

## **FIRST DIVISION**

**[ A.M. No. MTJ-94-984, January 30, 1996 ]**

**GLADY M. GALVEZ, COMPLAINANT, VS. JUDGE GEMINIANO A. EDUARDO, METROPOLITAN TRIAL COURT, GENERAL TINIO, NUEVA ECIJA, RESPONDENT.**

### **R E S O L U T I O N**

**KAPUNAN, J.:**

This is an administrative complaint filed by Gladly M. Galvez charging respondent Judge Geminiano A. Eduardo of the Metropolitan Trial Court, General Tinio, Nueva Ecija with grave misconduct in connection with a criminal case filed against her.

In a complaint-affidavit filed with the Office of the Court Administrator on July 13, 1994, complainant alleged that respondent Judge issued a warrant of arrest on May 30, 1994 which included her as one of the persons subject to arrest in Criminal Case No. 3017 for Grave Threats when in fact, she was not an accused in said criminal case. The warrant of arrest was served while complainant and her husband were attending the hearing of the administrative complaint for Grave Abuse of Authority, Harassment and Grave Misconduct which they earlier filed against four (4) members of the General Tinio PNP Command. The irony of it was that the warrant was served by the same persons against whom she and her husband filed the administrative complaint. She was forced to post a P5,000 cash bond for her provisional liberty.

When asked to comment, respondent explained that the issuance of the warrant of arrest on May 30, 1994 for "Grave Threats" was a clerical error. The caption of the case should have been for "Grave Oral Defamation" under Criminal Case No. 3016 where complainant together with her husband were the accused. Being apprised of such mistake, the clerk who was in charge of typing the warrant was duly reprimanded. The signature of the judge on the warrant of arrest was done in good faith and without malice. Respondent further averred that the manner by which the warrant was served was beyond his control. He prayed for the dismissal of the complaint inasmuch as the issuance of the warrant of arrest for "Grave Threat" and not for "Grave Oral Defamation" did not render substantial procedural prejudice to the complainant.

Complainant promptly filed a reply to clarify the matter that there were two separate warrants issued against her by respondent on the same occasion: (1) in Criminal Case No. 3016 for Grave Oral Defamation where she was impleaded as her husband's co-accused; and (2) in Criminal Case No. 3017 for Grave Threats where she was not cited as a defendant. The issuance of two (2) warrants of arrest and not only one (1), as respondent made it appear, therefore belies the claim that this was due to clerical error. The mistake was more out of gross negligence which negates any presumption of good faith. Moreover, complainant refutes the contention that no undue prejudice was suffered since respondent did not even consider the remote