

SECOND DIVISION

[A.M. NO. MTJ-03-1501, March 14, 2005]

**JAIME LIM CO, COMPLAINANT, VS. JUDGE RUBEN R. PLATA,
MTCC, BRANCH 1, SANTIAGO CITY, RESPONDENT.**

DECISION

CHICO-NAZARIO, J.:

Jaime Lim Co filed before this Court a Complaint,^[1] dated 13 May 2002, against Hon. Ruben R. Plata, the Presiding Judge of the Municipal Trial Court in Cities (MTCC), Branch 1 of Santiago City, Isabela, for gross partiality, serious misconduct, and inefficiency in office. Respondent Judge filed his Comment^[2] and Additional Comment^[3] on the said Complaint, dated 11 September 2002 and 2 April 2003, respectively.

On 09 July 2003, this Court resolved to re-docket the case as a regular administrative matter^[4] and to refer the administrative matter to Executive Judge Fe Albano Madrid of the Regional Trial Court (RTC) of Santiago City, Isabela, for investigation, report, and recommendation.^[5] Counsel for the respondent Judge, Atty. Emerito Agcaoili, however, moved for the inhibition of Executive Judge Madrid from hearing the administrative matter since she was supposedly a bosom friend of Eva T. Co, the wife of complainant Co.^[6] Executive Judge Madrid decided to grant the motion and inhibit herself because she believed that it would be hard to dispel the suspicion that she might be prejudiced against the respondent Judge just because his counsel, Atty. Agcaoili, filed a previous administrative case against her.^[7] Thus, this Court designated Executive Judge Bonifacio T. Ong of RTC, Branch 24 of Echague, Isabela, to investigate the administrative matter in place of Executive Judge Madrid.^[8]

In his Report,^[9] dated 19 May 2004, the investigating Judge made the following findings and recommendations on the administrative matter: (1) respondent Judge was guilty of negligence rather than partiality, and should be meted a fine of P1,000; (2) respondent Judge was culpable of simple misconduct, instead of gross misconduct, and should pay a fine of P1,000; and (3) the charge of inefficiency against respondent Judge should be dismissed for lack of merit.

After reviewing the Report of the investigating Judge, dated 19 May 2004, the Office of the Court Administrator (OCA) made its own findings and recommendations in its Memorandum,^[10] dated 12 October 2004, summarized as follows: (1) adopting the recommendation of the investigating Judge that respondent Judge was not guilty of partiality, but of simple negligence, and imposing the penalty of censure; (2) finding that although respondent Judge was not guilty of gross misconduct, he still failed to avoid the appearance of impropriety, for which he should be reprimanded with a

warning that a repetition of the same shall be dealt with more severely; and (3) dismissing the charge of inefficiency in office for lack of merit.

I

The Charge of Gross Partiality

Complainant Co was the private offended party in Criminal Cases No. 1-4210 and No. 1-4211, filed against spouses Milagros and Jose Villaceran, respectively, for violation of Batas Pambansa Blg. 22, otherwise known as the Bouncing Checks Law. The accused Villacerans, in the said criminal cases, allegedly issued separately two postdated checks, each for the amount of P1,000,000, payable to complainant Co, which were subsequently dishonored by the drawee banks.

The two criminal cases were raffled to Santiago City, MTCC, Br. I, presided over by the respondent Judge. Respondent Judge issued a Warrant of Arrest for the accused Villacerans and fixed their bail at P100,000 each, as recommended by the Office of the City Prosecutor.

Before the warrant of arrest could be served upon them, the accused Villacerans voluntarily appeared before the respondent Judge and separately filed Applications for Bail. Respondent Judge granted bail to the accused Villacerans in the reduced amount of P50,000 each. By virtue of the property bonds posted by the accused Villacerans, respondent Judge recalled the Warrant of Arrest issued against them.

Complainant Co charged respondent Judge with gross partiality by pointing out the following irregularities in the Applications for Bail filed by the accused Villacerans, and the grant thereof by the respondent Judge, which allegedly demonstrated respondent Judge's gross partiality for the said accused:

1. The Applications for Bail failed to state the amount of bail applied for and the exact date of application.
2. A duplicate of the Application for Bail of accused Milagros Villaceran was signed by respondent Judge himself.
3. The Applications for Bail were not properly received by the Santiago City MTCC Br. I.
4. Respondent Judge signed an undated Order, reducing the amount of bail from the original amount of P100,000 each to P50,000 each, even though the accused Villacerans did not file any Application to Reduce Bail.
5. The Order signed by the respondent Judge for the recall of the Warrant of Arrest for the accused Villacerans again failed to state important information such as the values of the property bonds posted, and the time and date of approval of the said property bonds.

According to complainant Co, respondent Judge purposely left blank the values of the property bonds in the above-mentioned

documents because he was aware of the insufficiency of the property bonds posted by the accused Villacerans. The property bonds posted by the accused Villacerans, covered by Transfer Certificates of Title (TCTs) No. 263647 and No. 264847, had assessed values of only P6,200 and P6,900, respectively. The values of the said property bonds failed to comply even with the reduced amount of bail, fixed by respondent Judge himself, at P50,000 for each of the accused.

6. Only upon the insistence of complainant Co did respondent Judge order the accused Villacerans to post additional bail bonds. The accused Villacerans complied with the order by posting Surety Bonds No. 25746 and No. 25747, dated 20 June 2000, in the amount of P40,000 each, and issued by Wellington Insurance Company, Inc. (WICI). Said surety bonds, however, were good for only one year. During the joint hearing conducted on 06 December 2001 of Criminal Cases No. 1-4210 and No. 1-4211, the private prosecutor, Atty. Dionisio E. Bala, Jr., informed the respondent Judge that the said surety bonds had already expired. He also questioned the present standing of WICI as a bonding company duly accredited by the Supreme Court, considering that the certification submitted before the Santiago City MTCC Br. I was dated 1999. Atty. Bala thus requested the respondent Judge to order the arrest of the accused Villacerans until they were able to post new bonds. Respondent Judge refused to order the arrest of the accused Villacerans and merely said that, "[t]he Court will look into that."
7. Complainant Co observed that accused Milagros Villaceran would often go in and out of the respondent Judge's chambers before and after court hearing.

Convinced that the respondent Judge was biased and sympathetic to the accused Villacerans, complainant Co filed a motion^[11] for the respondent Judge to inhibit himself from Criminal Cases No. 1-4210 and No. 1-4211. In his Order,^[12] dated 21 February 2002, the respondent Judge granted complainant Co's Motion to Inhibit "[s]o as not to erode the public's faith in the capability of the Court to render fair and impartial justice without the element of suspicion or bias."

Despite having inhibited himself from Criminal Cases No. 1-4210 and No. 1-4211, respondent Judge maintained that he had not been partial and biased in favor of the accused Villacerans to the detriment of complainant Co, who was the private offended party in the said criminal cases.

According to the respondent Judge, the accused Villacerans appeared at the Santiago City, MTCC, Br. I, before the Warrant of Arrest could be served upon them. The accused Villacerans manifested that they came to learn about the criminal cases filed against them and they wanted to post bail.

The accused Villacerans pleaded with the respondent Judge for the reduction of the amount of bail bond, which respondent Judge approved. The bail bond for each of the accused was originally fixed at P100,000. Respondent Judge agreed to reduce

the bail bond to P50,000 each. Since the accused Villacerans did not have enough cash, they instead offered two pieces of their real property, located in the Municipality of Echague, Isabela, as property bonds.

Respondent Judge asked the accused Villacerans to file Applications for Bail so that he could act on them officially. When the accused Villacerans informed him that they did not yet have a lawyer, respondent Judge instructed them to request for the usual form of an Application for Bail from his own staff. The accused Villacerans, however, prevailed upon respondent Judge's staff to do more than just provide the required form, but also to help the accused Villacerans prepare their Applications for Bail, the Property Bond Form, and other supporting documents. The respondent Judge's staff immediately submitted the prepared documents to respondent Judge for his signature.

Addressing the alleged irregularities in the Applications for Bail of the accused Villacerans and his grant thereof, respondent Judge explained in his Comment, dated 11 September 2002, that:

1.10. Upon verifying that the accused have accomplished all the necessary documents in relation to their property bond and have submitted the originals of the Transfer Certificate of Title to their properties, Judge Plata approved the bail for property bond at P50,000.00 each.

- a. Judge Plata then signed the order for the recall of their warrant of arrest and accordingly returned the papers to his staff for further processing and promulgation, as it is the usual job of the clerical staff.
- b. Judge Plata was not aware that one of the papers that he had signed was one of the applications for bail of Milagros Villaceran until he received a copy of the complaint of Mr. Jaime Lim Co.
- c. Judge Plata was likewise not aware that his staff failed to completely fill up all the necessary data in the forms in accordance with his instructions prior to filing them.
- d. Judge Plata had to contend with the volume of work as presiding/executive judge of MTCC Br. 1 and Br. 2 of Santiago City and that of the MTC Cordon, Isabela.^[13]

This Court upholds the findings of both the investigating Judge and the OCA that the above-stated facts demonstrated the negligence of the respondent Judge rather than his gross partiality.

As stated in the OCA Memorandum, dated 12 October 2004:

We find that respondent Judge was remiss in scrutinizing the documents which he signed. We agree with the investigating Judge's observation that respondent was negligent in this aspect. That his signature above the printed name of the accused was made inadvertently is credible as it

would be the height of folly if he deliberately signed the bail for and in behalf of the accused.^[14]

Given that the documents herein had been prepared by his staff, respondent Judge had the responsibility of reviewing the said documents when submitted to him, before affixing his signature thereon. Respondent Judge's signature carried a lot of weight and could turn an ordinary piece of paper into an official act of the court, thus, he should have checked, and if necessary, double-checked, whether the forms were properly filled-out and the information therein were correct, in order to avoid similar controversies in the future.

Respondent Judge defended his decision to reduce the bail bond from P100,000 to P50,000 for each of the accused Villacerans as a legitimate exercise of his judicial discretion. According to respondent Judge, Section 9, Rule 114 of the Rules of Court, allowed the reduction of the amount of bail upon certain overriding considerations, *i.e.*, (a) financial ability of the accused to give bail; (b) nature and circumstance of the offense; (c) penalty of the offense charged; and (d) character and reputation of the accused.

Respondent Judge also invoked paragraph 2(o) of the Department of Justice (DOJ) Circular No. 89, dated 29 August 2000, otherwise known as The 2000 Bail Bond Guide, which stated that:

For violation of Batas Pambansa Blg. 22, bail shall be P2,000.00 for the first P40,000.00 face value of the check and an additional P1,000.00 for every P10,000.00 in excess of P40,000.00, but bail shall not exceed P30,000.00.

The two checks involved in Criminal Cases No. 1-4210 and No. 1-4211, allegedly issued by the accused Villacerans, each had a face value of P1,000,000. Respondent Judge argued that the reduced amount of bail bond, amounting to P50,000 for each of the accused Villacerans, was still substantial, considering that he could have further reduced the said amount to P30,000, as provided under The 2000 Bail Bond Guide.

Worth reiterating herein is the finding of the OCA, in its Memorandum, dated 12 October 2004, which reads as follows –

As reported by the Investigating Judge, respondent was negligent in reducing ***motu proprio*** the bail recommended by the public prosecutor not because the accused are not entitled to it but because respondent failed to comply with the time tested safeguard against arbitrariness. As held in AM No. MTJ-00-1286 (21 January 2002), "[I]n all cases, whether bail is a matter of right or discretion, notify the prosecutor of the hearing of the application for bail or require him to submit his recommendation."

Respondent's infraction is procedural in nature, that is, reducing the bail without the benefit of hearing. The court in AM No. RTJ-03-1767, 3-28-03 enunciated that under the present rules, a hearing is required in granting bail whether it is a matter of right or discretion...^[15]

The rights of the accused Villacerans to bail and to the reduction thereof to a reasonable amount were not questioned herein; rather, at issue was the manner the