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WHEREFORE, the Court finds respondent Judge Enrique C. Asis guilty of serious inefficiency and suspends him from office for ten (10) days and in addition, imposes a fine of ₱40,000.00, payable within ten (10) days from notice of this resolution, with *WARNING* that a repetition of the same or similar acts will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Buena, Gonzaga-Reyes, Ynares-Santiago, and *De Leon, Jr., JJ.,* concur.

EN BANC

[A.M. No. RTJ-99-1448. April 6, 2000]

SAPHIA M. MAGARANG, *complainant, vs.* **JUDGE GALDINO B. JARDIN, SR.,** *respondent.*

SYNOPSIS

Complainant Saphia M. Magarang filed an administrative complaint charging respondent Judge Galdino B. Jardin, Sr. of the Regional Trial Court, Branch 05 of Butuan City, of corruption, incompetence, ignorance of the law and grave abuse of discretion. The complaint originated from the facts that on July 22, 1998 complainant's husband Nuruddin-Ali M. Magarang was appointed as Director III of the Department of Transportation and Communications for Caraga, vices Alexander Mama-O. Mama-O filed with the Regional Trial Court of Butuan City a petition for *quo warranto* with injunction questioning the appointment of Magarang. The case was assigned to the sala of the respondent judge. The respondent judge issued a temporary restraining order (TRO). After the hearing of the application for preliminary injunction, complainant went to the house of respondent judge to request him

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to fairly decide the application for injunction and to deny the preliminary injunction. Respondent judge expressed his willingness to help complainant, but said that he had to return the ₱200,000.00 he received from Mama-O. The complainant committed to pay the said amount to respondent judge at a later date. However, on the next day, the respondent judge granted the writ of preliminary injunction against Magarang. Magarang's lawyer filed a motion for reconsideration. During the pendency of the said motion, complainant handed to respondent judge ₱80,000.00 and committed to give ₱200,000.00 later, in exchange for a favorable action on her husband's motion for reconsideration. But still, the respondent judge denied the motion for reconsideration. On November 3, 1998, complainant went to respondent judge's office to recover the ₱80,000.00, she gave to him. A heated argument ensued between them. Complainant poked her index finger at respondent judge and the respondent judge bit her finger causing her to forcibly pull it off which caused respondent judge's tooth to fall off. During the investigation of this case, respondent judge interposed denial and alibi as a defense.

The Court ruled that the findings of investigating magistrates on the credibility of witnesses are given great weight by reason of their unmatched opportunity to see the deportment of the witnesses as they testified. The *alibi* of respondent judge necessarily crumbles in the face of his positive identification by complainant and her witness Naima Capangpangan. Respondent judge miserably failed to measure up to stringent judicial standards. Complainant has sufficiently established the corrupt acts of respondent judge in connection with Spl. Civil Case No. 887. He received a bribe from both sides, *"lagaring hapon."* He has no place in the judiciary. He dishonored the judicial robe he wore. His acts could even be criminal in nature.

Respondent judge was DISMISSED from the service.

SYLLABUS

1. **JUDICIAL ETHICS; JUDGES; ADMINISTRATIVE CHARGES AGAINST THEM MUST BE HEARD WITH UTMOST CARE AND CIRCUMSPECTION.**— "The career of a judge, as required in the Code of Judicial Conduct, entails the highest degree of competence, integrity and independence, because a judge ought to be the embodiment of all that is good, efficient, competent, honest

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and reliable. Woe unto the magistrate who is wanting in any of these virtues. In view of the adversarial nature of our system of administering justice, a judge is almost always the object of hate, venom, and contempt—and of administrative or criminal charges—feigned or illusory. It is thus the policy of this court that administrative charges against a judge must be heard with utmost care and circumspection."

2. **REMEDIAL LAW; EVIDENCE; ABSENCE OF ILL MOTIVE OF COMPLAINANT'S WITNESS TO TESTIFY AGAINST THE JUDGE; CORRUPTION CHARGE UPHELD.—** The corruption consists in respondent judge's receiving ₱200,000.00 from petitioner Mama-O in Spl. Civil Case No. 887 and ₱80,000.00 from complainant Magarang in consideration of favorable action on complainant's request for "justice" for her husband in the same case. Complainant and her witness, Naima Capangpangan, proved these facts vividly and convincingly. The latter is a simple woman who reached only the fourth grade. She drew a clear picture of what transpired on August 28, 1998, when she went with complainant to respondent judge's house, and on October 1, 1998, when she saw complainant prepare and count P80,000.00 and later accompanied complainant to respondent judge' office at the Hall of Justice in Butuan City which amount complainant personally brought to respondent judge's chambers. The witness withstood the rigors of a thorough cross-examination conducted by respondent judge's counsel. Moreover, there was no evidence showing that witness Naima Capangpangan had been impelled by ill motive to adversely testify against him.

3. **ID.; ID.; CREDIBILITY OF WITNESSES; FINDINGS OF INVESTIGATING MAGISTRATES ARE GIVEN GREAT WEIGHT; ALIBI CRUMBLES IN THE FACE OF POSITIVE IDENTIFICATION BY COMPLAINANT AND HER WITNESS. —** [T]he defense interposed by respondent judge is denial and *alibi.* He claimed that on August 28 and October 2, 1998 (both dates were a Friday), he went home to Cagayan de Oro City, a distance of more than two hundred kilometers and returned the next day (Saturday) to sign the orders. The investigating justice found this incredible. She also found the testimonies of complainant and witness Naima Capangpangan to be credible. We agree. The findings of investigating magistrates on the credibility of witnesses are given great weight by reason of their unmatched opportunity to see the deportment of the witnesses as they testified. The *alibi* of

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respondent judge necessarily crumbles in the face of his positive identification by complainant and her witness Naima Capangpangan.

4. **JUDICIAL ETHICS; CODE OF JUDICIAL CONDUCT; JUDGE'S UNQUESTIONED OR UNBLEMISHED INTEGRITY AND PROBITY NOT ESTABLISHED IN CASE AT BAR.—** It is worthy to note that none of the colleagues of respondent judge categorically and positively testified that he was a man of integrity and probity. When asked about the character and reputation of the respondent judge . . . [a]ll of them avoided saying that respondent judge was a man of unquestioned or unblemished integrity and probity.

5. **ID.; ID.; JUDGES ARE STRICTLY MANDATED TO ABIDE WITH THE LAW. —** "While every office in the government service is a public trust, no position exacts a greater demand on moral righteousness and uprightness of an individual than a seat in the judiciary. Hence, judges are strictly mandated to abide with the law, the Code of Judicial Conduct and with existing administrative policies in order to maintain the faith of our people in the administration of justice."

6. **ID.; ID.; JUDGE'S CONDUCT MUST BE ABOVE REPROACH.—** Judges must adhere to the highest tenets of judicial conduct. They must be the embodiment of competence, integrity and independence. A judge's conduct must be above reproach. Like Caesar's wife, a judge must not only be pure but above suspicion. A judge's private as well as official conduct must at all times be free from all appearances of impropriety, and be beyond reproach. In *Vedaña vs. Valencia,* the Court held: "The code of judicial ethics mandates that the conduct of a judge must be free of a whiff of impropriety not only with respect to his performance of his judicial duties, but also to his behavior outside his sala and as a private individual. There is no dichotomy of morality: a public official is also judged by his private morals. The Code dictates that a judge, in order to promote public confidence in the integrity and impartiality of the judiciary, must behave with propriety at all times. As we have recently explained, a judge's official life can not simply be detached or separated from his personal existence. Thus: "Being the subject of constant public scrutiny, a judge should freely and willingly accept restrictions on conduct that might be viewed as burdensome by the ordinary citizen. "A judge should personify judicial integrity and exemplify honest public service. The personal

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behavior of a judge, both in the performance of official duties and in private life should be above suspicion."

7. **ID.; JUDGES; RECEIVING BRIBE FROM BOTH PARTY LITIGANTS WARRANTS OUTRIGHT REMOVAL FROM OFFICE.—** Respondent judge miserably failed to measure up to stringent judicial standards. Complainant has sufficiently established the corrupt acts of respondent judge in connection with Spl. Civil Case No. 887. He received a bribe from both sides, *"lagaring hapon."* He has no place in the judiciary. He dishonored the judicial robe he wore. His acts could even be criminal in nature. We have unhesitatingly removed from office judges and court employees for less serious transgressions. We removed a deputy sheriff from office for asking a bribe of only ₱1,500.00. We have no reason to depart from his ruling. Respondent judge's acts of corruption clearly show his unfitness to remain any minute longer in his judicial robe.

RESOLUTION

***PER CURIAM*:**

The case is an administrative complaint filed by complainant Saphia M. Magarang on January 06, 1999, with the Court Administrator, Supreme Court charging respondent Judge Galdino B. Jardin, Sr., Regional Trial Court, Branch 05, Butuan City with corruption, incompetence, ignorance of the law and grave abuse of discretion. The complaint was subscribed under oath before a notary public.[1]

On February 04, 1999, Court Administrator Alfredo L. Benipayo referred the complaint to respondent judge, requiring him to answer within ten (10) days from receipt.[2] On March 10, 1999, respondent Judge submitted his answer to the complaint. He denied the charges against him as false and fabricated.[3]

On June 23, 1999, the Court referred the case to Court of Appeals Associate Justice Delilah Vidallon-Magtolis, for investigation, report and recommendation.[4]

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[1] *Rollo*, Vol. 1, pp. 1-4.

[2] *Rollo, Ibid.*, p 58.

[3] *Rollo, Ibid.*, pp. 62-68.

[4] *Rollo, Ibid.*, p. 127.

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Justice Magtolis scheduled the case for hearings in September and October, 1999. Except for the main parties who were required to appear in person, the investigator allowed the testimonies of witnesses residing in Butuan City to be taken through deposition.[5]

The facts may be related as follows:

On July 22, 1998, the President of the Philippines appointed complainant's husband, Nuruddin-Ali M. Magarang, Director III for Caraga of the Department of Transportation and Communication (DOTC) *vice* Alexander Mama-O.[6] On July 30, 1998 he took his oath of office before Secretary Vicente C. Rivera, Jr.

On August 6, 1998, Alexander P. Mama-O filed with the Regional Trial Court, Butuan City, assigned to Branch 05 a petition for *quo warranto* with injunction, damages, attorney's fees and temporary restraining order, questioning the appointment of Magarang.[7]

On August 10, 1998, respondent judge issued a temporary restraining order (TRO), good for seventy-two (72) hours, enjoining Nuruddin Magarang from assuming the office of Director III. On August 13, 1998, respondent judge extended the TRO for seventeen (17) days.

After the hearing of the application for preliminary injunction on August 28, 1998, complainant went to the house of respondent judge to request the latter to fairly decide the application for injunction and to deny the preliminary injunction. Respondent judge expressed his willingness to help complainant, but said that he had to return the ₱200,000.00 he received from petitioner Mama-O. The complainant committed herself to pay the said amount to respondent judge at a later date, to which respondent judge replied *"O sige, tingnan natin bukas."*

The next day, August 29, 1998, respondent judge granted a writ of preliminary injunction against Nuruddin Magarang, enjoining the latter from entering the DOTC office at Capitol Drive, Butuan

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[5] *Rollo, Ibid.*, pp. 215-216.

[6] Exhibit "A", *Rollo*, Vol. 1, p. 306.

[7] Docketed as Spl. Civil Case No. 887.

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City and from further assuming the Office of Director III until further orders from the court.[8] On September 7, 1998 Nuruddin Magarang's lawyer filed a motion for reconsideration of the order granting preliminary injunction.[9]

During the pendency of the motion for reconsideration, on October 1, 1998, complainant went to respondent judge's office at the Butuan Hall of Justice. She handed him ₱80,000.00 and committed to give ₱200,000.00 later, in exchange for a favorable action on her husband's motion for reconsideration. Respondent judge asked the complainant when she could give the ₱200,000.00, and further instructed her to return the following day.

Complainant returned the next day, October 2, 1998, a Friday. Respondent judge told her that he had yet to finish his 'decision" on the motion for reconsideration, and told complainant to come back in the afternoon. At around 4:00 p. m. of that same day, respondent judge told complainant that he might not be able to finish the "decision" as no one was willing to report on a Saturday to type it. Complainant then offered that if respondent judge could convince one of his staff to do the typing on a Saturday, she would be the one to pay for his overtime work. Respondent judge acceded and told complainant to make the request directly to the employee concerned. Complainant then asked a lady staff member who expressed willingness to work, but respondent judge did not want her to do the job. The lady staff member told respondent judge that she could do it, and then the two (2) talked in the Visayan dialect which complainant did not understand. After that conversation, respondent judge told complainant to return the following day, October 3, 1998, a Saturday.

The next day (October 3, 1998), complainant returned to the Hall of Justice but the security guard told her to wait downstairs. She saw respondent judge before noon, and the latter said he would just take his lunch. At about 3:00 p. m., respondent judge's secretary came to tell the complainant that copy of the resolution of the motion for reconsideration had been delivered to her counsel. Complainant

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[8] Exhibit "D", *Rollo*, Vol. 1, pp. 318-319.

[9] Exhibit "F", *Ibid.*, pp. 321-333.

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proceeded to the house of her lawyer, Atty. Dollfuss Go who showed her a resolution dated October 3, 1998 denying the motion for reconsideration.[10]

On November 3, 1998, complainant went to respondent judge's office to recover the ₱80,000.00 she gave him. A heated argument ensued between complainant and respondent judge, with the latter uttering unsavory words tending to malign complainant's marital fidelity. Angered, complainant poked her index finger at respondent judge's mouth to stop him from further hurling invectives at her. Respondent judge bit complainant's finger, causing her to forcibly pull it off, which caused respondent judge's tooth to fall off.

On November 11, 1998, the Solicitor General filed a motion for reconsideration of the August 29 and October 3, 1998 orders (granting the preliminary mandatory injunction and denying the motion for reconsideration, respectively);[11] however, on December 9, 1998, respondent judge denied the motion.[12]

The Solicitor General thereafter filed with the Court of Appeals a petition to annul the August 29 and October 3, 1998 orders of respondent judge in Spl. Civil Case No. 887. On March 24, 1999, the Court of Appeals promulgated a decision nullifying and setting aside the orders of respondent judge in Spl. Civil Case No. 887.[13]

On his part, respondent judge denied receiving ₱80,000.00 from the complainant, or that there was a commitment for her to give him ₱200,000.00 in consideration of the denial of the application for writ of preliminary injunction. To prove his good moral character, respondent judge presented several citations/awards given by private organizations, *viz:*

1. Concerned Media, Inc. — a plaque for "Golden Leadership National Award" on March 7, 1999;

2. Jesus Nazareno Parish of Cagayan de Oro City — plaque of recognition for diplomatic and dedicated service as President of the Parish Pastoral

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[10] Exhibit "G", *Ibid.*, pp. 334-341.

[11] Exhibit "H", *Ibid.*, pp. 342-351.

[12] Exhibit "I", *Ibid.*, pp. 353-356.

[13] In CA-G.R. SP No. 50247, Exhibit "J", *Ibid.*, pp. 357-363.

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Council; Development of Filipino Youth — a letter informing that the respondent has been selected to receive the "Dakilang Haligi ng Tahanan Award" on June 29, 1999. (Pls. Note: a Sponsorship Agreement is attached to the letter, asking the supposed awardee to sign a sponsorship agreement for the price ₱50,000.00);

3. Philippine Experimental Educational Research Society, Inc., with address at 451-A Republic Supermarket Bldg., Rizal Ave. cor. Soler St., Sta. Cruz, Manila — letter dated May 3, 1999, informing the respondent of his selection as "Outstanding RTC Judge of the Year;

4. The Philippine Media Research and Progress Report, Inc., likewise with address at Rm. 541-A Republic Supermarket Building, notifying the respondent that he was chosen to receive an award as Outstanding Judge of the Year; and

5. Holy Redeemer Parish — a letter dated June 30, 1999, expressing gratitude to the respondent for his love offering to the parish.

6. Plaque of Appreciation given by the Municipality of Jasaan, Misamis Oriental for his exemplary service during his term as mayor of the municipality.[14]

Further, respondent judge presented three (3) of his co-judges in Butuan City to attest to his character. Judge Rosarito Dabalos of Regional Trial Court, Branch 02 testified that respondent had been serving as *"sacristan"* or acolyte in their parish at Bukidnon. He had no personal knowledge of any derogatory remarks about respondent judge. He saw the respondent judge after he was attacked on November 3, 1998, and his mouth was bloodied.

Judge Cipriano Alviso, Jr. of Branch 04 testified that he was one of those consulted by respondent judge about the application for a TRO, and he advised him to issue one to preserve the *status quo*. As to respondent's reputation as a judge, he stated, "x x x he works, he tries to dispose of his cases as early as possible."[15] When he heard of the commotion on November 3, 1998, he went to Branch 05, where the trouble was. He saw complainant Magarang about to go out of respondent judge's chamber. He asked her not to leave.

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[14] Investigator's Report dated January 11, 2000, p. 8.

[15] Exhibit "25-A", *Rollo*, Vol. 2, p. 971.

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He also asked the Security Guard who followed him to look for the man mentioned by Judge Jardin as the one who attacked him, because he saw respondent's mouth bloody. He ordered an investigation because he considered the Hall of Justice as sacred.

Judge Victor A. Tomaneng of the Regional Trial Court, Branch 33 testified that he had known respondent judge since May 1996 when he came in as a new judge. He looked up to respondent not only as a brother but also as a father, being the eldest among them. As to respondent's reputation, he is fatherly, very humble and very soft-spoken. He also saw respondent after the incident on November 3, 1998 when he came to the judge's chamber at Branch 05, and he saw respondent's mouth bleeding, and there were also bloodstains inside the toilet. When he asked what happened respondent judge answered that a woman and her brother who appeared to be a hunchback assaulted him. He asked why, and respondent answered that they wanted him (respondent) to reconsider his order in Spl. Civil Case No. 887. When he (witness) came, the persons who assaulted respondent judge were no longer there.

"The career of a judge, as required in the Code of Judicial Conduct, entails the highest degree of competence, integrity and independence, because a judge ought to be the embodiment of all that is good, efficient, competent, honest and reliable. Woe unto the magistrate who is wanting in any of these virtues. In view of the adversarial nature of our system of administering justice, a judge is almost always the object of hate, venom, and contempt — and of administrative or criminal charges — feigned or illusory. It is thus the policy of this court that administrative charges against a judge must be heard with utmost care and circumspection."[16]

After careful scrutiny of the records, we find respondent judge guilty of corruption in office.

The corruption consists in respondent judge's receiving ₱200,000.00 from petitioner Mama-O in Spl. Civil Case No. 887 and ₱80,000.00 from complainant Magarang in consideration of favorable action on complainant's request for "justice" for her husband in the same case.

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[16] *Castaños v. Escaño, Jr.*, 251 SCRA 174, 178 [1995].

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Complainant and her witness, Naima Capangpangan, proved these facts vividly and convincingly. The latter is a simple woman who reached only the fourth grade. She drew a clear picture of what transpired on August 28, 1998, when she went with complainant to respondent judge's house, and on October 1, 1998, when she saw complainant prepare and count ₱80,000.00 and later accompanied complainant to respondent judge office at the Hall of Justice in Butuan City which amount complainant personally brought to respondent judge's chambers. The witness withstood the rigors of a thorough cross-examination conducted by respondent judge's counsel.[17] Moreover, there was no evidence showing that witness Naima Capangpangan had been impelled by ill motive to adversely testify against him.

On the other hand, the defense interposed by respondent judge is denial and *alibi.* He claimed that on August 28 and October 2, 1998 (both dates were a Friday), he went home to Cagayan de Oro City, a distance of more than two hundred kilometers and returned the next day (Saturday) to sign the orders. The investigating justice found this incredible.[18] She also found the testimonies of complainant and witness Naima Capangpangan to be credible. We agree.

The findings of investigating magistrates on the credibility of witnesses are given great weight by reason of their unmatched opportunity to see the deportment of the witnesses as they testified.[19] The *alibi* of respondent judge necessarily crumbles in the face of his positive identification by complainant and her witness Naima Capangpangan.[20]

It is worthy to note that none of the colleagues of respondent judge categorically and positively testified that he was a man of integrity and probity. When asked about the character and reputation of the respondent judge, all that they said were the following:

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[17] Investigator's Report, dated January 11, 2000, pp. 11-12.

[18] *Ibid.*, p. 13.

[19] *People vs. Daraman*, 294 SCRA 27 [1998]; *Pag-ibig Village Association vs. Angon*, 294 SCRA 554 [1998]; *People vs. Andres*, 296 SCRA 318 [1998].

[20] *People vs. Barrientos,* 285 SCRA 221 [1988] *People vs. Pili,* 289 SCRA 118 [1998].

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Judge Dabalos: "Well, I would rather not make an opinion regarding his person because as a judge it is improper for me to make an opinion on what we hear or what we see. But so far I have no personal knowledge on the basis of which I can say some derogatory remarks about him."[21]

Judge Tomaneng: "Well, I look at him as not only a brother of the profession, not only as a member of the PJA but look at him as our father here in Butuan he being the eldest among the RTC judges."[22]

Judge Alvizo: "Well, as a judge, he works, he tries to dispose of his cases as early as possible."[23]

Obviously, all of them avoided saying that respondent judge was a man of unquestioned or unblemished integrity and probity.

"While every office in the government service is a public trust, no position exacts a greater demand on moral righteousness and uprightness of an individual than a seat in the judiciary. Hence, judges are strictly mandated to abide with the law, the Code of Judicial Conduct and with existing administrative policies in order to maintain the faith of our people in the administration of justice."[24]

Judges must adhere to the highest tenets of judicial conduct. They must be the embodiment of competence, integrity and independence.[25] A judge's conduct must be above reproach.[26] Like Caesar's wife, a judge must not only be pure but above suspicion.[27] A judge's private as well as official conduct must at all times be free from all appearances of impropriety, and be beyond reproach.[28]

In *Vedana vs. Valencia,*[29] the Court held:

"The code of judicial ethics mandates that the conduct of a judge must be free of a whiff of impropriety not only with respect to his performance

[21] Exhibit "23-C", *Rollo*, Vol. 2, p. 953.

[22] Exhibit "24-A", *Ibid.*, p. 962.

[23] Exhibit "25-A", *Ibid*, p. 971.

[24] *Garciano vs. Sebastian*, 231 SCRA 588, 612-613 [1994].

[25] Rule 1.01, Code of Judicial Conduct.

[26] Canon 31, Canons of Judicial Ethics.

[27] *Palang vs. Zosa,* 58 SCRA 776, 778 [1974].

[28] *Dysico vs. Dacumos*, 262 SCRA 275, 283 [1996].

[29] 295 SCRA 1, 15 [1998].

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of his judicial duties, but also to his behavior outside his sala and as a private individual. There is no dichotomy of morality: a public official is also judged by his private morals. The Code dictates that a judge, in order to promote public confidence in the integrity and impartiality of the judiciary, must behave with propriety at all times. As we have recently explained, a judge's official life can not simply be detached or separated from his personal existence. Thus:

> "Being the subject of constant public scrutiny, a judge should freely and willingly accept restrictions on conduct that might be viewed as burdensome by the ordinary citizen.
>
> "A judge should personify judicial integrity and exemplify honest public service. The personal behavior of a judge, both in the performance of official duties and in private life should be above suspicion."

Respondent judge miserably failed to measure up to stringent judicial standards.[30] Complainant has sufficiently established the corrupt acts of respondent judge in connection with Spl. Civil Case No. 887. He received a bribe from both sides, "*lagaring hapon.*" He has no place in the judiciary.[31] He dishonored the judicial robe he wore. His acts could even be criminal in nature.[32] We have unhesitatingly removed from office judges and court employees for less serious transgressions.[33] We removed a deputy sheriff from office for asking a bribe of only ₱1,500.00.[34] We have no reason to depart from this ruling. Respondent judge's acts of corruption clearly show his unfitness to remain any minute longer in his judicial robe.

We are disappointed with the recommendation of the investigating justice to impose on respondent judge only suspension

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[30] *Garciano vs. Sebastian, supra*, Note 24, at p. 613.

[31] *Concerned Employees of the RTC of Dagupan City vs. Judge Erna Falloran-Aliposa*, A. M. No. RTC-99-1446, March 9, 2000; *Ortigas & Co., Ltd. vs. Velasco*, 277 SCRA 34 [1994].

[32] Article 210, Revised Penal Code.

[33] *Liban vs. Villacete*, 237 SCRA 397 [1994]; *Castaños vs. Escaño, Jr., supra*, Note 16.

[34] *Chua vs. Nuestro*, 190 SCRA 422 [1990].

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from office for one (1) year despite her finding that respondent judge committed acts of corruption in office by receiving a bribe of ₱80,000.00 from complainant and ₱200,000.00 from the other party to the case before him. Surely, she could not be unaware of extant jurisprudence that such corrupt acts, no matter how minimal the amount involved, deserve not less than outright removal from office.[35] "Public confidence in the judiciary is eroded by irresponsible or improper conduct of judges."[36]

WHEREFORE, we *DISMISS* respondent Judge *GALDINO B. JARDIN, SR.*, Regional Trial Court, Butuan City, Branch 05 from the service with forfeiture of all retirement benefits and leave credits, if any, with prejudice to reinstatement or reemployment in any branch, instrumentality or agency of the government including government owned or controlled corporations.

Judge Jardin shall immediately vacate his position as Judge, Regional Trial Court, Branch 05, Butuan City as well as any position in the judiciary to which he may be presently assigned, and desist from deciding or resolving any case or incidents therein upon receipt of notice hereof.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago, and *De Leon, Jr., JJ.*, concur.

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[35] *Chua vs. Nuestro, supra,* Note 34; *Lee vs. Abastillas*, 234 SCRA 29 [1994]; *Felongco vs. Dictado,* 223 SCRA 696 [1993]; *Villa vs. Amonoy*, 194 SCRA 48 [1991]; *Court Administrator vs. Gaticales,* 208 SCRA 508 [1992], citing *Haw Tay vs. Singayao,* 154 SCRA 107, 111-112 [1987]; *Court Administrator vs. Bartolome*, 203 SCRA 328 [1991]; *Sy vs. Academia; Pardo vs. Acedemia*, 198 SCRA 705 [1991]; *Ompoc vs. Torres,* 178 SCRA 14 [1989].

[36] *In Re: Judge Benjamin H. Virrey*, 202 SCRA 628, 634 [1991].