

## SECOND DIVISION

**[ A.M. No. MTJ-03-1469, January 13, 2003 ]**

**ROLANDO GUYUD, COMPLAINANT, VS. JUDGE RENATO P. PINE,  
MUNICIPAL TRIAL COURT, ECHAGUE, ISABELA, RESPONDENT.**

### DECISION

**MENDOZA, J.:**

This is a complaint against Judge Renato P. Pine of the Municipal Trial Court of Echague, Isabela for misconduct due to gross ignorance of the law.

Complainant Rolando Guyud, together with eight other accused, all residents of Barangay Gumbaoan, Echague, Isabela, were charged with libel<sup>[1]</sup> by a certain Jeffrey Iloreta, also a resident of Barangay Gumbaoan, Echague, Isabela. The criminal complaint<sup>[2]</sup> against complainant and the other accused alleged:

That on or about July 2, 2001 at Barangay Gumbaoan, Echague, Isabela and within the preliminary jurisdiction of this Honorable Court, the said accused conspired and confederated [and] made certification as barangay officials of this barangay, did then and there, willfully, unlawfully and feloniously wrote "THAT UNDERSIGNED IS NOT A LAW ABIDING MEMBER OF THIS BARANGAY AND [HAS] MANY BAD RECORDS AND [IS] FACING PENDING CASES IN COURT" and which words tend to cause dishonor, discredit or contempt over the person of the undersigned and his family to the damage and prejudice of the same.

CONTRARY TO LAW.

Echague, Isabela, July 12, 2001.

(original signed)  
JEFFREY ILORETA  
Complainant

On August 14, 2001, Atty. Marcelino J. Alzate, Branch Clerk of Court of MTC of Echague, issued a subpoena<sup>[3]</sup> requiring complainant and his co-accused to appear before the court on September 5, 2001, at 8:30 in the morning, for preliminary investigation. On August 28, 2001, the accused moved for the dismissal of the case on the ground that in cases of libel, except for the Office of the Provincial Prosecutor, only a municipal trial court judge in the capital town of the province can conduct a preliminary investigation. Since Echague is not the capital town of Isabela, respondent had no authority to conduct a preliminary investigation in this case.<sup>[4]</sup>

Respondent denied the accused's motion and, on September 5, 2001, proceeded

with the preliminary investigation. On the same day, he issued a warrant for their arrest, fixing the bail bond of each at P8,000.00.<sup>[5]</sup> The accused, including herein complainant, were arrested while they were attending the hearing of a case in court. The following day, September 6, 2001, they filed a motion for the reduction of their bail to P4,000.00, which respondent granted on the same day. After posting their bail bond in the reduced amount, the accused were ordered released. In his affidavit dated September 12, 2001, complainant alleged that he suffered anxiety and was deeply prejudiced because of his arrest.

On September 19, 2001, respondent issued an order recalling the warrant of arrest he had issued and remanded the records of the case to the Office of the Provincial Prosecutor for the holding of a preliminary investigation. In his order, respondent stated:<sup>[6]</sup>

The accused stand charged of the crime of Libel by means of writings defined and penalized under Article 355 of the Revised Penal Code which carries a penalty of *prision correccional* in its minimum and medium periods, hence within the jurisdiction of first level courts pursuant to [B.P. Blg.] 129, as amended.

Moreover, pursuant to Article 360 of the Revised Penal Code on General Provisions relative to the crime of Libel, jurisdiction to try Libel cases rests with the Regional Trial Court and the preliminary investigation to be conducted by the Provincial or City Fiscal of the province or city, or by the Municipal Court of the City or Capital of the Province where such action may be instituted.

WHEREFORE, premises considered, let the Records of the case be forwarded to the Office of the Provincial Prosecutor for the conduct of the Preliminary Investigation.

The Warrant Of Arrest earlier issued by this Court and the bailbonds posted by all of the accused are hereby set aside and/or cancelled having been issued/ordered beyond the Court's jurisdiction.

SO ORDERED.

Echague, Isabela, September 19, 2001.

(original signed)  
RENATO P. PINE  
Acting Judge

In his comment<sup>[7]</sup> on the complaint, respondent admitted the foregoing facts. He explains that he is saddled with work and, therefore, is liable to make mistakes. He claims that as soon as he realized his error, he lost no time to correct it by remanding the case to the Prosecutor's Office, which has jurisdiction to conduct preliminary investigations in libel cases, and ordering the release of the accused. His comment reads:

I humbly admit having conducted a preliminary examination in Criminal Case No. 5807 entitled "People of the Philippines vs. Rolando Guyud, et

a/." for "Libel By Means of Writings Or Similar Means" for the purpose of determining a probable cause for the issuance of a Warrant of Arrest considering that the penalty for the crime is only *prision correccional* in its minimum and medium periods hence, within the jurisdiction of first level courts pursuant to [B.P. Blg.] 129, as amended. The corresponding Warrant of Arrest was subsequently issued on September 5, 2001. The following day, September 6, 2001, five (5) of the [nine (9)] accused, namely: Rolando Guyud, Leon Saet [Jr.], Gil Rivera, Bonifacio Anchola, Sr. and Efren Morada came to Court and filed a Motion To Reduce bail bond by virtue of which the Court lowered the bail bond from P8,000.00 to P4,000.00 On that same day, the aforementioned accused filed their bail bond[s] and were ordered released. On September 19, 2001, after the Court realized having acted beyond its jurisdiction, an Order was issued setting aside the Warrant of Arrest and canceling the bail bonds posted by the accused, copy of the said Order is hereto attached as Annex "A." The Court then forwarded the Records of the Case to the Office of the Provincial Prosecutor for the conduct of the Preliminary Investigation pursuant to Art. 360 of the RPC, as amended. Meanwhile, the bailbonds of the accused were correspondingly returned to each of them by the Clerk of Court.

Your Honor, I only have Wednesdays and Thursdays of every week to attend to cases before the MTC of Echague, Isabela. I conduct preliminary examinations/investigations in the morning of every Wednesdays and make Resolutions and/or Decisions in the afternoon. I hear Civil Cases in the morning of every Thursdays and hear Criminal Cases in the afternoon. Considering the number of cases (which were already considerably reduced) pending with this Court which I have to attend to, plus the cases pending before the MCTC of Jones-San Agustin and the MCTC of Ramon-San Isidro which I also handle, not to mention four (4) special cases assigned to me before the MTC of Cordon, Isabela. I am vulnerable to committing lapses and/or mistakes. At any rate, the mistake has already been corrected with the issuance of the Order dated September 19, 2001, Annex "A" hereof. Practically, the complaint has become moot and academic and the complainant was not damaged because he was ordered released on the same day he submitted himself to the Court and posted his reduced bail which was later returned to him.

Your Honor, I humbly beg for leniency and understanding even as I promise to be more vigilant next time.

Very respectfully yours,

(original signed)  
RENATO P. PINE  
Acting Judge

In its report, dated August 9, 2002, the Office of the Court Administrator (OCA) recommends that the case be re-docketed as a regular administrative matter and that respondent judge be fined in the amount of five thousand (P5,000.00) pesos for gross ignorance of the law for conducting a preliminary investigation on the case. Citing the legal maxim "ignorance of the law excuses no one," the OCA rejects