

THIRD DIVISION

[A.M. No. MTJ-00-1323, August 22, 2002]

**JUDGE PEDRO B. CABATINGAN SR. (RET.), COMPLAINANT, VS.
JUDGE CELSO A. ARCUENO, MCTC, CATAINGAN, MASBATE,
RESPONDENT.**

DECISION

PANGANIBAN, J.:

Ignorance of the law excuses no one -- certainly not a judge -- from compliance therewith. This is particularly true in cases where the law is so elementary that to be unaware of it or to ignore it constitutes gross ignorance, which is administratively sanctionable.

Statement of the Case

A sworn Administrative Complaint^[1] filed by Judge Pedro B. Cabatingan Sr. (ret.) charges Judge Celso A. Arcueno of the Municipal Circuit Trial Court of Cataingan, Masbate, with gross ignorance of the law.

The Facts

The facts are summarized by the Office of the Court Administrator (OCA) in its Memorandum^[2] dated September 25, 2001, as follows:

"Complainant, who is the counsel for the accused [Benito Bucado^[3]] xxx, narrates that a complaint for Illegal Fishing was filed in respondent's court for preliminary investigation and was docketed as Criminal Case No. 4877-PVC. Finding a prima facie case against all the accused, respondent issued a warrant of arrest fixing the bail bond at P50,000 for each of them. Benito Bucado, one of the accused, posted a property bond. Respondent, however, in violation of Section 17, rule 114 of the rules of Court, allegedly refused to accept the bail bond upon the contention that he no longer ha[d] jurisdiction over the case inasmuch as the records were already forwarded to the Office of the Assistant provincial Prosecutor for review.

"When required to comment, respondent Judge Celso A. Arcueno, denied the charges. He narrates that the aforementioned criminal case was filed in his court for preliminary investigation. Finding the existence of probable cause, he issued a warrant of arrest with the recommended bail of P50,000.00 for each of the accused. Upon the arrest of the accused, he issued an Order dated September 15, 1998 requiring them to submit their counter-affidavits and that of their witnesses within ten (10) days from receipt thereof. However, the accused failed to submit their counter-affidavits. They also failed to post bail for their temporary liberty.

After the lapse of the ten (10) day period as provided in Section 3 (f) of Rule 112, Rules of [C]ourt, respondent, finding the existence of probable cause against the accused, issued a resolution dated 13 October 1998 forwarding the entire records of the case to the RTC, Branch 49, Cataingan, Masbate thru the Assistant Provincial Prosecutor, for review. On 15 October 1998, the Office of the Assistant Provincial prosecutor received the records of the subject criminal case. On 4 November 1998, while the case was being reviewed by the Office of the Assistant Provincial Prosecutor, complainant presented the bail bond of the accused Benito y Ferrer for respondent's approval.

"Respondent claims that he initially refused to approve the property bond because he believed that he had already lost jurisdiction over the case. Also, the tax declaration of the property being put up as a bond was not attached to the bail bond form to show proof of ownership thereof by the bondsman. However, on 20 November 1998, he approved said bail bond and consequently ordered the release of accused Bucado.

"On 18 September 2000, the Third Division of this Court resolved to DOCKET the complaint as an administrative matter and to require the parties to MANIFEST to the Court within twenty (20) days from notice, whether they [were] submitting the case on the basis of the pleadings/records already filed and submitted.

"In compliance with the aforementioned resolution, respondent Judge filed a Manifestation with Motion to Dismiss dated 30 October 2000. On 17 January 2001, the Court resolved to NOTE the respondent's Manifestation with Motion to Dismiss and to consider as WAIVED the filing of Manifestation by complainant for his failure to submit the same within the period specified under the Resolution of 18 September 2000."

[4]

In his Manifestation with Motion to Dismiss,^[5] respondent justified his refusal to approve the bail bond. His reason for his refusal was that, in notarizing the bail bond document, complainant grossly violated Section 10 of Rule 114 of the 1985 Rules on Criminal Procedure. In so doing, he arrogated unto himself the power and authority pertaining to a judge. Respondent reiterated his previous Manifestation, dated July 12 2000, praying for the dismissal of the case on the ground that the parties had mutually and amicably settled the case. He submitted, as proof of the settlement, the Joint Motion to Dismiss signed by both parties.

The Court Administrator's Recommendation

After a perusal of the records of the case, Deputy Court Administrator Jose P. Perez, in his Report dated September 25, 2001, explained that the refusal of respondent judge to approve the bail bond posted by the accused showed the latter's ignorance of the rules of procedure. Thus, the former submitted the following recommendations:

"1. Respondent's Motion to Dismiss be **DENIED** for lack of merit; and

"2. Respondent Judge Celso A. Arcueno be found guilty of gross ignorance of the law and be ordered to pay a FINE of Ten Thousand Pesos (P10,000.00) with a **STERN**

WARNING that a repetition of the same or [a] similar act shall be dealt with more severely.”^[6]

This Court’s Ruling

We agree with the OCA’s findings and recommendation, but with some modifications as to the penalty.

Administrative Liability

Complainant asserts that respondent judge is guilty of gross ignorance of the law for refusing to approve the bail bond of the accused in violation of Section 17 of Rule 114 of the Rules of Court. Complainant also claims that this lapse unduly deprived the accused of the constitutional right to bail.^[7]

On the other hand, in his Comment^[8] dated June 1, 1999, respondent explains that he refused to approve the bail bond, because he had lost jurisdiction over the case after forwarding for review the records thereof to the Office of the Assistant Provincial Prosecutor. He asserts that “once jurisdiction is lost, no further action can be entertained in connection therewith.”^[9] He adds that the tax declaration for the property put up as a bond was not attached to the bail bond form to show proof of the bondsman’s ownership or title.^[10]

However, in his Manifestation with Motion to Dismiss,^[11] dated October 30, 2000, respondent judge proffered a different justification for his refusal to approve the bail bond. He theorized that complainant, as counsel for the accused Benito Bucado in Criminal Case No. 4877-PVC and as notary public, had grossly and seriously violated Section 10 of Rule 114 of the 1985 Rules on Criminal procedure, as amended. Complainant supposedly violated this provision by arrogating unto himself the power and authority that pertained to a judge.

We are not persuaded. As correctly pointed out by the OCA, the argument of respondent judge in his Manifestation with Motion to Dismiss is clearly an afterthought; and, hence, deserves no credence.

To be able to render substantial justice and maintain public confidence in the legal system, judges should be embodiments of competence, integrity and independence.^[12] Hence, they are expected to exhibit more than just a cursory acquaintance with statutes and procedural rules and to apply them properly in all good faith.^[13] They are likewise expected to demonstrate mastery of the principles of law, keep abreast of prevailing jurisprudence,^[14] and discharge their duties in accordance therewith.^[15]

Further, judges should administer their office with due regard to the integrity of the system of law itself, remembering that they are not depositories of arbitrary power, but are judges under the sanction of law.^[16] It must be emphasized that this Court has formulated and promulgated rules of procedure to ensure the speedy and efficient administration of justice. Wanton failure to abide by these rules undermines the wisdom behind them and diminishes respect for the rule of law.^[17]

Before we can decide whether respondent judge erred in refusing to grant bail, we deem it necessary to determine first whether he had jurisdiction to grant it under the circumstances of this case.^[18] *Bail* is defined as the “security given for the