

FIRST DIVISION

[A.M. No. RTJ-03-1784, June 17, 2003]

ATTY. MANUEL M. ROSALES, COMPLAINANT, VS. JUDGE ROMULO S.G. VILLANUEVA, PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH 12, LIGAO, ALBAY, RESPONDENT.

R E S O L U T I O N

AZCUNA, J.:

On June 30, 1997, Atty. Manuel M. Rosales filed a Complaint against respondent Judge Romulo S.G. Villanueva for Grave Misconduct and Acts Unbecoming of a Judge.

Complainant stated that he is the legal counsel of respondent's father, Jose Villanueva, Sr., in a case for partition^[1] filed by respondent in his own behalf and in behalf of his brothers and sisters.

Complainant alleged that on June 16, 1997, between 8:30 to 9:00 a.m., he and Crispolo Cerdan, the driver of respondent's father, were outside the courtroom of Branch 36 of the Regional Trial Court of Iriga City awaiting the pre-trial of the case for partition. While waiting thereat, respondent approached Cerdan and told him, "*Poloy, sabihan mo si Boss mo na pigpapara kuwartahan lang siya kan abogado niya* (Poloy, tell your employer that he is just being bled dry by his lawyer)."

According to complainant, respondent uttered the said remark within the hearing distance of other persons, including a police officer, who were also waiting outside the courtroom. After respondent had uttered the remark, he glanced at complainant with an insulting smile and complainant told him, "I will take note of that judge." Respondent then sarcastically asked complainant, "*Ika ang abogado?* (Are you the lawyer?)" Complainant answered, "I will take note of your comment, judge."

Complainant further alleged that while the session was ongoing in the courtroom, respondent menacingly looked at him thrice from head to toe and uttered, "*Guwapong-guwapo ka sa sulot mon yan, noy!* (You are just too handsome in your attire, boy!)" Complainant thanked respondent for the "compliment."

Complainant contends that respondent's actuation was uncalled for, demeaning and unbecoming of one who is a member of the judiciary.

Complainant cited other instances allegedly illustrating that respondent was unfit to be in the bench, thus:

- a) During the first pre-trial conference of the Partition case between respondent as plaintiff and his father as defendant, [respondent] without

any qualms whatsoever told the herein complainant to relay his message to his father to wit:

'*Pañero*, tell your client (referring to his father, Jose Villanueva, Sr.), he cannot outlive this case.'

b) Sometime in December 1996, without any reason [or] justification and probably borne out of his seething anger towards his father, respondent slashed all four (4) tires of the Lite Ace Van owned by his father's wife (stepmother of herein respondent) as well as two (2) of the opposite tires of their service jeepney parked inside the garage of Jose Villanueva, Sr. (please refer to Affidavit of Crispolo Cerdan);

c) That sometime on April 28, 1997, again, without any apparent reason, herein respondent slapped his father's personal driver, Crispolo Cerdan, and Romeo Reodique, Jr., the personal aid/helper of respondent's father, which incident is now the subject of a criminal complaint to be filed by said persons (please refer to Affidavit and Police Blotter, Annexes "A" and "B");

d) That without any knowledge or consent of respondent's father (Jose Villanueva, Sr.) and while the Partition case was already pending, respondent, using his position as an RTC Judge, unceremoniously threatened and drove out the lessee of the residential house owned by respondent's father which was then being leased to [a] foreigner thereby depriving respondent's father of the income which defrays his father's day to day expenses (please refer to Annexes "C," "D" and "E") which incident was the subject of a complaint for contempt of court in the Partition case and now an Ejectment case is being prepared for respondent's ouster from the subject premises.

In his Comment, respondent vehemently denied ever committing grave misconduct and acts unbecoming of a judge. He claimed that the complaint is intended to harass and silence him in view of the partition case he and his siblings filed against their father, former Mayor Villanueva, who is the client of complainant.

Respondent specifically denied telling his father's driver, Crispolo Cerdan, "to tell [his] employer that he is just being bled dry by his lawyer." Moreover, he stated that "analyzing the statement, the undersigned (respondent) finds nothing wrong in that statement because though we have property disputes with our father, we want his money to be spent wisely." "Besides, this Mr. Cerdan being a driver of our father and his spouse will do everything to please his employers," added respondent.

Respondent also denied having uttered the sarcastic remarks inside the courtroom that complainant was "too handsome" in his attire, reasoning that it is not his trait to comment on or praise people whom he does not know.

Respondent admitted that he told complainant that his (respondent's) father could not outlive the case. He claimed, however, that his complete statement was "Please tell your client (respondent's father) to just have the case settled amicably for he cannot outlive the case." Respondent stated that complainant, with his incomplete statement, tried to make it appear that he wishes evil upon his father.