

ATTY. MANUEL T. UBARRA, COMPLAINANT, VS. JUDGE LUZVIMINDA M. MAPALAD, RESPONDENT.*A.M. No. MTJ-91-622. March 22, 1993*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/069e4a220e69/>**PER CURIAM:**

In a sworn letter-complaint dated 21 November 1991 and addressed to then Court Administrator, now a distinguished Member of this Court, Josue N. Bellosillo, complainant Atty. Manuel T. Ubarra, on behalf of his client Juanito A. Calderon, charges respondent, the Presiding Judge of the Municipal Trial Court (MTC) of Pulilan, Bulacan, with grave misconduct, knowingly rendering an unjust judgment, the violation of the Canons of Judicial Ethics and the failure to decide within the mandated ninety-day-period Criminal Case No. 89-3905. This criminal case, entitled *People of the Philippines vs. Roberto Cruda*, involves the charge of Grave Threats.

Attached to the letter-complaint is the affidavit of Juanito A. Calderon, the offended party in said Criminal Case No. 89-3905 and Criminal Case No. 90-4056, another action for Grave Threats likewise entitled *People of the Philippines vs. Roberto Cruda, et al.* Calderon alleges in his affidavit that in the course of the trial of Criminal Case No. 89-3905 before the MTC, he noted that accused Roberto Cruda worked as a houseboy of the herein respondent; by that time, he (Calderon) had already observed the latter's partiality in favor of the said accused; Criminal Case No. 89-3905 was submitted for decision on 27 March 1990; on 9 August 1991, Roberto Cruda married Annabelle V. Manlangit, respondent's youngest sister; it was the respondent herself who solemnized that marriage at her office, as evidenced by the marriage contract (Annex "C"); despite such marriage, respondent did not inhibit herself from hearing Criminal Case No. 89-3905 and instead proceeded to render and promulgate, on 17 October 1991, a judgment (Annex "D") acquitting Cruda, her brother-in-law. The dispositive portion of the said decision reads:

"WHEREFORE, in view of all the foregoing, judgment is hereby rendered dismissing the instant criminal complaint and acquitting the accused Roberto Cruda of the crime charged.

Accordingly, the cash bond posted by the accused for his provisional liberty is hereby ordered released."

Earlier, however, in an Order dated 7 September 1991, respondent voluntarily inhibited herself in the other case, Criminal Case No. 90-4056, to avoid suspicion, partiality or bias because accused Cruda had already become her relative by affinity (Annex "E"). Calderon thus asserts that the respondent acted with bias or partiality in rendering the decision in Criminal Case No. 89-3905.

The answer to the letter-complaint, dated 6 May 1992 and filed by the respondent by way of compliance with Our Resolution of 27 February 1992, is devoted mostly to a narration of her sincere and honest efforts to reform and rehabilitate Roberto Cruda. She alleges that upon her assumption into office' as the Presiding Judge of the MTC of Pulilan, she discovered, after conducting an inventory of all the cases pending therein, that Roberto Cruda had previously been charged in six (6) criminal cases, to wit: Criminal Case No. 88-3871 (Acts of Lasciviousness), Criminal Case No. 88-3873 (Trespass to Dwelling), Criminal Case No. 88-3870 (Threats), Criminal Case No. 82-3213 (Theft), Criminal Case No. 84-3424 (Robbery) and Criminal Case No. 85-3576 (Theft). She also learned

that Roberto is one of six (6) children who were abandoned by their father and left to the charge of a feeble-minded and uncaring mother; in their helplessness, these siblings learned to fend for themselves. The eldest was employed as a domestic helper of a relative residing in Quezon City, the second and the third (Roberto Cruda) worked as garbage scavengers and the rest, together with their mother, were street beggars. The grim situation confronting Roberto who, at that time, was twenty-one (21) years old so "moved and touched the heart and the mother instinct" of respondent who "then resolved to rehabilitate and reform him, the best way she can." Before, the respondent could start her special task, however, Criminal Case No. 89-3905 was filed against Roberto. Upon her instruction, the latter was first brought to her after his arrest. His appearance impressed her as she observed that he is "quite good-looking, tall and of good physique." She thus took the opportunity to have a heart to heart talk with him; after some motivations, the latter opened up and recounted his tale of bitterness and hatred against his parents, relatives, neighbors and life itself. Upon her counseling, he promised to mend his ways; she then assured him of her help in the settlement of all his cases.

Respondent further avers that upon Roberto's release which followed the filing of a cash bond, the Station Commander of Pulilan, Bulacan proposed that the latter remain in his custody, stay at the police headquarters and work as his orderly; Roberto agreed to the proposition. Respondent then volunteered to provide Roberto with his daily lunch, for which reason she instructed her sister, Annabelle, to prepare the said meals for Roberto who would just get them from her. Because of their meetings, love blossomed between Annabelle and Roberto; the relationship, however, remained undetected by the respondent.

Respondent reveals that she interceded in the settlement of the cases pending against Roberto. Hence, it is alleged that except for Criminal Case No. 89-3905 -- the case upon which the instant complaint was filed -- all the other cases were eventually withdrawn by the complainants who were compassionate enough to forgive Roberto for his misdeeds. With respect to Criminal Case No. 89-3905, she attempted to resolve the differences existing between Juanito Calderon, the offended party, and Roberto; however, Juanito's mother, Potenciana Calderon, whom respondent describes as a "scheming mother," a "troublesome woman, a 'high hat' and a virago x x x at odds practically with all her neighbors," prevailed upon him to pursue the case. As a matter of fact, at a preliminary conference conducted before Roberto's arraignment in the said case for the purpose of settling amicably the dispute between the parties, it was Potenciana who did all the talking. It was in the course of this conference that the respondent discovered that bad blood had been existing for some time between the Cruda and Calderon families. This arose out of a civil case -- involving ownership of a piece of land -- between the Calderons and Emiliana Esguerra wherein Roberto's father, Romeo Cruda, testified as the latter's witness. The Calderons resented this not only because they lost the case before the Regional Trial Court (RTC), but also because Romeo Cruda was designated by Esguerra as overseer of the property. As a consequence thereof, several cases involving petty or trivial things, among which is Criminal Case No. 89-3905, had been filed by the Calderons against the Crudas.

Anent the specific charges leveled against her, respondent claims that the trial on the merits of Criminal Case No. 89-3905 was commenced on 20 June 1989 and was terminated on 27 March 1990. Sometime in October 1989, Juanito Calderon filed against Romeo and Roberto Cruda a complaint for attempted homicide. However, after the preliminary investigation, the investigating Prosecutor ruled that only a probable cause for grave threats was established; hence, Criminal Case No. 90-4056 for Grave Threats was filed in her court. At the arraignment on 18 May 1990, only Romeo Cruda appeared; Roberto failed to arrive despite notice. After the court adjourned, Romeo saw the respondent in her chambers to inform her that Roberto and Annabelle had eloped. Both were, however, married on 19 August 1991 in her office with her as the solemnizing officer. Thereupon, she inhibited herself in Criminal Case No. 90-4056. She maintains that the ground for her inhibition in Criminal Case No. 89-3905 had not yet existed when she tried the same as she became related to Roberto Cruda within the prohibited degree only

on 9 August 1991, long after the termination of the trial therein.

She denies having knowingly rendered an unjust judgment in favor of her brother-in-law because she "was persuaded to dismiss the same not on account that the guilt of Cruda was not proven beyond reasonable doubt but by the very reason that both the private complainant and the accused therein were in *pari delicto*."

She admits, however, that she decided Criminal Case No. 89-3905 beyond ninety (90) days from the date it was submitted for decision, and pleads for this Court's understanding, leniency and compassion considering that a Municipal Trial Court Judge is saddled not only with judicial functions, but quasi-judicial tasks as well which are enough to drain most of his/her energy.

On 10 September 1992, We referred the case to the Executive Judge of the RTC of Malolos, Bulacan for investigation, report and recommendation.

Executive Judge Natividad G. Dizon conducted the investigation by receiving the evidence of the parties. In her Report and Recommendation dated 1 February 1993 and received by the Office of the Court Administrator on 3 February 1993, she made the following findings and conclusion:

"Having concluded the hearings of the administrative case against respondent Judge wherein she was given her days (sic) in Court and to present her evidence, the Investigating Judge respectfully submits her findings, based on the records at hand:

a) Respondent Judge committed grave misconduct when she rendered an unjust decision in Criminal Case No. 89-3905, wherein she acquitted accused Roberto Cruda for Grave Threats. The Judge must maintain and preserve the trust and faith of the parties litigants. He must hold himself above reproach and suspicion. At the very first sign of lack of faith and trust to his actions, whether well grounded or not, the Judge has no other alternative but inhibit (sic) himself from the case. (*Borromeo-Herrera vs. Borromeo*, 152 SCRA 172 (1987) (sic).

The records show that when she rendered her decision on said case on October 17, 1991, she already knew about the relationship existing between the accused and her sister, Annabelle V. Manlangit, as early as September 7, 1990 (Exhs. "E", "E-1" & "E-2").

The respondent Judge herself solemnized the marriage between the accused and her sister (p. 5, TSN, Nov. 5, 1992) on August 9, 1991 (Exhs. "A-1" & "A-2"). Instead of inhibiting herself in view of the foregoing, respondent Judge proceeded with the hearing of the case wherein she acquitted the accused in gross violations (sic) of Sec. 1, Rule 37, Rules of Court and Sec. 12, Canons of Judicial Ethics;

b) Respondent Judge decided the case (Crim. Case No. 89-3905) beyond the ninety (90) day reglementary period.

The records show that said case was submitted for decision on March 27, 1990 (Exhs. "D" & "D-1") (Exh. "D-3") (p. 12, TSN, Nov. 5, 1992) and respondent rendered judgment thereon only on October 17, 1991, or more than one (1) year and about seven (7) months from the time that the case was deemed submitted for decision.

In line with the jurisprudence laid down by the Honorable Supreme Court in *Inciong vs. De Guia*, 154 SCRA 93 (1987), that:

‘x x x The Judge is the visible representation of the law and, more importantly, of justice. From him, the people draw their will and awareness to obey the law. They see in him an intermediary of justice between two conflicting interests, specially in the station of municipal judges, like respondent Judge, who have that close and direct contact with the people before anybody else in the judiciary. Thus, for the Judge to return that regard, he must be the first to abide by the law and weave an example for the others to follow. He should be

studiously careful to avoid even the slightest infraction of the law.'

and in Masadao and Elizaga Re: Criminal Case No. 4954-M, 155 SCRA 73 (1987) (sic) :

'A Judge should strive to be at all times wholly free, disinterested, impartial, and independent. Elementary due process requires a hearing before an impartial and disinterested tribunal. A judge has both the duty of rendering a just decision and the duty of doing it in a manner completely free from suspicion as to its fairness and as to his integrity.'

It is clear that the respondent judge is guilty as charged."

and submitted this recommendation:

"RECOMMENDATION

With the above findings, it is respectfully recommended that proper (sic) penalty be imposed upon the respondent Judge."

In the light of the respondent's admissions in her answer and the above findings of fact by the investigating Judge which We observe to be fully supported by the evidence adduced by the parties, it is not difficult to rule against the respondent. For one, she deliberately disregarded Section 1, Rule 137 of the Revised Rules of Court which pertinently provides in part:

"SEC. 1. Disqualification of judges. -- No judge or judicial officer shall sit in any case in which x x x he is related to either party within the sixth degree of consanguinity or affinity, x x x without the written consent of all parties in interest, signed by them and entered upon the record."

and Rule 3.12(d), Canon 3 of the Code of Judicial Conduct which reads:

"Rule 3.12. A judge should take no part in a proceeding where the judge's impartiality might reasonably be questioned. These cases include, among others, proceedings where:

x x x

(d) the judge is related by consanguinity or affinity to a party litigant within the sixth degree x x x."

considering that (a) Roberto Cruda, the accused in Criminal Case No. 89-3905, is her brother-in-law, being the husband of her youngest sister and, therefore, her (respondent's) relative by affinity within the second degree, and (b) she did not obtain the written consent of all the parties in interest. That it was only on 9 August 1991 -- or long after the case had been submitted for decision -- that she became Roberto's sister-in-law provides no reason for a departure from the enunciated rule as the abovequoted provisions impose an absolute prohibition regardless of the stage in the resolution of the case that the relationship is established. As a matter of fact, given her special bias for the accused whom she even wanted to reform and rehabilitate -- a task which became an obsession -- and in whose behalf she interceded to obtain settlement of the criminal cases against him, thereby necessarily blinding her impartiality and irreparably affecting the cold neutrality she is supposed to possess as a judge, the voluntary disqualification from a case provided under the second paragraph of Section 1 of Rule 137, reading as follows:

"A judge may, in the exercise of his sound discretion, disqualify himself from sitting in a case, for just or valid reasons other than those mentioned above."

should have been availed of by the respondent.

Due process is the soul of Section 1 of Rule 137. It requires, inter alia, a hearing before an impartial and disinterested tribunal. (Palang vs. Zosa, 56 SCRA 776 [1974]). It is therefore illusory without an impartial judge whose cold neutrality reassures litigants of fairness, justice and his integrity. All suitors are entitled to nothing

short of the cold neutrality of an independent, wholly free, disinterested and impartial tribunal. (Luque vs. Kayanan, 29 SCRA 165 [1969]; Geotina vs. Gonzalez, 41 SCRA 66 [1971]).

That the respondent was fully aware of this rule is borne out by the fact that in the other case, Criminal Case No. 90-4056, she voluntarily disqualified herself from sitting therein. In staying on to hear Criminal Case No. 89-3905 despite her being absolutely disqualified to do so and without the written consent of the parties, respondent displayed behavior amounting to grave misconduct and conduct prejudicial to the best interest of the service.

There can be no doubt that Criminal Case No. 89-3905 was deemed submitted for decision on 27 March 1990. Pursuant to Section 15(1), Article VIII of the 1987 Constitution and subdivision 11 of Administrative Circular No. 1 dated 28 January 1988, the respondent had ninety (90) days therefrom to decide the case. She rendered and promulgated the decision thereon only on 17 October 1991. Of course, by 9 August 1991, respondent was already absolutely disqualified from sitting in the case. But then, even before the said date, more than one (1) year and four (4) months had already elapsed since the commencement of the period to render the decision -- 27 March 1990. The reasons adduced for her failure to comply with the mandate of the Constitution and Administrative Circular No. 1 are wholly unacceptable and do not inspire understanding, leniency and compassion. For this transgression, We find the respondent guilty of gross inefficiency and neglect of duty.

We have also carefully scrutinized the respondent's decision of acquittal in Criminal Case No. 89-3905 to determine if she had knowingly rendered an unjust judgment. It appears from both the letter-complaint and the recommendation of the investigating Judge that the conclusion that the respondent did render such a judgment is based on her alleged violation of Section 1, Rule 137 of the Revised Rules of Court and Rule 3.12(d), Canon 3 of the Code of Judicial Conduct. Such a violation is not sufficient to sustain a charge of this nature; a decision rendered by a judge who is disqualified under the above law and Canon may not at all be unjust. Besides, it must be shown that the judge himself knows that such a decision is unjust. Elsewise stated, a decision would not necessarily be unjust simply because a judge is disqualified to render it. Knowingly rendering an unjust judgment is a criminal offense defined and penalized under Article 204 of the Revised Penal Code; for conviction to lie, it must be proven that the judgment is unjust and that the judge knows that it is unjust. Knowingly means consciously, intelligently, willfully, or intentionally. (Black's Law Dictionary, Fifth ed., 784). It is firmly established in this jurisdiction that for a judge to be held liable for knowingly rendering an unjust judgment, it must be shown beyond doubt that the judgment is unjust as it is contrary to law or is not supported by the evidence, and that the same was made with conscious and deliberate intent to do an injustice. (In re: Rafael Q. Climaco, 55 SCRA 107, 119 [1974]; Evangelista vs. Baes, 61 SCRA 475 [1974]; Pabalan vs. Guevarra, 74 SCRA 53 [1976]; Rodrigo vs. Quijano, 79 SCRA 10 [1977]; Sta. Maria vs. Ubay, 87 SCRA 179 [1978]).

In her decision in Criminal Case No. 89-3905, respondent Judge held that accused Roberto Cruda committed the criminal act imputed to him; however, the latter was acquitted solely on the ground that he acted in retaliation to the unwarranted provocation by the complainant. Hence, the accused and complainant were adjudged to be in *pari delicto*. The respondent concluded that they shall have no action against each other and that the court shall leave them where it finds them. She further declares:

"As earlier stated, bad blood exists between the families of the parties herein for quite a time. Complainant even admitted on cross-examination that all this time, he and the accused have (sic) a long standing grudge against each other. As a natural consequence thereof, it can be expected that the parties herein are prone to find faults from each other. At the time of the incident, since the complainant and the accused were overpowered with hatred and resentment they long harbor (sic) for each other, the Court believes that both of them were guilty of the acts they respectively attribute or impute to each other in their respective testimony (sic).

Hence, when the complainant saw the accused picking up the star apple fruits which he claims to be theirs, he

found it an opportune time to get even with the said accused, thus, he harangued the accused and hurled invectives against him. On the other hand, if ever the accused pelted the complainant with stones, chased him with a 'kiya' and threatened to kill him, the said acts of the accused, although unlawful, were in retaliation to the unwarranted and likewise unlawful provocations done by the complainant against him. In this light, the Court deems the complainant and the accused in *pari delicto*.

Under the *pari delicto* doctrine, where the parties to a controversy are equally culpable or guilty, they shall have no action against each other, and it shall leave the parties where it finds them. This doctrine finds expression in the maxims 'ex dolo malo non oritur actio' and 'in *pari delicto* potior est conditio defendentis.'"

We find the application of the *pari delicto* theory in a criminal case to be strange, to say the least. In the first place, the rule on *pari delicto* is a rule in civil law. It is principally governed by Articles 1411 and 1412 of the Civil Code under the Chapter on Void or Inexistent Contracts, and presupposes a situation where the parties are in culpability similarly situated, i.e., in *eodem loco*. (*Jandusay vs. Court of Appeals*, 172 SCRA 376 [1989]). That this rule can by no means apply in a criminal case is evidenced by the aforesaid Article 1411 which provides in part that "[W]hen the nullity proceeds from the illegality of the cause or object of the contract, and the act constitutes a criminal offense, both parties being in *pari delicto*, they shall have no action against each other, and both shall be prosecuted." Secondly, in view of the broader grounds of public policy, the rule may not be invoked against the State. Thirdly, in the prosecution of public crimes, the complainant is the State -- i.e., the People of the Philippines -- while the private offended party is but a complaining witness. Any criminal act perpetrated by the latter on the occasion of the commission of the crime, or which may have given rise to the criminal act imputed to the accused is not the act or conduct of the State and can by no means bind it under the doctrine of *pari delicto*. To rule otherwise would be to establish a dangerous doctrine which would irreparably weaken the very foundations of the criminal justice system and frustrate the administration of justice. Whatever wrongful act may have been committed by the offended party may only be invoked to justify the accused's own act or mitigate his liability.

In spite of all this, however, the respondent may not necessarily be liable for rendering an unjust judgment as there is no convincing evidence on record to show that she knew such judgment to be unjust and that she rendered the same with the conscious and deliberate intent to commit an injustice. She could only be, as she is hereby found, guilty of gross ignorance of the law.

Finally, We note with grave concern the respondent's revelation in her Answer that "she interceded (sic) in the settlement of the cases pending against" Roberto Cruda and that "eventually, except for the case filed by Juanito Calderon, all the other cases were withdrawn by the private complainants therein as they were compassionate enough to forgive him of his misdeeds." By such admission, it is clear that the respondent acted as counsel for the accused. Hence, it may not altogether be discounted that the private complainants involved in these criminal cases gave in not cause of their willingness to forgive -- which would not have even extinguished the accused's criminal liability considering the nature of the cases involved -- but because of the respondent's office and influence. In all probability, they just simply could not have refused her pertinacious solicitations. It is therefore evident that she is guilty of improper conduct which could only serve to diminish public confidence in the integrity and impartiality of the judiciary. Her behavior amounted to a violation of Rule 2.01, Canon 2 of the Code of Judicial Conduct.

The Judiciary performs a very delicate function and a very sacred duty -- that of administering justice. The judicial office demands that the incumbent should conduct himself in such a manner as to merit the respect, reverence and confidence of the people (*Castillo vs. Barsana*, 63 SCRA 388 [1975]) because a Judge is the visible representation of the law and, more importantly, of justice. From him, the people draw their will and awareness to obey the law. They see in him an intermediary of justice between two conflicting interests. (*De la Paz vs. Inutan*, 64 SCRA 540 [1975]). In a larger sense, the Judge must be at the forefront of all efforts to preserve and enhance

the public trust character of a public office (Section 1, Article XI of the 1987 Constitution). Anyone who cannot do so should not be allowed to stay a minute longer in any judicial seat.

WHEREFORE, for grave misconduct, gross inefficiency and neglect of duty, gross ignorance of the law and conduct prejudicial to the best interest of the service, respondent JUDGE LUZVIMINDA M. MAPALAD of the Municipal Trial Court of Pulilan, Bulacan is hereby ordered DISMISSED from the service with forfeiture of all benefits, except for the monetary value of her accrued leaves, and with prejudice to re-employment in any branch or service of the government, including government-owned or controlled corporations.

This Decision shall take effect immediately upon receipt by the respondent of a copy thereof which should be served personally upon her by the Office of the Court Administrator.

SO ORDERED.

Narvasa, (Chairman), Cruz, Feliciano, Padilla, Bidin, Griño-Aquino, Regalado, Davide, Jr., Romero, Nocon, Melo, Campos, Jr., Quiason, JJ., concur.

Gutierrez, Jr., J., on terminal leave.

Bellosillo, J., no part.

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.