

JUDGE EMERITO M. AGCAOILI, COMPLAINANT, VS. JUDGE JOSE O. RAMOS, MUNICIPAL TRIAL COURT, ECHAGUE, ISABELA, RESPONDENT.*A.M. No. MTJ-92-6-251. February 07, 1994*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/0def6a9892e5/>**PER CURIAM:**

This administrative case stemmed from a letter dated 13 May 1992 of Judge Emerito M. Agcaoili, Presiding Judge of the Regional Trial Court, Branch 9, Aparri, Cagayan, then designated Acting Presiding Judge of Branch 24 and Acting Executive Judge of the Regional Trial Court of Echague, Isabela, informing this Court of the inordinate delay of respondent Judge Jose O. Ramos of the Municipal Trial Court of Echague, Isabela, in conducting the preliminary investigation of Crim. Case No. 24-0331, earlier docketed as Crim. Case No. 263 of his court, entitled "People v. Jessie Oplencia, Sonny Hernal and Samuel Lim," for Homicide. In the same letter, Judge Agcaoili also noted the inaction of respondent Judge in three other criminal cases pending in his sala, to wit: Crim. Case Nos. 24-0289,[1] 24-0301,[2] and 24-0311.[3] Considering the letter-report of Judge Agcaoili as an administrative case, we directed Judge Ramos to answer the same.

In his answer, respondent Judge admits the charges against him. He explains however that as regards Crim. Case No. 24-0331, the undue delay in the resolution of the preliminary investigation was due to his continuous efforts as a "practicing Christian" to persuade the parties to amicably settle the civil aspect of the case. With regard to the other criminal cases, respondent Judge contends that his inaction was caused by the negligence of his former Clerk of Court, Mr. Rodolfo F. Acosta, who kept the records of these cases in his cabinet without reminding the presiding Judge of their pendency, and that these records were discovered by the successor of Clerk of Court Acosta after the latter's retirement on 15 February 1990.[4]

In our Resolution of 15 September 1992, we designated Judge Silvestre H. Bello, Jr., who in the interim was appointed to Branch 24 of the Regional Trial Court of Echague, Isabela, to investigate the report of Judge Agcaoili and required Judge Bello to submit a report and recommendation thereon. However, Judge Bello moved to inhibit himself from the case, which we sustained, to dispel any suspicion of partiality on his part considering the special relationship and long association between him and respondent Judge dating back to their college days at the MLQ University until the present, both of them being stationed in the same municipality. In our Resolution of 11 February 1993, we designated Judge Artemio R. Alivia of the Regional Trial Court of Cauayan, Isabela, Branch 19, vice Judge Bello, to investigate the case and to submit his report and recommendation thereon.

On 23 April 1993, Judge Artemio R. Alivia submitted his report and recommendation. His findings, as we summarize them, follow:

In Crim. Case No. 24-0287, accused Santiago Ayap was charged with Homicide thru Reckless Imprudence on 15 May 1987. On 20 May 1987 and 6 July 1987, respondent Judge conducted the preliminary investigation. The accused was arrested on 6 August 1987 and was ordered to file his counter-affidavit. Thereafter, respondent Judge did nothing for three years, six months and thirteen days, or until 27 December 1990 when he issued a one-page resolution recommending the filing of the corresponding information. On 31 January

1991, the information was filed although the case was subsequently dismissed on motion of the prosecution.

In Crim. Case No. 24-0301, Mauro Bacud was charged with Theft on 2 June 1986. On the same day, respondent Judge conducted the preliminary investigation. On 5 June 1986, the accused was ordered arrested. Subsequently, on 9 September 1986, the accused was directed to file his counter-affidavit, but the latter failed to comply. Since then, no further action was taken by respondent Judge until after the lapse of four years, nine months and twelve days from the filing of the case. It was only on 14 March 1991 that he recommended the filing of the information in court. When the case was called for arraignment, the accused was nowhere to be found.

In Crim. Case No. 24-0311, Eduardo Guillermo was charged with Acts of Lasciviousness on 9 January 1986 by the offended party, a 14-year old high school student. On 13 January 1986, preliminary investigation was conducted and the accused was ordered arrested. On 13 February 1986, the accused filed his counter-affidavit upon order of the court. From that time, nothing transpired until 13 August 1991, or after five years, seven months and four days from the filing of the complaint when respondent Judge issued a half-page resolution recommending the filing of the information. When the case was filed in court, the offended party, who by then was already of age and working abroad, could no longer appear and testify at the trial.

In Crim. Case No. 24-0331, earlier docketed as Crim. Case No. 263 of the Municipal Trial Court, Jessie Opulencia, Sonny Hernal and Samuel Lim were charged with Homicide in a criminal complaint which appears to have been filed on 26 October 1987. After a careful examination of the complaint, the Investigating Judge made the observation that there were erasures on the date of the complaint, which is 26 October 1987. The initials of respondent Judge appear beside the corrected date indicating that he was responsible for the alteration. The records however show that the supporting statements of the prosecution witnesses were sworn before the Clerk of Court on 6 November 1986. Furthermore, respondent Judge propounded searching questions on one Danilo Reyes on 5 December 1986. This fact was supported by the certification of the stenographic reporter stating that said proceeding indeed took place on that particular date. Moreover, respondent Judge admitted in his answer that he started conducting the preliminary investigation on 5 December 1986. Indubitably, Crim. Case No. 2632 was actually filed with the Municipal Trial Court on 5 December 1986, and not on 26 October 1987 as respondent Judge would make it appear.

The accused Samuel Lim and Sonny Hernal were ordered by respondent Judge to file their counter-affidavits on 12 November 1987 and 6 July 1988, respectively. Both did not comply. It took more than three years since respondent Judge last acted on the case, or on 18 November 1991, when he finally recommended the filing of the information against the accused. On 3 April 1992, the information was filed before the Regional Trial Court.

The Investigating Judge found Judge Ramos to have violated Rule 112 of the Amended Rules on Criminal Procedure which provides the guidelines in conducting preliminary investigations. Respondent Judge explains that the unreasonable delay in terminating the preliminary investigation was due to the negligence of his former Clerk of Court in keeping the records of the cases in the cabinet for a long time before they were discovered. However, Judge Alivia found that in spite of the alleged discovery of the records, respondent Judge rendered his reports on the preliminary investigation too late: Crim. Case No. 0287 on 27 December 1990, Crim. Case No. 0301 on 14 March 1991, Crim. Case No. 0311 on 13 August 1991, and Crim. Case No. 0331 on 18 November 1991. The Investigating Judge recommends that respondent Judge be fined Ten Thousand (P10,000.00) Pesos.

We sustain the findings of the Investigating Judge on the guilt of respondent. Indeed, the evidence clearly shows that respondent Judge committed acts amounting to gross ignorance of the law, dereliction of duty, and serious misconduct. Section 3, Rule 112, of the Amended Rules on Criminal Procedure provides:

Sec. 3. Procedure - Except as provided for in Section 7 hereof, no complaint or information for an offense cognizable by the Regional Trial Court shall be filed without a preliminary investigation having been first

conducted in the following manner: x x x x (b) Within ten (10) days after the filing of the complaint, the investigating officer shall either dismiss the same if he finds no ground to continue with the inquiry, or issue a subpoena to the respondent, attaching thereto a copy of the complaint, affidavits and other supporting documents. Within ten (10) days from receipt thereof, the respondent shall submit counter-affidavits and other supporting documents. He shall have the right to examine all other evidence submitted by the complainant x x x x (d) If the respondent cannot be subpoenaed, or if subpoenaed does not submit counter-affidavit within the ten (10) day period, the investigating officer shall base his resolution on the evidence presented by the complainant x x x x (f) Thereafter, the investigation shall be deemed concluded, and the investigating officer shall resolve the case within ten (10) days therefrom. Upon the evidence thus adduced, the investigating officer shall determine whether or not there is sufficient ground to hold the respondent for trial.

From the foregoing, it is clear that it is the ministerial duty of respondent Judge to resolve the case within ten (10) days from the date the investigation is terminated or deemed concluded. Thus, respondent Judge was remiss in the performance of his duties when he failed to resolve the four (4) criminal cases within the period prescribed by law after the preliminary investigation was concluded. When the law is elementary, so elementary, not to know it constitutes gross ignorance of the law.[5]

The excuse given by respondent Judge that his inaction was caused by the negligence of his former Clerk of Court who kept the records, purportedly without the knowledge of respondent Judge, can hardly be given credence.

A judge ought to know the cases submitted to him for decision or resolution, and is expected to keep his own record of cases so that he may act on them promptly without undue delay. It is incumbent upon him to devise an efficient recording and filing system in his court so that no disorderliness can affect the flow of cases and their speedy disposition. A judge cannot take refuge behind the inefficiency or mismanagement by court personnel. Proper and efficient court management is as much his responsibility. He is the one directly responsible for the proper discharge of his official functions.[6]

We cannot countenance such unreasonable delay of respondent Judge in acting on the criminal cases pending before his sala, especially now when there is an all-out effort to minimize, if not totally eliminate, the problem of docket congestion in the courts. The law detests delay in the disposition of cases because it may result in loss of evidence, abandonment of cases and the ultimate denial of justice.

What aggravates the serious misconduct of respondent Judge is that the latter, in an effort to exonerate himself and to cover up his gross negligence, falsified the records of Crim. Case No. 24-0331 by erasing the original date of filing of the complaint, which is "5 December 1986," and changing it to "26 October 1987." It appears on record that respondent Judge ordered the accused to file his counter-affidavit on 12 November 1987. Despite the alteration by respondent Judge of the date of the complaint, it took him four (4) more years, or on 18 November 1991, to issue a resolution recommending to the Provincial Prosecutor the filing of the corresponding information against the accused.

The unjustified failure of respondent Judge to immediately conduct the preliminary investigation of the criminal cases as required in Sec. 3, Rule 112, of the Rules of Court is the epitome of dereliction of duty.[7] A judge should always be imbued with a high sense of duty and responsibility in the discharge of his obligation to promptly and properly administer justice.

WHEREFORE, this Court finds respondent JUDGE JOSE O. RAMOS guilty of gross ignorance of the law, dereliction of duty, and serious misconduct prejudicial to the interest of the judicial service. Consequently, he is DISMISSED from the service with forfeiture of all retirement benefits, with prejudice to reemployment in any branch of the government, including government owned or controlled corporations.

SO ORDERED.

Narvasa, C.J., Cruz, Feliciano, Padilla, Bidin, Regalado, Davide, Jr., Romero, Bellosillo, Melo, Quiason, Puno, and Vitug JJ., concur.

Nocon, J., on leave.

Kapunan, J., took no part in deliberations.

[1] People v. Santiago Ayap (for Homicide through Reckless Imprudence).

[2] People v. Mauro Bacud (for Theft).

[3] People v. Eduardo Guillermo (for Attempted Rape).

[4] Rollo, p. 36.

[5] Santos v. Judge Isidro, Adm. Mat. MTJ-89-300, 16 August 1991, 200 SCRA 597.

[6] Nidua v. Lazaro, Adm. Matter No. R-465 MTJ, 29 June 1989, 174 SCRA 581.

[7] Veronica v. Judge Son, Adm. Matter No. MTJ-90-436, 17 October 1991, Minute Resolution.

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