

**### Title:**

Administrative Matter Regarding Unauthorized Foreign Travel of Judge Ignacio B. Macarine

**### Facts:**

This case started when Judge Ignacio B. Macarine, presiding over the Municipal Circuit Trial Court in Gen. Luna, Surigao del Norte, planned a trip to Hong Kong with his family to celebrate his 65th birthday from September 10 to 14, 2009. On August 13, 2009, he requested travel authority from then Court Administrator, now Associate Justice Jose Portugal Perez, indicating his leave would be charged against his annual forced leave. However, Macarine failed to submit the necessary application for leave, and without the complete requirements, his request for travel authority was left unaddressed.

Despite not having secured the required travel authority in violation of OCA Circular No. 49-2003, Judge Macarine proceeded with his international travel. Upon his return, he was informed by the Office of the Court Administrator (OCA) that his leave was disapproved, rendering his travel unauthorized, and his absences would be deducted from his salary.

In his defense, Macarine explained the trip was a birthday gift from his daughter and admitted to his failure to comply with the Circular, expressing regret and promising not to repeat the mistake. He requested leniency regarding the penalty of deducting his absences from his salary.

After evaluation, the OCA recommended the administrative matter be re-docketed as a regular matter, fining Judge Macarine PHP 5,000 for the violation and directing the deduction from his salary for the unauthorized leave period.

**### Issues:**

1. Whether Judge Macarine violated OCA Circular No. 49-2003 by traveling abroad without the requisite travel authority.
2. Whether mitigating circumstances warrant a reduction in the penalty for Judge Macarine's violation.

**### Court's Decision:**

The Supreme Court found Judge Macarine guilty of violating OCA Circular No. 49-2003 due to his unauthorized foreign travel. The Court emphasized the necessity of regulations like the Circular to manage court dockets and prevent disruptions in the administration of justice. It ruled that while the right to travel is constitutionally guaranteed, it is subject to regulation in the interest of public services.

Acknowledging mitigating factors such as the respondent's immediate attempt to comply upon learning of his nonconformance, his acknowledgment of the mistake, and subsequent remorse, the Court opted for leniency. Thus, instead of a severe penalty, Judge Macarine was admonished and warned that a repetition of similar violations would result in more severe consequences. The Court approved the deduction of the unauthorized leave period from his salary but did not impose additional fines beyond the OCA's recommendation.

### ### Doctrine:

The decision reaffirmed the doctrine that while the right to travel is protected under the Constitution, it is not absolute and may be regulated to ensure the efficiency and integrity of public service. Specifically, it underscored the administrative authority of the judiciary to regulate the foreign travels of judges and court personnel to prevent disruptions in court processes.

### ### Class Notes:

- **\*\*Violation of SC Directives\*\***: Engaging in actions that contravene issued circulars or guidelines can lead to administrative sanctions.
- **\*\*Mitigating Circumstances\*\***: The presence of mitigating factors, such as acknowledgment of wrongdoing and remorse, can influence the severity of penalties in administrative cases.
- **\*\*Regulation vs. Restriction\*\***: The distinction between regulating (imposing conditions for compliance) and restricting (prohibiting or setting limits) rights, particularly in the context of public service obligations.

### ### Historical Background:

The case is situated within the broader context of administrative governance within the judiciary, emphasizing the balance between individual rights (e.g., right to travel) and institutional imperatives (e.g., court administration and case management). The issuance of OCA Circular No. 49-2003 aims to standardize the processes related to judges and court personnel's foreign travels, ensuring such activities do not hinder the operational efficiency of the courts. This case illustrates the disciplinary measures the judiciary can employ to uphold these standards, reflecting the inherent power of the institution to regulate its members' conduct in line with public service demands.