

FIRST DIVISION

[A.M. No. MTJ-99-1224, December 12, 2002]

**P/SINSP. OMEGA JIREH D. FIDEL, COMPLAINANT, VS. JUDGE
FELIX A. CARAOS, MUNICIPAL TRIAL COURT, CANDELARIA,
QUEZON, RESPONDENT.**

D E C I S I O N

YNARES-SANTIAGO, J.:

An Affidavit-Complaint^[1] was filed by P/SInsp. Omega Jireh D. Fidel, Chief of Police of Candelaria, Quezon, charging Judge Felix A. Caraos of the Municipal Trial Court of Candelaria, Quezon with Grave Abuse of Authority, Grave Misconduct and Conduct Unbecoming of a Judge.

Complainant avers that at 10:45 in the evening of February 29, 1996, respondent judge, who was heavily drunk, went to the Municipal Police Station of Candelaria and attempted to forcibly release one Natividad Braza from detention without any preliminary investigation or written order for the latter's release. Natividad Braza was charged before the MTC of Candelaria, Quezon with violation of Article 151 of the Revised Penal Code, in Criminal Case No. 4878. While at the police station, respondent judge shouted invectives at the policemen on duty, *"PUTANG INA NINYONG MGA PULIS KAYO, NASAAN SI HEPE? HOY, ILABAS NINYO ITO NGAYON DIN, PUTANG INA NINYONG MGA PULIS. SINONG MASUSUNOD DITO, MAYOR, PULIS, O JUDGE?"*

To support the allegation, complainant submitted the joint-affidavit^[2] of the policemen on duty and the affidavits of two detention prisoners who witnessed the incident.

In his Comment,^[3] respondent judge narrated that on February 29, 1996, at 5:30 in the afternoon, while he was watching his friends play lawn tennis at Tiaong, Quezon, a group of seven market vendors approached him. The market vendors pleaded with him to order the temporary release of a certain Natividad Braza, also a market vendor.

Respondent judge averred that after reading the complaint against Braza and finding that the case was covered by the Rule on Summary Procedure, he acceded to their plea. He tried to get in touch with the Chief of Police of Candelaria, Quezon by telephone but to no avail. He then tried to contact the Candelaria Public Market Police Detachment and was able to talk to a certain Police Officer Limbo. Respondent judge asked Officer Limbo to convey his message to the municipal jail warden for the temporary release of Braza pending the preliminary examination of the latter's case scheduled the following day.

Respondent judge further narrated that at around 10:00 that evening, his wife woke him up and told him that there were two men outside their house. Seeing that they

were among the vendors who approached him earlier at the tennis court, he let them in. The two men complained that Braza was not allowed to be released and that the jailer told them, "*walang puedeng magpalabas nito kundi si Mayor.*"

Respondent judge disclosed that after he failed to get in touch with the Candelaria Chief of Police through telephone, he decided to proceed to the police station in Candelaria, Quezon that same evening. When he arrived there, he noticed that a telephone was located beside the policemen who were then busy watching television and who did not even pay attention to him. Respondent judge admitted that this irritated him, considering that earlier the policemen failed to answer his telephone call, so he uttered the words: "*Bakit hindi ninyo sinasagot and telepono? Putangina! Kailangan pa ba nating dagdagan yan? O alisin na dahil walang silbi, putangina! Paano na kung may emergency? O sunog? Nasaan na si Hepe?*" When he was told that the Chief of Police was out, he again asked: "*Bakit ayaw ninyong palabasin si Braza? At bakit wala daw puwedeng magpalabas sa kanya?*" Eventually, respondent judge was able to facilitate the release of detention prisoner Braza.

This case was referred to Executive Judge Ricardo O. Rosales, Jr., RTC, Lucena City, for investigation, report and recommendation within sixty (60) days from receipt of the records.^[4]

After due investigation, Judge Rosales found no evidence to support complainant's claim that respondent judge was intoxicated when he arrived at the Candelaria Police Station. The mere appearance of respondent judge's hair in disarray and reddish eyes is inadequate to prove the claim since, admittedly, respondent judge was roused from sleep and immediately went straight to the police station. Judge Rosales opined that the admission of respondent judge about being irritated that evening and his utterance of "*putang ina, putang ina*" connotes that he did not intend to curse any particular policemen at the scene. Judge Rosales thus recommends that respondent judge should only be reprimanded with the stern warning that a repetition of the same act would be dealt with more severely.^[5]

On August 18, 1997, this case was referred to the Office of the Court Administrator (OCA) for evaluation, report and recommendation. The OCA found that the actions committed by respondent judge fell beyond the norms expected of members of the bench, and recommended that respondent judge be meted a fine of P1,000.00 and sternly warned that a repetition of the same shall be dealt with more severely.

We agree with the recommendation of the OCA.

A judge, as an advocate of justice and visible representation of the law, must not only apply the law but must imbibe it in his everyday living. Having accepted the exalted position of a judge, both his personal and public life have been set apart from the average citizen. A judge's assumption of office is viewed with utmost respect and reverence compatible with his position as dispenser of justice. From him the people draw their will and awareness to obey the law. He must be the first to abide by the law and weave an example for others to follow.^[6] The people's confidence in the judicial system, however, is founded not only on the competence and diligence of the members of the bench, but also on their integrity and moral uprightness.^[7] The public will have faith in the administration of justice only if they believe that the occupants of the bench cannot be accused of arbitrariness in the exercise of their powers both in and out of the court. Accordingly, he must at all times avoid even the slightest infraction of the law.