

SECOND DIVISION

[A.M. No. MTJ-05-1591 (formerly A.M. OCA IPI No. 02-1318-MTJ), July 14, 2005]

RODRIGO "JING" N. VIDAL, COMPLAINANT, VS. JUDGE JAIME L. DOJILLO, JR., MUNICIPAL TRIAL COURT, MANAOAG, PANGASINAN, RESPONDENT.

R E S O L U T I O N

AUSTRIA-MARTINEZ, J.:

Before us is a complaint filed by complainant Rodrigo "Jing" N. Vidal against Judge Jaime L. Dojillo, Jr., Presiding Judge of the Municipal Trial Court of Manaoag, Pangasinan.

The antecedent facts, as accurately narrated in the report of the Office of the Court Administrator (OCA), are as follows:

The Hon. Jaime L. Dojillo, Jr., Presiding Judge of Municipal Trial Court at Manaoag, Pangasinan is here charged with "Misconduct." The charge stemmed from an Election Protest filed by the brother of Judge Dojillo at the Municipal Circuit Trial Court stationed at San Fabian, Pangasinan to protest the proclamation of herein complainant as Barangay Captain in the 2002 election.

Mr. Vidal [herein complainant] alleged that during the 29 and 30 July 2003 hearings of the Election Protest, Judge Dojillo "sat beside the counsel of his brother" and "actively coached, aided, assisted, and guided said counsel by now and then saying something, handing piece of writing, reminding, and or stopping the counsel from manifesting something to the court, and other similar acts."

Complainant continued that herein respondent's "assertive presence and display of partisan activities in full public view could not have been ignored or unnoticed by the court a quo and would give the impression and suspicion of partiality of the said court in favor of respondent's brother."

Judge Dojillo admitted that he was present during the mentioned hearings but explained that he did not sit beside his brother's lawyer but in the area reserved for the public; and that the main reason why he was there was to observe how election protests are conducted as he has never conducted one. His other reason was to give moral support to his brother.

This matter was referred for investigation and, in her report, the Hon.