

Title:

Capistrano Obedencio, Jr. vs. Judge Joaquin M. Murillo, RTC, Branch 26, Medina, Misamis Oriental

Facts:

Step-by-Step Events:

1. **Criminal Complaint and Preliminary Investigation:**

- On May 3, 2000, Capistrano Obedencio, Jr., and his wife filed a criminal complaint for rape on behalf of their 14-year-old daughter, Licel Acenas Obedencio, against her uncle, Dexter Z. Acenas.
- The complaint was filed with the Office of the Provincial Prosecutor in Cagayan de Oro City. Dexter Acenas did not attend the preliminary investigation.

2. **Filing of Case:**

- Following the preliminary investigation, the case was filed in the sala of Judge Joaquin M. Murillo, presiding judge of the Regional Trial Court (RTC), Branch 26 in Medina, Misamis Oriental.

3. **Request for Warrant of Arrest:**

- On May 25, 2001, after Licel's abduction, her father sought a copy of the warrant of arrest from the court.
- Judge Murillo informed him that the case had been dismissed three days earlier on May 22, 2001.

4. **Dismissal of the Case:**

- Licel, accompanied by her maternal grandparents and Asst. Provincial Prosecutor Emmanuel Hallazgo, affirmed an affidavit of desistance.
- Judge Murillo dismissed the case based on Licel's statements and the affidavit of desistance, citing family inheritance issues as the alleged reason behind the false allegation.

5. **Complaint by Capistrano Obedencio, Jr.:**

- Obedencio, Jr. filed a complaint against Judge Murillo, asserting serious irregularities, including the absence of notices to him, his wife, or their counsel.
- He suggested that familial relationships between the prosecutor, grandparents, and the accused influenced the unjust dismissal.

Procedural Posture:

- The complaint was reviewed by the Office of the Court Administrator (OCA), which found

Judge Murillo liable for ignorance of the law.

- The OCA recommended a reprimand, but the Supreme Court agreed with the findings and imposed a more severe penalty.

Issues:

1. **Legal Representation and Notification:**

- Did Judge Murillo violate procedural rules by failing to notify Licel's parents or their counsel of the hearing?

2. **Competence of Minor in Legal Decisions:**

- Was Licel competent to affirm the affidavit of desistance without parental consent or representation?

3. **Judicial Prudence and Compliance with the Law:**

- Did Judge Murillo fail to exercise necessary judicial prudence and comply with applicable laws and rules, including the appointment of a guardian ad litem?

Court's Decision:

Resolution of Each Legal Issue:

1. **Legal Representation and Notification:**

- The Court held that Article 220(6) of the Family Code mandates that parents represent their minor child in legal matters. Judge Murillo should have ensured the presence and notification of Licel's parents before conducting the hearing and dismissing the case.

2. **Competence of Minor in Legal Decisions:**

- The Court emphasized that Licel, being a minor at 14 years old, could not validly execute an affidavit of desistance without her parents' consent. The judge should have considered this and realized that her desistance may have been influenced improperly.

3. **Judicial Prudence and Compliance with Law:**

- The Court found Judge Murillo's actions lacking in prudence and caution. He should have appointed a guardian ad litem as mandated by the Rule on Examination of a Child Witness to protect Licel's interests given the serious charge of rape.

- The Court noted that knowledge and application of the law are paramount responsibilities of a judge; ignorance of such fundamental principles constitutes gross ignorance of the law.

Doctrine:

- **Parental Representation:** Article 220(6) of the Family Code underscores the necessity of parental representation in matters affecting a minor's legal interests.
- **Guardian ad Litem Requirement:** Section 5(a) of the Rule on Examination of a Child Witness mandates the appointment of a guardian ad litem for a minor to ensure the child's best interests are represented in judicial proceedings.

Class Notes:

- **Legal Representation of Minors:** Parents or guardians have the right and duty to represent minors in legal matters.
- **Competence of Minor:** A minor's legal capacity to execute significant legal documents, like an affidavit of desistance, is limited and requires parental or guardian consent.
- **Guardian ad Litem:** Courts must appoint a guardian ad litem to represent minors in cases involving serious charges.
- **Judicial Prudence:** Judges are required to be knowledgeable and prudent, especially when handling cases involving minors and serious allegations.

Historical Background:

- The case reflects the judicial system's commitment to protecting the rights and interests of minors, especially in sensitive cases like rape. It underscores the necessity for judges to be well-versed in legal responsibilities, including the mandatory representation and support for minors. The ruling reaffirms the judiciary's role in ensuring due process and safeguarding vulnerable victims from undue influence or coercion.