ATTY. EDGAR H. TALINGDAN, COMPLAINANT, VS. JUDGE HENEDINO P. EDUARTE, RTC-BR. 20, CAUAYAN, ISABELA, RESPONDENT.

A.M. No. RTJ-01-1610 (Formerly OCA IPI No. 00-1086-RTJ). October 05, 2001

Ponente: BELLOSILLO, J.

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BELLOSILLO, J.:

Atty. Edgar H. Talingdan, a private practitioner, charges respondent Judge Henedino P. Eduarte, RTC-Br. 20, Cauayan, Isabela, with improvidently issuing a warrant of arrest in Crim. Case No. Br. 20-1373 for libel without the requisite preliminary investigation being first conducted by the Office of the Public Prosecutor.

Specifically, complainant alleged in his Letter-Complaint dated 14 June 2000 that sometime in April 2000 elements of the PNP Bambang, Nueva Vizcaya stormed into his residence to arrest him and his client, Modesto Luzano, on the strength of a Warrant of Arrest dated 12 April 2000[1] issued by respondent Judge Eduarte in Crim. Case No. Br. 20-1373 entitled "People v. Edgar Talingdan and Modesto Luzano" of the RTC-Br. 20, Cauayan, Isabela for the supposed crime of libel. Surprised that such a case existed against him and his client as they had not been previously charged, complainant filed a Very Urgent Motion to Quash and/or Set Aside Warrant of Arrest and Direct Prosecutor's Office to Conduct Preliminary Investigation dated 5 May 2000 asking that the Warrant of Arrest be set aside for being premature since they had not been previously notified of the charge against them and no preliminary investigation was ever conducted by the public prosecutor's office yet, and for being defective since the amount of bail was not specified therein in violation of their constitutional right to bail. Respondent Judge granted the motion and recalled the warrant of arrest in an Order dated 12 May 2000 admitting that he issued the same under the mistaken belief that a preliminary investigation had already been conducted and an information already filed in court.

Complainant nonetheless filed this administrative case allegedly to help the Court in purging the Judiciary of those who undermine its dignity and credibility as his faith therein was almost eroded by the unfortunate incident.

In his Comments dated 28 August 2000[2] respondent Judge did not deny that he issued the improvident warrant of arrest. He only alleged by way of explanation and exculpation that on 24 March 2000 a complaint for libel was directly filed with the RTC-Br. 19, Cauayan, Isabela, by Leoncio Dalin Sr. which was docketed as Crim. Case No. 2881. The case was assigned to his sala after raffle and was re-docketed as Crim. Case No. Br. 20-1373. The records of the case then went to the Criminal Docket Clerk, Ms. Imelda Severino who, under the Check List for Criminal Cases[3] that he had prepared for her, was supposed to verify from the records first whether an information had already been filed and if there was, to prepare the corresponding warrant of arrest if the accused had not yet been arrested. Thus when he saw the Warrant of Arrest prepared by Ms. Severino in Crim. Case No. Br. 20-1373, he signed the same honestly thinking that she had faithfully complied first with her duty of going over the records of the case. Respondent Judge assured the Court that the incident was a simple mistake on his part and that he had not been actuated by malice, corrupt motive, or improper consideration in its commission.

We referred this case on 17 January 2001 to the Presiding Justice, Court of Appeals, for assignment who would

conduct an investigation and thereafter submit a report and recommendation within ninety (90) days from notice.[4]

In his Report and Recommendation[5] Associate Justice Salvador J. Valdez, Jr. recommended that respondent Judge be adjudged guilty as charged and fined Ten Thousand Pesos (P10,000.00) for the improvident issuance of the Warrant of Arrest in Crim. Case No. Br. 20-1373.

We find the recommendation to be well-taken and adopt the same.

Enshrined in our Constitution is the rule that "[n]o x x x warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing x x x the persons x x x to be seized."[6] Interpreting the words "personal determination" we said[7] that it does not thereby mean that judges are obliged to conduct the personal examination of the complainant and his witnesses themselves. To require thus would be to unduly laden them with preliminary examinations and investigations of criminal complaints instead of concentrating on hearing and deciding cases filed before them. Rather what is emphasized merely is the exclusive and personal responsibility of the issuing judge to satisfy himself as to the existence of probable cause. To this end he may: (a) personally evaluate the report and the supporting documents submitted by the prosecutor regarding the existence of probable cause and, on the basis thereof, issue a warrant of arrest; or (b) if on the basis thereof he finds no probable cause, disregard the prosecutor's report and require the submission of supporting affidavits of witnesses to aid him in determining its existence. What he is never allowed to do is follow blindly the prosecutor's bare certification as to the existence of probable cause. Much more is required by the constitutional provision. Judges have to go over the report, the affidavits, the transcript of stenographic notes if any, and other documents supporting the prosecutor's certification. Although the extent of the judge's personal examination depends on the circumstances of each case, to be sure, he cannot just rely on the bare certification alone but must go beyond it. This is because the warrant of arrest issues not on the strength of the certification standing alone but because of the records which sustain it.[8] He should even call for the complainant and the witnesses to answer the court's probing questions when the circumstances warrant.[9]

In the case at bench respondent Judge not only failed to follow the required procedure but worse, was negligent enough not to have noticed that there was not even a prosecutor's certification to rely upon since no information had even been filed yet in court, and that Crim. Case No. Br. 20-1373 was merely docketed as such on the strength of a mere complaint filed by the private complainant Leoncio Dalin Sr. himself. Respondent Judge admitted that he signed the Warrant of Arrest against complainant and the latter's client simply because it was presented to him for signature by the Criminal Docket Clerk. There was thus a total and unwarranted abdication of a judicial function. Respondent cannot exculpate himself from administrative liability by contending that the mistake was entirely attributable to the Criminal Docket Clerk who failed to faithfully comply with her "duty" of going over the records of criminal cases and ensuring first that an information had already been filed in court before preparing the warrant of arrest. As we have already repeatedly said, a judge cannot take refuge behind the inefficiency of his court personnel for they are not guardians of his responsibilities.[10] More importantly the responsibility delegated by respondent was clearly unauthorized and unwarranted, as already explained above. He cannot without abandoning his judicial obligation just instruct the Criminal Docket Clerk, through the much vaunted Check List for Criminal Cases that he had prepared for her to follow, to automatically prepare warrants of arrest simply because informations have been filed against the accused. Although respondent's purpose in preparing the Check List, i.e., to help him comply with RA 8493 otherwise known as the Speedy Trial Act of 1998,[11] may be considered laudable, we have already said that shortcuts in judicial processes are to be avoided when they impede rather than promote a judicious dispensation of justice.[12] Much more when, as in the instant

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case, the shortcut amounted to a violation of a constitutional provision.

A judge fails in his bounden duty if he relies merely on the certification of the investigating officer as to the existence of probable cause[13] making him administratively liable. We can do no less in the case of herein respondent who issued the subject warrant of arrest without even such certification to rely upon, and worse, merely at the instance of the Criminal Docket Clerk who mechanically typed the Warrant of Arrest for his signature.

ACCORDINGLY, respondent Judge Henedino P. Eduarte, RTC-Br. 20, Cauayan, Isabela, is FINED P10,000.00 for improvidently issuing the Warrant of Arrest dated 12 April 2000 in Crim. Case No. Br. 20-1373 in violation of the constitutional requirement of personal determination by the issuing judge as to the existence of probable cause. He is WARNED that any repetition of the procedure he had heretofore observed in the issuance of warrants of arrest will merit a more severe sanction.

SO ORDERED.

Mendoza, Quisumbing, Buena, and De Leon, Jr., JJ., concur.

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[1] Rollo, p. 7.

[2] With Annexes; Rollo, pp. 25-46.

[3] Annex "3," id, p. 37.

[4] Only respondent Judge appeared during the investigation thereafter conducted, it appearing that complainant Atty. Talingdan died on 24 November 2000 of acute myocardial infarction CRA; Investigator's Report and Recommendation, p. 4.

[5] Undated.

[6] Sec. 2, Art. III, The 1987 Constitution.

[7] See Soliven v. Makasiar, G.R. No. 82585, 14 November 1998, 167 SCRA 393, 398.

[8] Lim, Sr. v. Felix, G.R. Nos. 94054-57, 19 February 1991, 194 SCRA 292, 305.

[9] Id., p. 306.

[10] Lagatic v. Peñas, Jr., A.M. RTJ-97-1383, 24 July 1997, 276 SCRA 46, 53-54; Belen v. Soriano, A.M. No. MTJ-94-920, 20 January 1995, 240 SCRA 298, 301-302; Agcaoili v. Ramos, A.M. No. MTJ-92-6-251, 7 February 1994, 229 SCRA 705, 710.

[11] Respondent Judge's Comments, p. 1; Rollo, p. 25.

[12] Paredes v. Manalo, A.M. No. MTJ-93-842, 10 May 1995, 244 SCRA 64, 70.

[13] Ho v. People, G.R. No. 106632, 9 October 1997, 280 SCRA 365, 381-382.

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