception of the criminal indictment of my son, I have consciously distanced myself from the mire of the ensuing proceedings relating to said criminal case. I also left all legal matters involving my son and my family entirely in the able hands of their lawyers. I have not participated and I never intend to take part, much more to unduly influence or intervene, in any proceedings involving my son and my family as I have full faith in the integrity of our criminal justice system and the men and women tasked to dispense justice under it. All these I have done in a conscious effort to avoid any misimpression that I am exerting undue influence over the outcome of the proceedings involving my son and my family. Thus, it now pains me to be subjected to the unfair and malicious allegations leveled against me by the complainants."[5]

Respondent judge denies having exerted influence over the Mandaluyong City prosecutors who filed the set of cases without preliminary investigations as he claims that he does not even know them. He stressed that he had no participation in the filing of all the cases cited by complainants, except for I.S. No. 97-11766, the robbery charge filed by his son where he (Judge Plata) had to file a Supplemental Affidavit as he was the registered owner of the vehicle subject of the robbery.[6]

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[5] *Rollo*, pp. 73-74; Judge Plata's response dated April 3, 1998 to the letter-complaint dated February 18, 1998 of Ms. Rosalinda B. Punzalan and Mr. Rainier B. Punzalan.

[6] *Rollo*, p. 74.

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On February 24, 1999, the Second Division of the Court resolved to refer the instant case to Executive Judge Fe Albano Madrid, Regional Trial Court, Santiago City, Isabela for investigation, report and recommendation.[7] In compliance thereto, Judge Madrid submitted a one-page report dated July 19, 1999 without making findings of fact and conclusions of law nor making a recommendation therein, *viz*:

"In compliance with the Resolution of the Honorable Supreme Court, Second Division dated January 24, 1999 which was received on April 12, 1999, the undersigned Executive Judge, Regional Trial Court, Santiago City called the parties to appear for hearing, after receiving the records of the case on May 11, 1999.

The complainants did not appear in the scheduled hearing on June 4, 5, 25 and 26, 1999.

On June 25, 1999, the complainants filed an urgent Motion to Cancel Hearing thus the hearing was re-scheduled on July 16, and July 17, 1999.

On July 16, 1999, the complainant together with their counsel Atty. Ma. Theresa Manansala manifested jointly with respondent's counsel Atty. Wilfredo Ambrocio, that the parties have settled and that they will move to dismiss the case.

Apparently the respondent offered to settle which the complainants accepted and so they choose to have their complaint dismissed.

Respectfully submitted."[8]

The report did not include a copy of the compromise agreement between the complainants and respondent judge.

On September 6, 1999, the OCA received a copy of an "Urgent Ex-Parte Motion to Revive" dated August 16, 1999 filed by the complainants before the investigating judge seeking to revive the investigation on the respondent judge as he did not comply with his undertakings in the compromise agreement dated July

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[7] *Rollo*, p. 102.

[8] *Rollo*, p. 121.

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16, 1999. The agreement stipulated that in the spirit of neighborliness, herein complainants and respondent judge agreed to amicably settle their differences with the respondent judge undertaking to pay the complainants ₱180,000.00 in four equal monthly installments payable on July 31, 1999, August 31, 1999, September 30, 1999, and October 31, 1999, and to withdraw or cause the withdrawal of the cases he, his wife, and his son Michael Plata filed against the complainants, Randall Punzalan, and their eyewitnesses. For their part, the complainants undertook to cause the withdrawal of the instant administrative case and the attempted homicide case against Michael Plata.[9]

Respondent judge admitted that he was not able to pay the first installment on July 31, 1999, but explained that when he entered into the compromise agreement, he thought that he could seek financial assistance from a friend who promised to lend him money because her daughter received inheritance; he also planned to sell or mortgage a piece of land he owned in Muntinlupa. It turned out, however, that by the time the first installment fell due, his financial condition could not permit him to pay the amount due the complainants. Thus, on August 4, 1999, complainants' lawyer sent him a letter demanding payment of the first installment by August 6, 1999. The letter was sent to respondent judge's residence in Mandaluyong even though he was then stationed in Santiago City, Isabela. While his family was trying to raise the amount to cover the first installment, the complainants filed the "Urgent *Ex-Parte* Motion to Revive" dated August 16, 1999. Respondent also pointed out that complainants themselves had failed to comply with the terms of the compromise agreement as they had not caused the provisional dismissal or withdrawal of the instant case.[10] Under these circumstances, respondent judge no longer wished to abide by the compromise agreement and instead proceeded to present evidence to exculpate himself from the administrative charges leveled against him.

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[9] *Rollo*, pp. 434-444.

[10] TSN, Ruben Plata, February 12, 2000, pp. 19-21; *Rollo*, pp. 271-273; Memorandum for Respondent, pp. 12-13; *Rollo*, pp. 513-514.

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The Court issued a resolution on December 15, 1999, returning the instant case to Executive Judge Madrid for a more thorough fact-finding investigation. Judge Madrid conducted the investigation and submitted a report dated April 6, 2000 wherein she recommended that respondent judge be "admonished to be more upright in his dealings with others."[11]

On July 3, 2000, the Court noted the report of Judge Madrid[12] and referred the instant case to the OCA for evaluation, report, and recommendation. In its Memorandum dated August 7, 2000,[13] the OCA adopted the findings of the investigating judge that, while the complainants in the above-mentioned fourteen cases were family members and companions of the respondent judge, this circumstance does not of itself render the respondent judge administratively liable for aiding in the filing of allegedly groundless cases. There is no evidence to prove the participation of respondent judge in the filing of these cases nor is there evidence to show that he exerted influence over the Office of the Prosecutor in Mandaluyong to get favorable actions and recommendations. The OCA observed that it was Atty. Rodel A. Cruz, lawyer of respondent judge's family, who prepared and signed the pleadings and other documents relative to the said fourteen cases. The OCA also noted that 3rd Assistant City Prosecutor Susante J. Tobias' dismissal of eleven out of the thirteen cases for lack of sufficient basis in fact and in law as stated in her July 28, 1998 Joint Resolution[14] shows that respondent judge did not exert influence over the prosecutor for her to act in his favor. On appeal to the DOJ, then Justice Secretary Artemio Tuquero, in his March 23, 2000 resolution, modified this Joint Resolution and directed the City Prosecutor of Mandaluyong City to file informations for slight oral defamation, light threats, attempted homicide, malicious mischief and theft.[15]

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[11] *Rollo*, p. 607.

[12] *Rollo*, pp. 601-607.

[13] *Rollo*, pp. 645-650.

[14] *Rollo*, pp. 419-426.

[15] *Rollo*, pp. 584-593.

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On motion for reconsideration, Secretary Tuquero reversed his March 23, 2000 resolution and in his June 6, 2000 resolution, directed the City Prosecutor of Mandaluyong City to withdraw the above informations.[16] In a motion for reconsideration dated July 3, 2000, Michael Plata sought reconsideration of the June 6, 2000 resolution with respect to the cases for grave oral defamation and theft and malicious mischief where respondent Judge submitted a Supplemental Affidavit as registered owner of the vehicle subject of the theft.

The OCA found nothing illegal nor improper with respondent judge's tolerance of his family's filing of numerous criminal cases as every person, including his family members, has a right to seek judicial recourse for his grievance. Respondent judge even admitted that he advised his family not to take the law into their own hands and "to seek redress for whatever grievance they may have within the confines of our judicial processes."[17]

Congruent with the finding of the the investigating judge, the OCA found that the failure of respondent judge to comply with the July 16, 1999 compromise agreement was tainted with bad faith. The OCA noted, *viz:*

"Respondent bound himself to pay the sum of ₱180,000.00 payable in four (4) monthly installments in consideration for the withdrawal of the criminal case for attempted homicide and herein administrative case but he reneged on said promise. Adding insult to injury, respondent merely rationalized that he was financially hard-up and claimed that herein complainant was only after monetary compensation and not really (sic) to exact judicial relief. Respondent judge's explanation of financial difficulties cannot be countenanced. Compromise agreement entails reciprocal concessions, non-compliance of (*sic*) which raises doubt as to respondent's sincerity and honest desire to avoid a litigation or put an end to one already commenced."[18]

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[16] *Rollo*, pp. 719-723.

[17] *Rollo*, p. 73.

[18] *Rollo*, p. 649.

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The OCA recommended that the instant case be re-docketed as a regular administrative matter and that the respondent judge be ordered to pay Five Thousand Pesos (₱5,000.00) with a stern warning that a repetition of the same or similar acts will be dealt with more severely.[19] On August 30, 2000, the Court resolved to docket the instant case as a regular administrative matter.

Canon 2 of the Code of Judicial Conduct mandates that "a judge should avoid impropriety and the appearance of impropriety in all activities." Rule 2.01 and Rule 2.04 of the Code provide, *viz*:

"Rule 2.01 — A judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary.

xxx x x x xxx

Rule 2.04 — A judge shall refrain from influencing in any manner the outcome of litigation or dispute pending before another court or administrative agency."

The personal behavior of the judge, not only while in the performance of his duties but also outside the court, must be beyond reproach for he is the visible representation of the law and of justice.[20] Thus, the above canon enjoins judges to avoid not only impropriety, but even the appearance of impropriety in all their conduct, whether in their public or private life.[21] The proscription includes a judge's meddling with judicial processes in courts other than his own and acting in a manner that would arouse suspicion that he is meddling with such court processes.

The records show that the complainants failed to adduce evidence that respondent judge participated in the filing of the fourteen allegedly retaliatory and harassment suits against the

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[19] *Rollo*, p. 650.

[20] *Alday, et al. v. Cruz*, A.M. No. RTJ-00-1530 (Formerly OCA IPI No. 99-725-RTJ), March 14, 2001.

[21] *Mamba, et al. v. Garcia*, A.M. No. MTJ-96-1110, June 25, 2001.

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complainants and their eyewitnesses, except in the case for robbery/theft filed by his son Michael where respondent judge filed a Supplemental Affidavit as registered owner of the vehicle subject of the case. Even assuming that contrary to his testimony, respondent judge was in fact aware that his family and companions would file the subject fourteen cases, such awareness does not necessarily amount to wittingly or willingly promoting or giving aid or consenting to the filing of groundless, false or unlawful suits.

There is also a dearth of evidence with respect to complainants' allegation that respondent judge took advantage of his legal expertise and experience as a former prosecutor and exerted influence upon the Mandaluyong City prosecutors to secure favorable actions and recommendations. In fact, as pointed out by the OCA, eleven of the alleged harassment suits were dismissed by 3rd Assistant City Prosecutor Susante J. Tobias in her July 28, 1998 Joint Resolution for lack of sufficient basis in fact and in law.[22]

We, however, find improper respondent judge's execution of the July 16, 1999 compromise agreeement. Worthy of notice is the subject matter of the compromise agreement, which, among others, is the dismissal of the instant administrative case in consideration of ₱180,000.00 and the withdrawal of the cases filed against the complainants and their eyewitnesses. It cannot be gainsaid that public office is a public trust and this truism is no more applicable than to the office of a judge[23] for he is a visible representation of law and justice. The dignity of a public office cannot be bought nor compromised. Thus, in *Bais v. Tugaoen*,[24] the Court frowned upon the complainant's affidavit of desistance and in spite of it, proceeded with the complaint against the erring judge.

Section 5, Rule 139-B of the Rules of Court pertaining to the disbarment and discipline of lawyers provides, *viz*:

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[22] *Rollo*, pp. 419-426.

[23] *Conde v. Superable*, 29 SCRA 727 (1969).

[24] 89 SCRA 109 (1979).

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"No investigation shall be interrupted or terminated by reason of the desistance, settlement, compromise, restitution, withdrawal of the charges, or failure of the complainant to prosecute the same."

In *Bolivar v. Simbol*,[25] the Court, citing *In re Davies*,[26] ruled that the discipline of lawyers cannot be cut short by a compromise or withdrawal of charges, *viz*:

"It is contended on the part of the plaintiff in error that this settlement operated as an absolution and remission of his offense. This view of the case ignores the fact that the exercise of the power is not for the purpose of enforcing civil remedies between parties, but to protect the court and the public against an attorney guilty of unworthy practices in his profession. He had acted in clear disregard of his duty as an attorney at the bar, and without 'good fidelity' to his client. The public had rights which Mrs. Curtis could not thus settle or destroy. The unworthy act had been fully consummated. xxx"[27]

Lawyers are officers of the court tasked with aiding the court in its dispensation of justice. There are weightier reasons why investigations and complaints against judges should not be settled or compromised for judges not only aid in the dispensation of justice but dispense justice themselves. Respondent judge's execution of a compromise agreement to have the instant administrative case dismissed is glaringly improper and should not be countenanced.

As though respondent judge's execution of the compromise agreement was not sufficient impropriety to merit reproof, he even failed in bad faith to comply with his undertakings in the agreement. He rationalized that he was not able to pay the first installment when it fell due because his plan to secure financial assistance from a friend and to sell or mortgage his lot in Muntinlupa did not materialize. Without these other financial resources, his salary as a judge, according to him, was not

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[25] 16 SCRA 623 (1966).

[26] 39 American Reports, 729.

[27] *Id.*, p. 731.

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sufficient to cover the installment amount. There is a dearth of evidence, however, to prove his efforts to secure financial assistance from his friend and to sell or mortgage his lot in Muntinlupa. Respondent judge also miserably failed to remedy the situation and show good faith in trying to comply with the terms of the compromise agreement. He could have requested from the complainants a few days extension for payment of the first installment or he could have partially paid the first installment as his means would permit him, but these he did not do. These omissions of respondent judge, coupled with the absence of evidence on his efforts to raise the first installment amount, lead us to conclude that respondent judge was even in bad faith in not complying with the provisions of the compromise agreement.

WHEREFORE, respondent Judge Ruben R. Plata is ordered to pay a *FINE* in the amount of Five Thousand Pesos (₱5,000.00) and *STERNLY WARNED* that a repetition of the same or similar acts in the future will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Kapunan, Pardo, and *Ynares-Santiago, JJ.,* concur.

FIRST DIVISION

[G.R. No. 105014. December 18, 2001]

PILIPINAS KAO, INC., *petitioner, vs.* **HONORABLE COURT OF APPEALS and BOARD OF INVESTMENTS,** *respondents.*