

## EN BANC

**[ A.M. No. MTJ-99-1197, May 26, 1999 ]**

**BENALFRE J. GALANG, COMPLAINANT, VS. JUDGE ABELARDO H. SANTOS, RESPONDENT.**

### RESOLUTION

#### PER CURIAM:

The case before the Court is a letter-complaint filed by Pampanga Provincial Attorney Benalfre J. Galang charging Judge Abelardo H. Santos, presiding judge, Municipal Trial Court in Cities (MTCC), Angeles City, Pampanga, with acts unbecoming of a judge.

On December 10, 1996, Benalfre J. Galang filed with this Court a complaint<sup>[1]</sup> seeking administrative action for the reprehensible conduct of respondent judge in engaging in the publication of a gossip tabloid, The Mirror, as editor and legal adviser, and as a gossip-mongering columnist of a local newspaper, Sun Star Clark.

Complainant alleged that respondent used his newspaper column to ventilate his biases or personal anger at people or institutions. For instance, when respondent failed to receive payment from the Office of the Governor for advertisement in exchange for a congratulatory message in the maiden issue of the The Mirror, respondent placed a blank space purportedly for the governor's message, and expressed contempt with a few lines underneath a picture of the governor.<sup>[2]</sup> Complainant believes that respondent judge should not engage in active, sensational, and free-for-all journalistic writing because such act degrades the judicial system and compromises his impartiality as an administrator of justice.

When required by this Court to answer the charges against him, respondent filed a Motion for Bill of Particulars and to Require Complainant to Verify his Letter-Complaint.<sup>[3]</sup> The Court granted the motion in its Resolution dated June 16, 1997.<sup>[4]</sup>

On September 29, 1997, Benalfre J. Galang filed a Verified Complaint with Bill of Particulars.<sup>[5]</sup> Complainant alleged that respondent wrote articles to display his personal prejudices and personal anger toward people and institutions, which constitute improper interference and meddling in purely administrative matters that are of no material concern to his office or sala. Moreover, complainant alleged that respondent used the print media to promote the interests of one political party against another, which showed his political bias for one party, in violation of the Canons of Judicial Ethics.<sup>[6]</sup>

On October 8, 1997, respondent filed his answer, which is reproduced here in full, to wit:

"Res Ipsa Loquitur! Complainant's verified complaint speaks for itself. It is an ENTIRELY NEW Complaint. If complainant is a lawyer worth his salt and if he truly understood respondent's Motion for a Bill of Particulars AND TO REQUIRE COMPLAINANT TO VERIFY HIS LETTER-COMPLAINT, then he should have known (even a mediocre lawyer will) that it was the original complaint dated December 9, 1996 which should have been verified.

"As to the alleged Bill of Particulars, Complainant, in blatant or ignorant defiance of the June 16, 1997 Resolution of this Honorable Court, filed a BILL OF GENERALITIES! Respondent moved for a more definite and clear statements on several matters contained in his motion. NONE, of these were "particularized" by said Complainant. It is, therefore, clear that Complainant miserably failed to comply with the Resolution of this Honorable Court. A Bill of Generalities is the exact opposite of a Bill of Particulars. But then, Complainant seems unable to distinguish between the two?

"As an act of Obedience to the June 16, 1997 Resolution of this Court requiring respondent to Comment within ten (10) days on the Complaint, suffice it to say that he invokes his constitutional right of Freedom of Speech and of the Press enshrined in the 1987 Constitution for which the Honorable Supreme Court is a staunch defender. As a brief background, respondent has been a member of the 4<sup>th</sup> Estate since 1971. He covered, together with Vicente B. Foz, a fine lawyer and a writer, the 1987 Con-Con for the Pre-Martial Law Manila Times, with the late Jose Luna Castro as editor. In 1987, he resumed his writing career for local newspapers, up to the present.

Respondent admits the dare he hurled against the Complainant which appeared in the December 9, 1996 issue of the Sun-Star Clark. Unfortunately, the Complainant TURNED DOWN the challenge for what reasons only he can fathom. One of these days respondent will file a case with the proper forum against Gov. Lito Lapid so as to clear once and for all the issues I raised anent Section 90 (a) of RA 7160 which respondent quoted in paragraph 2 of this new complaint.

"Paragraph 3 of the Complaint speaks of a column, The Capital Mole which I deny having written. It has no by-line. How can I be the MOLE when the last time I was at the Capitol was on June 30, 1995? Complainant seems to be suffering from astigmatism.

"Paragraph 4 of the Complaint has NO basis. Respondent is neither promoter nor a member of any political party. He has no intention whatsoever to join any. As to the fact that the late Governor Bren Z. Guiao LOST to Lapid is neither here nor there. It is immaterial, irrelevant, stupid and most of all, unfortunate."<sup>[7]</sup>

The Office of the Court Administrator, in a Memorandum dated April 13, 1998, recommended the dismissal of respondent judge from the service, for conduct unbecoming a member of the bench and for violation of the Code of Judicial Conduct.

We agree.

A judge is viewed as the visible representation of law and justice from whom the people draw their will and inclination to obey the law.<sup>[8]</sup> Thus, his official conduct should be free from the appearance of impropriety, and his personal behavior, not only in the bench and in the performance of judicial duties, but also in his everyday life, should be beyond reproach.<sup>[9]</sup> Rule 2.01 of the Code of Judicial Conduct also provides that a judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary.<sup>[10]</sup>

In this case, respondent judge has displayed conduct that falls short of the standards expected of a magistrate of the law. A perusal of the newspaper articles and the pleadings filed by respondent betrays a lack of judicial decorum which requires the use of temperate language at all times.<sup>[11]</sup> Samples of such articles are as follows:

"I did not see Mayor ED (not the crook as in CROOKED) and Mayor Boking during former Gov. BREN Z. GUIAO's birthday bash last July 9, lumipat na ba kayo ng kampo?" [The Mirror, Aug. 19-Sept. 4, 1996, p. 3]

"To all those who, supported this maiden issue of the Mirror, Salamat po! To those who did not, like PROVINCIAL LAWYER BENJIE GALANG, mas maraming salamat!!!" [The Mirror, Aug. 19-Sept. 4, 1996, p. 3]

"I will not seek the annointment of Lito Lapid. Who is he anyway? A nice book with nothing in between the covers? May pride yata ako." ["If I were Bren Z. Guiao", Sun Star Clark, Dec. 2, 1996, p. 5]

"I will not support LEVY LAUS in his intended bid to run for Mayor of San Fernando. Akala ko sincere sa pagganap niya sa Save San Fernando Movement; yun' pala may ulterior motive!" ["If I were Bren Z. Guiao", Sun Star Clark, Dec. 2, 1996, p. 5]

"As Chief Legal Counsel of Pampanga's Chief Executive, I challenge, katuwaan lang, Atty. BENJIE GALANG, my successor, to an open, public and friendly debate on the following issue... May a governor, who is at the same time an actor, still make films?"

"This writer will take the NEGATIVE side (it would be highly illogical for Benjie to be on this side. I know he does not have the brain of a gun.)"

From the looks of it, this side believes that Gov. Lito is not getting the proper legal advice from his Provincial Attorney?"

"Lapid fans will abhor me for bringing up this issue but the rule is - DURA LEX SED LEX!! I can not, in conscience, allow a patently, clear and blatant, to my belief, violation of Sec. 90 (a) of RA # 7160."

"As a clincher, I will RESIGN from my position as a judge if Benjie wins. If