

## SECOND DIVISION

**[ AM No. RTJ-02-1669 [Formerly OCA IPI No. 00-961-RTJ], April 14, 2004 ]**

**HON. JULIETA A. DECENA, HON. VIRGILIO D. PONTANAL, HON. AMELITA A. IBASCO, HON. GERRY D. RAÑA, HON. PEDRO N. MORA. JR., AND HON. FERDINAND T. AGUILAR, COMPLAINANTS, VS. JUDGE NILO A. MALANYAON, PRESIDING JUDGE OF THE REGIONAL TRIAL COURT (RTC), BRANCH 32, PILI, CAMARINES SUR, RESPONDENT.**

### RESOLUTION

**TINGA, J,:**

The regular session of a municipal council was interrupted by a heckler in the audience hurling various accusatory remarks and insults at the council members. The heckler is a judge, the incident, the subject of this case.

On 26 May 2000, the Office of the Court Administrator received a Joint *Affidavit-Complaint* executed by various municipal officials of Bula, Camarines Sur. The affiants-complainants, Mayor Julieta A. Decena ("Decena"), Vice-mayor Virgilio D. Pontanal ("Pontanal"), and Councilors Amelita A. Ibasco ("Ibasco"), Gerry D. Raña ("Raña"), Pedro N. Mora, Jr. ("Mora"), and Ferdinand T. Aguila ("Aguilar") sought the dismissal from the service and the disbarment of respondent Judge Nilo A. Malanyaon ("Judge Malanyaon"), Presiding Judge of the Regional Trial Court (RTC), Branch 32, of Pili, Camarines Sur, on account of his conduct during the 21 February 2000 session of the Sangguniang Bayan of Bula.

In a *Resolution* dated 19 June 2002, the Court referred the matter for investigation, report and recommendation to Court of Appeals Justice Eriberto U. Rosario, Jr.<sup>[1]</sup> After Justice Rosario sought to be excused owing to his forthcoming retirement then, <sup>[2]</sup> the Court referred the matter to the Court of Appeals for assignment to a Justice by court-wide raffle.<sup>[3]</sup> The case was raffled to Justice Andres B. Reyes, Jr. After conducting several hearings on the case, Justice Reyes, Jr. rendered a *Report and Recommendation* ("Report"), which was received by this Court on 22 July 2003. From the *Report*, we draw the following antecedent facts:

On 21 February 2000, the Sangguniang Bayan of Bula, Camarines Sur convened its regular session, with Vice-mayor Pontanal presiding. Among the matters on the agenda was the revocation of two previous council resolutions<sup>[4]</sup> authorizing Rolando N. Canet ("Canet") to operate a cockpit in the municipality. A former vice-mayor of Bula, Canet is also the nephew-in-law of Judge Malanyaon. Both Judge Malanyaon and Canet attended the 21 February 2000 session of the Sangguniang Bayan. Canet, however, came along with many supporters.<sup>[5]</sup> Noticing his presence, the Sanggunian offered to recognize Judge Malanyaon; but he declined, saying that

he merely wanted to be an observer.<sup>[6]</sup>

From that point on, the episode during the Sanggunian session as culled in the Report on the basis of the submitted affidavits transpired in this wise:

Subsequently, during the deliberations, the vice mayor attested that respondent interrupted the session by shouting comments in their vernacular such as: "*Ambog, Ambog iyan*" ("**lies, they are lies**"); "*Butig! Caya mo yan? Maski Butig! Maski Piglalado Camo!*" ("**Lies! Can you do that? Even if they are lies? Even if you are being deceived?**") and "*Dale Sana Camong Dale!*" ("**You do things recklessly**"). During the deliberations relative to the authority of Mr. Rolando N. Canet to operate a cockpit, the respondent judge, with blazing eyes and a red face further interrupted the session by lambasting the municipal councilors with disparaging and insulting remarks, which left the whole proceedings in confusion.

In the heat of respondent's outbursts, he uttered the following remarks to the vice mayor:

"Ika Bondying (the vice mayor's nickname),. So kag-igin MO BUKO ADTONG MADAYA, Di adto nag gagamit kana kuwa kan munipipyo, o camo ginagamit mo si Revo mo! Mag adal kamo, a biente uno mil, susmareosep kamo. Sabi co ka ninyo mig-lecture aco pero abo man kamo, o taono, basta camo matugaan ni alkalde? Mga uda ugali!" ("**You Bodying, your father was not deceitful. He was not using the property of the municipality, now you are using your Revo. You all study! You are receiving twenty one thousand pesos, my god, I told you I will lecture you, but you did not want me to. Why? As long as you were promised by the mayor? You have no etiquette!**")

"O Bondying ika, maski ambugan camo kana alkalde, tutubudon ninyo? Urgent na ono? Din a kamo pwendeng butigan. Pigbubutigan camo. Amo yan sabihon ko ka ninyo!" ("**You Bondying, even if the mayor is telling you lies, will you follow her? What urgent? You could not be lied upon again! You are being deceived, that's what I will tell you!**")

Pedro N. Mora, former municipal councilor of Bula, Camarines Sur, in his affidavit also conformed that he heard the respondent judge utter: "*Ambog, Ambog iyan*" ("**lies, they are lies**"); "*Butig! Caya mo yan? Maski Butig! Maski Piglalado Camo!*" ("**Lies! Can you do that? Even if they are lies? Even if you are being deceived?**") and "*Dale Sana Camong Dale!*" ("**You do things recklessly**") during the session of Sangguniang Bayan of Bula, held on 21 February 2000.

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Ferdinand T. Aguilar, another former councilor of Bula, Camarines Sur,

likewise attested to the intemperate language used by the respondent during the regular session of the Sangguniang Bayan of Bula on 21 February 2000. Aguilar however adds that he too became the object of respondent's ire when the latter publicly told him the following:

*"O, Aguilar, ono pigsusunod mo? Ilinga, ilinga tolos ninyo, ono regal, o ono regal ninyo? You cannot suspend the rule without 2/3 votes! Ono, magbasa kamo! Saying kito sweldo ninyo!"*  
**(You Aguilar, What are you following? Look, look at this, what is the regulation, what are your regulations? You cannot suspend the rule without the 2/3 votes! You read! Your salary is just a waste!)"**;

*"O, ika (pointing at Aguilar) O ono pigsusunod mo? O, kua raw, basaha ninyo! Onong klaseng Sanggunian adi? Di nagsusunod sa regal a, Ferdinand? Di ninyo piggagamit to mga payo ninyo! O, ilinga! Basaha Ferdinand."* **("You, [pointing at Aguilar] what are you following? You get [the rules] and read them! What kind of Sanggunian is this? You not following the rules a, Ferdinand? You are not using your head! You look and read it, Ferdinand.")**;

*"Ika sana Ferdinand saying kito alintak mo! Uray ni ina nya, onong urgent na nakakaptan ninyo? Kon pig-gagamit ya mga gamit kot munisipyo, di ninyo pigaactibaran!"* **(You Ferdinand you what is in your head is such a waste. Ass of your mother! To what urgent matter that you are holding on? If it is the property of this municipality is the one being used, you are not acting on it.")**;

*"Ika Ferdinand nag-aadal ka kin abugasiya, nagpapabuta man ika, ining, pigbubutigan na kamo?"* **("You Ferdinand, you are studying law and yet you were blinded even though you are cheated")**;

*"Ika, Ferdinand basahon ko, kon gusto mo bikolon ko, di san sinasabing bago magtaong permit agko Ordinansa. Si isay ya nagsasabi? Ya tinatawam kin poder ngowan uya Sangguniang Bayan ya mig-taong lisensya! Tinawan na kin lisensa o ono pa?"* **("You Ferdinand, I will read to you, if you want I will read it to you in our dialect. That it is never stated there that before issuing permit, there should be an ordinance first. Who said that? The one that is given the power is the Sangguniang Bayan the one that will issue the license! He [Rolando Canet] was already given a license, what else?")**;

*"Ika Aguilar, basahon mo iton a! da siton nagsasabing bago tawan kin lisensya, kumasta ngona kin ordinansa! O sa cockfighting o kon sa demonyo! Ining sa bulangan na ini 1964 pa ako, a! ngani ninyong maintindihan. Ngowan, si Rolando Canet agko lisensiya, huli ta abo ni Decena, natugon man*

*kamo gusto ninyong anularan! Ngowan, gusting bumayad abong pabayadon. Magbasa kamo, 21 mil, buray ni ina niya! Ako, nag-absent akong kabangang aldow para magatender kading session, sangribo ana nauda kanako! Gusto ko sanang porbaran kamo adding osipon na kon talagang nakastahan na kamo! Magbasa kamo, 21 mil, buray ni ina niya, 21 mil."*  
**("You Aguilar, read that [referring to the rules], it is never stated here that before you issue a license, you have to pass first an ordinance, in the cockfighting or whatever devil is that! This law about the cockfighting this has been the law since 1964 so that you will understand. Now, Rolando Canet has a license, just because Decena does not want to give permit you want the same annulled. Now, he wants to pay but does not want to accept the same. You read, 21 thousand [referring to our salary] ass of your mother! I did not report for half a day just to attend this session and I lost P1,000.00 in the process in the form of salary just so I will be able to prove for myself about the rumors that you have been bought [or to that effect]! You read! Twenty one thousand! Ass of your mother, twenty one thousand!")**

*"Sayang Ferdinand, kun arog ya naturan mo, di ida makakapasar, amo yan sasabihon ko kanimu! Kon arog kito ya studio mo, babaliktaron mo to demonyong iton, a, maski ton butig, amo tutuboron mo a, tibaad di ika maka-abogado, kon maka-abogado man, makakarsel ka!"*  
**("What a waste Ferdinand, if that's what you learned, you will not pass [the Bar exams] that's what I will tell you. What are you going to tell them, if that is how you understand, that you will reverse this kind of devil even if it is a lie and yet you will follow the same. You might not become a lawyer, and if you become one you will go to jail.")**

Ernesto B. Ballaber, who is the incumbent Barangay Captain of Salvacion, Bula, Camarines Sur, testified through his affidavit that he was present and seated beside the respondent judge on the date in question. He noticed that the respondent judge was drunk as the latter gave off a strong alcoholic scent. Moreover, Ballebar observed that the respondent's eyes were watery and red.

Ballebar's deduction that Judge Malanyaon was drunk was reinforced when the respondent stood up, banged the table and shouted in the vernacular: "*Butig!, Butig! Butig!*" ("**Lies! Lies! Lies!**") and "*Ambog! Ambog iyan!*" ("**Lie! It's a lie!**") during the session. Ballebar further testified that the respondent also verbally abused the members of the Sangguniang.

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Gerry D. Raña asseverated that when the issue on the resolutions