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thereon in the course of, or with a view to, professional employment, nor can an attorney's secretary, stenographer, or clerk be examined, without the consent of the client and his employer, concerning any fact the knowledge of which has been acquired in such capacity."

The information requested by petitioners is not privileged. The petitioners are only asking for the disclosure of the amount of the sale or account for the proceeds. Petitioners certainly have the right to ask for such information since they own the property as co-heirs of the late Ramon E. Saura and as co-administrators of the property. Hence, respondent cannot refuse to divulge such information to them and hide behind the cloak of the attorney-client relationship.

WHEREFORE, for the refusal of Atty. Lalaine Lilibeth Agdeppa to comply with our Resolutions dated June 7 and 19, 1995 directing her to file an answer to the petitions, the Court hereby penalizes her with a *FINE* of two thousand pesos (₱2,000.00) which should be paid within ten (10) days from receipt hereof; otherwise, a penalty of imprisonment for five (5) days shall be imposed. This resolution shall be immediately executory.

SO ORDERED.

Bellosillo, Mendoza, Quisumbing, and *Buena, JJ.*, concur.

SECOND DIVISION

[A.M. No. MTJ-99-1459. February 17, 2000]
(Formerly OCA IPI No. 97-342-RTJ)

VICTOR D. ONG, *complainant, vs.* **JUDGE VOLTAIRE Y. ROSALES, Regional Trial Court, Branch 83 Tanauan, Batangas,** *respondent.*

SYNOPSIS

In a sworn letter complaint dated March 16, 1997, complainant charged respondent judge of Misconduct and Abuse of Authority

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relative to a civil case for annulment of transfer certificates of titles covering parcels of land situated in Talisay, Batangas.

Complainant averred that respondent judge abused his authority and made a sham out of court proceedings by rendering inoperative an order that he had signed, approving the compromise agreement entered into by the complainant's counsel in his behalf and the attorney-in-fact of the plaintiff relative to the aforecited civil case. Complainant further averred that the respondent judge and the attorney-in-fact of plaintiff conspired with each other to the complainant's prejudice. He alleged that the respondent judge allowed the postponements of the case to favor the other party.

In his comment, respondent judge explained that the Order was inadvertently removed from his desk by one of his employees without his knowledge and without instructions for its release. Additionally, he denied the existence of a conspiracy between him and the other party.

The Office of the Court Administrator found negligence on the part of the respondent judge for the premature and highly irregular release of the questioned order, and recommended that the respondent judge be reprimanded.

Judges, by the very delicate nature of their functions, should be more circumspect in the performance of their duties. Respondent judge failed to live up to this standard. The premature release of the questioned order was highly irregular and the respondent judge should be held responsible for such irregularity. It is unbecoming of a judge to lay the blame on, and then immediately absolve, his subordinate. He cannot take refuge behind the inefficiency of his subordinates. Proper and efficient management of his court is his responsibility.

However, the Supreme Court found no evidence from the documents presented to sustain complainant's allegations that the respondent judge had abused his authority and that he and the attorney-in-fact of plaintiff had conspired against complainant. Complainant's mere suspicion without proof cannot be the basis of disciplinary action. Complainant likewise failed to prove his charge of misconduct against the respondent judge.

Respondent judge was reprimanded.

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SYLLABUS

1. **JUDICIAL ETHICS; JUDGES; MUST BE MORE CIRCUMSPECT IN PERFORMANCE OF THEIR DUTIES.**— Judges, by the very delicate nature of their functions, should be more circumspect in the performance of their duties. By his own admission, respondent judge failed to live up to this standard. He explained in his comment that the Order dated January 17, 1997 was removed from his desk by someone from among his staff and was released by one of his clerks to the defendant's representative who happened to be in the office. The respondent judge, however, hastily absolved his clerk of any wrongdoing when he said that he was convinced that no member of his staff acted with malice.

2. **ID.; ID.; RESPONSIBLE FOR PROPER AND EFFICIENT MANAGEMENT OF THEIR COURT; RESPONDENT JUDGE CANNOT TAKE REFUGE BEHIND INEFFICIENCY OF HIS SUBORDINATE.**— As correctly found by the Court Administrator, the premature release of the questioned order is highly irregular and the respondent judge should be held responsible for such irregularity. It is unbecoming of a judge to lay the blame on, and then immediately absolve, his subordinate. He cannot take refuge behind the inefficiency of his subordinates. Proper and efficient management of his court is his responsibility.

3. **ID.; ID.; MISCONDUCT; MUST BE CONNECTED WITH PERFORMANCE OF OFFICIAL FUNCTIONS TO BE CONSIDERED AN ADMINISTRATIVE OFFENSE; CHARGE OF MISCONDUCT AGAINST RESPONDENT JUDGE HAS NO SUFFICIENT BASIS.**— Anent the allegations, however, that the respondent judge had abused his authority and that he and Atty. Fabella had conspired against complainant, this Court finds no evidence from the documents presented to sustain such allegations. Complainant's mere suspicion without proof cannot be the basis of disciplinary action. Likewise, the complainant failed to prove his charge of misconduct against the respondent judge. To constitute an administrative offense, misconduct should relate to or be connected with the performance of the official functions and duties of a public officer. No act of the respondent judge appears or has been established which can be considered

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here as misconduct in office. On this score, the charge of misconduct against the respondent is, in our view, without sufficient basis.

RESOLUTION

QUISUMBING, *J.*:

In a sworn letter complaint dated March 16, 1997,[1] complainant Victor D. Ong charged Judge Voltaire Y. Rosales of the Regional Trial Court of Tanauan, Batangas, Branch 83, of Misconduct and Abuse of Authority relative to Civil Case No. C-041 entitled "*Anunciacion Jayin vs. Atty. Virginia Villaluz, et al.,* "for annulment of transfer certificates of titles covering parcels of land with a total area of 98 hectares, more or less, situated in Talisay, Batangas.

Complainant Victor D. Ong avers that in connection with the aforecited civil case, a compromise agreement[2] was entered into in his behalf by his counsel, Atty. Abraham G. Espejo, and Atty. Gilbert M. Fabella, attorney-in-fact of plaintiff Anunciacion Jayin. Judge Rosales prepared an Order[3] approving the compromise agreement and signed the same on January 17, 1997, a copy of which was received by the complainant's messenger. Complainant thought that everything was settled. Later, he received word from Atty. Fabella requesting two hundred thousand (₱200,000.00) pesos as additional compensation. Subsequently, he received notice from Judge Rosales that the court had not approved the compromise agreement and his order approving the compromise agreement was not effective.

Complainant avers that Judge Rosales and Atty. Fabella conspired with each other to the complainant's prejudice. Complainant inquires why Judge Rosales had allowed Atty. Fabella to repeatedly postpone the hearing of the case. He avers that Judge Rosales abused his authority and made a sham out of court proceedings by rendering inoperative an order that he had signed. Furthermore, complainant wants to know why respondent judge

[1] *Rollo*, pp. 1-2.

[2] *Id.*, at 3-4.

[3] *Rollo*, pp. 6-8.

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insisted he did not issue the order when the same had his signature. Lastly, complainant claims that respondent judge's actions can only erode the faith in the judicial system of laymen like him. He requests for an investigation of Judge Rosales and then appropriate sanction, if the latter is guilty. He also seeks investigation of Atty. Fabella by the Integrated Bar of the Philippines.

In his comment dated July 14, 1997,[4] respondent judge denied the allegations in the complaint. He explains that he was in the process of signing the Order dated January 17, 1997 when he decided to call the parties to a hearing before approving the compromise agreement considering that the plaintiff, who was reportedly out of the country, was obligated to pay defendants a rather large amount of money. To ensure that her rights are amply protected, he directed the Acting Clerk of Court to set the case for hearing.

Respondent judge further explains that the Order dated January 17, 1997, was inadvertently removed from his desk by one of his employees without his knowledge and without instructions for its release. It was prematurely released without his initials on the first page. He said, he issued an Order in open court setting aside the Order dated January 17, 1997.

Additionally, contrary to allegations that respondent judge allowed the postponements to favor Atty. Fabella, respondent judge avers that the record will show that even defense counsel failed to appear at various scheduled hearings, reflecting that postponements were not all in favor of one party. Respondent judge denies the existence of a conspiracy between him and Atty. Fabella, claiming that he does not know the latter personally nor has he met him outside the courtroom.

In its evaluation and recommendation report[5] dated February 5, 1999, the Office of the Court Administrator found negligence on the part of the respondent judge for the premature and highly irregular release of the questioned order, and recommended that the judge be reprimanded.

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[4] *Id.*, at 10-11.

[5] *Rollo*, pp. 30-32.

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Judges, by the very delicate nature of their functions, should be more circumspect in the performance of their duties.[6] By his own admission, respondent judge failed to live up to this standard. He explained in his comment that the Order dated January 17, 1997 was removed from his desk by someone from among his staff and was released by one of his clerks to the defendant's representative who happened to be in the office. The respondent judge, however, hastily absolved his clerk of any wrongdoing when he said that he was convinced that no member of his staff acted with malice.

As correctly found by the Court Administrator, the premature release of the questioned order is highly irregular and the respondent judge should be held responsible for such irregularity. It is unbecoming of a judge to lay the blame on, and then immediately absolve, his subordinate. He cannot take refuge behind the inefficiency of his subordinates. Proper and efficient management of his court is his responsibility.[7]

Anent the allegations, however, that the respondent judge had abused his authority and that he and Atty. Fabella had conspired against complainant, this Court finds no evidence from the documents presented to sustain such allegations. Complainant's mere suspicion without proof cannot be the basis of disciplinary action. Likewise, the complainant failed to prove his charge of misconduct against the respondent judge. To constitute an administrative offense, misconduct should relate to or be connected with the performance of the official functions and duties of a public officer.[8] No act of the respondent judge appears or has been established which can be considered here as misconduct in office. On this score, the charge of misconduct against the respondent is, in our view, without sufficient basis.

IN VIEW OF THE FOREGOING, as recommended, the Court Resolved to *REPRIMAND* Respondent Judge Voltaire Y. Rosales,

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[6] *Galvez vs. Eduardo*, 252 SCRA 570, 574 (1996).

[7] *Marcelo Cueva vs. Judge Oliver T. Villanueva*, A.M. No. MTJ-96-1082, March 29, 1999, p. 7.

[8] *Jasmin Maguad & Rebecca Brioso vs. Nicolas de Guzman & Ruby C. Barcenas*, A.M. No. P-94-1015, March 29, 1999, p. 4.

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with a stern warning that a repetition of negligence and irregularity abovecited or similar act in the future will be dealt with more severely.

SO ORDERED.

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

Buena, J., on official leave.

THIRD DIVISION

[G.R. No. 47013. February 17, 2000]

ANDRES LAO, *petitioner, vs.* **COURT OF APPEALS, THE ASSOCIATED ANGLO-AMERICAN TOBACCO CORPORATION and ESTEBAN CO,** *respondents.*

[G.R. No. 60647. February 17, 2000]

ESTEBAN CO, *petitioner, vs.* **COURT OF APPEALS and ANDRES LAO,** *respondents.*

[G.R. Nos. 60958-59. February 17, 2000]

THE ASSOCIATED ANGLO-AMERICAN TOBACCO CORPORATION, *petitioner, vs.* **COURT OF APPEALS, ANDRES LAO, JOSE LAO, and TOMAS LAO,** *respondents.*

SYNOPSIS

On April 6, 1965, the Associated Anglo-American Tobacco Corporation (Corporation) entered into a contract of sales agent with Andres Lao. Under the contract, Lao agreed to sell cigarettes