

REYNATO MANLANGIT, COMPLAINANT, VS. JUDGE MELITO L. URGEL, RESPONDENT.*A.M. No. MTJ-95-1028. December 04, 1995*

Ponente: PUNO, J.

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Before us is an administrative complaint filed by complainant REYNATO MANLANGIT against JUDGE MERITO URGEL, Presiding Judge, Third Municipal Circuit Trial Court, Pangniban, Catanduanes, for gross ignorance of the law.

Complainant is the owner and operator of a passenger jeepney, with plate number EVC 120. On August 13, 1994, the jeepney, driven by EDGARDO CASTILLO, plied its usual route going to Virac, Catanduanes. Complainant and a number of passengers were also inside the jeep. While approaching a blind curve, the jeepney driver occupied the wrong lane. At the curve, they suddenly saw a parked dump truck. By then, it was too late to avoid collision with the truck. The jeepney then swerved to the right. The driver and the complainant managed to jump off the jeepney before it plunged into the river. The passengers were not as lucky. They sustained some injuries and were brought to the nearest hospital for treatment.

Consequently, a criminal complaint for serious physical injuries through reckless imprudence was filed with the sala of respondent JUDGE MERITO URGEL against jeepney driver Edgardo Castillo and complainant/owner of the jeepney.

On November 3, 1994, respondent judge issued a warrant[1] for the arrest of complainant and Castillo. Their bailbond was fixed at Ten Thousand Pesos (P10,000.00) each. Upon service of the warrant, complainant, through his lawyer, filed a Motion to Drop him from the Criminal Complaint and Quash the Warrant. Nonetheless, complainant posted bail for his provisional liberty. Later, however, respondent judge ruled favorably on his motion and issued an Order[2] dropping him from the criminal complaint.

Complainant charged that the erroneous issuance of the warrant of arrest caused him and his family grave humiliation, undue embarrassment and anxiety. He prayed that appropriate disciplinary and administrative action be taken against respondent judge for gross ignorance of the law.[3]

We directed respondent judge to answer the charge.[4] In his Comment,[5] he explained that the preliminary examination he conducted showed that complainant/jeepney owner was in the vehicle at the time of the incident.[6] Upon this basis, he ordered the arrest of complainant applying the 1914 case of *Chapman v. Underwood*,[7] which held:

"An owner who sits in his automobile, or other vehicle, and permits his driver to continue in violation of the law by the performance of negligent acts, after he has had a reasonable opportunity to observe them and to direct that the driver cease therefrom, becomes himself responsible for such acts. The owner of an automobile who permits his chauffeur to drive up the Escolta, for example, at a speed of 60 miles an hour, without any effort to stop him, although he has had a reasonable opportunity to do so, becomes himself responsible, both

criminally and civilly for the results produced by the acts of the chauffeur. xxx" (italics supplied)

Respondent judge points that when complainant filed a motion to quash the warrant of arrest against him, he acted immediately and favorably on said motion. Respondent judge concedes that while his act was a judicial error, it should not be the subject of administrative sanction.

In a Resolution, dated June 7, 1995, we referred the case to the Court Administrator for evaluation, report and recommendation.

In his Memorandum,[8] dated October 17, 1995, the Court Administrator found merit in the complaint and recommended that respondent judge be meted a severe reprimand for the erroneous issuance of a warrant of arrest against complainant.

We agree with the factual findings of the Court Administrator.

It is a basic postulate in criminal law that the criminal act of one person cannot be charged to another without a showing that the other participated directly or constructively in the act or that the act was done in furtherance of a common design or purpose for which the parties were united in intention. In cases of employer-employee relations, an employer is not criminally liable for the criminal acts of his employee or agent unless he, in some way, participates in, counsels or abets his employee's acts or omissions. In such case, the employer himself becomes a participant to the criminal act of his employee. His liability under the circumstances is direct and criminal. However, under Article 102, in relation to Article 103 of the Revised Penal Code,[9] the employer's liability for the criminal negligence of his employee is subsidiary in nature and is limited only to civil indemnity.[10] Thus, an employer is party to a criminal case for the criminal negligence of his employee only by reason of his subsidiary civil liability under the law.[11]

In the case at bar, we carefully reviewed the transcript of the preliminary examination conducted by respondent judge. Nowhere does it show that complainant/jeepney owner participated in, abetted or even approved the negligent and reckless manner in which his driver maneuvered the vehicle on that blind curve. Moreover, it does not appear that complainant's driver continuously pursued a reckless and thoughtless control of the wheel throughout the journey, with nary an admonition or reproof on the part of complainant/jeepney owner. It is evident that the driver's decision to go on the wrong lane while approaching a blind curve was a split second judgment which left neither the complainant nor any of the passengers time to react to the perilous maneuver. Thus, respondent judge misread the ruling in the case of *Chapman v. Underwood*. [12] In *Chapman*, the Court held that:

"x x x An owner who sits in his automobile x x x and permits his driver to continue in a violation of the law by the performance of negligent acts, after he has had reasonable opportunity to observe them and to direct that the driver cease therefrom, becomes himself responsible for such acts. The owner of an automobile who permits his chauffeur to drive up the Escolta, for example, at a speed of 60 miles per hour, without any effort to stop him, although he has had a reasonable opportunity to do so, becomes himself responsible, both criminally and civilly, for the results produced by the acts of his chauffeur. On the other hand, if the driver, by a sudden act of negligence, and without the owner having reasonable opportunity to prevent the act or its continuance, injures a person or violates the criminal law, the owner of the automobile, although present therein at the time the act was committed, is not responsible, either criminally or civilly, therefor. The act complained of must be continued in the presence of the owner for such a length of time that the owner, by his acquiescence, makes his driver's acts his own."

The erroneous issuance of the warrant of arrest against complainant necessarily caused him and his family undue anxiety, humiliation and embarrassment. Indeed, complainant had to hire a counsel and incur expenses for his

bond to fight for his liberty which he could have lost due to a patently erroneous warrant of arrest issued by respondent judge. Life, liberty and property hang on the balance everytime a judge wields judicial power. We cannot overemphasize the importance of a judge's cautious, diligent and intelligent performance of judicial functions. Reckless judges make justice a tormenting illusion to our people.

IN VIEW WHEREOF, respondent judge MELITO L. URGEL is fined One Thousand Pesos (P1,000.00) and is admonished to be more circumspect in the performance of his judicial functions, with a warning that repetition of the same or similar act shall be dealt with more severely in the future.

SO ORDERED.

Narvasa, C.J., (Chairman), Regalado, Mendoza, and Francisco, JJ., concur.

[1] Rollo, p. 10.

[2] Dated November 8, 1994, Rollo, pp. 56-58.

[3] Complaint, dated December 2, 1994; Rollo, pp. 1-2.

[4] Resolution, dated February 22, 1995; Rollo, p.14.

[5] Rollo, pp. 15-16.

[6] Exhibits "1" and "2", Portions of the testimony of private complainants/passengers during the preliminary examination relative to the accident; Rollo, at pp. 25 & 28.

[7] G.R. No. 9010, March 28, 1914, 27 Phil 374.

[8] Rollo, pp. 75-77.

[9] ART. 102. Subsidiary and civil liability of innkeepers, tavernkeepers and proprietors of establishments. — In default of the persons criminally liable, innkeepers, tavernkeepers, and any other persons or corporations shall be civilly liable for crimes committed in their establishments, in all cases where a violation of municipal ordinances or some general or special police regulations shall have been committed by them or their employees.

xxx x x x xxx."

"ART. 103. Subsidiary civil liability of other persons. — The subsidiary civil liability established in the next preceding article shall also apply to employers, teachers, persons, and corporations engaged in any kind of industry for felonies committed by their servants, workmen, apprentices, or employees in the discharge of their duties.

[10] Fernando v. Franco, No. L-27786, January 30, 1971, 37 SCRA 311.

[11] Yusay v. Adil, G.R. No. L-56612, August 18, 1988, 164 SCRA 494, 500, citing Miranda v. Malate Garage and Taxicab, Inc., 99 Phil 670, 675.

[12] Supra.

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