

## SECOND DIVISION

[ **A.M. No. MTJ-08-1712 (Formerly OCA IPI No. 08-2020-MTJ), August 20, 2008** ]

**CONRADO Y. LADIGNON, COMPLAINANT, VS. JUDGE RIXON M. GARONG, MUNICIPAL TRIAL COURT (MTC), SAN LEONARDO, NUEVA ECIJA. RESPONDENT.**

### R E S O L U T I O N

**BRION, J.:**

The present administrative case has its roots in the letter dated July 17, 2006 of Judge Rixon M. Garong, Municipal Trial Court, San Leonardo, Nueva Ecija (*respondent Judge*), addressed to the Chairman, Administrative Council, First United Methodist Church, 28400 Evergreen, Flat Rock, Michigan, USA 48134. Judge Garong forwarded, through his letter, a copy of the letter-complaint of one Rolando G. Gustilo of the Banard Kelly Memorial United Methodist Church, complaining of the surreptitious manner of incorporating their church and singling out Conrado M. Ladignon (*Ladignon*) - the complaint in this administrative case - to be part of the deception.

The respondent Judge's letter prompted Ladignon to complain to the Justices of this Court against the respondent Judge's improper conduct as a member of the Judiciary, for his use in a private communication of his official court stationery and his title as a judge.

Chief Justice Reynato S. Puno, through a 1<sup>st</sup> indorsement dated December 3, 2007, referred Ladignon's letter to Court Administrator Zenaida N. Elepano, for appropriate action. The latter in turn required Judge Garong to comment on Ladignon's complaint.

The respondent Judge admitted using the letterhead of his court and signing his letter using the word "judge." He claimed, however, that he merely used an ordinary bond paper where he typed his court's station "to indicate the return or inside address" from where he wrote the letter. He further alleged that he "did not see any harm or abuse in using the word 'judge' on the honest belief that he is entitled to use such appellation," and that "[t]he practice of using papers in whatever sizes with the address of their office printed on it is a very regular occurrence among government offices, be it a personal or official one."

On May 22, 2008, Court Administrator Zenaida N. Elepaño submitted her evaluation, reporting as follows:

The court's heading or letterhead serves as a primary identifier of the office. Written correspondence bearing the court's heading gives the impression that it has the imprimatur of the court, and that the signatory

carries such representation. Considering this important implication, scrupulous use of the court's heading must be observed at all times.

Respondent's use of the court's heading in his personal letter to the First United Methodist Church (FUMC) in Michigan, USA is inappropriate. He has unwittingly dragged the name of the court into his private affairs, giving the appearance that there is an implied or assured consent of the court to his cause. Notwithstanding his avowed good intentions, regard should have been given to the possible and even actual harm that inappropriate use of the court heading might entail. Hence, respondent judge's use of the court heading outside of judicial business warrants disciplinary action for violation of the Code of Judicial Conduct particularly Section 1, Canon 4 which states that "judges shall avoid impropriety and the appearance of impropriety in all of their activities."

We agree with the Report that what is involved here is the rule that "Judges shall avoid impropriety and the appearance of impropriety in all of their activities".<sup>[1]</sup> Indeed, members of the Judiciary should be beyond reproach and suspicion in their conduct, and should be free from any appearance of impropriety in the discharge of their official duties as well as in their personal behavior and everyday life. No position exacts a greater demand for moral righteousness and uprightness on the individual than a seat in the Judiciary. Where we significantly differ with the Report is in its sweeping implication that any use of a court's letterhead for non-official transactions would necessarily expose the user to liability for "impropriety" or giving the "appearance of impropriety".

The Judge's claim that he used an ordinary bond papers and placed thereon his official station as return address is not totally without merit. For, indeed, this is not an unusual practice and it would be hypocritical to deny its occurrence at all levels of the Judiciary. For example, some members of the Judiciary may use a social card with the letterhead of their office to indicate their address as well as their station within the judicial hierarchy; some also use notepads bearing their names, designation and station.

A thin line, however, exists between what is proper and what is improper in such use, and this was the line that the respondent Judge crossed when he used his letterhead and title the way he did. As the Report stated, his use of the letterhead and his designation as a Judge in a situation of potential dispute gave "the appearance that there is an implied or assured consent of the court to his cause." This circumstance, to our mind, was what marked the respondent Judge's use of his letterhead and title as improper. In other words, the respondent Judge's transgression was not *per se* in the use of the letterhead, but in not being very careful and discerning in considering the circumstances surrounding the use of his letterhead and his title.

To be sure, this is not the first case relating to the use of a letterhead that this Court has encountered and passed upon. In *Rosauro v. Kallos*,<sup>[2]</sup> we found the respondent Judge liable for violating Rule 2.03 of the Code of the Judicial Conduct when he used his stationery for his correspondence on a private transaction with the complainant and his counsel - parties with a pending case in his court. The Court held: