

SECOND DIVISION

[A.M. No. RTJ-99-1467, August 05, 1999]

ATTY. SAMUEL D. PAGDILAO, JR., CHIEF OF POLICE, CALOOCAN CITY, COMPLAINANT, VS. JUDGE ADORACION G. ANGELES, RTC, BRANCH 121, CALOOCAN CITY, RESPONDENT.

R E S O L U T I O N

MENDOZA, J.:

This is a complaint for grave abuse of discretion filed against respondent Judge Adoracion G. Angeles of the Regional Trial Court, Branch 121, Caloocan City. Complainant is the Chief of Police of Caloocan City, Samuel D. Pagdilao, Jr. The complaint stemmed from several orders of arrest issued by respondent against Caloocan City policemen for their failure to attend hearings in criminal cases and testify as state witnesses, which respondent wanted complainant to personally enforce.

The record shows that on August 10, 1998, respondent issued an order of arrest which reads as follows:^[1]

In today's initial trial in Criminal Case Nos. C-53625 (98), 53626 (98), 53622 and 53623 (98), accused Manuel Mendoza and Romeo Cendaño appeared and assisted by Atty. Ojer Pacis of the Public Attorney's Office (PAO). However, there was no appearance on the part of PO2 Alexander Buan. The records will show however that he was duly notified of today's hearing but despite notice he did not appear thereby delaying the early termination of these cases.

Consequently, and on motion of the public prosecutor, let a warrant of arrest be issued against PO2 ALEXANDER BUAN and the Chief of Police, Caloocan City, Police Superintendent Samuel Pagdilao is hereby directed to effect the service of the warrant of arrest and to bring the body of the witness not later than 8:30 o'clock in the morning tomorrow, August 11, 1998 for him to testify in these cases.

The accused is likewise directed to appear tomorrow, August 11, 1998.

WHEREFORE, let the scheduled hearing for today be cancelled and have it reset tomorrow, August 11, 1998 at 8:30 o'clock in the morning.

SO ORDERED.

On August 11, 1998, respondent issued another order in another case (Criminal Case No. C-53081(97)), the pertinent portion of which reads:^[2]

After the pre-trial in this case has been waived by the accused through counsel, the Public Prosecutor failed to present its evidence on the ground that his witnesses, mostly police officers, did not appear despite notices.

Consequently, on motion of the Public Prosecutor, let a warrant of arrest be issued against SPO1 Edgardo Fernandez and PO3 Eduardo S. Avila.

Let the service of the warrant of arrest upon SPO1 Edgardo Fernandez and PO3 Eduardo S. Avila be effected by no less than the Chief of Police of Caloocan City, Supt. Samuel Pagdilao and the latter is directed to make a return on or before September 1, 1998.

On August 12, 1998, in Criminal Case No. C-53796(98), respondent issued an order reading:[3]

A cursory examination of the records will readily show that on June 23, 1998 P/Insp. Emmanuel R. Bravo appeared and signed for the scheduled hearing today, August 12, 1998 at 8:30 o'clock in the morning, but he did not appear despite notice thereby delaying the early termination of this case.

Let it be noted that the accused is a detention prisoner who is entitled to a speedy trial and the trial could not proceed in view of the non-appearance of the aforesaid witness.

Consequently, and on motion of the public prosecutor, let a warrant of arrest be issued against P/Insp. Emmanuel R. Bravo of the Caloocan City Police Force and let the warrant be served personally by the Chief of Police of Caloocan City, Police Superintendent Samuel Pagdilao and the latter is directed to make a return of the warrant not later than 8:30 o'clock in the morning tomorrow, August 13, 1998.

Apparently, resenting the tenor of the orders directed personally at him, complainant wrote respondent on August 14, 1998 asking for the reconsideration of the foregoing orders:[4]

14 August 1998

Honorable Adoracion G. Angeles
Acting Presiding Judge
RTC Branch 125, Caloocan City

Your Honor:

This is with regards to orders lately coming from that (sic) Honorable Court directing the undersigned to **personally** serve and return subpoenas and warrants of arrests against PNP personnel assigned within and/or outside the Caloocan City Police Station.

As Chief of Police of one of the three biggest Police Departments in the National Capital Region (next only to Manila and Quezon City), I have to attend to many matters which would prevent my personally performing

the task of service on (sic) subpoena and warrants.

May I, therefore, respectfully request the Honorable Court to reconsider such orders and instead allow the undersigned to delegate to subordinate officers particularly, the **Chief, Warrant and Subpoena Section and Sub-Station Commanders**, the performance of this task. This will allow the undersigned to personally attend to the many operational activities of law enforcement as well as the various administrative functions as Head of the City's Police Department.

The order of the Honorable Judge to the undersigned Chief of Police disregards the time honored tradition and system of **Command and Control** practiced in our organization and reduces the level of the Chief of Police into a subpoena server and arresting officer. A job which can be readily accomplished by the Chief of Warrant and Subpoena Section and by other officers whom the Commander may direct under this system.

Records show that service of warrants and subpoena to PNP personnel have all been duly accomplished by our warrant and Subpoena Section.

I hope that this request will merit your favorable consideration.

Very respectfully yours,
(signed)

ATTY. SAMUEL D. PAGDILAO JR.
Police Superintendent (DSC)
Chief of Police

Copy Furnished:

The Honorable Chief Justice, Supreme Court
The Honorable Court Administrator, Supreme Court
The Chief of the Philippine National Police

Respondent's reaction was just as acerbic. In an order, dated August 21, 1998, denying complainant's request for reconsideration, she said:^[5]

Before this court for consideration is a Letter-Request dated August 14, 1998 filed by P/Supt. Samuel D. Pagdilao, Jr., Chief of Police of the Caloocan City Police Department.

He assails the orders coming from this court directing him to personally serve and return subpoenas and warrants of arrest against PNP personnel assigned within and/or outside the Caloocan City Police Station. He further contends that such orders disregard the time-honored tradition and system of Command and Control practiced in their organization and reduces the level of the Chief of Police into a subpoena server and arresting officer.

Apparently, P/Supt. Samuel D. Pagdilao, Jr. perceives the assailed orders as an affront to the eminence of his position as Chief of Police above all

else.

Nonetheless, this court has never entertained thoughts of debasing the Chief of Police or anybody else for that matter. Nor was it ever enticed to employ dictatorial schemes to abbreviate its proceedings despite the fact that the Presiding Judge is practically handling three (3) salas at the moment - the first as the duly appointed judge, the second in an acting capacity and the third as the pairing judge for the presiding judge thereat who has been on leave for quite some time already.

Notwithstanding the incessant pressure inherent in the job, this court takes pride in the fact that it has never lost its clear vision that it exists primarily for the proper and expeditious administration of justice.

Indeed, this court has always been very zealous in the discharge of its bounden duties. Nonetheless, its earnest efforts to promote a speedy administration of justice has many times been unduly hampered by the frequent non-appearances of police officers in court hearings despite sufficient notice. It has always been a big disappointment to the court that its dedication to duty is sometimes not matched by some law-enforcement officers.

Hence, in order to solve this dilemma, the Court directed the Chief of Police to personally ensure the attendance of his men in court hearings so much so that (sic) their testimonies are very vital to the outcome of the criminal cases herein. The Orders of the court were never meant to disregard the system of Command and Control being employed in the Police Force. Its only concern was that such system of Command and Control must be effectively used to address the lukewarm attitude of the Chief of Police's subordinates relative to their duty to appear in court.

It is noteworthy to mention that since the issuance of the assailed Orders, the concerned law enforcement officers have shown an impressive attendance in court hearings which confirms that it makes a lot of difference when the Chief of Police himself acts to ensure the compliance of his subordinates to a lawful court Order.

Needless to state, the court was able to solve a perennial problem with the renewed cooperation of the City's police force.

The court should not therefore be taken to task for its issuance of the questioned Orders because the same was done in the interest of justice.

On the other hand, the Chief of Police must be reminded that this is not the time to be onion-skinned and regard the said Orders as a personal insult to his dignity.

During this time when criminality is on the rise, would it not be more prudent for the Chief of Police to lay aside his egotistical concerns and instead work with the courts of justice in addressing the more pressing problems of criminality, violence and injustice?