

****Title:****

Spouses Rodolfo and Sylvia Cabico vs. Judge Evelyn L. Dimaculangan-Querijero

****Facts:****

On 16 October 2001, spouses Rodolfo and Sylvia Cabico filed an administrative complaint against Judge Evelyn L. Dimaculangan-Querijero, Presiding Judge of the Regional Trial Court of Cabanatuan City, Branch 26. The couple charged the judge with ignorance of the law, abuse of authority, and conduct unbecoming a trial court judge related to the handling of Criminal Case No. 10383-AF, involving the rape of their 17-year-old daughter, referred to as AAA.

During the hearing on 12 October 2001, the complainants' lawyer stated that they would not pursue a settlement as they were informed that the remaining balance for settlement would not be given to them. Subsequently, Judge Dimaculangan-Querijero reportedly instructed Sylvia Cabico to return all settlement money immediately, causing embarrassment.

Later that day, the complainants were ordered to appear before Atty. Fraizerwin Viterbo, the Clerk of Court, who asked them to sign an Affidavit of Desistance. Upon refusal, Judge Dimaculangan-Querijero threatened to release the accused and dismiss the charges despite the absence of such an affidavit. The judge then issued an order dismissing the case and released one of the accused, Edwin Azarcon, from detention upon payment of P50,000.00 by each of two accused, Azarcon and Rayshawn dela Rosa.

In response to the administrative complaint, Judge Dimaculangan-Querijero claimed that the complaint was manipulated by Atty. Carlito Inton due to his losing a habeas corpus petition in her court. She defended her actions by citing the attempted settlement and the balances involved, and pointed to judicial oversight in handling the jurisdictional status of the accused.

****Issues:****

1. Whether Judge Evelyn L. Dimaculangan-Querijero showed manifest partiality in favor of the accused.
2. Whether Judge Dimaculangan-Querijero demonstrated gross ignorance of the law by dismissing the criminal complaints.
3. Whether Judge Dimaculangan-Querijero was discourteous and displayed conduct unbecoming of a judge by publicly berating Sylvia Cabico.
4. Whether Judge Dimaculangan-Querijero's reliance on Section 2(a), Rule 18 of the Rules of

Court was appropriate in her disposition of the criminal case.

Court's Decision:

1. **Manifest Partiality:** The Supreme Court found that Judge Dimaculangan-Querijero showed partiality by dismissing the complaints against the accused without proper procedural adherence, notably when even the Affidavit of Desistance had not been signed. This partiality was grounds for administrative action.
2. **Gross Ignorance of the Law:** The Court ruled that dismissal based on civil payment without legal justification demonstrated gross ignorance. The Revised Penal Code disallows such a dismissal without satisfying criminal liability extinctions, precisely outlined in Articles 89 and 94. The judge's action, bypassing these principles, indicated a severe lack of legal competence.
3. **Discourtesy and Conduct Unbecoming of a Judge:** The Court denounced the disrespectful conduct exhibited by Judge Dimaculangan-Querijero towards Sylvia Cabico. Publicly rebuking litigants in court is unprofessional and violates the expected judicial demeanor outlined in Rule 3.04 of Canon 3 of the Code of Judicial Conduct.
4. **Misapplication of the Rules:** The judge's application of Section 2(a), Rule 18, concerning consideration of amicable settlements, was deemed inappropriate in the criminal context particularly involving serious crimes such as rape, evidencing further procedural misjudgment.

Doctrine:

1. **Criminal vs. Civil Liability:** Criminal liability cannot be extinguished merely by the payment of civil liabilities, as highlighted in Articles 89 and 94 of the Revised Penal Code.
2. **Prosecutorial Independency in Rape Cases:** Under Republic Act No. 8353, rape as a crime is prosecuted independently of victims' desistance.
3. **Judicial Conduct:** Rule 3.04 of Canon 3 mandates that judges maintain patience, attentiveness, and courtesy towards litigants.

Class Notes:

1. **Elements of Gross Ignorance of the Law:**
 - Awareness/Proficiency in Law: A judge must demonstrate understanding and competence in applying both statutory and procedural laws.
 - Proper Procedural Application: Judges must ensure legal norms are observed, especially in case disposition.

2. **Doctrine of Procedural Fairness**:

- Sections of the Revised Penal Code (Articles 89, 94) underline clear distinctions between civil settlements and criminal liability.
- Rule 113 mandates proper procedural adherence in acquiring jurisdiction over an accused by means of arrest and arraignment.

Historical Background:

This case exemplifies implications of judicial errors within the Philippine legal system post-R.A. 8353 (Anti-Rape Law of 1997), where judicial interpretations and actions had to align strictly with criminal procedural reforms reflecting socio-legal expectations for fairer and competent judicial conduct concerning serious crimes like rape.