

SUPT. GERARDO C. ALVARADO, COMPLAINANT, VS. JUDGE LILY A. LAQUINDANUM, PRESIDING JUDGE, THIRD MUNICIPAL CIRCUIT TRIAL COURT, KABACAN, COTABATO, RESPONDENT.

A.M. No. MTJ-93-835. July 03, 1995

Ponente: QUIASON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/127884574dd9/>

QUIASON, J.:

This is an administrative complaint filed against respondent for ignorance of the law, grave abuse of discretion and gross misconduct.

I

Complainant is the Chief of the 12th Narcotics Regional Field Office, Narcotics Command, General Santos City. Respondent is the presiding judge of the Third Municipal Circuit Trial Court, of Kalabasan Carmen, Banisilan, Kabacan, Cotabato.

A complaint for violation of R. A. No. 6425 (Dangerous Drugs Act), docketed as Criminal Case No. 4518, was filed against PO2 Ruben C. Licudo, PNP, Reynaldo Bioc and Ronnie Bioc with the said Third Municipal Circuit Trial Court. The penalty for the offense charged was life imprisonment.

After a preliminary examination of the witnesses (Rollo, pp. 11-15), respondent granted bail to Licudo on a bond of P20,000.00 (Rollo, p. 16). Complainant moved for a reconsideration of the order granting bail, alleging that the accused never filed a motion for bail nor a hearing conducted before the grant thereof (Rollo, p. 17). His motion for reconsideration was denied.

Bail was posted by Licudo with respondent's approval. Thereafter, respondent granted the release on bail of the two other accused.

Subsequently, respondent issued an order directing complainant to show cause why he should not be cited for contempt when he uttered contemptuous words against respondent during an open forum held at the Philippine National Police Regional Headquarters in Sultan Kudarat (Rollo, p. 22). Complainant countered by filing a Motion to be Furnished a Specific Charge, to apprise him of the alleged utterances and how said utterances could have degraded the integrity of the court (Rollo, p. 23).

In her comment, respondent claimed that she allowed bail after the prosecution failed to show convincing evidence that the guilt of the accused was strong and admitted that the search and seizure was conducted without a warrant.

Respondent emphasized that she entertained the motion for reconsideration filed by complainant even if he was not the proper party to question her order and said motion did not bear the approval of the designated prosecutor.

Respondent stated that in her Order dated June 28, 1993, she found the existence of probable cause against Licudo

and recommended that the case be forwarded to the Office of the Provincial Prosecutor for appropriate action (Rollo, p. 43). However, respondent dismissed the case against two of the accused, who were mere companions of Licudo in the vehicle.

II

We dismiss the complaint.

The charges of complainant are unfounded. Respondent was not remiss in her duties. She conducted hearings to determine the existence of probable cause against the accused. The hearings were actively participated by the witnesses for the prosecution. The determination of the grant of bail is a matter of judicial discretion where the offense charged involves a capital offense (*Borinaga v. Tamin*, 226 SCRA 206 [1993]). In the case at bench, there is no showing that respondent performed her duties with grave abuse of discretion.

We see no reason to declare respondent guilty of gross ignorance of the law. To constitute gross ignorance of the law, the acts complained of must not only be contrary to existing law and jurisprudence, but were motivated by bad faith, fraud, dishonesty and corruption (*De la Cruz v. Concepcion*, 235 SCRA 597 [1994]).

The acts complained of against respondent particularly refer to her judicial functions. Well-settled is the rule that in the absence of fraud, dishonesty or corruption, the acts of a judge in his judicial capacity are not subject to disciplinary action, even though such acts are erroneous (*De la Cruz v. Concepcion*, *supra*).

The remedy to review the validity of the grant of bail to the accused is a petition for certiorari filed with the Regional Trial Court under Rule 65 of the Revised Rules of Court. The prosecution has not availed of this remedy.

WHEREFORE, the complaint is DISMISSED for lack of merit.

SO ORDERED.

Padilla, (Chairman), Davide, Jr., Bellosillo, and Kapunan, JJ., concur.

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.