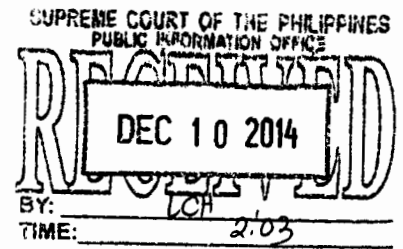




Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated November 12, 2014, which reads as follows:*

**“A.M. No. MTJ-13-1832 [Formerly OCA IPI No. 12-2545-MTJ] (*Edgar Borromeo vs. Judge Job M. Mangente*). – This is an administrative complaint for Conduct Unbecoming a Judge commenced by Edgar Borromeo against Judge Job M. Mangente of the Metropolitan Trial Court (MeTC) of Navotas City, Branch 54.**

In his Complaint-Affidavit<sup>1</sup> dated November 7, 2012, complainant averred that he and Jainata Maseral (Maseral) are the private complainants in Criminal Case Nos. JLOO-14614 to 14616, for Violation of B.P. Blg. 22, filed against Raymund Tiu Ko, and pending before Branch 55, MeTC of Malabon City. Following a failed mediation proceeding, the aforementioned criminal cases were forwarded to the respondent judge for judicial dispute resolution (JDR).

Complainant’s version of what transpired during the JDR hearing, as culled from his complaint-affidavit, may be summarized as follows:

Right from the start, complainant’s counsel manifested that the private complainants and Ko have come to an agreement during the mediation proceedings to settle the case for ₱1,130,000 payable in installment, but cannot agree with respect as to the amount of monthly amortization. To compound matters, Ko has proposed an unacceptable change in the terms of payment. After an exchange of offers and counter-offers, Ko, when so asked by the respondent judge, declared his inability to increase his offer of ₱25,000-a-month payments. Thereafter, Judge Mangente focused his stare at the private complainants, stating that they better accept the offer if they do not want to wait for forever to win the case. When the complainant himself asked if the accused can increase the amount, respondent Judge, in a loud voice told the complainant, “*Huwag mo na sya pilitin kasi hindi na niya kaya, kaya tanggapin mo na lang ang offer!*”<sup>2</sup> And by way of reply to

<sup>1</sup> Rollo, pp. 1-3.

<sup>2</sup> Id. at 2.

questions asked or in reaction to certain situations, some harsh words were then thrown in a condescending manner by respondent judge, such as but not limited to: “*Ano?! Kalalaki mong tao, kelangan mo pang magtanong sa asawa mo?! Under ka ba, mahiya ka nga! Desisyunan mo na yan ngayon! Ano!*”; “*Grabe, na-ha-high blood ako sayo! Ano ba gusto mo sa iyo lahat-lahat.*”; “*Ewan ko sa iyo! Ang tigas ng ulo mo! Ang gusto ko lang marinig ay Yes or No! Ano? Tinatanggap mo ba? Yes or No?!*”

Maseral was also not spared from respondent judge’s wrath when she intervened saying, “*Judge kasi po niloloko kami niyan ayaw napo naming maloko ulit,*” the latter retorted angrily, “*Bakit! Dahil lang ba may utang siya dapat sa inyo na lahat-lahat! Ano ba itong babae na ito!* (pointing directly to Maseral) *Hindi lahat ng gusto mo makukuha mo! Ako nga marami akong gusto na hindi ko nakuha! Ewan ko sa iyo!*”

And while the foregoing was happening, Ko seemed to be very pleased with the obvious display of respondent Judge’s partiality in his favor. At one point, the respondent Judge was in the verge of throwing the records at him (complainant) out of frustration.

Complainant’s above version was corroborated by Jainata in her Affidavit<sup>3</sup> dated November 7, 2012.

By a 1<sup>st</sup> Indorsement dated November 20, 2012, the Office of the Court Administrator (OCA) referred the Complaint-Affidavit to the respondent Judge for his Comment. In due time, respondent judge submitted his letter-comment<sup>4</sup> alleging that he conducted the JDR in accordance with the rules and insisted that the complainant commenced the administrative case against him owing to the latter’s failure to get the desired terms of payment.

By Resolution dated September 4, 2013, the Court, upon the OCA’s recommendation, resolved to redocket the complaint as a regular administrative matter and referred it to the Executive Judge of the Regional Trial Court (RTC) of Malabon City, for investigation, report and recommendation.

At the very start of the investigation conducted on December 10, 2013 by RTC Executive Judge Carlos M. Flores, complainant manifested he was no longer interested in proceeding against the respondent judge, adding in this regard that he filed his complaint in the first place because he felt offended by the deportment during the JDR hearing displayed by respondent judge who appeared to be siding with the accused Ko. On the other hand, the

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<sup>3</sup> Id. at 5-7.

<sup>4</sup> Dated December 18, 2012; id. at 9.

November 12, 2014

respondent Judge averred that he merely tried, during the JDR, to settle the case between the parties, but denied suggestion of partiality.<sup>5</sup>

Judge Flores gave complainant fifteen (15) days within which to reconsider his decision to withdraw the case, but no manifestation of reconsideration was received from the latter.

In his Report<sup>6</sup> dated January 27, 2014, the Investigating Judge, in light of complainant's resolve not to pursue the case further and substantiate his accusation against the respondent judge, recommended the dismissal of the complaint but with this reminder to respondent judge: "*although [he] may have escaped unscathed from his administrative case, it should nevertheless serve as a reminder for him not to forget and to always keep in mind Canon 3, Rule 3.04 of the Code of Judicial Conduct every time lawyers, litigants and witnesses appear before him.*"<sup>7</sup>

On the other hand, the OCA recommended that the respondent judge be adjudged administratively liable for conduct unbecoming a judge and meted the penalty of reprimand with warning. In its Memorandum dated August 13, 2014, the OCA stated the observation that the respondent judge has failed to delve on or to substantially impugn the accusations against him. Instead of disproving the allegations in the complaint as blatant lies, respondent judge, so the OCA noted, could only utter the words "*I am sorry*" to the complainant. Thus, the OCA gave credence and full probative weight to the account of the complainant regarding respondent judge's untoward conduct during the JDR over the general denials of the respondent judge.

At the outset, We reiterate the rule that the mere desistance on the part of the complainant does not warrant the dismissal of administrative cases against members of the bench. The withdrawal of complaints cannot divest the Court of its jurisdiction nor strip it of its power to determine the veracity of the charges made and to discipline, such as the results of its investigation may warrant, an erring respondent.<sup>8</sup>

That said, the Court is disposed to accept the findings of the OCA and the supporting arguments holding it together, but not as to the penalty recommended.

Complainant's narration of the events that transpired during the JDR, particularly the manner by which respondent Judge addressed and treated the complainant, commends itself for acceptance. And rather than traversing the

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<sup>5</sup> Id. at 18 and 21.

<sup>6</sup> Id. at 24.

<sup>7</sup> Id. at 26.

<sup>8</sup> *Marcelino v. Judge Singson, Jr.*, A.M. No. MTJ-94-962, April 24, 1995, 243 SCRA 685.

allegations about the inappropriate and crude attitude he displayed during the JDR hearing, what respondent judge merely offered was a sweeping denial of the adverted allegations. The proffered justification by the respondent Judge that was he merely doing his job strikes the Court as flimsy and certainly does not detract from the fact that he treated the complainant in an unbecoming, high-handed manner.

Respondent judge should be reminded of Section 2, Canon 3 of the New Code of Judicial Conduct (Code) providing in the minimum the standard which he has to observe, in and out of the court:

SEC. 2. Judges shall ensure that his or her conduct, both in and out of court, maintains and enhances the confidence of the public, the legal profession and litigants in the impartiality of the judge and of the judiciary.

There is then too the complementary Sec. 1, Canon 4 of the Code enjoining judges not only from committing acts of impropriety, but even acts that may give the appearance of impropriety.

The mandates in the foregoing provisions stem from the rule that a judicial office circumscribes a personal conduct, and imposes a number of inhibitions, whose faithful observance is the price a judge has to pay for holding an exalted position.<sup>9</sup> As the Court has time and again belabored, the stringent standards of conduct demanded from judges are designed to promote public confidence in the integrity and impartiality of the judiciary.<sup>10</sup> Withal, it is paramount that a judge's personal behavior both in the performance of his duties and his daily life, be free from any appearance of impropriety as to be beyond reproach.<sup>11</sup> Thus we wrote in *Tan v. Rosete*:

We have repeatedly admonished our judges to adhere to the highest tenets of judicial conduct. They must be the embodiment of competence, integrity and independence. Like Caesar's wife, a judge must not only be pure but above suspicion. This is not without reason. The exacting standards of conduct demanded from judges are designed to promote public confidence in the integrity and impartiality of the judiciary because the people's confidence in the judicial system is founded not only on the magnitude of legal knowledge and the diligence of the members of the bench, but also on the highest standard of integrity and moral uprightness they are expected to possess. When the judge himself becomes the transgressor of any law which he is sworn to apply, he places his office

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<sup>9</sup> *Id.*; citing *Jugueta v. Boncaros*, A.M. No. 440-CFI September 30, 1974, 60 SCRA 27; *Conde vs. Superable, Jr.*, A.C. No. 812, September 30, 1969, 29 SCRA 7.

<sup>10</sup> *Office of the Court Administrator v. Judge Cader P. Indar, Al Haj*, A.M. No. RTJ-11-2287, January 22, 2014.

<sup>11</sup> *Tan v. Rosete*, A.M. No. MTJ-04-1563, September 8, 2004, 437 SCRA 581; citing *Avancena v. Liwanag*, A.M. No. MTJ-01-1383, July 17, 2003, 406 SCRA 300.

in disrepute, encourages disrespect for the law and impairs public confidence in the integrity and impartiality of the judiciary itself.<sup>12</sup> x x x

In this case, respondent judge acted short of the exacting norms of his office. Indeed, it was inappropriate for him to veritably compel the complainant into accepting the terms of payment offered by the accused during the JDR. Earnestness and zeal in settling disputes between litigants should never be an excuse for boorishness in the performance of duties.

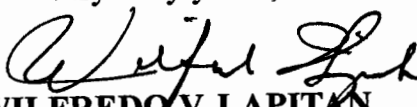
Needless to stress, engaging in offensive innuendoes or the use of demeaning and, worse, insulting language, be it coming from litigants or a member of the bench, has no place in any judicial proceeding. In this regard, a judge must at all times be temperate in his language. He must choose his words, written or spoken, with utmost care and sufficient control,<sup>13</sup> for he becomes, upon assumption to office, the visible representation of the law and of justice.<sup>14</sup>

Respondent judge had, in the performance of official duties, clearly fallen short of the exacting standards demanded under the New Code of Judicial Conduct. To this extent, we find him administratively liable for conduct unbecoming a judge. But since this case appears to be his first brush with the Court's ethical rules and no ill-motive attended his action, the penalty of admonition with warning is appropriate under the premises.<sup>15</sup>

**IN VIEW OF THE FOREGOING**, the Court hereby adjudges Judge Job M. Mangente of the Metropolitan Trial Court of Navotas City, Branch 54 guilty of Conduct Unbecoming a Judge. He is hereby **ADMONISHED**, with a stern warning that a repetition of the same or similar acts will be dealt with more severely. (Perlas-Bernabe, *J.*, Acting Member in lieu of Peralta, *J.* per Special Order No. 1866 dated November 4, 2014)

**SO ORDERED.”**

Very truly yours,

  
**WILFREDO V. LAPITAN**  
Division Clerk of Court 11/26/14

<sup>12</sup> Id.

<sup>13</sup> *Benancillo v. Judge Amila*, A.M. No. RTJ-08-2149, March 9, 2011, 645 SCRA 1; citing *Dela Cruz v. Carretas*, A.M. No. RTJ-07-2043, September 5, 2007, 532 SCRA 218, 229.

<sup>14</sup> *Junio v. Judge Rivera*, A.M. No. MTJ-91-565, October 5, 2005, 472 SCRA 69, 72; citing *Pascual v. Judge Rodolfo R. Bonifacio*, A.M. No. RTJ-01-1625, March 10, 2003, 398 SCRA 695.

<sup>15</sup> Conduct unbecoming of a judge is classified as a light offense under Sec. 10, Rule 140 of the Rules of Court and is penalized by any of the following: (1) A fine of not less than ₱1,000.00 but not exceeding ₱10,000.00; (2) Censure; (3) Reprimand; and (4) Admonition with warning.

November 12, 2014

Mr. Edgar Borromeo  
Complainant  
No. 5 Crispin St., Tinajeros  
1470 Malabon City

Judge Job M. Mangente  
METROPOLITAN TRIAL COURT  
Branch 54, Navotas  
Metro Manila

Executive Judge Carlos M. Flores  
REGIONAL TRIAL COURT  
1470 Malabon City

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OFFICE OF THE COURT ADMINISTRATOR  
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Hon. Raul Bautista Villanueva  
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