

## SECOND DIVISION

**[ A.M. No. MTJ-17-1899 (Formerly OCA EPI No. 14-2646-MTJ), March 07, 2018 ]**

**ATTY. MELVIN M. MIRANDA, COMPLAINANT, VS. PRESIDING JUDGE WILFREDO G. OCA, MUNICIPAL TRIAL COURT, REAL, QUEZON (FORMER ACTING PRESIDING JUDGE, METROPOLITAN TRIAL COURT, BRANCH 71, PASIG CITY), RESPONDENT.**

### DECISION

#### CAGUIOA, J:

Before the Court is the Complaint<sup>[1]</sup> dated January 4, 2014 filed before the Office of the Court Administrator (OCA) by Atty. Melvin M. Miranda (Atty. Miranda) against herein respondent Presiding Judge Wilfredo G. Oca (Judge Oca), Municipal Trial Court (MTC), Real, Quezon, and former Acting Presiding Judge, Metropolitan Trial Court (MeTC), Branch (Br.) 71, Pasig City.

#### Antecedents

In his Complaint, Atty. Miranda alleged that on October 17, 2013, the case's initial trial hearing, he appeared as private prosecutor before Judge Oca when the latter was then acting presiding judge of MeTC, Br. 71, Pasig City, in the criminal case entitled "*People of the Philippines and Antonio L. Villaseñor, complainants vs. Wilfreda V. Villaseñor, accused*" (docketed as Crim. Case No. 120707).<sup>[2]</sup> Atty. Miranda presented private complainant, Antonio L. Villaseñor, together with his Judicial Affidavit, and began to state the purpose of the witness' testimony pursuant to Section 6<sup>[3]</sup> of the Judicial Affidavit Rule<sup>[4]</sup> (JAR).<sup>[5]</sup> However, Judge Oca told Atty. Miranda that there was "no need for that" and then directed the defense counsel, Atty. Ma. Antonieta B. Albano-Placides (Atty. Placides), to proceed to cross-examination.<sup>[6]</sup> Atty. Miranda asked that he be allowed to state the purpose of his witness' testimony.<sup>[7]</sup> Judge Oca asked Atty. Miranda if he included the offer or statement of the purpose of the witness' testimony in the Judicial Affidavit.<sup>[8]</sup> After Atty. Miranda replied in the negative, Judge Oca asked Atty. Placides to say something about the matter.<sup>[9]</sup> Atty. Placides said that Atty. Miranda violated the JAR for filing the Judicial Affidavit only on October 14, 2013.<sup>[10]</sup> Judge Oca then ordered the termination of the proceedings, and told Atty. Miranda that he should have included the offer or statement of the purpose of the witness' testimony in the Judicial Affidavit.<sup>[11]</sup> Moreover, Judge Oca ordered Atty. Miranda to pay a fine of P1,000.00, and he set the next hearing on February 12, 2014, which is four (4) months thereafter.<sup>[12]</sup> Atty. Miranda made an oral motion for reconsideration, asserting that the JAR does not require the inclusion of the offer or statement of the purpose of the witness' testimony in the judicial affidavit and thus there is no basis for the termination of the proceedings and the imposition of the fine.<sup>[13]</sup> However,

Judge Oca denied outright the said oral motion, excused the witness, and adjourned the proceedings.<sup>[14]</sup>

Moreover, Atty. Miranda averred in his Complaint that, on November 4, 2013, he received<sup>[15]</sup> the Order<sup>[16]</sup> dated October 17, 2013 which stated that since the offer or statement of the purpose of the witness' testimony was not included in the Judicial Affidavit, the same may be added thereto after payment of a fine of P1,000.00 and "a copy thereof served upon the defense counsel five (5) days before February 12, 2014 such that the cross-examination of Mr. Villaseñor shall proceed promptly on said date."<sup>[17]</sup> Thus, Atty. Miranda asserted that Judge Oca is grossly ignorant of the law since the JAR neither requires the inclusion of the offer or statement of the purpose of the witness' testimony in the judicial affidavit nor does it impose a fine on the party for failure to do the same.<sup>[18]</sup>

In a 1<sup>st</sup> Indorsement<sup>[19]</sup> dated February 3, 2014, the OCA directed Judge Oca to comment on the complaint (docketed as OCA IPI No. 14-2646-MTJ) within ten (10) days from receipt thereof.

In a 1<sup>st</sup> Tracer<sup>[20]</sup> dated September 8, 2014, the OCA noted that Judge Oca failed to file his comment on the complaint, and thus directed the latter to comply with the earlier directive within five (5) days from receipt thereof, otherwise the matter would be submitted to the Court without his comment.

In a Report<sup>[21]</sup> dated February 23, 2016, the OCA recommended that Judge Oca should be required to show cause why he should not be held administratively liable for failing to comply with its directives for him to file his comment.<sup>[22]</sup> The OCA also recommended that Judge Oca should be directed to submit his comment within ten (10) days in view of the gravity of the allegations against him.<sup>[23]</sup>

In a Resolution<sup>[24]</sup> dated July 20, 2016, the Court noted Atty. Miranda's Complaint and the above OCA Report, and also adopted the recommendations therein.

In his Comment<sup>[25]</sup> dated September 15, 2016, Judge Oca pleaded for "mercy and compassion," stating that the filing of the present complaint "caused him anguish and anxiety such that even the preparation of his answer was felt as a torture."<sup>[26]</sup> Moreover, Judge Oca explained therein that due to the heavy case load of MeTC, Br. 71, Pasig City when he was then its acting presiding judge, he reminded the lawyers appearing before him, including Atty. Miranda, and they all agreed, to incorporate in their judicial affidavits all matters which they may cover in the direct examination, as well as the preliminary questions such as the purpose of the witness' testimony.<sup>[27]</sup> Judge Oca also stated in his Comment that the Judicial Affidavit filed by Atty. Miranda did not indicate the purpose of the witness' testimony, but he allowed the amendment thereof after the payment of the fine in accordance with the JAR.<sup>[28]</sup> In a Resolution<sup>[29]</sup> dated December 1, 2016, the Court noted Judge Oca's Comment.

### **OCA Report and Recommendation**

In a Memorandum<sup>[30]</sup> dated May 5, 2017, the OCA recommended that the administrative complaint against Judge Oca be re-docketed as a regular

administrative matter, and that he be found guilty of Violation of Supreme Court Rules and Directives and fined in the amount of Twenty Thousand Pesos (P20,000.00).<sup>[31]</sup> In a Resolution<sup>[32]</sup> dated July 12, 2017, the Court re-docketed the present complaint as a regular administrative matter.

After considering the allegations in the Complaint and Judge Oca's Comment, the OCA agreed with Atty. Miranda's assertion that the JAR does not require the inclusion of the offer or statement of the purpose of the witness' testimony nor does it impose a fine on a party for failure to include the same.<sup>[33]</sup> The OCA noted that the contents of a judicial affidavit are those listed under Section 3<sup>[34]</sup> of the JAR, while Section 6 thereof provides that the party presenting the witness' judicial affidavit in place of direct testimony shall state the purpose of the same at the start of the presentation of the witness.<sup>[35]</sup> Moreover, the OCA stressed that the fine under Section 10<sup>[36]</sup> of the JAR is only imposable in the following instances: (a) the court allows the late submission of a party's judicial affidavit; and (b) when the judicial affidavit fails to conform to the content requirements<sup>[37]</sup> under Section 3 and the attestation requirement under Section 4<sup>[38]</sup>. The OCA ratiocinated as follows:

Basic is the rule that the imposition of a fine, being penal in nature, must strictly comply with the rule or law, calling for its imposition. Clearly, respondent Judge had no authority to add to the list provided in Section 3 of the Judicial Affidavit Rule. Neither did he have the authority to impose a fine for failure of complainant Atty. Miranda to include the additional requirement he unilaterally imposed. Even if we were to assume that respondent Judge reminded all lawyers to include an additional requirement in their judicial affidavits submitted in court, he still had no authority to impose the fine provided in the Rule for failure to comply with his own directive. In addition, the main purpose of the subject Rule is *"to reduce the time needed for completing the testimonies of witnesses in cases under litigation."* In arbitrarily prohibiting the verbal manifestation of the purpose of the witness' testimony, the proceedings were delayed for 120 more days. This delay could have been averted by simply allowing complainant Atty. Miranda to state the purpose of the testimony which would have taken just a few minutes at the most.

It is also important to note that respondent Judge was quick to impose a fine for the supposed failure to comply with his own directive. And yet, he now asks for *"mercy and compassion"* for failing to comply with the directive of this Office to submit his comment, pursuant to the 1<sup>st</sup> Indorsement dated 3 February 2014 and 1<sup>st</sup> Tracer dated 8 September 2014. In fact, he only submitted his Comment dated 15 September 2016, after he was directed by the Court pursuant to its Resolution dated 20 July 2016. In his comment, respondent Judge claims that the filing of this case against him had caused him so much *"anguish and anxiety x x x that even the preparation of his answer was felt as a torture."*

This Office finds no merit in his explanation, and considers him remiss in implementing the Judicial Affidavit Rule and in complying with the OCA directives to submit his comment.<sup>[39]</sup> (Citations omitted)

## The Court's Ruling

In view of the foregoing, the Court hereby adopts and approves the findings of facts and conclusions of law in the above OCA report and recommendation. The OCA stated therein that since Judge Oca violated the Supreme Court rules and directives which is considered a less serious offense under Section 9(4),<sup>[40]</sup> Rule 140 of the Rules of Court, the applicable penalties are those under Section 11(B)<sup>[41]</sup> thereof, to wit: (a) suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or (b) a fine of more than P10,000.00 but not exceeding P20,000.00.<sup>[42]</sup> The OCA recommended the imposition of P20,000.00<sup>[43]</sup> since the Court had previously found Judge Oca liable for undue delay in rendering orders and for violation of Supreme Court rules, directives and circulars and imposed upon him a fine of P11,000.00 in a Minute Resolution<sup>[44]</sup> dated September 2, 2015.

**WHEREFORE**, the Court finds Presiding Judge Wilfredo G. Oca, Municipal Trial Court, Real, Quezon, **GUILTY** of Violation of Supreme Court Rules and Directives and imposes upon him a **FINE** in the amount of Twenty Thousand Pesos (P20,000.00), with a **WARNING** that a repetition of the same infraction shall be dealt with more severely.

### SO ORDERED.

*Carpio,\* Acting C. J., (Chairperson), Peralta, Perlas-Bernabe, and Reyes, Jr., JJ., concur.*

---

\* Acting Chief Justice per Special Order No. 2539 dated February 28, 2018.

<sup>[1]</sup> *Rollo*, pp. 1-11.

<sup>[2]</sup> *Id.* at 1.

<sup>[3]</sup> Sec. 6. *Offer of and objections to testimony in judicial affidavit.* — The party presenting the judicial affidavit of his witness in place of direct testimony shall state the purpose of such testimony at the start of the presentation of the witness. The adverse party may move to disqualify the witness or to strike out his affidavit or any of the answers found in it on ground of inadmissibility. The court shall promptly rule on the motion and, if granted, shall cause the marking of any excluded answer by placing it in brackets under the initials of an authorized court personnel, without prejudice to a tender of excluded evidence under Section 40 of Rule 132 of the Rules of Court.

<sup>[4]</sup> A.M. No. 12-8-8-SC, September 4, 2012.

<sup>[5]</sup> *Rollo*, p. 2.

<sup>[6]</sup> *Id.*