

EN BANC

[A.M. No. RTJ-99-1431 (Formerly OCA IPI No. 97-387-RTJ), January 23, 2002]

JUDGE FLORENTINO M. ALUMBRES, COMPLAINANT, VS. JUDGE JOSE F. CAOIBES, JR., RTC, BRANCH 253, LAS PIÑAS CITY, RESPONDENT.

D E C I S I O N

MELO, J.:

Upon his assumption to office, a judge ceases to be an ordinary citizen. He becomes the visible representation of the law, and more importantly, of justice. From him, the people draw their will and awareness to obey the law. Thus, a magistrate of the law must comport himself at all times in such a manner that his conduct, official or otherwise, can bear the most searching scrutiny of the public that looks up to him as the epitome of integrity and justice. He must be the first to abide by the law and weave an example for others to follow. He must studiously avoid even the slightest infraction of the law. Sadly, the actions in the instant case of complainant and respondent, both of whom are members of the Judiciary, fall far short of this exacting standard.

Judge Jose F. Caoibes Jr., the Presiding Judge of Branch 253 of the Regional Trial Court of Las Piñas City, stands charged with Grave Misconduct/Conduct Unbecoming to a Judicial Officer for allegedly inflicting fistic blows — one to the right forehead and another to the left side of the jaw — on Judge Florentino M. Alumbres, Presiding Judge of Branch 255 of the Regional Trial Court of Las Piñas City on May 20, 1997 outside the Staff Room of Branch 253, in plain view of several lawyers and litigants.

The facts, as culled from the records, are as follows:

Branch 253 was a newly-created branch of the Regional Trial Court of Las Piñas City. Thus, when respondent Caoibes was appointed presiding judge thereof, he had the privilege of recommending to the Supreme Court the appointment of employees of his own choice. Complainant Alumbres, who was then the executive judge of the court, saw in this a golden opportunity to secure employment for his son. Learning that Caoibes' office furniture had yet to be delivered by the Supreme Court, Alumbres lent an executive table to the former for his temporary use.

When Caoibes assumed office on September 16, 1996, Alumbres invited the former to lunch, during which he proposed that Caoibes recommend his son for appointment as utility man for Branch 253. Caoibes agreed. The next day, however, Alumbres proposed that instead of utility man, Caoibes should recommend his son for appointment as process server of Branch 253. Again, Caoibes agreed. Alumbres, as executive judge, favorably endorsed the appointment of his son, as recommended by Caoibes. However, his son was not appointed as process server

because the Court Administrator found it inappropriate for Alumbres to endorse the appointment of his own son, rendering therefore such recommendation nepotistic in character.

When Alumbres was replaced as executive judge by Judge Bonifacio Sanz Maceda, he asked his replacement to favorably endorse his son's appointment as process server of Branch 253. Judge Maceda did so. This time, however, Caoibes reneged on his agreement with Alumbres. Caoibes withdrew his earlier recommendation of Alumbres' son and, instead, recommended David Cariño for process server of Branch 253.

Learning that an executive table had already been delivered to Caoibes, Alumbres, in the morning of May 20, 1997, sent his deputy sheriff to the chambers of Caoibes to take back the table earlier lent to Caoibes. Respondent Caoibes told the deputy sheriff that he would continue using the table until his office furniture was delivered by the Supreme Court. The deputy sheriff left to convey this message to Alumbres. Caoibes, thereafter went to Judge Maceda to ask that he be allowed to continue using the table lent to him by Alumbres. Judge Maceda opined that Caoibes could continue using the table, adding that if Alumbres needed a table, he (Judge Maceda) could lend one of his own tables to Alumbres.

In the meantime, Alumbres had been informed of Caoibes' refusal to return the table. Alumbres suspended court proceedings and, accompanied by his process server and the deputy sheriff, went to chambers of Caoibes to reclaim the table. Informed of their purpose, the deputy sheriff of Branch 253 informed the group to wait for the return of Caoibes since the latter still had some official papers on the table. Since the Staff Room of Branch 253 was in front of the chambers of Judge Maceda, Alumbres decided to wait for Caoibes in front thereof. Several lawyers and litigants who had hearings were all along the hallway.

Informed by his utility man that Alumbres was in his staff room to recover the table, Caoibes left Judge Maceda to see Alumbres. Caoibes saw Alumbres, with hands on his hips, standing along the hallway. Caoibes greeted Alumbres "*Hoy, ano ba ang atin?*" The latter replied in an angry tone "*Joey, kukunin ko na ang table ko. Akin naman iyun, eh.*" In response, Caoibes put his left arm around Alumbres' shoulder, extended his right hand to shake the latter's right hand, at the same time saying "*Huwag naman. Halika, pag-usapan natin dine.*" Despite the cordial gesture, Alumbres held Caoibes' right wrist and forcefully jerked it. Incensed at the fierce reaction of Alumbres, Caoibes shouted "*Tarantado ito, ah,*" and swung his left arm towards Alumbres, hitting him on the right temple. Caoibes also delivered a right hook, grazing Alumbres' lower jaw. The latter felt dazed and the right lens of his eyeglass dropped to the floor. Before the incident could worsen, Judge Maceda, who had just emerged from his chambers, and one of the deputy sheriffs, placed themselves between the two. Alumbres swung at Caoibes while the latter was being led away by Judge Maceda but the blow missed. The incident, involving as it did members of the judiciary, was given extensive coverage by the media.

According to the medical certificate issued by the City Health Officer, the left side of Alumbres' chin was swollen and had a laceration about 1 cm. wide, while his right temporal region, anterior aspect, had a pin-head sized laceration as well as slight swelling and reddening.