

## **SECOND DIVISION**

**[ A.M. RTJ-96-1353, March 11, 1997 ]**

**DANILO B. PARADA, COMPLAINANT, VS. JUDGE LORENZO B. VENERACION, REGIONAL TRIAL COURT, BRANCH 47, MANILA, RESPONDENT.**

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

**TORRES, JR., J.:**

The case before us stems from a verified complaint filed by Danilo B. Parada against respondent Judge Lorenzo B. Veneracion for gross ignorance of the law, abuse of authority and rendering unjust and erroneous interlocutory orders and judgment in connection with Criminal Cases Nos. 93-121385 to 88, entitled People vs. Danilo Parada, which led to complainant Parada's "premature incarceration" at the Makati City Jail and Muntinlupa National Penitentiary.

The undisputed facts of the case as found by the Office of the Court Administrator are as follows :

"Complainant herein is the accused in the aforementioned case for four (4) counts of estafa which were initially raffled to Branch 30, RTC, Manila presided by Judge Senecio Ortile. Complainant is also duly bonded with the Eastern Assurance and Surety Corporation (EASCO). On October 23, 1993 complainant notified said court formally thru counsel of his change of address from 219 Cityland Condominium, Buendia Extension, Makati, Metro Manila to 2412 Nobel St., Bo. San Isidro, Makati, Metro Manila. On October 27, 1993 he also notified the Manager of the bonding company of his change of address. On February 8, 1994, Judge Ortile inhibited himself from trying the said case and thus, the case was re-raffled to the sala of respondent Judge Lorenzo Veneracion, and per order of April 26, 1994, the hearing of the case was set for June 3, 6, 7 and 8, 1994. Apparently, the notice of hearing dated April 27, 1994 was sent to complainant's former address and that for failure of accused-complainant to appear on June 3, 1994, respondent ordered the arrest of herein accused-complainant, ordering the confiscation of the bond and a trial in absentia was conducted. Respondent Judge likewise assigned a counsel de officio, Atty. Jesse Tiburan of the Public Attorney's Office (PAO) as counsel for the accused.

xxx Furthermore, a warrant of arrest was issued on June 3, 1994 with 'no bail recommended'.

On June 6, 7 and 8, 1994, respondent court issued orders noting the failure of the petitioner to appear and proceeded with the trial in absentia. On the hearing of June 8, 1994, the motion of counsel de officio

of accused-complainant that defense be allowed to present evidence upon petitioner's arrest, was denied and further held that the 'failure of the accused to appear is a waiver of his right to adduce evidence'.

xxx. On November 25, 1994, a decision was rendered convicting herein accused-appellant of the crime and the decision was promulgated despite his absence. Accused-complainant was arrested and brought to the Makati City Jail.

Accused-complainant filed a Petition for Habeas Corpus, Certiorari and Annulment of Judgment with prayer for immediate relief with the Court of Appeals and was docketed as CA-G.R. SP No. 37340 entitled 'Danilo Parada vs. Judge Lorenzo B. Veneracion, et. al.'.

On August 18, 1995, the Court of Appeals promulgated a decision declaring the decision dated November 25, 1995 of respondent court null and void and further ordering the case to be remanded to respondent for further proceeding in order to afford accused-complainant the opportunity to rebut the testimonies of the prosecution witnesses and documentary evidence against him as well as present his evidence."<sup>[1]</sup>

Subsequently, Parada filed with this Court the instant complaint dated March 11, 1996 against the respondent Judge Veneracion in connection with the decision and interlocutory orders rendered by the latter in Criminal Cases Nos. 93-121385 to 88. He alleged, inter alia, that the respondent Judge is guilty of ignorance of the law when he did not follow the legal requirements of a valid trial in absentia which led to his conviction and premature incarceration, that the order of his arrest with no recommendation for bail was erroneous, and that respondent Judge abused his authority when he issued the June 8, 1994 order denying the motion of Parada's counsel de oficio to allow him to present his evidence upon his arrest. Parada thus prayed for the dismissal from service of the respondent Judge and that the latter be barred from railroading the subject Criminal Cases Nos. 93-121385 to 88.

On June 4, 1996, the Office of the Court Administrator received the respondent Judge's comment to Parada's complaint, the pertinent portion of which reads:

1. That the herein complaint is purely and plainly a 'harassment suit' arising from the Decision rendered in the case of People vs. Danilo Parada for estafa;
2. That the charges therein are denied because they are not based on the facts and of the records of the case, the herein Judge merely acted with compassion upon receipt of the records of these cases from another sala, after having been informed that the private complainants merely borrowed from 'loan sharks' the money given to the accused Danilo Parada and that they are only interested in compelling said accused to return their money, not in sending said accused to jail;
3. That the herein Judge acted in good faith in the trial of the said cases."

<sup>[2]</sup>