

****Title:** Administrative Complaint of Atty. Hugolino V. Balayon, Jr. vs. Judge Oscar E. Dinopol******

****Facts:****

1. On January 6, 2003, Filoteo B. Arcallo, a public school teacher, submitted a sworn statement before SPO2 Carlito Lising accusing Tito Cantor of Illegal Possession of Firearms.
2. Based on this sworn statement, P/S Insp. Virgilio Carreon, Intelligence and Investigation Officer of the South Cotabato Police Provincial Office, filed an application for a search warrant against Tito Cantor.
3. On January 13, 2003, Judge Oscar E. Dinopol issued Search Warrant No. 01-03.
4. That same evening, the search warrant was implemented by a police team led by P/Supt. Fred Juan Bartolome.
5. The search yielded negative results, as no firearms were found in Tito Cantor's house.
6. Complainant Atty. Hugolino V. Balayon, Jr. filed an administrative complaint, alleging that the search warrant was issued in violation of Sections 4 and 5 of Rule 126 of the Rules of Court and A.M. No. 02-1-06-SC.
7. Judge Dinopol denied the charges, questioning the complainant's locus standi, as Balayon was not the aggrieved party or authorized by Cantor to file the complaint.
8. The Judge insisted he conducted thorough clarificatory interviews with Arcallo prior to issuing the warrant, although not in written form.
9. The Office of the Court Administrator (OCA) recommended that the complaint be re-docketed as a regular administrative matter and proposed a fine of P20,000 for Gross Ignorance of the Rules against Judge Dinopol.
10. The OCA noted the lack of written records of the searching questions and answers as required by law.

****Issues:****

1. Whether Atty. Hugolino V. Balayon, Jr. has the legal standing to file the administrative complaint.
2. Whether Judge Oscar E. Dinopol violated Sections 4 and 5 of Rule 126 of the Rules of Court in issuing the search warrant without written searching questions and answers.

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

1. ****Legal Standing:****

The Court ruled that Atty. Hugolino V. Balayon has the standing to file the administrative complaint under Section 1, Rule 140 of the Rules of Court (amended by A.M. No. 01-8-10-SC). The rule allows for verified complaints supported by affidavits or documents and does

not specify that the complainant must be the aggrieved party or related to them.

2. **Violation of Rule 126:**

The Court found Judge Dinopol guilty of gross ignorance of the law. The decision highlighted that before issuing a search warrant, the judge must personally examine the complainant and witnesses through written searching questions and answers under oath, as per Sections 4 and 5 of Rule 126 of the Rules of Criminal Procedure.

The absence of written records of this examination was a clear violation of the mandated procedures. The reliance on oral questioning and the non-observation of safeguarding measures for the immediate, viable implementation of the search warrant were insufficient and against the procedural rules.

Doctrine:

1. **Issuance of Search Warrants:** Judges must strictly comply with Sections 4 and 5 of Rule 126 of the Rules of Court in personally determining probable cause through written searching questions and answers before issuing a search warrant.
2. **Administrative Complaint Standing:** Under Section 1, Rule 140, anyone can file an administrative complaint against judges, including non-aggrieved parties with supporting affidavits or documents.

Class Notes:

1. **Key Statutes:**

- Section 4, Rule 126, Rules of Criminal Procedure: Requisites for issuing search warrants.
- Section 5, Rule 126, Rules of Criminal Procedure: Examination of complainant; must be in writing and under oath.
- Section 1, Rule 140, Rules of Court: Requirements for instituting disciplinary proceedings against judges.

2. **Legal Concepts Simplified:**

- **Probable Cause:** Judges must personally determine probable cause through detailed examination of facts.
- **Procedural Requirements:** Detailed searching questions and answers must be in writing and form part of the record.
- **Broad Standing for Administrative Complaints:** Any individual with substantiating material can file complaints against judicial officers.

Historical Background:

The case reflects the stringent standards and procedural safeguards in the Philippine judicial system concerning the issuance of search warrants, emphasizing judicial accountability and competence. Administrative proceedings such as these safeguard against judicial errors and uphold the integrity of legal processes. It also demonstrates the judiciary's internal mechanisms for self-regulation and correction in response to procedural deviations.