

DANTE M. QUINDOZA, COMPLAINANT, VS. JUDGE EMMANUEL G. BANZON, RESPONDENT.

A.M. No. MTJ-04-1552 [Formerly OCA IPI No. 02-1317-MTJ]. December 16, 2004

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TINGA, J.:

On August 9, 2002, the Office of the Court Administrator (OCA) received the Letter-Complaint[1] dated August 1, 2002 filed by complainant Dante M. Quindoza against Judge Emmanuel G. Banzon, Presiding Judge of the Municipal Trial Court (MTC) of Mariveles, Bataan. Complainant charges respondent with gross ignorance of the law and grave abuse of discretion in connection with respondent's disposition of Criminal Cases Nos. 02-7325, 02-7326, and 02-7332, all entitled "People of the Philippines v. Dante Quindoza, et al." for Qualified Trespass to Dwelling and Light Coercion.

The antecedents follow.

On May 8 and 22, 2002 respectively, complainant ordered the disconnection of the water and electrical service of the housing unit illegally occupied by Renato Caralipio (Caralipio),[2] and the electrical services of the housing unit of Hermito de Asis (de Asis) for non-settlement of accounts with the Philippine Economic Zone Authority and expiration of lease.[3] Because of the incidents, criminal cases were filed against the complainant with the court of respondent judge. Criminal Cases Nos. 02-7325 and 02-7326 stemmed from the incident involving Caralipio's house,[4] while Criminal Case No. 02-7332 related to the disconnection of electric service in the house occupied by de Asis.[5]

On June 4, 2002, the complainant filed an Urgent Motion to Quash in the three criminal cases on the grounds of lack of jurisdiction and failure to allege an offense. Complainant averred that he is the incumbent Zone Administrator of the Bataan Economic Zone (BEZ) and that his position has a salary grade "28" under Republic Act (R.A.) No. 6758.[6] He contended that it is not respondent's court but the Sandiganbayan which has jurisdiction over the three criminal cases.

Complainant claims that in open court during the hearing of his motion to quash in Criminal Cases Nos. 02-7325 and 02-7326 on June 20, 2002, respondent ordered his incarceration, without right to file bail, until such time that he shall have ordered the reconnection of the water and electrical services of Caralipio and de Asis. According to the complainant, respondent should not have ordered the reconnection of electricity in de Asis's housing unit during the hearings in Criminal Cases Nos. 02-7325 and 02-7326 because the disconnection incident relating to de Asis is the subject of the third case, Criminal Case No. 02-7332, and the motion to quash therein was to be conducted on June 27, 2002 yet.[7] He also points out that it was erroneous for the respondent judge to include the reconnection of the water services in de Asis's house because only the disconnection of electricity was complained of in Criminal Case No. 02-7332.[8] Complainant further avers that he made a formal written request[9] for a copy of the transcript of stenographic notes of the June 20, 2002 hearing in Criminal Cases Nos. 02-7325 and 02-7326 to avail of the proper judicial remedies but respondent refused to release the transcript. He prays that his pending cases be reassigned to another court and that respondent judge be ordered to inhibit himself from handling any case involving BEZ or any of its officers and employees.[10]

The OCA indorsed the complaint and required respondent to file his comment thereon.[11]

Thereafter, respondent submitted his Comment dated September 20, 2002 and another Comment on November 29, 2002. Respondent has not disputed complainant's allegations in the latter's September 20, 2002 Comment. He argues, however, that it is improper and premature for complainant to insinuate bias and improper conduct on his part when the issues which gave rise to the Letter-Complaint are still being ventilated in court.[12] He asserts that complainant should have appealed the assailed order instead of filing an administrative case against him because as the Court held in *Barroso v. Arche*,[13] when a litigant disagrees with a ruling of the judge the proper remedy is not to file an administrative complaint but an appeal which points out the errors in the decision.[14] Respondent further claims that complainant was arbitrary in effecting the disconnection of water and electrical services of residents within the BEZ alleging that complainant disconnected the electrical and water supplies of the occupants who could not afford to file a case against him, without even bothering to explain the disconnections although they were effected in violation of due process of law.[15] Respondent prays that the complaint against him be dismissed and that complainant instead be held administratively and criminally liable for his illegal acts.[16]

Complainant submitted on October 25, 2002 his Reply, pointing out that respondent judge failed to refute the charges against him but instead made unsubstantiated allegations against the complainant.

On March 3, 2004, the OCA submitted its Memorandum, recommending that respondent be fined Twenty Thousand Pesos (P20,000.00) for oppression and abuse of authority, and gross ignorance of the law.

On August 4, 2004, the Court required the parties to manifest whether they would be willing to submit the case based on the pleadings filed within ten (10) days from notice. Both parties complied and replied in the affirmative,[17] with respondent adducing additional documents and arguments in his defense.

The Court agrees with the findings and recommendation of the OCA.

Section 4(1) of Presidential Decree No. 1606 as amended by R.A. No. 8249[18] clearly provides that employees of the executive branch classified as Grade "27" or higher under the Compensation and Position Classification Act of 1989 are within the exclusive original jurisdiction of the Sandiganbayan and not of the MTC. Clearly, any crime committed by complainant, a salary grade "28" employee, in relation to his office falls under the jurisdiction of the Sandiganbayan. The record shows that the crimes allegedly committed by complainant were in relation to his office as director of the BEZ.

When the law is so elementary, not to know it or to act as if one does not know it constitutes gross ignorance of the law.[19] Respondent judge undeniably erred in denying complainant's motion to quash in Criminal Cases Nos. 02-7325, 02-7326 and 02-7332 on the ground of lack of jurisdiction.

Moreover, as the OCA correctly observed, respondent judge's act of ordering the incarceration of complainant and threatening not to grant him bail at the hearing of Criminal Cases Nos. 02-7325, 02-7326 and 02-7332 until he shall have reconnected the water and electric supply connections of Caralipio and de Asis indubitably constitutes oppression and abuse of authority—

This is a clear case of oppression and abuse of authority. Respondent acted like a petty tyrant requiring obedience from those around. He had no authority to order the incarceration of complainant even if the latter refused to comply. In criminal cases, a court can only do three things: (1) convict the accused and sentence him accordingly; (2) acquit the accused and release him from detention if he is detained or cancel his bail if he is bonded; or (3) he can dismiss the case for any of the grounds provided by law.[20]

Under Section 8, Rule 140 of the Revised Rules of Court, gross ignorance of the law or procedure and gross

misconduct constituting violations of the Code of Judicial Conduct[21] are considered serious offenses which may be penalized with either dismissal from the service with forfeiture of benefits, suspension from office for more than three (3) months but not exceeding six (6) months or a fine of more than Twenty Thousand Pesos (P20,000.00), but not exceeding Forty Thousand Pesos (P40,000.00), may be imposed. However, as recommended by the OCA,[22] a fine of Twenty Thousand Pesos (P20,000.00) is appropriate. This is the first offense of respondent.

In his Manifestation[23] dated September 24, 2004, respondent claims that during the pendency of the instant case, complainant has been charged with several criminal complaints for violation of Article 327 of the Revised Penal Code involving the ex-parte demolition of several houses in Mariveles, as well as complaints for qualified trespass to dwelling and light coercion, all of which were assigned to his sala. Complainant has been charged, respondent adds, with violations of human rights before the Commission on Human Rights. Moreover, while asserting that complainant was high-handed and tyrannical in the performance of his duties respondent stresses that complainant filed the instant case to get even with and force him to be lenient with complainant in the cases pending before his court.

The Court finds the cases adverted to irrelevant to the resolution of the instant administrative complaint. If there is merit in the cases against the complainant, then the same should be decided in the courts concerned, but not in this forum at this time.

Complainant seeks to disqualify the respondent judge from handling his pending cases and those that may be filed against the BEZ or any of its employees and officers. The Court grants the inhibition sought with respect to the pending cases, including the cases mentioned by respondent in his Manifestation dated September 24, 2004.

Considering the animosity generated by this administrative complaint between complainant and respondent judge, it would be in the best interest of justice to remove any doubt that may be cast upon respondent judge's ability to resolve said cases with impartiality. However, there is no basis for respondent's inhibition from hearing any other case involving the BEZ or any of its officers and employees.

However, with regard to cases still to be filed the recusal sought is premature and therefore should be denied.

WHEREFORE, the Court orders respondent Judge Emmanuel G. Banzon, Presiding Judge of the Municipal Trial Court, Mariveles, Bataan, to pay a FINE in the amount of TWENTY THOUSAND PESOS (P20,000.00), with a WARNING that a repetition of the same or similar acts will be dealt with more severely. He is also ordered to inhibit himself from hearing Criminal Cases Nos. 02-7325, 02-7326, 02-7332, and 03-7760, 03-7761, 03-7762, 03-7763, 03-7764, 03-7765, 03-7766 and 03-7781 of the Municipal Trial Court of Mariveles, Bataan involving complainant Dante M. Quindoza.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, and Chico-Nazario, JJ., concur.
Callejo, Sr., on leave.

[1] Rollo, pp. 1-3.

[2] Id. at 22.

[3] Id. at 24.

[4] Id. at 1.

[5] Ibid.

[6] The Compensation and Position Classification Act of 1989.

[7] Rollo, p. 2.

[8] Id. at 10. Complainant attached to his Letter-Complaint an Order issued by respondent in Criminal Case No. 01-7006 (People v. Hipolito Bautista, et al.) on July 23, 2001 ordering the withdrawal of the complaint filed by de Asis therein. The subject of that case was the disconnection of the water supply in the housing unit occupied by de Asis in 1998.

[9] Id. at 2 and 11.

[10] Id. at 3.

[11] Id. at 10.

[12] Id. at 19.

[13] 67 SCRA 161 (1965).

[14] Ibid.

[15] Id. at 20-21.

[16] Id. at 21. Respondent reiterates the arguments in his November 29, 2002 Comment. Id. at 50-52.

[17] Id. at 76-110, 113.

[18] AN ACT FURTHER DEFINING THE JURISDICTION OF THE SANDIGANBAYAN, AMENDING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1606, AS AMENDED, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES, February 9, 1997.

[19] Domondon v. Lopez, A.M. No. RTJ-02-1696, June 20, 2002, 383 SCRA 376.

[20] Memorandum of the Office of the Court Administrator, Rollo, p. 71.

[21] The provision of the Code of Judicial Conduct violated by the respondent judge when he ordered the incarceration of the complainant and threatened not to grant him bail until he shall have reconnected Caralipo and de Asis's water and electric supply connections is Rule 3.01 thereof which states that "[a] judge shall be faithful to the law and maintain professional competence."

[22] Ibid.

[23] Rollo, pp. 73-110.

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