

EN BANC

[**A.M. No. RTJ-04-1864 (formerly OCA IPI No. 03-1819-RTJ), December 16, 2004**]

ATTY. ANTONIO D. SELUDO, COMPLAINANT, VS. JUDGE ANTONIO J. FINEZA, REGIONAL TRIAL COURT, BRANCH 131, CALOOCAN CITY, RESPONDENT.

DECISION

SANDOVAL-GUTIERREZ, J.:

Besides possessing the requisite learning in the law, **a magistrate must exhibit that hallmark judicial temperament of utmost sobriety^[1] and self-restraint which are indispensable qualities of every judge.^[2]** A judge should be the last person to be perceived as petty, sharp-tongued tyrant. Sadly, respondent judge failed to live up to such standards of judicial conduct.

In a complaint^[3] dated July 24, 2003 filed with the Office of the Court Administrator (OCA), Atty. Antonio D. Seludo charged Judge Antonio J. Fineza of the Regional Trial Court of Caloocan City, Branch 131, with violation of Canon 2, Rule 2.01 of the Code of Judicial Conduct.

In his complaint, Atty. Antonio D. Seludo alleged *inter alia* that on June 28, 2003, respondent judge filed with the same court (Branch 128), a complaint for revocation of notarial commission against him (complainant), docketed as Revocation of Commission No. C-001-(2003).

During the hearing on July 8, 2003, respondent judge uttered "vulgar and insulting words" against complainant, thus:

"Court:

Do you have anything to say Atty. Seludo?

Atty. Seludo:

Yes, Your Honor. May we know also, under what authority is the complainant appearing in this case, Your Honor? Is he going to prosecute this case?

Court:

He is appearing for himself as petitioner.

Atty. Seludo:

Under what authority, Your Honor?

Judge Fineza:

If the respondent knows how to read English, he would find in the petition itself that under the rule, we are obligated to bring to the court any anomaly or dishonesty or dereliction in the performance of a duty of a Court Officer. And may I point out and make it on record that this time, despite the fact of respondent's answer, last paragraph of page 1 states and I quote; I think page 2, and I read: 'That the undersigned has taken steps to prevent a recurrence of the lapses in the notarial registry.' An informal inquiry made by this Judge this afternoon from the Office of the Clerk of Court, the reply was that the respondent **has not filed any notarial report for the year 2003**, x x x.

Court:

You want to put that on record?

Judge Fineza:

Not only to put on record . . . , and courtesy calls that when someone is speaking, a courtesy should require. May I ask the Judge to remind him . . .

Court:

Let him finish first, Atty. Seludo.

Atty. Seludo:

Yes, Your Honor.

Judge Fineza: (continuation)

Before the Executive Judge or Investigating Judge finally inhibits himself, he should order the Office of the Clerk of Court to issue a certification to the effect that for the year 2003, no notarial report has been made by the respondent which is a ground for cancellation of his notarial commission. That's why I raised this, so that while the case is pending, he should be suspended from the practice of . . . and may I ask that he be declared in contempt for laughing?

Court:

Judge Fineza, will you please stay calm.

Judge Fineza: (to respondent)

'Putang-ina mo eh!'

Court:

Please be just civil with each other, Judge Fineza.

Judge Fineza:

Why is he laughing? **Let it be put on record that he has a moronic attitude.** That's why he was laughing.

Court:

Judge Fineza, are you making an additional manifestation or additional charge against the respondent because of the information that you got now from the Office of the Clerk of Court?

Judge Fineza:

No, Your Honor. It is in accordance with my petition, that during the pendency of this case, the respondent should be suspended.

Court:

He should be suspended because of the non-compliance?

Judge Fineza:

Yes, Your Honor. **He promised in his answer, that he has remedied the situation.**

x x x

Atty. Seludo:

Yes, Your Honor. I just want that all the manifestations of the complainant be put on record, Your Honor.

Judge Fineza:

If Your Honor please, **I don't know if this guy is really stupid.** This is a court proceeding and everything that is being taken is recorded. If you want to use that for libel, you cannot. This is a Court proceeding, we should have privileged communication.

Court:

Judge Fineza, will you please refrain from calling the other person, who is a brother in profession?

Judge Fineza:

I'm just telling the truth, Your Honor.

Court:

But I would like to ask you to use temperate words. You are brother lawyers. If you have nothing more to say, I would like to adjourn this preliminary conference. I will indorse all the records to the 1st Vice Executive Judge who will notify you of the schedule for the continuation of the investigation.

continuation . . .

We will prepare the minutes and we will let you sign, Judge Fineza.

Judge Fineza:

Where is the minutes? This is not the prescribed form for minutes, Your Honor? Okay.

Court:

I have not yet adjourned, Judge Fineza? I hope you will be more civil to everybody here just like anybody who is civil with you.

Judge Fineza:

Okay, okay. My apologies, Your Honor.

Court:

Accepted.

Judge Fineza:

And now you adjourn?

Court:

You are requesting for that? I will give you copy so that you can be satisfied. What do you say, Atty. Basa? You are the collaborating counsel. Probably, you are being more civil with us.

Atty. Basa:

May we just ask for the adjournment of the session, Your Honor.

Judge Fineza:

You will give me the minutes now?

Court:

We will provide you including with the copy of the Order of the Court inhibiting itself."^[4]

In his comment^[5] dated September 8, 2003, respondent judge admitted that he uttered derogatory words during the proceeding held on July 8, 2003. He, however, explained that he has been suffering from a heart ailment and diabetes since November, 2002, causing him considerable anxiety and pain. This must be the reason why he could not control his outburst. Besides, the incident was precipitated by the conduct of the complainant and the Executive Judge. Complainant was unkind and impolite to him. He kept on interrupting him. In fact, after his oral manifestation, complainant began to laugh and ridicule him. Moreover, when he