

## SPECIAL THIRD DIVISION

**[ A.M. No. RTJ-08-2158 (Formerly OCA IPI No. 04-2018-RTJ), April 13, 2010 ]**

**ALFREDO FAVOR, COMPLAINANT, VS. JUDGE CESAR O. UNTALAN, REGIONAL TRIAL COURT, BRANCH 149, MAKATI CITY, RESPONDENT.**

### RESOLUTION

**PERALTA, J.:**

Before this Court is the Motion For Reconsideration dated September 28, 2009, filed by respondent Judge, of the Decision dated July 30, 2009, finding him guilty of violating Rule 2.03 of the Code of Judicial Conduct and ordering him to pay a fine of P5,000.00

In his Motion, respondent Judge alleged that the penalty of fine of P5,000.00 was too severe, considering that he is a first-time offender. Respondent Judge now prays that the Decision be reconsidered and, in lieu thereof, the recommendation of the Investigating Judge be adopted as to the imposable penalty.

In view of the foregoing, while this Court is duty-bound to sternly wield a corrective hand to discipline its errant employees and to weed out those who are undesirable, this Court also has the discretion to temper the harshness of its judgment with mercy. Thus, in the interest of fair play and compassionate justice, considering that this was respondent Judge's first offense, we resolve to grant the instant motion for reconsideration.

**ACCORDINGLY**, the instant Motion for Reconsideration dated September 28, 2009 is **GRANTED**. In lieu of fine, Judge Cesar O. Untalan of the Regional Trial Court, Branch 149, Makati City, is **ADMONISHED** to be more circumspect in his official and personal deportment, with a **WARNING** that a repetition of the same or similar acts in the future shall be dealt with more severely.

**SO ORDERED.**

*Nachura, (Chairperson), Brion, Villarama, Jr.<sup>\*</sup>, and Mendoza<sup>\*\*</sup>, JJ., concur.*

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<sup>\*</sup> Designated Member vice Ynares-Santiago, J., (retired) per Raffle dated November 20, 2009, pursuant to Amended Rules under A.M. No. 99-8-09-SC.

<sup>\*\*</sup> Automatically designated as additional Member vice Chico-Nazario, J., (retired) per Memorandum dated January 5, 2010, pursuant to paragraph 4 of the Amended Rules in Resolution dated November 17, 2009 under A.M. No. 99-8-09-SC.