

**VIRGILIO CHAN, COMPLAINANT, VS. JUDGE EMERITO M. AGCAOILI,
REGIONAL TRIAL COURT, BRANCH 9, SECOND JUDICIAL REGION,
APARRI, CAGAYAN, RESPONDENT.**

A.M. No. RTJ-93-1089. June 27, 1994

Ponente: FELICIANO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/1bffd0dc403a/>

FELICIANO, J.:

On 27 July 1993, Virgilio Chan filed a sworn complaint against Judge Emerito M. Agcaoili of Branch 9, Regional Trial Court of Cagayan, with the Office of the Court Administrator, for gross ignorance of the law, abuse of authority and gross incompetence.

Deputy Court Administrator Juanito A. Bernad required the respondent to submit a comment thereto. The latter filed his comment on 22 September 1993, admitting the acts complained of, but clarifying that they were done with legitimate reasons and therefore do not constitute any wrongdoing on his part.

Upon the recommendation of the Deputy Court Administrator, the Court resolved on 6 December 1993 to refer the case to Court of Appeals Justice Alicia M. Austria-Martinez for investigation, report and recommendation.

The Investigating Justice proceeded to conduct hearings on this case on 28 January and 4 February 1994, asking clarificatory questions of the parties represented by counsel. Noting that most of the material facts of the case were not disputed by the parties, the Investigating Judge then required them to submit their memoranda. The respondent Judge complied but the complainant failed to do so despite having been given ample opportunity therefor. The case was then submitted for evaluation and recommendation and in due time, the Investigating Justice submitted to the Court a Report with recommendation dated 11 April 1994.

The Investigating Justice found that the complainant had commenced a criminal case for estafa against one Meynardo Gonzaga and that the corresponding information had been filed with the respondent's court. The Judge allowed the accused to post bail in the amount of P20,000.00. In an order dated 10 August 1992, for failure of the accused to appear previously for arraignment and pre-trial, the respondent Judge declared the bail bond forfeited and in a further order dated 27 August 1992, ordered the criminal case archived. On both occasions, the respondent Judge failed to order the arrest of the accused for having jumped bail. Nine months later or on 4 May 1993, the respondent Judge finally issued a warrant for the arrest of the accused, fixing bail anew in the reduced amount of P8,000.00, after complainant's counsel had talked with the Branch Clerk of Court of the respondent Judge about the matter.[1] Up to the present, the accused has remained at large.

The respondent Judge pleaded by way of defense in his memorandum that he failed to issue the warrant of arrest promptly because he was preoccupied at the time with three (3) election cases, in addition to his regular load of criminal and civil cases. He had also reduced the bail of the accused out of human compassion, to alleviate the suffering of the latter arising from the forfeiture of his first bail bond.

Evaluating the facts and respondent's defenses, the Investigating Justice concluded that although the presence of

an additional case load did not justify the respondent's omission, still his failure to promptly order the arrest of the accused was basically "an honest oversight;" that the respondent's decision to reduce the amount of bail for the accused was "not contrary to law" and it was the same amount initially recommended by the Provincial Prosecutor as bail for the accused. In both instances, the Investigating Justice observed, no evidence was offered by the complainant to show that the respondent's conduct was tainted with bad faith or corrupt motive. Thus, she held that respondent Judge's conduct should be characterized as simple negligence.

The Investigating Justice also held, however, that the respondent's failure to order the arrest of the accused and his extending compassion to the latter by reducing the amount of new bail, gave probable cause for the complainant to believe that the respondent Judge was partial to the accused. Respondent, in other words, failed to promote public confidence in the integrity and independence of the Judiciary, a duty imposed on him by Canon 2, Rule 2.01 of the Code of Judicial Conduct.

Deliberating upon the Report dated 11 April 1994, after reviewing the attached record of the clarificatory hearings conducted by the Investigating Justice, the Court considers that the findings of the latter are supported by substantial evidence and adopts such findings as its own, and accepts the recommendation of the Investigating Justice.

It is important that a judge avoid delay in carrying out such legal action as is warranted by the circumstances of a case pending before his court, if only to dispel any suspicion that something sinister or corrupt is going on.[2] Fortunately, respondent's act of issuing a warrant of arrest, apparently after being reminded by his Branch Clerk of Court to do so, negated wilful wrongdoing on his part and showed at least the respondent's predisposition to apply the law to the best of his ability.

As a matter of public policy, 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 may be erroneous; but at the same time, it is imperative that a judge be conversant with basic legal principles like those involved in this case.[3] The "very delicate" function of administering justice demands that a judge should conduct himself at all times in a manner which would reasonably merit the respect and confidence of the people, for he is the visible representation of the law.[4] The facts of the present case indicate that respondent failed to come up to this standard of conduct and had given apparent cause for a litigant to doubt his impartiality.

ACCORDINGLY, respondent Judge Emerito M. Agcaoili is hereby FOUND GUILTY of simple negligence in the performance of his duties resulting in non-compliance with Canon 2, Rule 2.01 of the Code of Judicial Conduct; he is hereby REPRIMANDED and WARNED that a repetition of similar acts or omissions in the future will be dealt with more severely by the Court.

Bidin, Romero, Melo, and Vitug, JJ., concur.

[1] TSN, 2 January 1994, pp. 3-4; TSN, 4 February 1994, p. 2.

[2] See *Ropeta v. Dictado*, A.M. No. RTJ-89-389, 28 June 1993, p. 30.

[3] See *Lim v. Domagas*, A.M. No. RTJ-92-899, 15 October 1993, p. 7.

[4] See *Ubarra v. Mapalad*, 220 SCRA 224, 237 (1993).

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.