

SECOND DIVISION

[A.M. NO. RTJ-02-1698, June 23, 2005]

**DANTE VICENTE, PETITIONER, VS. JUDGE JOSE S. MAJADUCON,
RESPONDENT.**

R E S O L U T I O N

AUSTRIA-MARTINEZ, J.:

In a letter-complaint dated July 21, 2000, addressed to then Court Administrator Alfredo L. Benipayo, Dante Vicente charged respondent Judge Jose S. Majaducon of the Regional Trial Court (RTC) of General Santos City, Branch 23, with gross ignorance of the law, grave abuse of authority and manifest partiality, praying that he be administratively disciplined and terminated from the service.

The instant administrative complaint stemmed from a series of criminal cases involving a certain Evelyn Te of General Santos City. The factual and procedural antecedents leading to the instant administrative case is summarized in this Court's Resolution of February 19, 2001, in G.R. Nos. 145715-18 entitled, *People of the Philippines vs. Evelyn Te*, pertinent portions of which read as follows:

In a joint decision dated May 31, 1995, the Regional Trial Court, Branch 23, General Santos City, found Evelyn Te guilty on four counts of violation of B. P. Blg. 22, otherwise known as the Bouncing Checks Law, and sentenced her to two (2) months of imprisonment on each count. The decision became final and executory after this Court had denied Te's petition for review from the affirmance of the trial court's decision by the Court of Appeals.

On March 11, 2000, Te sought clarification from the trial court whether she should serve her sentences successively or simultaneously. In an order, dated May 25, 2000, the trial court clarified that she should serve her sentences successively, but 'for humanitarian reason' and in accordance with Art. 70 of the Revised Penal Code, it held that 'instead of serving imprisonment of EIGHT months, the prisoner EVELYN TE should serve only six months.'

On June 2, 2000, Te filed a motion for reconsideration, which she prayed be also considered as a petition for issuance of the writ of *habeas corpus*. Citing *Vaca v. Court of Appeals*, 298 SCRA 656 (1998), in which the sentence of imprisonment of a party found guilty of violation of B.P. Blg. 22 was reduced to a fine equal to double the amount of the check involved, Te prayed that her sentence be similarly modified and that she be immediately released from detention. In a supplemental motion, Te argued that she had been denied equal protection of the law because the trial judge in another case involving multiple counts of robbery directed the accused to simultaneously serve his sentences.

On June 20, 2000, the trial court denied Te's petition for issuance of the writ of *habeas corpus* on the ground that Te was detained by virtue of a final judgment.

On June 22, 2000, Te filed an omnibus motion praying for her release on the ground that she had been in jail since March 15, 2000 and had fully served the three months minimum of her total sentence under the Indeterminate Sentence Law. In the alternative, Te prayed for release on recognizance.

On June 23, 2000, Te moved for reconsideration of the trial court's order of June 20, 2000, alleging that the finality of the joint decision against her did not bar her application for the writ of *habeas corpus*. She prayed that pending determination as to whether the Vaca ruling applied to her, she also be allowed to post bail pursuant to Rule 102, §14.

On July 5, 2000, the trial court allowed Te to post bail in the amount of one million pesos, holding that it would order her release upon the approval of her bail bond and thereafter certify the proceedings to the Court as the latter has concurrent jurisdiction over proceedings for *habeas corpus*.

On July 7, 2000, the trial court approved Te's bail bonds in the reduced amount of P500,000.00 and ordered her release. The trial court also directed its clerk of court to certify the proceedings to the Court.

On July 11, 2000, Assistant City Prosecutor Marie Ellengred L. Baliguiat moved for reconsideration of the trial court's resolution of July 5, 2000.

On July 18, 2000, Te filed a notice of appeal from the order, dated June 20, 2000, and the resolution, dated July 5, 2000, of the trial court.

On July 31, 2000, the trial court denied the motion for reconsideration of the Assistant City Prosecutor. It also denied due course to Te's notice of appeal on the ground that there was no necessity for the appeal to the Court of Appeals because it had already ordered that the whole records be forwarded to this Court pursuant to Rule 102, §14.^[1]

In the present case, complainant, who claims to be the station manager of Radyo Bombo, General Santos City, alleges that while Te was in prison, respondent judge allowed her to be released and confined at a local hospital in the guise that she was suffering from certain illnesses. Complainant further alleges that respondent judge approved Te's application for bail as part of *habeas corpus* proceedings even though no petition for *habeas corpus* in favor of Te was filed and docketed. As a result of respondent judge's order allowing the provisional liberty of Te, the local media in General Santos City made an uproar and criticized respondent judge for his action on the said case. In retaliation, respondent judge cited for indirect contempt a group of mediamen who published a critical article against him. Complainant contends that respondent judge will not hesitate to use his clout and power to stifle criticism and dissent. In addition, complainant alleges that in a separate case, respondent judge allowed the release of the accused without the posting of the

necessary bail. On the basis of the above allegations, complainant prays that respondent judge be investigated and if warranted, be terminated and removed from service.^[2]

In his Comment, dated October 17, 2000, respondent judge submitted the following contentions which we quote verbatim:

1. The certified records of the above-mentioned cases against Evelyn Te were forwarded to the Supreme Court on August 5, 2000, upon the order of undersigned by the Branch Clerk of Court for review of our questioned Order (attached as ANNEX '1' of letter Complaint);
2. On June 2, 2000, Evelyn Te's counsel filed not only a motion for reconsideration denying our previous order denying her motion for release from detention but also a petition for *Habeas Corpus* in the same cases;
3. In the exercise of sound discretion and after hearing the comment of the public prosecutor, we issued the questioned Order, which is self-explanatory;
4. We believed then that we had the discretion to allow her to be released on bail, based on Sec. 14, Rule 102 of the Revised Rules of Court;
5. We were thinking then that in such a dilemma, whether or not to release her on bail, it was a better judgment to release her from bail on a writ of *habeas corpus*, because, Evelyn Te might be right in her contention that she is considered to have served her sentences simultaneously. If we denied her petition for *Habeas Corpus*, and on appeal, she could get a favorable decision from the Supreme Court, surely, she could return and charge us with a graver offense of ignorance of the law and abuse of discretion. She could even file other cases against us under the Revised Penal Code, such as rendering an unjust order, or under the Civil Code for moral damages in millions of pesos;
6. To obviate such a possible move on Te's part, we opted to allow her release on bail through the writ of *habeas corpus* proceedings. Anyway, the Supreme Court has the last say on that matter;
7. Therefore, we are of the view that the letter complaint of Mr. Dante Vicente is legally premature as it concerned cases which are still sub judice;
8. Besides, we are of the opinion that Mr. Vicente has no personality as a third party to charge us with anything as he has not shown any damage that he could have suffered because of our Order;
9. We are convinced that Mr. Vicente is trying to pre-empt our move to charge his radio station for libel or cite the announcer for indirect contempt of Court when his radio station and announcer had been reviling and attacking us for many days on the air for having allowed Evelyn Te to be treated and confined in a hospital upon recommendation of a government doctor and for having allowed her release from imprisonment on bail; a certified Xerox copy of the letter of the Regional Director of the Department of Transportation and Communication (National Telecommunications Commission) dated August 9, 2000, in reply to our request for copies of the broadcast tapes, is attached herewith as ANNEX

"1";

10. As to the charge that we are stifling criticism by the print and broadcast media, we are of the view that if media has the privilege to criticize the Courts and the Judges, we have also the right to charge them for indirect contempt of Court and libel, because there are laws regarding this matter. The article of a certain Joseph Jubelag is now a subject of an indirect contempt charge before us, which we are about to resolve;
11. Regarding our Order in Criminal Case No. 14072 in the case of 'People vs. Jhoyche Gersonin-Palma', RTC Br. 36, it was done with sound discretion on our part because it was already 6:30 in the evening and the offices were closed and being a Friday, the accused would be detained for two days and three nights, unless we accepted and approved the bail bond. Besides, the law requires judges to approve bail even during the holidays. Immediately, on Monday, the money in the amount of P6,000.00 was deposited with the Clerk of Court as shown in the official receipt (ANNEX '6' of letter complaint);
12. Regarding our competence, honesty and integrity, modesty aside, as a judge for the last thirteen years in General Santos City, the records of the Municipal Trial Court and RTC, Branches 23 and 22 (being a pairing judge of the latter court since October last year) show that most of our decisions appealed to the Court of Appeals and the Supreme Court have been sustained or affirmed;
13. As to our reputation in the community, let other members of the media and a member of the Philippine Bar speak about it. We are enclosing herewith a Xerox copy of a news clipping of Philippine Daily Inquirer, July 8, 2000 issue (attached herewith as ANNEX '2'), about how we tried and decided the celebrated case of People vs. Castracion, et. al. when the Supreme Court assigned us to hear the evidence of the defense and decide the case. We did our work in that case as best we could as we have done in all cases being tried and decided by us, mindful of our duty to do our work with faithful diligence, honesty, and integrity. We do not expect praises from others as we do not also wish to be criticized or attacked by Radio Bombo station in General Santos City especially by its manager, Mr. Dante Vicente, without basis or competent proof and evidence. Atty. Rogelio Garcia, who vouched for our honesty, competence and integrity is a former assemblyman of South Cotabato and General Santos City, and an ex-Assistant Minister of Labor. He has known us in the community for almost twenty five years;
14. Complainant Dante Vicente is just a newcomer to General Santos and he and his radio station have a bad and notorious reputation of attacking the character and good name of some people here as shown by cases for libel filed in our courts.^[3]

In its Report dated March 11, 2002, the Office of the Court Administrator (OCA) confirmed that Criminal Cases Nos. 9456-9460 were indeed certified by respondent to this Court.^[4] However, this Court in its Resolution of February 19, 2001 in G.R. Nos. 145715-18, resolved to return the records of the consolidated cases to the RTC of General Santos City, Branch 23, and to order the said court to give due course to Evelyn Te's notice of appeal from the Order denying her petition for habeas corpus and from the Order requiring her to post bail in the amount of one million pesos for