

## SECOND DIVISION

[ A.M. No. RTJ-99-1518, August 14, 2000 ]

**LUZVIMINDA C. COMIA, COMPLAINANT, VS. JUDGE CONRADO R. ANTONA, RESPONDENT.**

### DECISION

**BUENA, J.:**

The administrative matter at bar stems from a sworn affidavit-complaint dated 22 March 1999, filed by herein complainant Luzviminda C. Comia, imputing to respondent Judge Conrado R. Antona of the Regional Trial Court (RTC) of Batangas City, Branch 4, a plethora of charges involving "*gross ignorance of the law, by deliberately committing a mockery of judicial proceedings, (for) knowingly rendering an unjust judgment in favor of the accused, (for) capriciously allowing the accused in the custody of their counsel, (for) treating the private prosecutor in a despotic, tyrannical, oppressive and dictatorial manner during the January 6, 1999 hearing, (for) allowing accused to post bail despite the fact that the crime committed is a capital offense and a heinous crime, at that; (of) depriving the prosecution the procedural requirement of due process, (for) acting most prejudicial to the best interest, image, trust, confidence and integrity of the court, and (for) deliberately violating the existing doctrines and jurisprudence laid down by the Honorable Supreme Court.*"

In a Memorandum dated 12 April 2000, Court of Appeals Justice Buenaventura J. Guerrero, who was tasked by this Court to conduct an investigation, and submit a report and recommendation on the instant administrative matter, classified the charges against respondent judge into three:<sup>[1]</sup>

- A) Ignorance of the law;
- B) Conduct prejudicial to the best interest of the Court; and
- C) Deliberately violating existing doctrines and jurisprudence laid down by the Supreme Court.

As borne by the records, this administrative matter arose as a result of respondent judge's handling of Criminal Case No. 9309 for Murder, particularly the hearing and resolution of the petition for bail therein.

Based on the Memorandum submitted by Investigating Justice Buenaventura J. Guerrero, the material antecedents and proceedings in the instant administrative case are as follows:

"On 19 January 1998, an information for murder for the death of complainant's husband, Numeriano Comia, was filed with the Regional Trial Court, Fourth judicial Region, and raffled to Branch 4, Batangas City, presided by respondent Judge. Docketed as Criminal Case No. 9309 and

entitled 'People of the Philippines vs. Fajardo, et al.,' accused were Dante Fajardo, Sr. and Filipina Fajardo-Arce, as principals, the latter's husband Pio Arce as accomplice.

"On 29 January 1998, counsels for accused Fajardo Sr., Filipina Arce and Pio Arce, filed an 'Urgent Motion to Defer Issuance of the Warrants of Arrest with Supplemental Petition to Quash, Lift and or Dissolve Warrant of Arrest if Already Issued.' Private Prosecutor Atty. Isabelita Bathan Manigbas with the conformity of 2nd Assistant City Prosecutor Leonardo Suyo of Batangas City submitted a comment/opposition. Taking cognizance that a petition for review against the resolution of the City Prosecutor had been filed by the accused with the Department of Justice, respondent judge held that 'such fact does not in any way preclude the court from acting on the information already filed with the Court' hence denied the urgent motion for lack of merit. Counsel for the accused filed a motion for reconsideration. On 10 March 1998, respondent Judge granted the motion decreeing 'that the efficacy of the said warrants of arrest against all the herein accused dated January 27, 1998 are hereby suspended until further order of the court.'

"A motion for reconsideration was filed by the Private Prosecutor with the conformity of the 2nd Assistant City Prosecutor Leonardo Suyo. On 31 March 1998, respondent Judge denied the motion ruling, inter alia, that:

'X X X In any case, a reading of the subsequent orders of the Secretary of Justice merely gave the justification for the prosecutors to file informations with the Court even if there were appeals and/or petitions for review of their resolutions seasonably filed. There is, however, nothing in these orders and/or circulars which in any way affects the discretion of the Court on whether or not warrants of arrest should be issued and although already issued, the Court may order its recall and as what had been made in this case, suspend the effectivity of said warrants of arrest.

'Moreover, the right of an accused to appeal and/or petition for review resolutions of Prosecutors to the Secretary of Justice had not been removed but only qualified. It is unfortunate that what impressed the Private prosecutor was the apparently no longer effective Circular No. 17 of the Department of Justice. But as can be gleaned from the order of March 10, 1998, the suspension of the efficacy of warrants of arrest was primarily premised on the sense of fair play of the Court to give full meaning to the due process that should be accorded every person accused of a criminal offense and in the interest of substantial justice in the face of the existence of warrants of arrest which undoubtedly would affect the rights of the accused to ventilate (sic) their arguments and evidence before the Secretary of Justice.'

"On 04 November 1998, defense's appeal to the Department of Justice was dismissed.

"On 04 December 1998, respondent Judge issued the second warrants of arrest against accused Fajardo Sr., Filipina and Pio. **While still at large, Atty. Reynaldo P. Dimayacyac, Sr. filed an Urgent Petition for the Grant of Bail to Accused Dante Fajardo, Sr. and Filipina Arce with Supplemental Motion for Reduction of Bail Recommended for Accused Pio Arce, Jr. dated 14 December 1998.**

**On 16 December 1998, respondent Judge merely directed that the urgent petition be filed with the records it appearing the court has not yet acquired jurisdiction over the persons of all accused who are still at large.**

"On 04 January 1999, acting on the manifestation/motion of counsel for the accused, respondent Judge issued an **order setting tentatively the hearing of the petition for bail** of Fajardo, Sr. and Filipina Arce and reduction of bail of Pio Arce, Jr. on 06 January 1999 at 9:30 a.m. In the same order, respondent judge directed that a copy thereof be furnished the City Prosecutor, and upon request of the defense counsel, subpoena ad testificandum be issued to three witnesses named in the request.

**"On 06 January 1999, the scheduled hearing of the petition for bail was held.** First to speak was the private prosecutor who manifested they only learned 'today' of the return of the warrant dated January 6, 1999 showing that the warrant was served by the PNP Criminal Investigation and Detection Group, Camp Crame, Quezon City in the evening on January 5, 1999. Inasmuch as the accused were present, she continued that a commitment order be issued for their confinement at the City Jail of Batangas, adding that a representative of the PNP Batangas is present for the purpose.

"Defense's counsel retorted the proceedings was for petition for bail and since the court had ruled that the petition could not be heard without the accused-movants submitting themselves to the jurisdiction of the court, **they surrendered themselves to the Criminal Investigation and Detection Group of the PNP, Camp Crame and were pressing (sic) for a speedy trial.**

**"Respondent Judge then remarked that** the matter to be heard as shown **in the order setting the hearing, was subject to the condition that the accused voluntarily surrender themselves which they did.** Regarding the plea of the private counsel that a commitment order for the confinement of the accused in Batangas City Jail be issued, he said it 'will be resolved later on but first things first.' Continuing, he observed that 'the motion here set for hearing is the one for the movants to show their cause why this motion should be granted and in the matter of granting bail and with respect to the other accused in the matter of reduction of bail, so first things first.'

"Private prosecutor then asserted that under the Rules of Criminal Procedure, in application for bail particularly for capital offense (the burden of) 'showing (that the evidence of) the guilt of the accused is strong, lies in the prosecution. It is the prosecution who should present evidence to prove (that the evidence of) the guilt of accused is strong.'

Citing Section 8 of Rule 114, she argues that 'all of the evidence presented by the prosecution shall [be] automatically form part (of) the trial on the merits of the case. So, it would be unprocedural (sic) Your Honor, with due respect to the Honorable Court and to defense counsel that this application for bail be conducted without first submitting the accused to the proper agency; that they be properly arraigned and the Prosecution then will be given the proper opportunity to file an opposition to the petition for bail and to give proper opportunity for the prosecution to present its evidence to prove that the evidence of guilt is strong; **the accused here has not yet been arraigned; they had not been committed to the proper agency where they should had been properly detained, Your Honor.**' (Emphasis Ours)

During the course of the bail hearing, the defense further moved – to the objection of the prosecution – that the accused be held in custody at the Criminal Investigation and Detection Group, Camp Crame, claiming that accused, Fajardo, Sr., was then scheduled for medical operation "as early as December 14th."<sup>[2]</sup> Respondent judge granted the motion of defense counsel.

On 12 January 1999, the prosecution filed an "Omnibus Motion to (a) reconsider the order of custody of the accused; (b) declare the proceedings on the bail null and void; (c) inhibit; and, (d) defer further proceedings."

On 28 January 1999, the prosecution likewise filed a "Supplement to the Omnibus Motion dated December 14, 1998 with Additional Arguments to Support its Motion for Reconsideration Anent the order of January 6, 1999."

In an order<sup>[3]</sup> dated 01 February 1999, respondent judge denied the Omnibus Motion to which the prosecution moved to reconsider said order. On 03 February 1999, respondent judge denied the Motion for Reconsideration of the prosecution and declared the bail hearings terminated.

Upon arraignment, accused Fajardo Sr. and Filipina Fajardo- Arce pleaded not guilty to the charge against them.

In an order dated 15 February 1999,<sup>[4]</sup> respondent judge granted the petition for bail and fixed the amount thereof at P200,000.00 each for accused Fajardo Sr. and Filipina Fajardo-Arce, and reduced the amount of bail to P100,000.00 for accused Pio Arce, Jr.

On 25 February 1999, respondent judge inhibited himself from the hearing and trial of Criminal Case No. 9309.<sup>[5]</sup>

### **ADMINISTRATIVE CASE**

Acting on the sworn affidavit-complaint filed by herein complainant Luzviminda Comia and considering the gravity of the charges imputed therein, the Office of the Court Administrator (OCA) recommended to the High Court that the instant administrative matter be referred to the Court of Appeals for immediate raffle, investigation, report and recommendation.

In a Resolution dated 06 December 1999, this Court referred the case to the Court of Appeals and, upon subsequent raffle, was assigned to Justice Buenaventura J. Guerrero for investigation, report and recommendation.