

FIRST DIVISION

[A.M. NO. MTJ-04-1556, March 31, 2005]

**PURITA LIM, COMPLAINANT, VS. JUDGE CESAR M. DUMLAO,
MUNICIPAL TRIAL COURT, SAN MATEO, ISABELA, RESPONDENT.**

D E C I S I O N

YNARES-SANTIAGO, J:

In a verified letter-complaint^[1] dated June 5, 2003, complainant Purita Lim charged respondent Judge Cesar M. Dumlao of the Municipal Trial Court of San Mateo, Isabela, with Gross Ignorance of the Law and Grave Abuse of Authority.

Complainant averred that she filed two criminal cases for carnapping and theft with the Regional Trial Court of Santiago City, Isabela, Branch 35, against a certain Herman A. Medina. On May 8, 2003, Medina was apprehended and detained at the Bureau of Jail Management and Penology, Santiago City Jail, by virtue of a Warrant of Arrest issued by then Presiding Judge Fe Albano Madrid of Branch 35.

On May 9, 2003, respondent judge issued three separate orders for the release of Medina on the ground that he had posted bail with his court. Complainant alleged that respondent judge frequently approves bail bonds for cases filed in other courts and outside the territorial jurisdiction of his court. He also issues search warrants for implementation outside of his court's jurisdiction which, resultantly, are often quashed and the corresponding cases dismissed because the articles seized were inadmissible as evidence.

As proof, complainant attached copies of Search Warrant Nos. 2002-120,^[2] 2002-173,^[3] and 2002-180^[4] issued by respondent judge. Search Warrant No. 2002-120 was ordered quashed on September 2, 2002^[5] by Judge Anastacio Anghad for being infirmed and fatally defective. The crime was committed outside the territorial jurisdiction of the MTC of San Mateo, Isabela and no "compelling reasons" were stated in the application to justify its filing before the MTC of San Mateo, Isabela. What is more, it was found that respondent judge did not conduct a thorough and extensive inquiry to the deponent and his witnesses as required by the Rules on Criminal Procedure^[6] in order to establish probable cause and the justification for the application.

Search Warrant No. 2002-173 was also ordered^[7] quashed by Judge Anghad on December 18, 2002 as probable cause was not actually ascertained and searching questions and answers were not conducted. In another case, Search Warrant No. 2002-180^[8] was likewise quashed and the articles seized by virtue of the warrant were declared inadmissible in evidence^[9] because the applicant failed to prove "extreme and compelling circumstances" and the warrant issued did not particularly describe the place to be searched and the persons or things to be seized.

In view of these instances, complainant requested for an investigation into the activities of respondent judge. On June 30, 2003, the Court Administrator referred the complaint to respondent judge requiring his comment thereon within ten days from receipt,^[10] but he failed to file the required comment notwithstanding his receipt of the order on July 28, 2003 as evidenced by the Registry Return Receipt. The Court Administrator sent a 1st Tracer^[11] dated October 28, 2003 which respondent judge received on November 19, 2003. On June 28, 2004, this Court resolved to require respondent judge to show cause why he should not be disciplinarily dealt with or held in contempt for his obdurate refusal to file his comment.^[12] On December 8, 2004, with still no response from respondent judge, the Court resolved to dispense with the comment.^[13]

The Office of the Court Administrator (OCA), through Court Administrator Presbitero J. Velasco, Jr. and Deputy Court Administrator Jose P. Perez, submitted to this Court a Memorandum dated February 15, 2005. In said memorandum, the Court was informed that respondent judge has been charged in six (6) administrative cases, including the instant case, to wit:

1. MTJ-01-1339 (Efren Morales vs. Judge Cesar Dumlao) – for Abuse of Authority. Respondent was fined P5,000.00 in a decision dated February 13, 2002.
2. MTJ-01-1350 (Lorenzo Pascual, et al. vs. Judge Cesar Dumlao) – for Gross Negligence and Gross Ignorance. Respondent fined P10,000.00 in a decision dated July 20, 2001.
3. MTJ-03-1519 (Reynaldo Sinaon, Sr. vs. Judge Cesar Dumlao) – for Grave Abuse of Authority, Misconduct, Dereliction of Duty and Ignorance of the Law. The case is pending.
4. 03-1442-MTJ (Ester Barbero vs. Judge Cesar Dumlao) – for Abuse of Authority. The case is pending.
5. 97-394-MTJ (Artemio Alivia vs. Judge Cesar Dumlao) – for Anomalous Reduction of Bailbond. Case pending.

The OCA's evaluation stated:

The respondent's failure to submit his comment as required is further evidence of his defiance of directives issued by his superiors. It is, furthermore, indicative of his admission of the charges pending against him. Indeed, the practice of respondent accepting and approving bail bonds of detained persons who are charged of crimes in courts other than his own constitutes gross ignorance of the law.

We believe, however, that in the determination of the penalty, we should consider the fact that he presides over four (4) courts to wit: MTC, San Mateo, Isabela as presiding judge; MCTC, Alfonso-Lista-Aguinaldo as acting presiding judge; MTC, Ilagan, Isabela as acting presiding judge, and MCTC of Tumauni-Delfin Albano also as acting presiding judge.

Thus, the OCA recommended:

Respectfully submitted for the consideration of the Honorable Court with the recommendations that the respondent Judge be required to pay a fine of TEN THOUSAND PESOS (P10,000.00) for his obdurate refusal to file his comment on the complaint. Further, respondent judge be required to pay a fine of TWENTY ONE THOUSAND PESOS (P21,000.00) and warned that a repetition of the same offense will be dealt with more drastically for approving bail bonds for accused persons who were detained in places outside his territorial jurisdiction.

We agree with the recommendations of the OCA, except as to the penalty.

Section 17, Rule 114 of the Rules of Criminal Procedure provides:

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 court 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.

It is not disputed that the criminal cases filed by complainant against Herman Medina were pending before the Regional Trial Court of Santiago City, Isabela, Branch 35. In fact, the warrant of arrest was issued by Judge Fe Albano Madrid, presiding judge of the said court. The order of release therefore, on account of the posting of the bail, should have been issued by that court, or in the absence or unavailability of Judge Madrid, by another branch of an RTC in Santiago City. In this case, however, there is no proof that Judge Madrid was absent or unavailable at the time of the posting of the bail bond. In fact, complainant Lim avers that on the day respondent judge ordered the release of Medina, Judge Madrid and *all* the judges of the RTC of Santiago City, Isabela were at their respective posts.

It is elementary that a municipal trial court judge has no authority to grant bail to an accused arrested outside of his territorial jurisdiction. The requirements of Section 17(a), Rule 114 as quoted above must be complied with before a judge may grant bail.^[14] The Court recognizes that not every judicial error bespeaks ignorance of the law and that, if committed in good faith, does not warrant administrative sanction, but only in cases within the parameters of tolerable misjudgment.^[15] Where, however, the law is straightforward and the facts so evident, not to know it or to act as if one does not know it constitutes gross ignorance of the law.^[16]

Respondent judge undeniably erred in approving the bail and issuing the order of release. He is expected to know that certain requirements ought to be complied with before he can approve Medina's bail and issue an order for his release. The law involved is rudimentary that it leaves little room for error. In the case of *Español and Suluen v. Mupas*,^[17] we have stated: