

THIRD DIVISION

[A.M. No. RTJ-99-1443, March 14, 2000]

EVAN B. CALLEJA, COMPLAINANT, VS. JUDGE RAFAEL P. SANTELICES, REGIONAL TRIAL COURT, BRANCH 2, LEGASPI CITY, RESPONDENT.

R E S O L U T I O N

VITUG, J.:

In a sworn letter-complaint, dated 03 December 1997, complainant Evan B. Calleja charged Judge Rafael B. Santelices of the Regional Trial Court of Legaspi City, Branch 2, with manifest partiality and gross ignorance of the law relative to his actuations in Civil Case No. 9441 ("Mayon International Hotel, Inc. vs. Albay Electric Cooperative, Inc., Edgardo San Pablo and Evan B. Calleja") for damages, with prayer for temporary restraining order and/or preliminary mandatory injunction; he averred that -

- "a. During the hearing on October 17, 1997 the plaintiff made certain admissions which conclusively prove that it (plaintiff) and its personnel are guilty of electricity pilferage and were caught in the act of knowingly using or receiving the benefit of pilfered electricity;
- "b. During the hearing on the preliminary mandatory injunction, defendant was able to submit a computation of the differential billing in the amount of P1,454,381.50 as basis for fixing the bond but respondent ignored it and fixed the bond at P200,000.00 only;
- "c. Respondent issued a writ of preliminary mandatory injunction but refused to comply with Section 9 of R.A. No. 7832 which directs the court issuing the injunction to submit a report to the Supreme Court within (10) days from its issuance;
- "d. During the hearing on November 12, 1997, the counsel for the defendant was about to invoke a circular of the Supreme Court when respondent in gross and grave disrespect to the Supreme Court, cut him short and said 'Never mind, let the Supreme Court have that circular;' and
- "e. During the hearing on the same date, counsel for the defendants requested for a postponement whereupon respondent ordered the defendants to reimburse the transportation expenses and appearance fee of counsel for plaintiff."

Another administrative complaint, dated 25 February 1998, was filed by complainant, this time alleging that -

- "a. Respondent is partial to the plaintiff as a favor to the counsel of the plaintiff, Atty. Manuel M. Lazaro, who as Chief Presidential Legal Counsel and Chairman of the Presidential Judicial Re-Organization during President Marcos' regime, had caused, processed and recommended the appointment of respondent in the judiciary;
- "b. Complaint was not sent a Notice of Raffle as required by the Supreme Court Circular No. 20-95 dated September 12, 1995 and when he was told by somebody that a case against him and his co-defendants has been filed and will be raffled at 2:00 p.m., he went to the sala of respondent at around 1:45 p.m. only to be told that the raffle had been done already;
- "c. In an order dated October 17, 1997 respondent set the case for pre-trial on November 12, 1997 inspite of the fact that the last pleading has not yet been filed or the period to file it has not yet expired and no motion was ever filed by the plaintiff to set the case for pre-trial as required by Section 1 of Rule 18 of the 1997 Rules of Civil Procedure;
- "d. Respondent repeated the same mistake by issuing another Notice of Pre-Trial dated December 18, 1997 stating in part 'The last pleading in this case having been filed and issues being joined, the pre-trial conference is hereby set on February 11, 1998 at 8:30 o'clock in the morning;'
- "e. Respondent distorted the records of Civil Case No. 9441 when he issued two (2) orders: first, the order dated February 6, 1998 stating that the motion to inhibit filed by Counsel for the defendants had already been denied in open court during the hearing on December 10, 1997 and second, the order dated February 11, 1998 which resolved for the second time the said motion to inhibit and reiterated that said motion was denied last December 10, when in fact respondent did not make such a ruling during the hearing last December 10, 1997."

In his comment, dated 16 February 1998, respondent Judge denied the allegations of complainant and countered that if the plaintiff had indeed made admissions of pilferage of electricity, the defendants could have easily moved for the dismissal of the complaint. Respondent Judge asserted that the pilferage was merely "discovered" and that the plaintiff was not "caught in the act" as so claimed by complainant. With respect to the fixing of the bond, respondent argued that the differential billings were only mentioned by the defendants but the witness presented by the latter did not specify the amount involved. The bond of P200,000.00 he fixed was, in any event, still subject to change once the amount of the differential billings would have been determined. Respondent Judge admitted his failure to report to the Court his issuance of an injunction but maintained that his act was not deliberate. Respondent Judge conceded having uttered the words ascribed to him but explained that he did not mean to offend the Court by his utterance; nevertheless, he expressed his apologies. He did direct, he said, the reimbursement of transportation expenses of plaintiff's Makati-based counsel since the latter was not duly notified of defendants' intention to ask for postponement.

Complainant, in his reply, asseverated that respondent Judge had shown partiality to

plaintiff's counsel, Atty. Manuel Lazaro, who was instrumental in the appointment of said respondent to the judiciary. He insisted that the plaintiff was caught in *flagrante delicto*, that respondent erred in fixing the amount of bond, and that there was nothing that could justify his order directing the reimbursement of transportation expenses to counsel for the plaintiff.

Following a further exchange of pleadings, the case was referred by the Court to the Office of the Court Administrator ("OCA") for evaluation, report and recommendation. In due time, OCA came out with its findings. The Court, on 14 April 1999, required the parties to manifest whether or not they were submitting the case for resolution on the basis of the pleadings on record to which the parties responded in the affirmative.

The Court quotes below the pertinent portions of the evaluation, report and recommendation of OCA; thus:

"The issues of whether or not the plaintiff made admissions as to its liability and whether or not, the plaintiff was caught in *flagrante delicto* are still subjudice. The trial of the merits of Civil Case No. 9441 before the Regional Trial Court is still going on and besides the question posed by these issues are judicial in character as these go to the assessment by respondent of the evidence of the parties. In such a case, the remedy of complainant are those found in the Rules of Court and not an administrative case.

"As to the alleged error of respondent in fixing the bond at P200,000.00 this has already been rendered moot and academic by the dismissal by the Supreme Court of the petition filed by the defendants and docketed as G.R. No. 131290 questioning the said order of respondent.

"Respondent admitted that when he issued the writ of preliminary mandatory injunction, he failed to report the same within ten (10) days from its issuance as required by R.A. 7832, Section 9. Respondent's omission constitutes gross inefficiency. The complaint in Civil Case No. 9441 (Annex 'A' of the complaint) clearly indicates the applicable law, that is Republic Act No. 7832. This law consists of merely seventeen (17) sections and it would not have required too much time and effort on the part of the respondent to peruse its provisions and acquaint himself with its contents. It even appears that respondent came to know of the requirement of Section 9 of R.A. No. 7832 only from this administrative complaint. Canon 3, Rule 3.01 of the Code of Judicial Conduct provides that a judge should maintain professional competence. In this regard, the Supreme Court has consistently ruled that judges should be conversant with the law (*Lopes vs. Fernandez*, 99 SCRA 603, 611), he should be fully acquainted with the statutes and procedural rules (*Librarios vs. Dabalos*, 199 SCRA 48, 56)

"Likewise, respondent admitted that he uttered this statement 'Never mind, let the Supreme Court have that circular.' This is in violation of Canon 2, Rule 2.01 Code of Judicial Conduct which provides that a judge should so behave at all times as to promote public confidence in the integrity of the judiciary. A remark such as that uttered by the