

FIRST DIVISION

[A.M. No. MTJ-07-1676, January 29, 2009]

AUREO G. BAYACA, COMPLAINANT, VS. JUDGE TRANQUILINO V. RAMOS, RESPONDENT.

D E C I S I O N

LEONARDO-DE CASTRO, J.:

In a complaint-affidavit^[1] dated September 6, 2006 filed with the Office of the Court Administrator (OCA), complainant Aureo G. Bayaca charged respondent Judge Tranquilino V. Ramos of the Municipal Circuit Trial Court (MCTC), Dupax del Norte, Nueva Vizcaya with gross misconduct, dishonesty, gross ignorance of the law, arbitrary detention, incompetence, grave abuse of discretion, and conduct prejudicial to the best interest of the service.

As can be gleaned from the complaint and the subsequent documents submitted by respondent Judge, the antecedent facts of the case, originally docketed as OCA IPI No. 07-1874-MTJ, are as follows:

Complainant Bayaca was the accused in a criminal case for arson through reckless imprudence. The case was docketed as Criminal Case No. 2479 at the MCTC of Dupax del Norte - Dupax del Sur - A. Casteneda, Nueva Vizcaya, presided by respondent Judge. After trial, respondent Judge promulgated his Decision dated April 2, 2004,^[2] finding complainant Bayaca guilty as charged and imposing upon him the penalty of imprisonment of four (4) months of arresto mayor as minimum and four (4) years and two (2) months of prision correccional as maximum with all the accessory penalties imposed by law and to pay costs and actual damages in the amount of P100,000.00.

Aggrieved, complainant appealed the case to the Regional Trial Court (RTC), Branch 37 of Bambang, Nueva Vizcaya, where it was docketed as Criminal Case No. 1866.

On November 26, 2004, the RTC came out with its decision^[3] affirming with modification the decision of the MCTC, to wit:

WHEREFORE, the decision appealed from is affirmed insofar finding the accused guilty beyond reasonable doubt of the crime of reckless imprudence resulting in arson as defined and penalized under Article 365 of the Revised Penal Code in relation to Presidential Decree No. 1613. However, the penalty therefor is modified, and instead, the accused Aureo Bayaca is hereby sentenced to pay a fine of Seventy-five pesos (Php75.00) and to pay the costs. The award of P100,000.00 as actual damages is hereby deleted. Instead, the accused is directed to pay the offended parties the total sum of P25,000.00 as temperate damages.

SO ORDERED.

Despite the deletion of the penalty of imprisonment in the RTC decision, respondent Judge issued a Warrant of Arrest and Commitment on Final Sentence^[4] which led to complainant's incarceration at the Solano District Jail from August 8 to 28, 2006.^[5]

Hence, the instant complaint^[6] alleging that respondent Judge acted without legal basis in ordering his detention, thus displaying bias, manifest partiality, incompetence in office, gross ignorance of the law, gross misconduct, dishonesty and grave abuse of authority and discretion. Complainant added that respondent's conduct was unbecoming and inappropriate for a judge which is greatly prejudicial to the best interest of the service. He, thus, prayed for the suspension of the respondent Judge citing, among other reasons, the latter's chronic drinking habit.

On October 12, 2006, the OCA, through Court Administrator Christopher O. Lock, referred to respondent Judge the complaint-affidavit for his comment thereon.^[7]

In his Counter-Affidavit dated October 16, 2006,^[8] respondent Judge clarified that his issuance of the warrant of arrest against herein complainant was a mistake done in good faith. He added that for almost sixteen (16) years it was the practice in his *sala* that before acting on a motion it passed through his Clerk of Court who studied the records to determine whether or not to grant it. If it would be granted, the Clerk of Court would then request the stenographer to type the order and thereafter, he would affix his initial for respondent Judge's signature. This was the procedure that they followed in the instant case which was unfortunately the only instance that they committed a mistake.

While he apologized to complainant Bayaca and his parents, the respondent Judge maintained that the matter was merely a case of simple negligence. He likewise submitted copies of the Acknowledgement Receipt dated December 3, 2006^[9] to show that complainant and his spouse had already agreed to amicably settle all the cases that they had previously filed against respondent Judge subject to their receipt of the amount of P750,000.00.

On February 26, 2007, the OCA received respondent Judge's supplemental comment dated February 3, 2007^[10] wherein he narrated that the civil case for damages previously filed against him by complainant with the RTC, Branch 30 of Bambang, Nueva Vizcaya was already dismissed by virtue of an Order dated January 3, 2007 granting the joint motion to dismiss filed by the parties. Respondent Judge further informed the OCA that the criminal complaint for unlawful arrest and serious illegal detention pending before the Office of the Provincial Prosecutor was also dismissed after complainant filed an Affidavit of Desistance^[11] therein. Respondent Judge claimed that the instant case was filed mainly to harass him when complainant discovered that he had filed for optional retirement as MCTC Judge. Respondent Judge informed the Court that he has been suffering from severe asthma and arthritis and had been bedridden and very sickly as he asked for assistance in facilitating the approval of his retirement benefits.

In its Report dated April 23, 2007,^[12] the OCA, through Court Administrator

Christopher O. Lock, found respondent Judge guilty of Negligence and Conduct Prejudicial to the Best Interest of Service. As explained by the OCA in its report and recommendation:

Negligence may be defined as the failure to observe such care as a reasonably prudent and careful person would use under similar circumstances; it is the doing of some act which a person of ordinary prudence would not have done or failure to do what a person of ordinary prudence would have done under similar circumstances. It is the conduct which falls below the standard established by law for the protection of others against unreasonable risk of harm; a departure from the conduct expected of a reasonably prudent person under like circumstances. (*Black's Law Dictionary, 930-931, 5th Ed.*) At bottom, it is a test of foreseeability xxx. Likewise, it may be a ground for administrative liability of a government official or employee. (*Re: Report on the Judicial Audit Conducted in the RTC, Branch 117, Pasay City, A.M. No. 96-5-163-RTC, June 22, 1998*). The Bill of Rights which is the very heart of the fundamental law of the land emphasizes the indispensability of one's liberty because it is considered as the greatest among the civil and political rights. Extreme care must be practiced by a magistrate in signing papers relative to disposition of motions, writs, decisions, and orders especially warrant of arrest because the liberty and property of an individual is at stake. The records show that complainant was detained at Solano District Jail for twenty days from August 8 to August 28, 2006 due to respondent Judge's mistake in issuing a warrant of arrest. Respondent Judge cannot take refuge behind the lame excuse of relying on his staff or the Clerk of Court because the position of a judge demands personal efficiency and professional competence. Indeed such excuse is verily an admission of incompetence.

In the discharge of the functions of his office, a judge must strive to act in a manner that puts him and his conduct above reproach and beyond suspicion. He must act with extreme care for his office indeed is laden with a heavy burden of responsibility. (*Office of the Court Administrator vs. Estacion, Jr., 181 SCRA 33*) Hence, a judge is required to pore over all documents on which he affixes his signature notwithstanding his heavy caseload.

Moreover, it bears stressing that respondent Judge made a partial payment of P250,000.00 to the complainant with a promise to pay another P500,000.00 to be paid within two months from the date when the Acknowledgment Receipt of Amicable Settlement was executed. The act of respondent Judge in giving money in exchange for the withdrawal of civil, criminal and administrative case filed against him is highly improper. It is a well-settled rule that administrative case cannot be the subject of amicable settlement. The filing of administrative complaint does not depend upon the whims and caprices of complainant and it cannot be rendered naught by the private concessions of the parties. Hence, the withdrawal of administrative complaint will not prevent the court from deciding the case since complainants are, in a real sense, only witnesses therein.

Anent the charge of the respondent Judge's chronic drinking habit, the Code of Judicial Ethics mandates that the conduct of a judge should be free from any impropriety in all activities. However, the same cannot be given credence on account of lack of evidence substantially proving the charge.

The instant case of negligently signing papers relative to issuance of Warrant of Arrest and Commitment to Final Sentence despite the deletion by the appellate court of that portion of judgment imposing the penalty of imprisonment is analogous to the case of *Marietta A. Padilla vs. Judge Salvador Silerio* (A.M. No. RTJ-98-1421, May 9, 2000). In the said case, the Supreme Court imposed a fine of Five Thousand Pesos (P5,000.00) for respondent Judge's negligence when he signed the Order approving the spurious cash bond of accused Prieto.

RECOMMENDATION: Respectfully submitted for the consideration of the Honorable Court our recommendation that (a) the instant case be **RE-DOCKETED** as an administrative matter; and (b) respondent Judge be found **GUILTY** of Negligence and Conduct Prejudicial to the Best Interest of Service and (c) respondent Judge be **FINED** in the amount of P5,000.00 with a **WARNING** that a repetition of similar acts should be dealt with severely.

By Resolution dated June 27, 2007,^[13] the Court required the parties to manifest whether they are willing to submit the case for decision on the basis of the pleadings filed.

In a Manifestation dated September 6, 2007^[14] and Supplemental Manifestation dated October 4, 2007,^[15] respondent Judge interposed no objection to submit the case for decision based on the pleadings filed.

Complainant, upon the other hand, did not file any manifestation in compliance with our resolution.

The foregoing premises considered, this Court finds no reason to disturb the findings of the OCA.

We have repeatedly ruled in a number of cases^[16] that mere desistance or recantation by the complainant does not necessarily result in the dismissal of an administrative complaint against any member of the bench. The withdrawal of complaints cannot divest the Court of its jurisdiction nor strip it of its power to determine the veracity of the charges made and to discipline, such as the results of its investigation may warrant, an erring respondent. Administrative actions cannot depend on the will or pleasure of the complainant who may, for reasons of his own, condone what may be detestable. Neither can the Court be bound by the unilateral act of the complainant in a matter relating to its disciplinary power. The Court's interest in the affairs of the judiciary is of paramount concern. For sure, public interest is at stake in the conduct and actuations of officials and employees of the judiciary, inasmuch as the various programs and efforts of this Court in improving