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SECOND DIVISION

[A.M. No. RTJ-08-2119 (Formerly A.M. O.C.A. IPI No. 07-2709-RTJ), June 30, 2008]

ATTY. MELVIN D.C. MANE, COMPLAINANT, VS. JUDGE MEDEL ARNALDO B. BELEN, REGIONAL TRIAL COURT, BRANCH 36, CALAMBA CITY, RESPONDENT.

R E S O L U T I O N

CARPIO MORALES, J.:

By letter-complaint dated May 19, 2006[1] which was received by the Office of the Court Administrator (OCA) on May 26, 2006, Atty. Melvin D.C. Mane (complainant) charged Judge Medel Arnaldo B. Belen (respondent), Presiding Judge of Branch 36, Regional Trial Court, Calamba City, of "demean[ing], humiliat[ing] and berat[ing]" him during the hearing on February 27, 2006 of Civil Case No. 3514-2003-C, "*Rural Bank of Cabuyao, Inc. v. Samuel Malabanan, et al*" in which he was counsel for the plaintiff.

To prove his claim, complainant cited the remarks made by respondent in the course of the proceedings conducted on February 27, 2006 as transcribed by stenographer Elenita C. de Guzman, *viz*:

> COURT:
>
> > . . . Sir, **are you from the College of Law of the University of the Philippines?**
>
> ATTY. MANE:
> No[,] [Y]our Honor[,] from Manuel L. Quezon University[,] [Y]our Honor.
>
> COURT:
> No, you're not from UP.
>
> ATTY. MANE:
> I am very proud of it.
>
> COURT:
> Then you're not from UP. **Then you cannot equate yourself to me** because there is a saying and I know this, not all law students are created equal, not all law schools are created equal, not all lawyers are created equal despite what the Supreme Being that we all are created equal in His form and substance.[2] (Emphasis supplied)

Complainant further claimed that the entire proceedings were "duly recorded in a tape recorder" by stenographer de Guzman, and despite his motion (filed on April 24, 2006) for respondent to direct her to furnish him with a copy of the tape recording, the motion remained unacted as of the date he filed the present administrative complaint on May 26, 2006. He, however, attached a copy of the transcript of stenographic notes taken on February 27, 2006.

In his Comments[3] dated June 14, 2006 on the complaint filed in compliance with the Ist Indorsement dated May 31, 2006[4] of the OCA, respondent alleged that complainant filed on December 15, 2005 an "Urgent Motion to Inhibit,"[5] paragraph 3[6] of which was malicious and "a direct assault to the integrity and dignity of the Court and of the Presiding Judge" as it "succinctly implied that [he] issued the order dated 27 September 2005 for [a] consideration other than the merits of the case." He thus could not "simply sit idly and allow a direct assault on his honor and integrity."

On the unacted motion to direct the stenographer to furnish complainant with a copy of the "unedited" tape recording of the proceedings, respondent quoted paragraphs 4 and 3[7] of the motion which, to him, implied that the trial court was "illegally, unethically and unlawfully engaged in `editing' the transcript of records to favor a party litigant against the interest of [complainant's] client."

Respondent thus claimed that it was on account of the two motions that he ordered complainant, by separate orders dated June 5, 2006, to explain within 15 days[8] why he should not be cited for contempt.

Complainant later withdrew his complaint, by letter of September 4, 2006,[9] stating that it was a mere result of his impulsiveness.

In its Report dated November 7, 2007,[10] the OCA came up with the following evaluation:

. . . The withdrawal or desistance of a complainant from pursuing an administrative complaint does not divest the Court of its disciplinary authority over court officials and personnel. Thus, the complainant's withdrawal of the instant complaint will not bar the continuity of the instant administrative proceeding against respondent judge.

The issue presented before us is simple: Whether or not the statements and actions made by the respondent judge during the subject February 27, 2006 hearing constitute conduct unbecoming of a judge and a violation of the Code of Judicial Conduct.

After a cursory evaluation of the complaint, the respondent's comment and the documents at hand, we find that there is no issue as to what actually transpired during the February 27th hearing as evidenced by the stenographic notes. The happening of the incident complained of by herein complainant was **never denied** by the respondent judge. If at all, respondent judge merely raised his justifications for his complained actuations.

x x x x

. . . [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. A judge must at all times be temperate in his language. **Respondent judge's insulting statements which tend to question complainant's capability and credibility stemming from the fact that the latter did not graduated [sic] from UP Law school is clearly unwarranted and inexcusable.** When a judge indulges in intemperate language, the lawyer can return the attack on his person and character, through an administrative case against the judge, as in the instant case.

Although respondent judge's use in intemperate language may be attributable to human frailty, the noble position in the bench demands from him courteous speech in and out of the court. Judges are demanded to be always temperate, patient and courteous both in conduct and language.

x x x x

Judge Belen should bear in mind that all judges should always observe courtesy and civility. In addressing counsel, litigants, or witnesses, the judge should avoid a controversial tone or a tone that creates animosity. Judges should always be aware that disrespect to lawyers generates disrespect to them. There must be mutual concession of respect. **Respect is not a one-way ticket where the judge should be respected but free to insult lawyers and others who appear in his court.** Patience is an essential part of dispensing justice and courtesy is a mark of culture and good breeding. If a judge desires not to be insulted, he should start using temperate language himself; he who sows the wind will reap a storm.

It is also noticeable that during the subject hearing, not only did respondent judge make insulting and demeaning remarks but he also **engaged in unnecessary "lecturing" and "debating**". . .

x x x x

Respondent should have just ruled on the propriety of the motion to inhibit filed by complainant, but, instead, he opted for a conceited display of arrogance, a conduct that falls below the standard of decorum expected of a judge. If respondent judge felt that there is a need to admonish complainant Atty. Mane, he should have called him in his chambers where he can advise him privately rather than battering him with insulting remarks and embarrassing questions such as asking him from *what school he came from* publicly in the courtroom and in the presence of his clients. Humiliating a lawyer is highly reprehensible. It betrays the judge's lack of patience and temperance. A highly temperamental judge could hardly make decisions with equanimity.

Thus, it is our view that respondent judge should shun from lecturing the counsels or debating with them during court hearings to prevent suspicions as to his fairness and integrity. While judges should possess proficiency in law in order that they can competently construe and enforce the law, it is more important that they should act and behave in such manner that the parties before them should have confidence in their impartiality.[11] (Italics in the original; emphasis and underscoring supplied)

The OCA thus recommended that respondent be reprimanded for violation of Canon 3 of the Code of Judicial Conduct with a warning that a repetition of the same shall be dealt with more severely.[12]

By Resolution of January 21, 2008,[13] this Court required the parties to manifest whether they were willing to submit the case for resolution on the basis of the pleadings already filed. Respondent complied on February 26, 2008,[14] manifesting in the affirmative.

The pertinent provision of the Code of Judicial Conduct reads:

> Rule 3.04. - A judge should be patient, attentive, and courteous to lawyers, especially the inexperienced, to litigants, witnesses, and others appearing before the court. A judge should avoid unconsciously falling into the attitude of mind that the litigants are made for the courts, instead of the courts for the litigants.

An author explains the import of this rule:

> Rule 3.04 of the Code of Judicial Conduct mandates that a judge should be courteous to counsel, especially to those who are young and inexperienced and also to all those others appearing or concerned in the administration of justice in the court. He should be considerate of witnesses and others in attendance upon his court. **He should be courteous and civil, for it is unbecoming of a judge to utter intemperate language during the hearing of a case.** In his conversation with counsel in court, a judge should be studious to avoid controversies which are apt to obscure the merits of the dispute between litigants and lead to its unjust disposition. He should not interrupt counsel in their arguments except to clarify his mind as to their positions. **Nor should he be tempted to an unnecessary display of learning or premature judgment**.
>
> A judge without being arbitrary, unreasonable or unjust may endeavor to hold counsel to a proper appreciation of their duties to the courts, to their clients and to the adverse party and his lawyer, so as to enforce due diligence in the dispatch of business before the court**. He may utilize his opportunities to criticize and correct unprofessional conduct of attorneys,** brought to his attention, **but he may not do so in an insulting manner.**[15] (Emphasis and underscoring supplied)

The following portions of the transcript of stenographic notes, ***quoted verbatim***, taken during the February 27, 2006 hearing show that respondent made sarcastic and humiliating, even threatening and boastful remarks to complainant who is admittedly "still young," "unnecessary lecturing and debating," as well as unnecessary display of learning:

> COURT:
>
> x x x
>
> Sir do you know the principle or study the stare decisis?

ATTY. MANE:

Ah, with due respect your...

COURT:

Tell me, **what is your school?**

ATTY. MANE:

I am proud graduate of Manuel L. Quezon University.

COURT:

Were you taught at the MLQU College of Law of the principle of Stare Decisis and the interpretation of the Supreme Court of the rules of procedure where it states that if there is already a decision by the Supreme Court, when that decision shall be complied with by the Trial Court otherwise non-compliance thereof shall subject the Courts to judicial sanction, and I quote the decision. That's why I quoted the decision of the Supreme Court Sir, because I know the problem between the bank and the third party claimants and I state, "The fair market value is the price at which a property may be sold by a seller, who is not compelled to sell, and bought by a buyer, who is not compelled to buy." Sir, that's very clear, that is what fair market value and that is not assessment value. In fact even you say assessment value, the Court further state, "the assessed value is the fair market value multiplied. Not mere the basic assesses value. Sir that is the decision of the Supreme Court, am I just reading the decision or was I inventing it?

ATTY. MANE:

May I be allowed to proceed.

COURT:

Sir, you tell me. Was I inventing the Supreme Court decision which I quoted and which you should have researched too or I was merely imagining the Supreme Court decision sir? Please answer it.

ATTY. MANE:

No your Honor.

COURT:

Please answer it.

x x x x