

SECOND DIVISION

[A.M. No. MTJ-17-1893 (Formerly OCA I.P.I. No. 15-2773-MTJ), February 19, 2018]

TEODORA ALTOBANO-RUIZ, COMPLAINANT, V. HON. RAMSEY DOMINGO G. PICHAY, PRESIDING JUDGE, BRANCH 78, METROPOLITAN TRIAL COURT, PARAÑAQUE CITY, RESPONDENT.

DECISION

PERALTA, J.:

Before us is the Complaint^[1] dated June 22, 2015 of complainant Teodora Altobano-Ruiz (*Ruiz*) against respondent Judge Ramsey Domingo G. Pichay (*Judge Pichay*), Presiding Judge, Metropolitan Trial Court (*MeTC*), Branch 78, Parañaque City for gross ignorance of the law and gross misconduct in connection with the latter's act of granting bail in favor of Francis Eric Paran (*Paran*).

The factual antecedents of the case are as follows.

Complainant Ruiz and Paran are the accused in an adultery case, docketed as Criminal Case No. 2562,^[2] which is pending before the Municipal Trial Court in Cities (*MTCC*), Trece Martires City, Cavite, presided by Judge Gonzalo Q. Mapili, Jr. On March 19, 2014, accused Paran was apprehended at his residence in Quezon City by police authorities from Parañaque City by virtue of the Warrant of Arrest^[3] dated March 12, 2014 issued by Judge Mapili. He was detained for several days at the Parañaque City Police Station.

On March 22, 2014, accused Paran filed an application for bail before Branch 78, MeTC, Parañaque City, which was promptly approved by respondent Judge Pichay after the accused posted a cash bond of P12,000.00, to wit:

WHEREFORE, the Police Authorities of Parañaque City Police Station, Warrant and Subpoena Unit, Parañaque City is hereby DIRECTED to RELEASE IMMEDIATELY WITHOUT ANY FURTHER DELAY the accused FRANCIS ERIC PARAN unless there are causes or cases warranting his further detention.

The Branch Clerk of Court is hereby DIRECTED to transmit the bond to the Court of origin.

SO ORDERED.^[4]

On the other hand, Ruiz voluntarily surrendered before Judge Mapili and was temporarily released on bail upon posting a cash bond of P12,000.00.

Ruiz alleged that Judge Pichay had no authority to approve Paran's application for bail since the latter already had a pending criminal case for adultery in another

court, and he was actually arrested in Quezon City which was outside Judge Pichay's territorial jurisdiction.

On August 10, 2015, the Office of the Court Administrator (OCA) directed Judge Pichay to submit his comment on the complaint against him.^[5]

In his Comment^[6] dated November 27, 2015, Judge Pichay countered that his assailed Order dated March 22, 2014 was rendered in good faith and in strict adherence to and faithful compliance with his duties mandated under the Constitution and the Rules of Court. He insisted on his court's jurisdiction over accused Paran's application for bail because the latter was detained at the Parañaque City Police Station, as shown in the Certificate of Detention issued by SPO4 Dondie Oliva Aquino. He further averred that he acted on the bail application on the same date that it was filed, which was a Saturday, in order to give effect to the accused's constitutional right to bail. Finally, Judge Pichay asserted that his action was neither tainted with malice nor did he receive financial gain in resolving the application with dispatch.

On January 18, 2017, the OCA recommended that the instant administrative complaint be re-docketed as a regular administrative matter. It further found Judge Pichay guilty of gross ignorance of the law and recommended that he be meted the penalty of a fine in the amount of P5,000.00 with stern warning.^[7]

We adopt the findings of the OCA, except as to the recommended penalty.

Section 17 (a) of Rule 114 of the Rules of Court, as amended by Administrative Circular No. 12-94 which governs the approval of bail bonds for criminal cases pending outside the judge's territorial jurisdiction is instructive, to wit:

Section 17. *Bail, where filed.* — (a) Bail in the amount fixed may be filed with the court where the case is pending, or in the absence or unavailability of the judge thereof, with any regional trial judge, metropolitan trial judge, municipal trial judge, or municipal circuit trial judge in the province, city, or municipality. If the accused is arrested in a province, city, or municipality other than where the case is pending, bail may also be filed with any Regional Trial Court of said place, or if no judge thereof is available, with any metropolitan trial judge, municipal trial judge, or municipal circuit trial judge therein.

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The foregoing provision anticipates two (2) situations. *First*, the accused is arrested in the same province, city or municipality where his case is pending. *Second*, the accused is arrested in the province, city or municipality other than where his case is pending. In the first situation, the accused may file bail in the court where his case is pending or, in the absence or unavailability of the judge thereof, with another branch of the same court within the province or city. In the second situation, the accused has two (2) options. First, he may file bail in the court where his case is pending or, second, he may file bail with any regional trial court in the province, city or municipality where he was arrested. When no regional trial court judge is available, he may file bail with any metropolitan trial judge, municipal trial judge or municipal circuit trial judge therein.^[8]