MIGUEL E. COLORADO, COMPLAINANT, VS. MUNICIPAL CIRCUIT TRIAL COURT, LAUR, NUEVA ECIJA, RESPONDENT.

A.M. NO. MTJ-06-1658 [FORMERLY OCA IPI NO. 01-1014-MTJ]. July 03, 2007

Ponente: AUSTRIA-MARTINEZ, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/0060e43facf8/

AUSTRIA-MARTINEZ, J.

Before us is a sworn letter-complaint[1] dated January 31, 2001 of Miguel E. Colorado (complainant) charging Judge Ricardo M. Agapito (respondent), Municipal Circuit Trial Court (MCTC), Laur, Nueva Ecija, with Gross Ignorance of the Law and Grave Abuse of Authority relative to Criminal Case Nos. 3461-G and 3462-G, entitled "People v. Miguel Colorado," with Grave Slander and Grave Threats.

Complainant alleges: He is the accused in the aforementioned criminal cases. The cases were directly filed with the court without first passing the Office of the Barangay Chairman, although he and private complainants are permanent residents of Barangay Bagong Sikat, Gabaldon, Nueva Ecija. Respondent ignored the glaring deficiency in private complainants' filing of the cases without attaching the requisite certifications to file action from the barangay. On the date the two cases were filed, respondent immediately issued two warrants for his arrest. He was arrested on a Friday and languished in the municipal jail for two days and two nights. He posted bail and filed a motion to inhibit respondent from hearing the case, but the same was not acted upon. He received an envelope from the court with nothing inside and found out later that the same was supposed to be a notice of hearing; thus, he was ordered arrested in view of his non-appearance in court.

On February 22, 2001, respondent compulsorily retired from the judiciary.

In a 1[st]Indorsement dated June 8, 2001, respondent was directed to file his comment on the complaint. A 1[st] Tracer dated October 17, 2001 was sent to respondent giving him a non-extendible period of five days to file his comment. However, the said tracer was returned unserved due to respondent's retirement from the judiciary. Another Tracer dated July 30, 2002 was sent to respondent in his residential address giving him a chance to file his comment, but none was filed.

Acting on the complaint, the Court, in its Resolution of March 24, 2003, required respondent to manifest whether he was willing to submit the administrative matter against him for resolution without his comment. Respondent failed to comply with the Court Resolution. Thus, in the Resolution of January 26, 2005, the Court ordered respondent to show cause why he should not be disciplinarily dealt with or held in contempt for failure to manifest and to comply with the Resolution of March 24, 2003. Still, respondent failed to comply with the Resolution of January 26, 2005. In the Resolution of August 24, 2005, the Court imposed upon respondent a fine of P1,000.00 and deemed respondent to have waived the filing of a comment on the complaint.

In the Agenda Report[2] dated October 12, 2005, the Office of the Court Administrator (OCA) found respondent guilty as charged and recommended that he be fined in the amount of Twenty Thousand Pesos (P20,000.00) to be deducted from his retirement benefits.

On November 8, 2005, respondent paid the fine of P1,000.00 imposed on him in the Resolution of August 24, 2005 and submitted his Comment on the complaint.

In his Comment[3] dated October 31, 2005, respondent denied the allegations contained in the complaint reasoning that he acted in good faith and within the scope of his duties. He further contends: Based on Administrative Circular No. 140-93, the crimes committed by the accused are not within the Katarungan Pambarangay Law because the imposable penalty exceeds one year. Both cases are within the original jurisdiction of the court and, finding a probable cause against the accused, the court issued the warrant of arrest. There is no law or circular issued by this Court that a court cannot issue a warrant of arrest on Friday. If the accused was not able to post bail on time, it is not his fault or of the court. The motion for inhibition filed by complainant must be set for hearing. But in spite of several settings to hear the motion, complainant failed to appear. In the hearing of both cases, complainant failed to appear in court; thus, the assistant provincial prosecutor moved for the arrest of the complainant. At the hearing of November 17, 2000 and January 5, 2001, complainant failed to appear in court, and orders of arrest were issued against him, but said orders were reconsidered by the court. In spite of all the orders of the court for the arrest of complainant, none of the orders were implemented. Neither was the accused arrested and detained in jail. And if the complainant received an envelope from the MCTC of Laur without content, complainant should have immediately informed the court of the said circumstance so that proper action may be done on the employee in charge of the mailing of notices.

In the Resolution of March 29, 2006, the Court referred back the instant administrative matter to the OCA for evaluation, report and recommendation.

In a letter[4] dated November 21, 2005, respondent requested the Court that his retirement benefits be released subject to the withholding of P20,000.00 pending resolution of the present complaint.

In the Resolution[5] of June 28, 2006, the Court granted the partial release of respondent's compulsory retirement benefits and withheld therefrom the amount of P20,000.00 to answer for whatever liability respondent may incur in the present administrative case.

In the Agenda Report dated August 30, 2006, the OCA submitted its evaluation and recommendation, to wit:

> The charges against respondent judge are summarized as follows:

- Gross Ignorance of the law for his failure to remand or dismiss the case in view of the absence of the requisite certificate to file action issued by the Barangay as a mandatory requirement of the Katarungan Pambarangay Law and the Local Government Code.

- Grave abuse of authority for the issuance of a warrant of arrest on a Friday to ensure complainant's incarceration for two days.

- Grave abuse of authority and bias in continuing the hearing of the cases and for failure to act on the motion for inhibition.

- An intention on the part of respondent to prevent complainant's appearance in court by sending an envelope, with a supposed notice of hearing but with nothing inside.

> x x x x

> Respondent judge argued that under Administrative Circular No. 14-93 dated August 3, 1993 issued by this Court as Guidelines for the Implementation of the Barangay Conciliation Procedure, based on the Local Government Code of 1991, R.A. 7160, which took effect on January 1, 1992, one of the exceptions to the coverage of the circular is "Offense[s] for which the law prescribes a maximum penalty of imprisonment

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

exceeding one (1) year or a fine over five thousand pesos (P5,000.00)." Considering that the offenses for which accused was charged have corresponding penalties of more than one year there is no need for a certification to file action from the Barangay.

There was likewise no grave abuse of discretion in the issuance of warrant of arrest. The subject criminal cases were within the original jurisdiction of the MTC and after finding probable cause against the accused, respondent issued the questioned warrant of arrest. Respondent pointed out that there is no law or circular issued by the Honorable Court prohibiting the issuance of a warrant of arrest on Friday.

With regard to the charge of grave abuse of discretion relative to the motion for inhibition, respondent submitted that there should be a hearing on the motion before it could be acted upon. But in spite of the several settings of said motion the complainant as accused failed to appear.

Respondent contended that if it were true that complainant received an envelope from the MCTC of Laur, Nueva Ecija, without any contents, he should have immediately informed the court about it so that the proper action could have been done.

Lastly, respondent invited the Court's attention to the fact that complainant was also accused of Grave Slander by Darlito Urbano and Violeta Urbano which case were docketed as Criminal Case No. 3648-G and 3649-G, MCTC Laur-Gabaldon, Nueva Ecija. It is argued that this shows the character of Miguel Colorado.

After careful evaluation of the record of the case, the undersigned finds merit in the neglect of respondent judge to resolve the pending issue of the motion for inhibition which was not acted upon up to the time of his compulsory retirement from the service.

It should be noted that respondent never gave any valid justification for the delay in the filing of his comment. It seems that he believed that the mere payment of the fine obliterated the charge of contumacious refusal to obey the order of this Court. Respondent's conduct cannot be left unnoticed by the Court. Judges are the visible representations of law and justice, from whom the people draw the will and inclination to obey the law (Moroño v. Lomeda, 316 Phil. 103, July 14, 1995) "How can the respondent judge expect others to respect the law when he himself cannot obey orders as simple as the show-cause resolution?" {Longboan v. Hon. Polig (A.M. No. R-704-RTJ, June 14, 1990, 186 SCRA 557) cited in the case of Bonifacio Guintu v. Judge Aunario L. Lucero, A.M. No. MTJ-93-794, August 23, 1996}.

In a catena of cases this Court has unhesitatingly imposed the penalty of dismissal on those who have persistently failed to comply with orders requiring them either to file comment or to show cause and comply. Respondent's belated filing of his comment cannot cure or obliterate[d] his shortcomings with this Court. The fact remains that he ignored the lawful directive of the Court and in fact offered no valid justification or excuse for it. This Court could have imposed the penalty of dismissal and forfeiture of all of respondent's retirement benefit had it not been for this Court's compassion in allowing him to retire with the mere retention of P20,000.00. Respondent's comment should not have been received in the first place as the same was already considered waived pursuant to the Resolution of the Honorable Court dated 24 August 2005.

IN VIEW OF THE FOREGOING, the undersigned respectfully recommends to the Honorable Court that:

- Judge Ricardo M. Agapito, former judge of MCTC, Laur, Nueva Ecija be found guilty of gross neglect for failure to act on the motion for inhibition filed by accused-complainant and for his failure to promptly comply with the lawful order of Court and not offering a valid excuse therefor and should be FINED in the amount of Twenty Thousand Pesos (P20,000); and

- The withheld amount of Twenty Thousand Pesos (P20,000) shall be considered the payment of the fine.[6]

We agree in toto with the findings and recommendations of the OCA.

First of all, we deem it necessary to determine the applicability of A.M. No. 03-10-01-SC, a Resolution Prescribing Measures to Protect Members of the Judiciary from Baseless and Unfounded Administrative Complaints, which took effect on November 3, 2003.

Recognizing the proliferation of unfounded or malicious administrative or criminal cases against members of the judiciary for purposes of harassment, we issued said Resolution, which provides:

> 2. If the complaint is (a) filed within six months before the compulsory retirement of a Justice or Judge; (b) for an alleged cause of action that occurred at least a year before such filing; and (c) shown prima facie that it is intended to harass the respondent, it must forthwith be recommended for dismissal. If such is not the case, the Office of the Court Administrator must require the respondent to file a comment within ten (10) days from receipt of the complaint, and submit to the Court a report and recommendation not later than thirty (30) days from receipt of the comment. The Court shall act on the recommendation before the date of compulsory retirement of the respondent, or if it is not possible to do so, within six (6) months from such date without prejudice to the release of the retirement benefits less such amount as the Court may order to be withheld, taking into account the gravity of the cause of action alleged in the complaint.

Thus, in order for an administrative complaint against a retiring judge or justice to be dismissed outright, the following requisites must concur: (1) the complaint must have been filed within six months from the compulsory retirement of the judge or justice; (2) the cause of action must have occurred at least a year before such filing; and (3) it is shown that the complaint was intended to harass the respondent.

In the present case, the first two requisites are present. The sworn letter-complaint was received by the Office of the Court Administrator on January 31, 2001. The respondent retired compulsorily from the service barely three weeks after or on February 22, 2001; and the ground for disciplinary action alleged to have been committed by the respondent occurred five months before the respondent's separation from the service.

As to the third requirement, although the first and second charges against respondent are outrightly without merit as aptly found by the OCA, the complaint that respondent failed to act on his motion for inhibition and intentionally prevented complainant from appearing in a scheduled hearing was not prima facie shown to be without merit; nor was the filing thereof shown to be intended merely to harass the respondent.[7] Thus, the OCA correctly proceeded with the administrative case against respondent.

Moreover, the fact that a judge has retired or has otherwise been separated from the service does not necessarily divest the Court of its jurisdiction to determine the veracity of the allegations of the complaint, pursuant to its disciplinary authority over members of the bench. As we held in Gallo v. Cordero,[8] citing Zarate v. Judge Romanillos:[9]

> The jurisdiction that was ours at the time of the filing of the administrative complaint was not lost by the mere fact that the respondent had ceased in office during the pendency of his case. The Court retains jurisdiction either to pronounce the respondent public official innocent of the charges or declare him guilty thereof. A contrary rule would be fraught with injustice and pregnant with dreadful and dangerous implications... If innocent, respondent public official merits vindication of his name and integrity as he leaves the government which he has served well and faithfully; if guilty, he deserves to receive the corresponding censure and a penalty proper and imposable under the situation.

We now go to the four charges against respondent.

> - Gross Ignorance of the law for his failure to remand or dismiss the case in view of the absence of the requisite certificate to file action issued by the barangay as a mandatory requirement of the Katarungan Pambarangay Law and the Local Government Code.

As we earlier stated, the Court finds that the OCA is correct in not finding respondent administratively liable therefor. Complainant is charged with grave slander, the maximum penalty for which is 2 years and 4 months under Article 358 of the Revised Penal Code. Thus, respondent is not guilty of gross ignorance of the law in taking jurisdiction over said criminal case, considering that prior recourse to barangay conciliation is not required where the law provides a maximum penalty of imprisonment exceeding one year.

> 2. Grave abuse of authority for the issuance of a warrant of arrest on a Friday to ensure complainant's incarceration for two days.

Complainant faults respondent for having been arrested on a Friday, causing him to languish in jail for two days and two nights. Respondent cannot be held administratively liable for this particular matter.

Section 6, Rule 113 of the Revised Rules of Criminal Procedure provides that an arrest may be made on any day and at any time of the day or night.

It is of no moment that the warrant of arrest was issued by respondent on a Friday, because it is clear from the foregoing that an arrest may be made on any day regardless of what day the warrant of arrest was issued. Nowhere in the Rules or in our jurisprudence can we find that a warrant of arrest issued on a Friday is prohibited.

Granting that complainant was arrested on a Friday, he was not without recourse, as he could have posted bail for his temporary liberty in view of Supreme Court Circular No. 95-96[10] dated December 5, 1996, providing for a skeletal force on a Saturday from 8:00 a.m. to 1:00 p.m. primarily to act on petitions for bail and other urgent matters. And on Saturday afternoons, Sundays and non-working holidays, any judge may act on bailable offenses. Thus, we agree with the OCA that respondent did not commit grave abuse of authority for issuing the warrant of arrest on a Friday, the same not being prohibited by law.

> 3. Grave abuse of authority and bias in continuing the hearing of the cases and for failure to act on the motion for inhibition.

While there is no evidence in support of the claim that respondent committed grave abuse of authority and bias in continuing the hearing of cases, we find respondent liable for failure to act upon complainant's motion for inhibition.

As borne by the records, complainant filed his motion for respondent's inhibition sometime in September 2000 but up to the time of respondent's compulsory retirement from the judiciary on February 22, 2001, the same remained unacted upon. Verily, the undue delay of respondent by five months in resolving the pending incident before his court erodes the people's faith in the judiciary and the same is tantamount to gross inefficiency. Respondent's explanation that despite the fact that the motion was set for hearing several times, complainant repeatedly failed to appear thereat, is untenable. Respondent must know that he may act motu proprio on the motion for inhibition without requiring the attendance of complainant. A judge, in the exercise of his sound discretion, may disqualify himself from sitting on a case for just or valid reasons.[11]

Section 5, Canon 6 of the New Code of Judicial Conduct for the Philippine Judiciary,[12] mandates judges to perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness. Similarly, Supreme Court Circular No. 13 dated July 1, 1987 directs judges to observe unscrupulously the periods prescribed by the Constitution in the adjudication and resolution of all cases or matters submitted to their court.

In Visbal v. Buban,[13] the Court held that failure to decide cases and other matters within the reglementary period constitutes gross inefficiency and warrants the imposition of administrative sanction against the erring magistrate.[14] Delay in resolving motions and incidents pending before a judge within the reglementary period

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

of ninety (90) days fixed by the Constitution and the law is not excusable and constitutes gross inefficiency.[15] Further, such delay constitutes a violation of Rule 3.05, Canon 3 of the Code of Judicial Conduct, which mandates that a judge should dispose of the court's business promptly and decide cases within the required periods. As a trial judge, respondent is a frontline official of the judiciary and should at all times act with efficiency and with probity.[16] Undue delay in the disposition of cases and motions erodes the faith and confidence of the people in the judiciary and unnecessarily blemishes its stature.[17]

> 4. An intention on the part of respondent to prevent complainant's appearance in court by sending an envelope, with a supposed notice of hearing but with nothing inside.

Suffice it to be stated that in the absence of evidence to show that the sending of an empty envelope to complainant was malicious on the part of respondent, he cannot be held liable therefor.

Section 9 (1) and 11 (B), Rule 140 of the Rules of Court, as amended by A.M. No. 01-8-10-SC, classifies gross neglect or undue delay in rendering a decision or order as a less serious charge which carries any of the following sanctions: suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months or a fine of more than P10,000.00 but not exceeding P20,000.00. We adopt the recommendation of the OCA that respondent should be imposed a fine in the amount of P20,000.00.[18]

WHEREFORE, the Court finds respondent Judge Ricardo M. Agapito guilty of gross neglect and is FINED in the amount of Twenty Thousand Pesos (P20,000.00). The withheld amount of Twenty Thousand Pesos (P20,000.0) from respondent's retirement benefits is considered as payment of the fine.

SO ORDERED.

Ynares-Santiago, (Chairperson), Chico-Nazario, and Nachura, JJ., concur.

[1] Rollo, pp. 1-3.

[2] Id. at 46-48.

[3] Id. at 50-53.

[4] Id. at 62.

[5] id. at 67.

[6] Id. at 71-73.

[7] See Heck v. Santos, A.M. No. RTJ-01-1657, February 27, 2004; 423 SCRA 219, 345.

[8] 315 Phil. 210, 220 (1995).

[9] 312 Phil. 679 (1995).

[10] 6. Duty during weekends and holidays. - All Executive Judges, whether in single sala courts or multiple sala stations shall assign, by rotation, Metropolitan Trial Judges, Municipal Trial Judges and Municipal Circuit Judges within their respective territorial areas to be on duty on Saturday from 8:00 a.m. to 1:00 p.m. assisted by a skeletal force, also on rotation, primarily to act on petitions for bail and other urgent matters.

On Saturday afternoons, Sundays and non-working holidays, any Judge may act on bailable offenses conformably with the provisions of Section 7, Rule 112 of the Rules of Court.

All Executive Judges, whether in single sala or multiple sala shall remain on duty on Saturday mornings.

[11] Rules of Court, Rule 137, Sec. 1(b).

[12] A.M. No. 03-05-01-SC, June 1, 2004.

[13] 443 Phil. 705 (2003).

[14] Id. at 708.

[15] Id. at 708.

[16] Id. at 709.

[17] Gonzales v. Hidalgo, 449 Phil. 336, 340 (2003).

[18] Imbang v. Del Rosario, A.M. No. MTJ-03-1515, November 19, 2004; 443 SCRA 79, 85; Re: Report on the Judicial Audit Conducted in the Regional Trial Court, Branches 3, 5, 7, 60 and 61, Baguio City, 467 Phil. 18, 19 (2004).

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.