

THIRD DIVISION

[A.M. No. MTJ-00-1282 (formerly OCA IPI No. 98-628-MTJ), March 01, 2001]

SOFRONIO DAYOT, COMPLAINANT, VS. JUDGE RODOLFO B. GARCIA, MUNICIPAL CIRCUIT TRIAL COURT, CALAVATRA - TOBOSO, NEGROS OCCIDENTAL, RESPONDENT.

D E C I S I O N

GONZAGA-REYES, J.:

Complainant Sofronio Dayot was accused of the crime of Grave Slander which was docketed as Criminal Case No. 5072-T. He was convicted by respondent Judge Rodolfo Garcia of the Municipal Circuit Trial Court of Calavatra, Negros Occidental and sentenced to suffer the penalty of imprisonment of one (1) month and one (1) day to four (4) months of arresto mayor and to pay the offended party the amount of P3,000.00 as attorney's fees and P2,000.00 as exemplary damages and costs of suit. The Regional Trial Court affirmed the conviction but increased the penalty to three (3) months of arresto mayor as minimum to one (1) year and one (1) day of prision correccional as maximum. The award of moral damages was likewise increased to P10,000.00. Complainant filed a petition for review, but the Court of Appeals dismissed the petition. The Motion for Reconsideration therefrom was likewise denied. The case was elevated to this Court by way of petition for review on certiorari which was docketed as G.R. No. 132446. The Court's Second Division, in its Resolution dated March 11, 1998, denied due course to the petition. Herein complainant filed on April 17, 1998 a Motion for Reconsideration of the said Resolution. While this motion was pending, respondent judge issued a warrant for the arrest of herein complainant and ordered his detention in the Order dated May 4, 1998. On July 6, 1998, this Court resolved to deny the motion with finality.

In the present case, Complainant alleges that respondent judge committed misconduct of office, abuse of authority and oppression when he issued the warrant of arrest and ordered complainant's detention despite the pendency of a motion for reconsideration as this Court had yet to resolve the petition with finality; that he filed a motion to lift the arrest warrant but up to this time the same remained unacted upon; that respondent Judge further issued an Order discrediting his service of sentence from May 6, 1998 up to November 6, 1998, the date of the order, after considering that his service of sentence was made outside the prison cell.

In the Resolution dated June 14, 2000, the parties were required to manifest if they are submitting the case on the basis of the pleadings/records already filed and submitted. Both parties submitted their respective "Manifestation with Additional Records."

The Court Administrator, in his Memorandum, recommended that respondent Judge