

OFFICE OF THE SOLICITOR GENERAL, COMPLAINANT, VS. JUDGE ANTONIO I. DE CASTRO, PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH 3, MANILA, RESPONDENT.

A.M. NO. RTJ-06-2018 (Formerly Adm. Matter OCA-IPI No. 05-2360-RTJ). October 15, 2007

Ponente: TINGA, J.

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TINGA, J.:

In the Resolution dated 3 August 2007, this Court found respondent Judge Antonio I. de Castro guilty of gross ignorance of the law and imposed on him the penalty of suspension for a period of three (3) months and one (1) day without pay, with a warning that commission of a similar offense will be dealt with more severely. Respondent thus filed the instant Motion for Reconsideration and Judicial Clemency, dated 7 September 2007, seeking the modification of the resolution with respect to the penalty by imposing instead the alternative penalty of fine.

Respondent avers that there is no showing that he has previously committed an administrative offense, and no malice or bad faith was established in the commission of the administrative infraction. This, he adds, is his first administrative offense in his almost twenty-five (25) years of service in the judiciary and he had always performed his judicial duties faithfully and efficiently, striving to meet the stringent standards required of members of the bench so that he may be beyond reproach and suspicion at all times. He submits to the Court's finding of administrative liability and accepts the same, maintaining that such transgression was an honest error in judgment with no intent to disregard applicable laws and jurisprudence. He thus asks that his administrative offense be considered as a mere lapse in judicial discretion which, though constitutive of gross ignorance of the law, may warrant a less severe penalty. He submits further that his only means of livelihood and/or source of income is his compensation as presiding judge of the Regional Trial Court of Manila, Branch 3, he having no other business or employment from which he can derive income to support his family.

Since malice or bad faith on the part of respondent has not been established, and this is the first time that respondent has been held liable for an administrative offense,[1] the Court deems it just and reasonable to reconsider the penalty of suspension for three (3) months without pay and instead impose upon respondent a fine of P21,000.00.[2]

IN VIEW OF THE FOREGOING, the Motion for Reconsideration and Judicial Clemency is GRANTED in PART. Respondent Judge Antonio I. de Castro is ordered to pay a FINE of P21,000.00 with a WARNING that a repetition of the same or similar acts will be dealt with more severely.

SO ORDERED.

Puno, C.J., Quisumbing, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Chico-Nazario, Garcia, Velasco, Jr., Nachura, and Reyes, JJ., concur.
Ynares-Santiago, and Azcuna, JJ., on official leave.

[1] Sanggunian Bayan of Guindulman, Bohol v. De Castro, A.M. No. MTJ-03-1487, 1 December 2003, 417 SCRA 1, 15.

[2] Re: Report on the Complaint of Judge Dolores L. Español, Regional Trial Court, Dasmariñas, Cavite, Branch 90; Wilma Go Amposta and Medy M. Patricio Against Judge Lorinda T. Mupas, Municipal Trial Court, Dasmariñas, Cavite, A.M. No. MTJ-01-1358, 11 November 2004, 442 SCRA 14, 51-52.

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