

## FIRST DIVISION

[ A.M. No. MTJ-03-1496, July 10, 2003 ]

**JUDGE ELIEZER R. DE LOS SANTOS, COMPLAINANT, VS. JUDGE MARVIN B. MANGINO, RESPONDENT.**

### D E C I S I O N

This administrative matter refers to the Order dated 8 July 1998<sup>[1]</sup> of then Judge Eliezer R. de los Santos<sup>[\*]</sup> of the Regional Trial Court of Angeles City, Branch 59, relative to Criminal Cases Nos. 93-100 and 101 entitled "*People of the Philippines v. Jennifer Santos*," which were pending in said court.

On 10 July 1998, Judge Eliezer R. de los Santos furnished the Office of the Court Administrator with a copy of his 8 July 1998 Order "for whatever action it may deem appropriate concerning the actuation of Judge Mangino of the Municipal Trial Court of Tarlac in approving the bail bond of an accused arrested in Angeles City and residing in Angeles City and the cases being pending also in Angeles City."

In his 8 July 1998 Order, Judge Eliezer R. de los Santos narrated:

The records show that these cases pending before this Court were filed since last February, 1993. Both the accused and the complainant are residing in Angeles City. The accused was arrested in Angeles City and the bail bond for the provisional liberty of the accused was issued by the Angeles City office of the Imperial Insurance Company. According to the accused, she paid P3,000 as premium to the Imperial Insurance Company thru a certain Mr. Antonio Tolentino. However, instead of having the said bail bond be approved by this Court, the said bail bond was approved by Judge Marvin Mangino of Branch I of the Municipal Trial Court of Tarlac. The order of release was also issued by the said Judge Mangino. According to the accused, she never went to Tarlac and appeared before said Judge Mangino. She also alleged that she never went to Makati City and appeared before the Notary Public Melchor Ancanan.

From the contents of the said bond No. 27367 issued by the Imperial Insurance Company, it was made to appear that accused Jennifer Santos appeared before Notary Public Melchor Ancanan in Makati City on June 23, 1998.

In the same Order, Judge Eliezer R. de los Santos required Julieta M. Bautista, Clerk of Court I, Branch 1, Municipal Trial Court, Tarlac, to appear before his court on 24 July 1998 at 8:30 a.m. to explain and shed light on the circumstances behind the issuance and approval of bail bond No. 27367 by Judge Marvin B. Mangino of Branch 1 of the Municipal Trial Court of Tarlac, Tarlac. He also ordered Mr. Roberto Cabuay, Executive Vice-President and General Manager of the Imperial Insurance Company and notary public Melchor Ancanan to explain in writing or in person why they

should not be held liable for making it appear that accused Jennifer Santos appeared before notary public Ancanan in Makati City on 23 June 1998.

In her written compliance<sup>[2]</sup> dated and filed on 23 July 1998, Clerk of Court Julieta M. Bautista of the Municipal Trial Court of Tarlac explained:

Regarding the bailbond posted by the accused JENNIFER SANTOS in Crim. Cases Nos. 93-100 and 101 of that Court, at the time the bondsman Imperial Insurance Co. who [sic] has a branch office at Tarlac, Tarlac, presented the same for approval, he [sic] was with a woman who appears [sic] to be the accused and believing the bond to be legal with all its attached documents, the same was approved by Hon. Marvin B. Mangino of this Court.

For its part, on 18 August 1998, the Office of the Court Administrator referred to Judge Marvin B. Mangino for Comment within ten (10) days from receipt thereof the 8 July 1998 Order of Judge de los Santos.<sup>[3]</sup>

On 2 September 1998, Judge Marvin B. Mangino submitted his Comment<sup>[4]</sup> wherein he stated that he "initially adopts" the explanation of Clerk of Court Julieta M. Bautista on the incident, and requested for a photocopy of the order and the bond subject of the case so that he could intelligently make a comment thereon. However, he did not file any supplemental comment or press his request for a photocopy of the order and of the bond.

On 10 April 2002, this Court resolved to require the parties to manifest within ten (10) days from notice whether they were willing to submit the case for resolution on the basis of the pleadings already filed.<sup>[5]</sup>

On 14 May 2002, Judge Marvin B. Mangino submitted his manifestation expressing his willingness "to submit for resolution the above-entitled case based on the pleadings filed therein."<sup>[6]</sup> Since complainant Judge de los Santos did not submit any manifestation, the Court, in its Resolution of 19 February 2003 directed that the Resolution of 10 April 2002 be served on him at his office at the Court of Appeals. On 27 March 2003, the Court received his Manifestation<sup>[7]</sup> dated 24 March 2002, expressing his willingness to submit this matter for resolution on the basis of the pleadings already filed.

In its Evaluation Report, the Office of the Court Administrator stated:

Section 17 (a), Rule 114 of the Revised Rules of Court provides that —

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 another branch of the same court within the province, city or municipality other than where the case is pending, bail may be filed also with any regional trial court of said place, or, if no judge there is available, with any metropolitan judge, municipal trial judge or municipal circuit trial judge therein.

Thus, bail may be filed with the same court where the case is pending. In the absence or unavailability of the judge thereof, it may [sic] filed with another branch of the same court within the province or city. If the accused is arrested in a province, city or municipality other than where

the case is pending, bail may be filed also with any regional trial court of said place, or, if no judge there is available, with any metropolitan judge, municipal trial judge or municipal circuit trial judge therein.

In the instant case, the accused Jennifer Santos was not arrested. That being the case, she should have filed her bail bond with the court where her case was pending, *i.e.*, the Regional Trial Court of Angeles City. In the absence of the judge thereof, it could be done at another branch of the same court within the province of Pampanga or City of Angeles. Instead, accused Jennifer Santos filed her bond in the Municipal Trial Court of Tarlac, respondent Judge Marvin B. Mangino, presiding, who approved the same and ordered his [*sic*] release from custody. *Res ipsa loquitur*. Respondent Judge's act is clearly irregular and is in violation of the rules on the matter.

and recommended, as follows:

... that respondent Judge Marvin B. Mangino of the Municipal Trial Court of Tarlac, Branch I, be DECLARED guilty of misconduct for non-observance of Section 17(a), Rule 114 of the Revised Rules of Court, a less serious offense under Section 4, Rule 140, *supra*, for which he should be ordered to pay a FINE of P5,000.

As regards Section 17 (a), Rule 114 of the Rules of Court, cited by the Court Administrator, this Court held in *Cruz v. Yaneza*:<sup>[8]</sup>

The foregoing provision anticipates two (2) situations. First, the accused is arrested in the same province, city or municipality where his case is pending. Second, the accused is arrested in the province, city or municipality other than where his case is pending. In the first situation, the accused may file bail in the court where his case is pending or, in the absence or unavailability of the judge thereof, with another branch of the same court within the province or city. In the second situation, the accused has two (2) options. First, he may file bail in the court where his case is pending or, second, he may file bail with any regional trial court in the province, city or municipality where he was arrested. When no regional trial court judge is available, he may file bail with any metropolitan trial judge, municipal trial judge or municipal circuit trial judge therein.

The case at bar falls under the first situation mentioned in *Cruz v. Yaneza* because the accused, Jennifer Santos, was arrested in Angeles City and Criminal Cases Nos. 93-100 and 101, which were filed against her and under which she was arrested, were pending with Branch 59 of the Regional Trial Court of Angeles City. Thus, the bail bond for Jennifer Santos' provisional liberty should have been filed in said court, or, in the absence or unavailability of the judge thereof, with another branch of the same court within the province or city.

A mere cursory glance of the bail bond application would readily inform Judge Marvin B. Mangino that the criminal cases in question were pending with Branch 59 of the Regional Trial Court of Angeles City. He also knew, or ought to know, that there are many branches of the Regional Trial Court in Angeles City and in the province of Pampanga. Thus, even if the Presiding Judge of Branch 59 was absent or unavailable, any one of the judges of the other branches of the Regional Trial Court in Angeles City could have acted on the bail bond. Judge Marvin B. Mangino also