

**ROLANDO E. MARCOS, COMPLAINANT, VS. JUDGE OFELIA T. PINTO,
REGIONAL TRIAL COURT, BRANCH 60, ANGELES CITY,
RESPONDENT.**

A.M. No. RTJ-09-2180 [Formerly OCA I.P.I. No. 08-2817-RTJ]. July 27, 2010

Ponente: PERALTA, J.

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PERALTA, J.:

Before this Court is a Complaint[1] dated February 1, 2008, filed by Rolando E. Marcos (complainant) against respondent Ofelia T. Pinto (respondent judge), Presiding Judge, Regional Trial Court (RTC), Branch 60, Angeles City, for Gross Ignorance of the Law, Knowingly Rendering an Unjust Judgment/Order and Partiality relative to Criminal Case No. 04-775 entitled People of the Philippines v. Espilo Leyco.

The antecedent facts of the case, as culled from the records, are as follows:

On September 5, 2001, a criminal case for violation of Republic Act (R.A.) 7610,[2] docketed as Criminal Case No. 04-775, entitled People v. Espilo Leyco was filed before the RTC of Angeles City, Branch 60, presided by respondent Judge Pinto. Accused Leyco was arraigned on August 31, 2005. Pre-trial was terminated and trial ensued with the presentation of witnesses. Meanwhile, while the case was being tried, accused Leyco filed a petition for review with the Secretary of the Department of Justice and sought to set aside the resolution of the Angeles City Prosecution Office, which recommended the filing of the information against the accused.

On October 25, 2006,[3] a year after the case was filed, the Secretary of Justice, Raul Gonzales, reversed the resolution of the Angeles City Prosecution and directed the City Prosecutor to file a Motion to Withdraw the Information filed against accused Leyco. On November 10, 2006, in compliance with the said directive, the Assistant City Prosecutor handling the subject case filed a Motion to Withdraw Information. Thus, on November 16, 2006,[4] private complainant in the said case moved for reconsideration of the DOJ's resolution.

On December 22, 2006,[5] while the resolution of private complainant's motion for reconsideration was still pending, respondent Judge Pinto granted the Motion to Withdraw Information and dismissed the subject case. The pertinent portion of the Order reads:

On November 13, 2006, the Court gave Atty. Renan B. Castillo, private prosecutor, to file his comment and/or objection on the Motion to Withdraw Information dated November 10, 2006 filed by 2[nd] Assistant City Prosecutor Oliver S. Garcia and duly approved by City Prosecutor Teilo P. Quiambao. Up to this time, the said intended pleading has not been filed.

WHEREFORE, the Court grants the Motion to Withdraw Information and considers this case as dismissed.

The cash bail posted by the accused is hereby ordered released to him upon presentation of the original receipt.

SO ORDERED.

Angeles City, Philippines, December 22, 2006.

(Signed)

Ofelia Tuazon Pinto

On February 2, 2007, private complainant filed a motion seeking the reconsideration of the order of dismissal but was denied.[6]

On April 15, 2008, Secretary Gonzales denied private complainant's motion for reconsideration.

Thus, feeling aggrieved, Marcos, one of the witnesses in the subject criminal case, filed the instant administrative complaint against respondent Judge Pinto.

Marcos alleged that respondent judge did not even exert any effort to assess whether there was a valid ground to dismiss the case. He claimed that respondent judge cannot validly dismiss the case based on the failure of the private prosecutor to file any comment or opposition to the motion to withdraw information. More so since as of November 17, 2006, the private prosecutor already withdrew himself from handling the subject case. Complainant also pointed out that respondent judge did not even set a time frame within which to file the comment or opposition.

Moreover, complainant alleged that respondent judge manifested bias and partiality in favor of accused Leyco which he attributed to a special relationship between respondent judge and the Spouses Leyco. Complainant claimed that respondent judge even acted as the solemnizing officer at the marriage of Paul F. Leyco, son of accused Leyco. He, thus, questioned the integrity of respondent judge, considering that the marriage ceremony was held on January 19, 2007 during the period when respondent judge issued the assailed order of dismissal. To support his claim, complainant presented a certified true copy of the marriage certificate issued by the National Statistics Office showing that respondent judge was indeed the one who solemnized the marriage at the Leyco's residence.

On March 5, 2008, the Office of the Court Administrator (OCA) directed Judge Pinto to file her Comment on the instant complaint.[7]

In her Comment[8] dated April 2, 2008, Judge Pinto denied the allegations of the complainant and claimed the same to be misplaced and baseless. She insisted that she exercised judicial discretion when she issued the Order dismissing the criminal case against Leyco. She emphasized that Marcos should have resorted to the appropriate judicial recourse instead of filing the instant administrative complaint.

Judge Pinto likewise argued that complainant's allegation that she had been biased and partial to the accused was unsupported by evidence. She, however, admitted that she was indeed the solemnizing officer in the marriage of the accused' son, Paul Leyco, but stressed that it was her duty after all to solemnize marriages under the Family Code. She likewise pointed out that she did not know that the parties were related to the accused. She claimed that she came to know of such fact only when she was already in the residence of the marrying parties. Judge Pinto insisted that said act cannot be equated as giving favor to a party in a criminal case contrary to what the complainant claims.

Finally, Judge Pinto argued that the instant complaint should be dismissed outright, because complainant Marcos was not the true party-in-interest in the criminal case; thus, he has no locus standi to file the complaint. Marcos was a mere witness for the prosecution.

In a Memorandum[9] dated March 9, 2009, the OCA recommended that the complaint be re-docketed as a regular administrative complaint against Judge Pinto. It, likewise, recommended that the matter be referred to the Presiding Justice of the Court of Appeals for investigation, report and recommendation.

The OCA maintained that while Marcos is not the real party-in-interest in the subject case, he can still file the instant administrative case against respondent judge. It explained that in administrative proceedings, the issue is not whether the complainant has a cause of action against the respondent, but whether the employees have breached the norms and standards of the Judiciary.

Thus, the Court, in a Resolution[10] dated April 20, 2009, resolved to re-docket the administrative complaint as a regular administrative matter against Judge Pinto and referred the matter to the Presiding Justice of the Court of Appeals for raffle among the Justices, for investigation, report and recommendation.

In compliance, Justice Arturo G. Tayag,[11] in his Report and Recommendation, found the charges of gross ignorance of the law and knowingly rendering an erroneous or unjust order against Judge Pinto to be true and with basis. He, however, found the charge of violation of Canon 2 of the Code of Judicial Conduct to be baseless.

In his Report, Justice Tayag, observed that Judge Pinto did not perform her duty of making an independent evaluation or assessment of the merits of the case when she dismissed Criminal Case No. 04-775. He, however, found no basis for violation of Canon 2 of the Code of Judicial Conduct, since he noted that in cases where both the parties requested the solemnizing officer, in writing, to have the marriage solemnized at a house or place designated by them, such can be done.

Accordingly, Justice Tayag, after considering that this is the respondent's first offense and that respondent has a good record as a Family Court Judge, recommended that Judge Pinto be meted a penalty of two (2) months suspension from service without pay.

RULING

While we agree that respondent judge should be administratively held liable for her acts, we, however, disagree with the findings and recommendation of the Investigating Justice.

To be held liable for gross ignorance of the law, the judge must be shown to have committed an error that was "gross or patent, deliberate or malicious." Also administratively liable for gross ignorance of the law is a judge who - shown to have been motivated by bad faith, fraud, dishonesty or corruption - ignored, contradicted or failed to apply settled law and jurisprudence.[12] Such is not the case presently before this Court.

In the instant case, it was apparent that the assailed Order of dismissal was solely anchored on the private prosecutor's failure to file his comment and/or objection to the Motion to Withdraw the Information. Indeed, respondent judge did not perform her duty of making an independent evaluation or assessment of the merits of the case when she dismissed Criminal Case No. 04-775. The disputed Order does not contain the facts of the case and the law upon which the dismissal was based. However, there was also no evidence showing that in issuing said Order, respondent judge was motivated by bad faith, fraud, dishonesty or corruption.

In administrative proceedings like the one at bench, it goes without saying that it is the complainant who has the burden of proving by substantial evidence the allegations in their complaint.[13] We do not find any evidence to support complainant's accusations.

As a matter of public policy then, the acts of a judge in his official capacity are not subject to disciplinary action, even though such acts are erroneous. Good faith and absence of malice, corrupt motives or improper considerations are sufficient defenses in which a judge charged with ignorance of the law can find refuge. It does not mean, however, that a judge, given the leeway he is accorded in such cases, should not evince due care in the performance of his adjudicatory prerogatives.[14]

With regard to the accusation of impropriety, we find it to be with basis. Section 1, Canon 4 of the New Code of

Judicial Conduct for the Philippine Judiciary^[15] enunciates the rule that "Judges shall avoid impropriety and the appearance of impropriety in all of their activities."

Upon assumption of office, a judge becomes the visible representation of the law and of justice. Membership in the Judiciary circumscribes one's personal conduct and imposes upon him a number of inhibitions, whose faithful observance is the price one has to pay for holding such an exalted position. Thus, a magistrate of the law must comport himself at all times in such a manner that his conduct, official or otherwise, can withstand the most searching public scrutiny, for the ethical principles and sense of propriety of a judge are essential to the preservation of the people's faith in the judicial system. This Court does not require of judges that they measure up to the standards of conduct of the saints and martyrs, but we do expect them to be like Caesar's wife in all their activities.^[16] Hence, we require them to abide strictly by the Code of Judicial Conduct.

Here, it appears that respondent judge has failed to live up to those rigorous standards. Her act of solemnizing the marriage of accused's son in the residence of the accused speaks for itself. It is improper and highly unethical for a judge to actively participate in such social affairs, considering that the accused is a party in a case pending before her own sala. What she should have done was courteously deny the parties' request. Her claim that she was unaware that the parties were related to the accused fails to convince.

In pending or prospective litigations before them, judges should be scrupulously careful to avoid anything that may tend to awaken the suspicion that their personal, social or sundry relations could influence their objectivity. Not only must judges possess proficiency in law, they must also act and behave in such manner that would assure litigants and their counsel of the judges' competence, integrity and independence.^[17]

Considering the above findings, it is apparent that respondent judge's actuations constitute simple misconduct.

Under Rule 140 of the Rules of Court, as amended by A.M. No. 01-8-10-SC, simple misconduct is considered a less serious offense, sanctioned with suspension without pay for not less than one month, but not more than three months, or a fine of not less than Ten Thousand Pesos (P10,000.00) but not exceeding Twenty Thousand Pesos (P20,000.00).

WHEREFORE, the Court finds Judge Ofelia T. Pinto of the Regional Trial Court of Angeles City, Branch 60, GUILTY of SIMPLE MISCONDUCT for which she is FINED in the amount of P10,000.00. She is, likewise, STERNLY WARNED that a repetition of the same or similar acts shall be dealt with more severely.

SO ORDERED.

Carpio, (Chairperson), Bersamin,^[*] Abad, and Mendoza, JJ., concur.

^[*]Designated as an additional member in lieu of Associate Justice Antonio Eduardo B. Nachura, per Raffle dated July 19, 2010.

[1] Rollo, pp. 1-20.

[2] An Act Providing For Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, And For Other Purposes. Approved June 17, 1992.

[3] Rollo, pp. 229-230.

[4] Id.

[5] Id. at 21.

[6] Id. at 22.

[7] Id. at 92.

[8] Id. at 96-106.

[9] Id. at 210- 214.

[10] Id. at 215-216.

[11] Associate Justice of the Court of Appeals to whom the instant administrative case was raffled for investigation and recommendation.

[12] Cabatingan, Sr. v. Arcueno, A.M. No. MTJ-00-1323, August 22, 2002, 387 SCRA 532, 541.

[13] Araos v. Luna-Pison, A.M. No. RTJ-02-1677, February 28, 2002, 378 SCRA 246, 250-251.

[14] Diego v. Judge Castillo, 479 Phil. 705, 713 (2004).

[15] A.M. No. 03-05-01-SC, effective June 1, 2004.

[16] OCA v. Judge Sayo, 431 Phil. 408 (2002).

[17] Atty. Molina v. Judge Paz, 462 Phil. 620, 630 (2003).

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