

EN BANC

[A.M. No. RTJ-99-1508, December 15, 1999]

FLAVIANO B. CORTES, COMPLAINANT, VS. JUDGE SEGUNDO B. CATRAL, RESPONDENT.

DECISION

PURISIMA, J.:

Under consideration here are two letter-complaints of Flaviano B. Cortes, a private citizen and taxpayer in the Municipality of Aparri, Cagayan, charging Judge Segundo B. Catral with Grave Misconduct (Dereliction of Duty, Abuse of Authority) and Gross Ignorance of the Law.

According to the allegations of the first Complaint, mentioned in the official report submitted by Col. Enrique B. Galang, Jr. to the Regional Director in Camp Aduru, Tuguegarao, Cagayan, on January 26, 1996 police investigators from the headquarters of the Cagayan Provincial Command brought before Judge Segundo B. Catral applications for search warrant against Edgar Navarro, Arnel Duran, Onchie Rescar, Rudy Abinan, Michael Villados and Ronnie Melvar, who were reported to be operating proscribed video carrera machines, and managing the said games for one Julio "Bong" Decierto in Aparri, Cagayan. After going over such applications for search warrant, Judge Catral who had personal knowledge of the illegal game being operated by his nephew, Julio "Bong" Decierto, refused to act upon the applications for search warrant, without any valid ground. Instead, he referred the said applicants to municipal trial court Judge Felino Bangalan, knowing fully well that municipal trial court judges cannot act on applications for search warrant when there are available regional trial court judges. The same applicants for search warrant were directed to go to Judge Benedicto Paz of the Regional Trial Court, who told them that subject applications for search warrant should first be coursed through the Executive Judge (who, at the time, was Judge Catral). As a result of the delay of the action on, and exposure of, the said applications for search warrant, the whole thing must have leaked out and the operation to confiscate the illegal video carrera machines became futile and failed. Complainant also averred that "all criminal cases against Julio `Bong' Decierto and Jimmy Siriban, notorious characters of Aparri, but politically influential, are always raffled to the sala of Judge Catral. x x x Judge Catral, being the Executive Judge, has control over the raffle of cases." (Rollo, p. 110)

In the second letter-complaint, Judge Segundo B. Catral is charged with Gross Ignorance of the Law, in that when a certain Mrs. Lilia Lee filed a petition for letters of administration for properties of her husband, Bondy Lee, who was found guilty of murder, the petition of Mrs. Lee was assigned sans any raffle to the sala of Judge Segundo B. Catral, who immediately acted thereon without the required publication and notice to the creditors and heirs of Bondy Lee, in violation of the rules.

Respondent Judge denied knowledge of subject applications for search warrant. He theorized that on January 26, 1996, he was in Buguey, Cagayan, inspecting the municipal trial court docket of that town, in his capacity as Executive Judge. To support his allegation, he (respondent Judge) produced affidavits of: Marcelo C. Cabalbag, then his Clerk of Court, Judge Herminio del Castillo, Presiding Judge of the Metropolitan Trial Court of Buguey, Cagayan, and of the latter's clerk of court, Rogelio Ligsay, to the effect that respondent Judge was not really in his sala on January 26, 1996, to receive and act upon subject applications for search warrant.

Respondent Judge also presented as his witness SPO 2 Jonathan W. Santos, one of the police investigators alluded to in Col. Galang, Jr.'s report. Witness SPO2 Santos declared that when he went to the hall of justice on January 26, 1996, he was informed by Marcelo C. Cabalbag that the respondent judge was not available because he was in Buguey, Cagayan, inspecting the docket of the Buguey Municipal Trial Court, such that the said Clerk of Court instructed them (police investigators) to go to Vice Executive Judge Benedicto Paz but the latter did not want to act on subject applications for search warrant, because the same were not assigned through raffle. As a consequence, their (police investigators) mission to confiscate video carrera machines in funhouses was not carried out due to the absence of a regional trial court judge to act on their applications for search warrant.

Respondent Judge branded as a brazen lie the averment in the second Complaint that a petition for letters of administration filed by Mrs. Lilia Lee was not raffled. He exhibited a Certification (Annex "A") evincing compliance with the requirement under Supreme Court Circular No. 36-96 for a special raffle, and an Order issued by his office on July 25, 1996 (Annex "B"), granting the motion of movant for a special raffle of the said case. On the lower portion of such Order, respondent Judge invited attention to the initials of representatives of the different branches of the regional trial courts in Aparri, Cagayan, to show that their representatives were given notice and they actually attended the raffle of subject petition. Respondent Judge also attached copies of several clippings of local newspapers (Annexes "D", "E", "F", "G", "H", "I") in circulation in Aparri, Cagayan, which published Mrs. Lee's petition for letters of administration, in acceptance with Section 3, Rule 79, in relation to Sections 3 and 4 of Rule 76 of the Rules of Court. (Rollo, pp. 133-134)

Respondent Judge likewise denied the allusion by complainant that cases of Julio "Bong" Decierto have always been raffled to his sala. He (respondent Judge) contended that the complainant, Flaviano B. Cortes, is a blackmailer out to besmirch his reputation, and in the case of Col. Galang, who was relieved as Police Director of Cagayan, probably made remarks derogatory to him and to other judges to cover up his (Col. Galang's) inefficient leadership in the province. (Rollo, pp. 115-116)

In his Reply, the complainant cited orders issued by respondent Judge, and other proofs indicating that the latter handled the following cases of Julio "Bong" Decierto and companions, to wit: (a) Orders dated August 23, 1996 and February 15, 1997, respectively, in Criminal Case No. 6563, granting the Motions to Substitute Property Bond with Cash, where Julio "Bong" Decierto, a co-accused in that case for murder, acted as bondsman; (b) Order dated February 21, 1997 in Criminal Case No. II-6563, denying the motion for the issuance of warrant of arrest against Julio "Bong" Decierto, on the given ground that the said motion was premature because of the pendency of a Motion For Reconsideration to Recall the Information filed with the Department of Justice; (d) Supreme Court Resolution, dated February 11, 1997,