

## EN BANC

**[ A.M. No. RTJ-11-2289 (formerly A.M. OCA IPI NO. 11-3656-RTJ), October 02, 2012 ]**

**RE: ANONYMOUS LETTER DATED AUGUST 12, 2010,  
COMPLAINING, AGAINST JUDGE OFELIA T. PINTO, REGIONAL  
TRIAL COURT, BRANCH 60, ANGELES CITY, PAMPANGA.**

### DECISION

#### PER CURIAM:

An Anonymous letter-complainant dated August 12, 2010 was filed before the Office of the Court Administrator (OCA) against Judge Ofelia T. Pinto, Presiding Judge of the Regional Trial Court, Branch 60, Angeles City, Pampanga. Judge Pinto was charged with dishonesty, violation of the Anti-Graft and Corrupt Practices Act, Gross Misconduct in violation of the Code of Judicial Conduct, and knowingly rendering an unjust judgment in connection with the ***reopening of a criminal case whose decision was already final and executory and subject of an entry of judgment in the Court of Appeals (CA)***. The anonymous letter-complaint narrated that despite the finality of the decision in Criminal Case No. 91-937, Judge Pinto granted the motion file by the convicted accused (at large) to reopen the case and to adduce evidence in his behalf.

Subsequently, the OCA required Judge Pinto to comment on the anonymous letter-complaint. Judge Pinto alleged that the outright denial of the motion to reopen the case was improper, without violating the accused's opportunity to be heard, given the exculpatory evidence presented and considering the lack of objection by the public prosecutor and the private complainant who were properly notified of the motion. Judge Pinto also alleged that even granting that her acts were indeed erroneous, they were done in the exercise of her adjudicative functions which cannot be made subject of a disciplinary, civil or criminal action absent fraud, dishonesty and corruption on her part.

#### **The Recommendation of the OCA**

The OCA found the anonymous letter-complaint meritorious. The OCA observed that Judge Pinto misapplied the law despite the clear wordings of Section 24, Rule 119 of the 2000 Revised Rules of Criminal Procedure. The OCA also found that Judge Pinto subsequently disregarded the final and executory decision of the CA, a higher court, when she dismissed the criminal case against the accused-movant. The OCA recommended, thus —

**RECOMMENDATION:** It is respectfully recommended for the consideration of the Honorable Court that:

1. The Anonymous Complaint dated 12 August 2010 be **RE-DOCKETED** as a regular administrative matter; and
2. Judge Ofelia T. Pinto, Regional Trial Court, Branch 60, Angeles City, Pampanga, be **HELD GUILTY** of Gross Ignorance of the Law and Procedure and be **SUSPENDED** from service without salary and other benefits for a period of Six (6) Months (*Sec. 8[9], in relation to Sec. 11[A(2.)], Rule 140, id.*) with a STERN WARNING that a repetition of the same or similar infraction shall be dealt with utmost severity. [emphases and italics supplied]

In the Resolution dated August 3, 2011, the Court re-docketed the anonymous letter-complaint and required the parties to manifest if they were willing to submit the matter for resolution on the basis of the pleadings filed. In response, Judge Pinto filed a Manifestation and a Supplemental Comment where she stressed her good faith and honest intention to prevent a miscarriage of justice, which led her to disregard the mandatory character of the rule on the reopening of criminal case. She offered her sincere apologies to the Court and pleaded for compassion and understanding.

### **The Court's Ruling**

**Except for the recommended penalty, we agree with the findings of the OCA.**

"To be able to render substantial justice and maintain public confidence in the legal system, judges should be embodiments of competence , integrity and independence."<sup>[1]</sup> Judges are also "expected to exhibit more than just a cursory acquaintance with statutes and procedural rules and to apply them properly in all good faith".<sup>[2]</sup> Judges are "likewise expected to demonstrate mastery of the principles of law, keep abreast of prevailing jurisprudence, and discharge their duties in accordance therewith."<sup>[3]</sup> The records clearly show that the conduct exhibited by Judge Pinto deviated from these exacting standards.

Judge Pinto had no jurisdiction to entertain the motion filed by the accused-movant to reopen Criminal Case No. 91-937 because the CA's decision, which affirmed the accused-movant's conviction, had become final and executory. Judge Pinto's conduct was contrary to the clear language of Section 24, Rule 119 of the 2000 revised Rules of Criminal Procedure which provides that the reopening of a criminal case may only be availed of "at any time before finality of the judgment of conviction:"

Sec. 24. *Reopening*.— At any time before finality of the judgment of conviction, the judge may, *motu proprio* or upon motion, with hearing in their case, reopen the proceedings to avoid a miscarriage of justice. The proceedings shall be terminated within thirty (30) days from the order granting it. [italics supplied]