

## **SECOND DIVISION**

**[ A.M. No. MTJ-00-1266, April 06, 2000 ]**

**PROSECUTOR SALVADOR C. RUIZ, COMPLAINANT, VS. JUDGE  
AGELIO L. BRINGAS, MUNICIPAL TRIAL COURT IN CITIES,  
BRANCH 1, BUTUAN CITY, RESPONDENT.**

### **D E C I S I O N**

**MENDOZA, J.:**

This concerns the complaint filed by Prosecutor Salvador C. Ruiz against respondent Judge Agelio L. Bringas of the Municipal Trial Court in Cities, Branch 1, Butuan City, charging him with serious misconduct and inefficiency.

Complainant cites the following instances in which respondent allegedly used intemperate language against lawyers appearing before his court:

At the hearing held on August 19, 1998 in Criminal Case No. 22445, entitle "The People of the Philippines vs. Manuel Cenita y Cabanlit" (for falsification of a private document), the following exchange took place between complainant and respondent after the accused had pleaded guilty:

PROSECUTOR RUIZ:

Although the accused here is pleading guilty to the charge, but his plea is conditional which is tantamount to a plea of not guilty, Your Honor.

ATTY. CHAVEZ:

Anyway the amount is immaterial, Your Honor, so I believe that is unconditional. The penalty is prision correccional in its medium and minimum period and the maximum is TWO (2) YEARS, TWO (2) MONTHS and ONE (1) DAY, the minimum should be FOUR (4) MONTHS and ONE (1) DAY, Your Honor.

PROSECUTOR RUIZ:

We would like to take for the record considering the plea of guilt of the accused here, we would like to request that we be given until Friday to submit our recommendation.

COURT:

This is very clear, you will prolong the agony of the accused.

PROSECUTOR RUIZ:

Or this afternoon, I will submit my recommendation, Your Honor.

COURT:

Does the prosecution admit that you do not know how to

compute?

PROSECUTOR RUIZ:

Your Honor, we are only requesting until Friday the defense has no right to recommend, Your Honor.

COURT:

Do you think the Court will just accept that, it is this Court who will determine. You should have been ready when you come to Court.

PROSECUTOR RUIZ:

But today's incident is only for arraignment.

ATTY. CHAVEZ:

May I respectfully pray, Your Honor, that the maximum should be TWO (2) YEARS, TWO (2) MONTHS and ONE (1) DAY and the minimum should be FOUR (4) MONTHS which is within the range.

PROSECUTOR RUIZ:

This is the prerogative of the prosecution not the defense. Well, for the record, the prosecution will not recommend. I am praying that the prosecution be given until Friday to formally make a written recommendation.

COURT:

Why would you tell the Court what to do?

PROSECUTOR RUIZ:

No, that is not the import of my manifestation.

COURT:

Put it on record that Prosecutor Ruiz does not know how to compute. Put it on record also that Fiscal Ruiz took the Bar three times.

PROSECUTOR RUIZ:

Put it on record also that the Honorable presiding judge did not graduate from Ateneo.

COURT:

I will show you the record that I graduated from Ateneo, Class 1963, you want me to show you the certificate?

PROSECUTOR RUIZ:

We are going beyond, Your Honor. This is just the defense of the plight of the honor of the prosecution, I am just praying that the prosecution be given until Friday to submit my recommendation.

Supposing the prosecution would recommend that the accused be made to pay the civil aspect of the case.

We submit, Your Honor.

COURT:

That is not your problem, that is the problem of the Court. What is your problem Fiscal Ruiz?

PROSECUTOR RUIZ:

We stand pat [on] our manifestation.

COURT: