

EN BANC

[A.M. No. RTJ-92-798, November 15, 2000]

**JAVIER A. ARIOSOA, COMPLAINANT, VS. JUDGE CAMILO TAMIN
RTC BRANCH 23, MOLAVE, ZAMBOANGA DEL SUR, RESPONDENT.**

D E C I S I O N

BUENA, J.:

The administrative matter before us is an incident and offshoot of a sworn letter complaint,^[1] dated 15 January 1992, filed by complainant Javier Ariosa, then Provincial Governor of Zamboanga Del Sur, charging respondent Judge Camilo Tamin of the Regional Trial Court (RTC) of Molave, Zamboanga City, Branch 23, with Gross Ignorance of the Law, involving the dismissal of two informations for libel,^[2] on the ground of lack of jurisdiction.

In an Order dated 05 December 1991, respondent RTC Judge dismissed Criminal Case No. 91-10-212 and Criminal Case No. 91-10-213, both for Libel and entitled "People vs. Billy Yu, et al.," where then Provincial Governor Ariosa stood as complainant, alleging in said Order that the Regional Trial Court, Branch 23, of which respondent acted as Presiding Judge, had no jurisdiction over the subject libel cases inasmuch as the crime of libel carries only an imposable penalty of *arresto mayor* or a fine of P2,000.00 or both.^[3]

Acting on the sworn-letter complaint of then Governor Ariosa, this Court in a Resolution dated 02 June 1992, required respondent judge to file Comment within (10) days from notice.

On 17 August 1992, respondent filed his Comment^[4] alleging that the dismissal of the subject libel cases was proper considering that the Regional Trial Court had "no jurisdiction over the subject matter of the information," invoking the provisions of Article 357 of the Revised Penal Code.

In a Resolution dated 03 September 1992, this Court ordered the referral of the instant administrative matter to the Office of the Court Administrator (OCA), for evaluation, report and recommendation.

In a Memorandum dated 04 November 1992, the OCA recommended that respondent judge be imposed a fine of P5,000.00 for ignorance of the law, which recommendation the Supreme Court resolved to adopt in an *En Banc* Resolution^[5] dated 19 November 1992, the decretal portion of which reads:

"Accordingly, the Court resolved to hold respondent Judge Camilo E. Tamin GUILTY of ignorance of the law and to impose on him a FINE of P5,000.00 with a warning that a repetition of the same or similar offense

will be dealt with more severely. Let a copy of this resolution be attached to the personal records of respondent judge."

On 11 January 1993, respondent judge filed a Motion for Reconsideration^[6] of the *En Banc* Resolution, dated 19 November 1992.

In a Manifestation dated 07 December 1992, respondent judge asked "for leave to withdraw the ill-considered Motion for Reconsideration."

In a Resolution dated 21 January 1993, the Supreme Court *En Banc* resolved to note the Manifestation and granted the request of respondent judge to withdraw the Motion for Reconsideration.

In a Manifestation dated 17 May 2000,^[7] respondent judge assailed the *En Banc* Resolution dated 19 November 1992 and *"submitted that the Supreme Court has no constitutional jurisdiction over the above-entitled case, and therefore the decision rendered by the High Court in November 1992, in the above-entitled case is a patent nullity, because the same is contrary to the provisions of the Constitution and the laws which this Honorable Court has sworn to uphold and protect."*^[8]

Likewise in the same Manifestation, respondent judge alleged that *"the Office of the Court Administrator, in directly filing the above-entitled case before this Honorable Court, illegally usurped the judicial appellate power of review over the judicial work of the court of respondent, which is clearly against the provisions of Presidential Decree No. 828, and the Constitution."*^[9]

In its Prayer,^[10] respondent judge asked that **"the patently null and void decision of this High Court** in the above-entitled case, dated November 19, 1992, **which is roughly an equivalent to a skull offering before the jurisprudential banquet of history, be set aside and ordered removed from the annals of this Honorable Court."**(emphasis ours)

In an *En Banc* Resolution, dated 08 August 2000, this Court resolved to note the Manifestation dated 17 May 2000, and further required respondent Judge Tamin to show cause why he should not be disciplinarily dealt with for using intemperate language in said Manifestation.

On 07 September 2000, respondent judge filed his Compliance,^[11] alleging therein that he "wholly acknowledges, deeply regrets and is full of contrition" for having used "intemperate language in his Manifestation." Respondent judge explained that his Manifestation was written and prepared by him "in a state of deep depression and despair which darkened his sense of propriety in dealing with this Honorable Court."

Moreover in said Compliance, respondent judge prayed that the Supreme Court grant amnesty, "as a gift of benevolence," to all lower court judges found guilty of administrative charges which "do not involve immorality, dishonesty, and graft and corruption, or any acts which would cause dishonor and disrepute to the judiciary," "to inaugurate the commencement of the new era of the highest standard of excellence in the jurisprudential craftsmanship, judicial statesmanship and wisdom for the Philippine Judiciary in the new century and millenium."