

EN BANC

[A.M. NO. MTJ-01-1362 [Formerly A.M. No. 01-2-49-RTC], May 06, 2005]

**JUDGE NAPOLEON INOTURAN, REGIONAL TRIAL COURT,
BRANCH 133, MAKATI CITY, COMPLAINANT, VS. JUDGE MANUEL
Q. LIMSIACO, JR., MUNICIPAL CIRCUIT TRIAL COURT,
VALLADOLID-SAN ENRIQUE-PULUPANDAN, NEGROS
OCCIDENTAL, RESPONDENT.**

DECISION

SANDOVAL-GUTIERREZ, J.:

In a letter^[1] dated September 17, 1988, addressed to former Court Administrator Alfredo L. Benipayo, Judge Napoleon E. Inoturan of the Regional Trial Court (RTC), Branch 133, Makati City, requested that Judge Manuel Q. Limsiaco, Jr. of the Municipal Circuit Trial Court (MCTC) of Valladolid-San Enrique-Pulupandan, Negros Occidental, be investigated and charged accordingly.

In his letter, Judge Inoturan stated that one Mario Balucero was charged before his court with two (2) counts of violation of Batas Pambansa Blg. 22, docketed as Criminal Cases Nos. 93-7712 to 93-7713. When the cases were called for arraignment, Balucero failed to appear despite notice, prompting Judge Inoturan to issue a bench warrant against him.

On January 6, 1997, Judge Inoturan received from the National Bureau of Investigation (NBI) the return of the bench warrant with the information that Balucero was arrested in Bacolod City on **December 6, 1996**; and that he had posted a property bail bond before the MCTC of Valladolid-San Enrique-Pulupandan. Attached to the return was the Order of Release dated **November 21, 1996** signed by Judge Manuel Limsiaco, Jr.

Subsequently, the arraignment of Balucero was set several times but he failed to appear notwithstanding his receipt of notices. Hence, on June 3, 1997, Judge Inoturan ordered that the property bond (allegedly posted by Balucero at Judge Limsiaco's court) be cancelled and forfeited in favor of the government and that an alias warrant of arrest be issued against him.

Judge Inoturan then ordered Ignacio Denila, Clerk of Court of the MCTC of Valladolid-San Enrique-Pulupandan, to forward to his (Judge Inoturan's) sala the property bond posted for Balucero. But Denila did not comply with the said order. Consequently, Judge Inoturan cited him in contempt of court and ordered him detained until he shall have complied with the said directive.

On August 3, 1988, Denila voluntarily surrendered to the police but was ordered released on the same day by Judge Limsiaco.

On August 7, 1998, Denila sent a letter^[2] to Judge Inoturan stating that Balucero did not post any property bond in Judge Limsiaco's court; that he (Denila) did not receive a copy of the Release Order; that he referred to Judge Limsiaco the order of Judge Inoturan directing the turn over of the property bond to the latter's court; and that Judge Limsiaco told him that since no documents were submitted by Balucero, there was nothing to forward to the Makati RTC.

On November 12, 1998, the Office of the Court Administrator (OCA) referred the matter to Executive Judge G. Garvilles, RTC, Branch 47, Bacolod City, for investigation and report.

In his Report^[3] dated January 4, 1999, Executive Judge Garvilles made the following findings: The supposed property bond by Balucero in Criminal Cases Nos. 93-7712 and 93-7713 allegedly approved by Judge Limsiaco **"does not exist."** Moreover, Judge Limsiaco acted without authority. Balucero was arrested in Bacolod City; hence, the application for bail should have been filed with any of the 14 Branches of the Bacolod City RTC.

Judge Garvilles also found that Judge Limsiaco ordered the release of the accused in the following cases although they did not post bail:

- 1) Criminal Cases Nos. RTC-1331, 1362, 1366 and 1368, *People vs. William Uytienco, et al.*, filed with the RTC, Branch 59, San Carlos City;
- 2) Criminal Case No. 67322, *People vs. Fely Markness* and Criminal Cases Nos. 69055-58, *People vs. Mary Jean Badillo*, all filed with the MTCC, Branch 3, Bacolod City;
- 3) Criminal Cases Nos. 67192-93, *People vs. Mario Manzan*, filed with the MTCC, Branch 4, Bacolod City;
- 4) Criminal Case No. 72866, *People vs. Spouses William and Cecilia Uytiepo*, filed with the MTCC, Branch 5, Bacolod City;
- 5) Criminal Case No. 70249, *People vs. Fely Lazaro Markness*; Criminal Cases Nos. 82897 to 828903, *People vs. Eladio Misterio*; Criminal Case No. 83152, *People vs. Eladio Misterio*; and Criminal Cases Nos. 8320-68, *People vs. Lourdes Lo*, all filed with the MTCC, Branch 6, Bacolod City; and
- 6) Criminal Case No. 95-17430, *People vs. Anotnietta Catedral* filed with the RTC, Branch 50, Bacolod City.

Executive Judge Garvilles made the following recommendation:

"WHEREFORE, it is deferentially recommended that Judge Manuel G. Limsiaco, Jr., of the 4th MCTC of Valladolid-San Enrique-Pulupandan, Negros Occidental, be administratively charged of gross ignorance of the law, serious irregularity in the performance of duty and abuse of authority, and that a formal investigation be conducted affording him due process to answer the charges against him."

On June 18, 2001, we issued a Resolution 1) treating the letter of Judge Inoturan as an administrative complaint and that it should be re-docketed as an administrative matter; 2) referring the matter to Executive Judge Leticia P. Morales of the Makati City RTC for investigation, report, and recommendation; and 3) directing Judge Limsiaco, as respondent, to comment on the complaint.

In his comment^[4] dated September 11, 2001, respondent judge alleged that Clerk of Court Denila was not telling the truth. Denila was on leave, thus, he failed to see Balucero when he posted his bail bond. Respondent characterized Denila as a habitual drunkard who was always absent and late for work. On September 1, 2001, he resigned due to poor health.

Respondent judge explained that Balucero, accompanied by the arresting officers, appeared before him and filed his bail bond. Hence, he issued the Order of Release. He claimed that he gave the land title (and supporting documents) to Balucero so he could ask the Register of Deeds to annotate the bail thereon. However, Balucero failed to return to him the title and other documents.

Respondent judge also explained that he did not violate the order of Judge Inoturan detaining Denila. In the interest of justice, he released Denila into his custody because allowing him to languish in jail will adversely affect the proceedings in the MTCC.

In her Report dated February 27, 2002, Executive Judge Morales submitted the following findings: Respondent judge issued the Order directing the release of Balucero even prior to his arrest. Worse, no bail was posted. As to respondent's contention that he had Denila released from detention so as not to hamper the court proceedings, Judge Morales stated that this contravenes his claim that Denila was "a headache to him and ineffective as Clerk of Court."

Executive Judge Morales recommended as follows:

"Premises considered, it is hereby deferentially recommended that respondent Judge Manuel Q. Limsiaco, Jr. of the 4th MCTC of Valladolid-San Enrique-Pulupandan, Negros Occidental be administratively sanctioned for the irregular release of accused Balucero and be reprimanded for his actuation in releasing his Clerk of Court Atty. Denila who was previously cited in contempt of court by Judge Inoturan of RTC, Branch 133, Makati City.

It is further recommended that formal investigation should be conducted for each of the cases above-mentioned/reported where he had issued release order for accused who have pending warrants of arrest issued by other courts outside of his administrative authority."^[5]

On June 26, 2002, we referred the Report of Executive Judge Morales to the OCA for evaluation, report, and recommendation.

The OCA adopted the findings of Executive Judge Morales and submitted the following recommendation: