

ENGR. EDGARDO R. TORCENDE, COMPLAINANT, VS. JUDGE AGUSTIN T. SARDIDO, MUNICIPAL TRIAL COURT IN CITIES, KORONADAL CITY, SOUTH COTABATO, RESPONDENT.*A.M. No. MTJ-99-1238. January 24, 2003*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/20c2bac1b426/>**PER CURIAM:**

Time and again the Court has reminded all those who don the judicial robe that a judge should be the embodiment of competence, integrity and independence.[1] He should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary,[2] and to avoid impropriety and the appearance of impropriety in all activities.[3] Along the same vein, judges are expected to be restrained and sober in their speech. Restraint is, in fact, a trait desirable in those who administer justice.[4] Their language, both written and spoken, must be guarded and measured lest the best of intentions be misconstrued.[5] Intemperate speech detracts from the equanimity and judiciousness that should be the constant hallmarks of a dispenser of justice.[6]

The Court is once again called upon to reiterate these dicta in the instant administrative matter.

Complainant is the accused in two (2) criminal cases for Violation of Batas Pambansa Blg. 22, docketed as Criminal Cases Nos. 3422[7] and 1010,[8] filed by Judith Duremdes. At the time of the filing of the complaints, jurisdiction was vested in the regional trial courts. The accused was arraigned on October 11, 1993 for Criminal Case No. 3422 before Branch 24, and on November 11, 1993 in Criminal Case No. 1010 before Branch 25, both of the Regional Trial Court of Koronadal, South Cotabato. When Republic Act No. 7691 took effect on April 15, 1994 expanding the jurisdiction of Metropolitan, Municipal and Municipal Circuit Trial Courts, Criminal Case No. 3422 was transferred to the Municipal Trial Court of Koronadal, South Cotabato presided by respondent Judge. At the three (3) consecutive hearings scheduled by respondent, accused Torcende and counsel appeared but the private complainant, as well as the private and public prosecutors did not. Meanwhile, the accused submitted a “Motion to Quash” on the ground that the criminal case is violative of the constitutional prohibition against imprisonment for debt. At the hearing on February 29, 1996, the accused accompanied by a representative of his counsel arrived late. Respondent ordered the arrest of the accused and the cancellation of his bail bond, and ordered his counsel to explain in writing within five (5) days why he should not be cited for indirect contempt of court,[9] for failure to personally appear at the hearing. On an urgent motion by the accused, the respondent judge recalled the warrant of arrest and reinstated the bail bond.[10] On March 20, 1996, respondent judge denied the “Motion to Quash.”

At the scheduled hearing on May 9, 1996, the accused again appeared without his counsel. He filed an Omnibus Motion to: (a) bar the appearance of a private prosecutor; (b) seek a reconsideration of the order denying the “Motion to Quash”; (c) postpone the proceedings pending resolution of the motions. Respondent denied the Omnibus Motion for lack of notice of hearing and imposed a fine on counsel for accused for failure to appear and for violating the rule on motions. Accused Torcende was also ordered to reimburse the expenses incurred by private complainants in attending the hearings.[11]

On May 21, 1996, accused filed with this Court an Affidavit-Complaint charging respondent judge with serious misconduct, oppression, corruption, falsification of public document, violation of constitutional rights and arbitrary detention. He further charged respondent with manifest partiality in the discharge of his official functions by giving unwarranted benefits, advantage or preference to both the private complainant and the prosecutors, in violation of Section 3 (e) of R.A. No. 3019, the Anti-Graft Law.[12] More specifically, complainant Torcende alleged that respondent did not actually conduct an examination in writing and under oath of the private complainant and witnesses in the course of the preliminary investigation, as required by Rule 112 of the Revised Rules of Court. He merely issued a certification to this effect which became the basis for filing the informations; that he wrongfully and unlawfully took cognizance of Criminal Cases Nos. 3422 and 1010; and that the Order dated May 9, 1996 was falsified because respondent Judge made it appear that the accused and his counsel violated the rule on filing motions, when in fact they served a copy of the motion on the prosecution thirteen (13) days before the scheduled hearing. Moreover, the order was oppressive in that defense counsel was fined One Thousand Pesos (P1,000.00) for his failure to appear, while the accused was ordered to reimburse the expenses of private complainant. The accused explained that he and his counsel were present at all previous scheduled hearings, but they arrived late at the hearing on February 29, 1996 because their car had a flat tire. Although his counsel failed to appear on May 9, 1996, he nevertheless sent a representative who filed an Omnibus Motion.

Respondent was required to file a comment on the complaint.[13] In his Comment,[14] respondent explained that he conducted an examination in writing under oath of complainant and witnesses, as borne out by the written preliminary examination report submitted to the OCA; that Criminal Case No. 3422 was remanded to his court from the Regional Trial Court of Koronadal, South Cotabato, Branch 24 pursuant to R.A. No. 7691; that the order for the arrest of the accused and the cancellation of bail bond was recalled and the bail bond reinstated upon urgent motion of the accused; that the order dated May 9, 1996 was neither oppressive nor falsified but appropriate under the circumstances, considering that the omnibus motion was filed on the scheduled day of hearing without service to the public prosecutors; that counsel for accused had the perennial habit of filing motions on the very date set for trial but antedates them to make it appear that they complied with the three-day notice rule; that he did not impose sanctions on the prosecutors for their previous absences because their motions for postponement were properly filed; and that the accused was not compelled to pay the fine and to pay the expenses incurred by private complainant.

In a Resolution dated December 9, 1998,[15] respondent was required to manifest whether he is submitting the case on the basis of the pleadings already filed. Thereafter, respondent judge filed a "Compliance" manifesting his conformity to have the case submitted for resolution on the basis of the pleadings filed.

After evaluation, the Office of the Court Administrator (OCA) recommended that respondent be fined Twenty Thousand Pesos (P20,000.00) payable in four (4) monthly installments of Five Thousand Pesos (P5,000.00) each for having acted with bias, partiality and grave abuse of discretion in the performance of his functions.

Before addressing the issue on respondent's administrative culpability, it must be pointed out that he cannot be faulted for taking cognizance of Criminal Case No. 3422. The said case fell within the exclusive original jurisdiction of Municipal Trial Courts with the passage of R.A. No. 7691[16] which amended B.P. Blg. 129 otherwise known as the "Judiciary Reorganization Act of 1980" by expanding the jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts. Section 2 of R.A. No. 7691 provides that-

SEC. 2. Section 32 of the same law is hereby amended to read as follows:

SEC. 32. Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial courts.

- Except in cases falling within the exclusive original jurisdiction of Regional Trial Court and of the Sandiganbayan, the Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts shall exercise:

(1) Exclusive original jurisdiction over all violations of city ordinances committed within their respective territorial jurisdictions; and

(2) Exclusive original jurisdiction over all offenses punishable with imprisonment not exceeding six (6) years irrespective of the amount of fine, and regardless of other imposable accessory or other penalties, including the civil liability arising from such offenses or predicated thereon, irrespective of kind, nature, value or amount thereof: Provided, however, That in offenses involving damage to property through criminal negligence, they shall have exclusive original jurisdiction thereof.

The records disclose that pursuant to the provisions of the above-cited law, Criminal Case No. 3422 was remanded to the sala of respondent by the Regional Trial court of Koronadal, South Cotabato, Branch 24 in an Order dated October 17, 1994.[17]

The manner in which respondent conducted the proceedings in Criminal Case No. 3422, however, leaves much to be desired. Indeed, the inordinate haste in which he denied outright the Omnibus Motion of the complainant exposes him to suspicion. In denying complainant's motion, respondent cited the provisions of Rule 15, Section 4 of the Rules of Court which provides that:

Notice of a motion shall be served by the applicant on shall be served by the applicant to all parties concerned, at least three (3) days before the hearing thereof, together with a copy of the motion, and of any affidavits and other papers accompanying it. The court, however, for good cause may hear a motion on shorter notice, [e]specially on matters which the court may dispose on its own motion.[18]

The Omnibus Motion[19] filed by complainant sought: 1.] to bar the appearance of private prosecutor; 2.] for reconsideration of the court's order of March 20, 1996; and 3.] to postpone the initial hearing of the case set for May 9, 1996. While it was served on the public and private prosecutors on May 9, 1996, the day of the initial hearing itself, previous motions to bar appearance of the private prosecutor and for reconsideration of the March 20, 1996 Order were served thirteen (13) days before the scheduled hearing, which was way beyond the period required by the Rules.

Admittedly, complainant's motion to postpone trial was filed on the very day of the hearing. The prosecutors, however, had likewise earlier filed urgent motions for postponement on three (3) successive hearings scheduled where they did not appear, which motions for continuance were all granted. These incidents should have been considered by respondent together with the fact that the motion for postponement was the first filed by the accused in court. Fundamental dictates of fairness should have prompted respondent to give complainant the same measure of liberality he accorded the prosecution.

The grant or denial of a motion for postponement is addressed to the sound discretion of the court, which should always be predicated on the consideration that more than the mere convenience of the courts or of the parties in the case, the ends of justice and fairness should be served thereby. After all, postponements and continuances are part and parcel of our procedural system of dispensing justice.”[20] When no substantial rights are affected and the intention to delay is not manifest with the corresponding motion to transfer the hearing having been filed accordingly, it is sound judicial discretion to allow the same to the end that the merits of the case may be fully ventilated.[21] Unless grave abuse of discretion is shown, such discretion will not be interfered with either by mandamus or appeal.[22]

With regard to the matter of contempt, it must be remembered that the power to punish for contempt is inherent in

all courts so as to preserve order in judicial proceedings as well as to uphold the administration of justice.[23] The courts must exercise the power of contempt for purposes that are impersonal because that power is intended as a safeguard not for the judges but for the functions they exercise.[24] Thus, judges have time and again been enjoined to exercise their contempt power judiciously, sparingly, with utmost restraint and with the end in view of utilizing the same for correction and preservation of the dignity of the court, not for retaliation or vindication.[25]

In the case at bar, the fine imposed on counsel for complainant as well as the order for him to reimburse the expenses of private complainant are unjust because both he and his counsel were not given an opportunity to explain their side. In short, respondent summarily imposed the sanctions on complainant and counsel. Such conduct of respondent is highly improper and only too deserving of reproof for the following reasons:

First, the Code of Judicial Conduct enjoins judges to “be faithful to the law and maintain professional competence.”[26] Respondent judge owes it to the public and to the legal profession to know the law he is supposed to apply in a given controversy.[27] Indeed –

A judge is called upon to exhibit more than just a cursory acquaintance with statutes and procedural rules; it is imperative that he be conversant with basic legal principles and [be] aware of well-settled authoritative doctrines. He should strive for excellence exceeded only by his passion for truth, to the end that he be the personification of justice and the Rule of Law.[28]

The Court has repeatedly impressed on judges that they should be diligent in keeping abreast with developments in law and jurisprudence as well as to regard the study of law as a never ending and ceaseless process.[29]

In this case, respondent judge displayed a deplorable deficiency in his grasp of the basic principles governing contempt. Contempt is defined as “[a] disobedience to the court by setting up an opposition to its authority, justice and dignity.”[30] Indirect contempt is one committed out of or not in the presence of the court that tends to belittle, degrade, obstruct or embarrass the court and justice.[31] On the other hand, direct contempt consists of or is characterized by “misbehavior committed in the presence of or so near a court or judge as to interrupt the proceedings before the same” within the meaning of Section 1, Rule 71.[32]

There is no question that disobedience or resistance to a lawful writ, process, order, judgment or command of a court or injunction granted by a court or judge constitutes indirect contempt.[33] Section 3, Rule 71, of the Revised Rules of Court provides for the mode of commencing proceedings for indirect contempt, to wit:

SEC. 3. Indirect contempt to be punished after charge and hearing. - After charge in writing has been filed, and an opportunity given to the accused to be heard by himself or counsel, a person guilty of any of the following acts may be punished for contempt:

- (a) Misbehavior of an officer of a court in the performance of his official duties or in his official transactions;
- (b) Disobedience of or resistance to a lawful writ, process, order, judgment, or command of a court, or injunction granted by a court or judge. . . (Emphasis and italics supplied)

xxx xxx xxx

Nazareno v. Barnes[34] interpreted a “written charge” to mean that either: 1.] an order requiring the person to be charged with contempt to show cause why he should not be punished for contempt, be issued by the court; or 2.] a petition for contempt by way of a special civil action under Rule 71 be initiated in order for contempt proceedings to prosper:

At the outset, let it be stated that the contempt proceeding against the petitioner was wrongly initiated. The nature thereof being that of indirect contempt, a written charge is necessary pursuant to Section 7, Rule 71 of

the Rules of Court. the written charge may partake of the nature of (1) an Order requiring the respondent (not accused) to show cause why he should not be punished for contempt for having committed the contemptuous acts imputed against him; or (2) a petition for contempt by way of special civil action under Rule 71 of the Rules of Court. The first procedure applies only where the indirect contempt is committed against a court or judge possessed and clothed with contempt powers. The second, if the contemptuous act was committed not against a court nor a judicial officer with authority to punish for contemptuous acts.

Strict compliance with the afore-cited guidelines is mandatory considering that proceedings against a person alleged to be guilty of contempt, as in this case, are commonly treated as criminal in nature.[35]

...Strict rules that govern criminal prosecutions apply to prosecution for criminal contempt; the accused is to be afforded many of the protections provided in regular criminal cases; and proceedings under statutes governing them are to be strictly construed.[36]

Second, the degree of restraint respondent should have observed in the exercise of his judicial powers was anything but exemplary, especially considering that the same bears with it the taint of personal hostility and passion against the party to whom it is directed. Magistrates have been continuously reminded that –

...the salutary rule is that the power to punish for contempt must be exercised in on the preservative not vindictive principle,[37] and on the corrective not retaliatory idea of punishment.[38] The courts and other tribunals vested with the power of contempt must exercise the power for contempt for purposes that are impersonal, because that power is intended as a safeguard not for the judges as persons but for the functions that they exercise.[39]

Besides possessing the requisite learning in the law, a magistrate must exhibit that hallmark judicial temperament of utmost sobriety[40] and self- restraint which are indispensable qualities of every judge.[41] A judge should be the last person to be perceived as petty, sharp-tongued tyrant holding imperious sway over his domain. Such an image is, however, evoked by the acts of respondent judge in this case as underscored by the derogatory terms in which he described complainant and counsel in his comment, viz:

1.] On the charge of manifest partiality: “It is purely the product of the senility and ghostly apparitions that symbolizes the phantasmagoric mentality of Torcende and his counsel, and whose perturbed minds had been distorted after numerous cases for Violation of Batas Pambansa Bilang 22 had been filed against him.”[42]

2.] On complainant’s claim in paragraph 20 of the affidavit-complaint that they waited more than an hour: “[i]s overwhelmingly a brazen lie and devastatingly a perversion of truth which should be cast into the four winds of heavens that no remembrance thereof maybe (sic) had among men of moral values and sense of fairness. xxx the complainant having the temerity of lying xxx, he and his counsel should be held in contempt of court of the highest order (sic).”[43]

3.] On complainant’s counsel’s filing of motions: “[i]t is worthwhile mentioning that Atty. Occeña has that perennial habit of filing motions on the very day a case is set for trial but bearing ANTEDATED date to make it appear as having [been made] in compliance with the 3-day notice required by the Rules.”[44]

4.] On complainant’s counsel’s filing of motions on the day of the hearings: “[c]onstrued by the court and the prosecution as a feindish (sic) ploy designed to delay further the claims of complainants for the unscrupulous issuances of bouncing checks by Torcende not to mention the fact that his complainants xxx had been complaining of their agony regarding the usurious interest for the money they borrowed to advance in the construction of the housing units constructed by them but was paid later by Torcende with these worthless checks subject matters of the numerous criminal cases for violation B.P. Blg. 22 against him.”[45]

5.] On the allegation of complainant that respondent, the prosecutor and the offended parties conspired in violating complainant’s constitutional rights: “[is] but just a figment of Torcende’s fructuous creativity and

the by-product of his hallucinations. No constitutional right of him (sic) had ever been violated by anyone in the conduct of the numerous criminal cases against him. If by now he greatly suffered the consequences of his very own act, he alone is to be blamed for indiscriminately (sic) issuing numerous worthless checks. Consequently, in so doing, he had caused, and he still is causing, great damage and prejudice to the payee of those checks.”[46] (Emphasis and italics supplied)

The role of a judge in relation to those who appear before his court must be one of temperance, patience and courtesy.[47] A judge who is commanded at all times to be mindful of his high calling and his mission as a dispassionate and impartial arbiter of justice[48] is expected to be “a cerebral man who deliberately holds in check the tug and pull of purely personal preferences which he shares with his fellow mortals.”[49] Describing complainant and counsel as “unscrupulous,” “senile” men whose “perturbed,” “phantasmagoric” minds are prone to “hallucinations” and who, as “brazen” liars who “devastatingly” pervert truth, resort to “fiendish ploys” to delay the speedy disposition of the cases filed against them is hardly the kind of circumspect words expected of a magistrate.

Judges have been admonished to observe judicial decorum which requires that a magistrate must at all times be temperate in his language[50] refraining from inflammatory or excessive rhetoric[51] or from resorting “to the language of vilification.”[52]

In this regard, Rule 3.04 of the Code of Judicial Conduct states that -

Rule 3.04. A judge should be patient, attentive and courteous to all lawyers, especially the inexperienced, to litigants witnesses, and others appearing before the court. A judge should avoid unconsciously falling into the attitude of mind that the litigants are made for the courts instead of the courts for the litigants.

Respondent judge needs to be reminded that government service is people-oriented.[53] Patience is an essential part of dispensing justice and courtesy is a mark of culture and good breeding.[54] Belligerent behavior has no place in government service where personnel are enjoined to act with self-restraint and civility at all times even when confronted with rudeness and insolence.[55]

Third, a party-litigant’s right to “nothing less than the cold neutrality of an impartial judge” has, at best, become an empty and hollow rhetoric. To be sure, branding complainant as a “brazen” liar,[56] an “unscrupulous”[57] and “indiscriminate”[58] issuer of bouncing checks[59] who charges “usurious interest”[60] even before the contending parties have completed their offer of evidence is a damning indictment against his impartiality and objectivity.

The instant case is not respondent’s first offense because he had previously been administratively sanctioned by the Court in the following cases:

1.] Cabilao v. Judge Sardido,[61] an administrative case for gross ignorance of the law, grave abuse of discretion and gross misconduct, where respondent judge was ordered to pay fine of Five thousand Pesos (P5,000.00) and sternly warned that a commission of the same or similar acts would be dealt with more severely.

2.] Almeron v. Judge Sardido,[62] an administrative complaint for gross ignorance of the law, where respondent judge was imposed a stiffer fine of Ten Thousand Pesos (P10,000.00) and sternly warned, considering that this was the second time he was administratively sanctioned, the commission of the same or similar acts in the future will be dealt with more severely including, if warranted, his dismissal from the service.

Obviously being chastised twice has not reformed respondent. On the contrary, instead of learning from his past mistakes he persisted in his errant ways. Indeed, it seems that respondent judge has remained undeterred in disregarding the law which he has pledged to uphold and the Code which he has promised to live by.[63] He

appears to be unfazed by the previous penalties and warnings he received[64] because the records of the OCA, in fact, discloses that aside from this case, respondent Judge had six (6) other similar administrative complaints[65] still pending against him.

Needless to state, such an unflattering record only further erodes the people's faith and confidence in the judiciary for it is the duty of all members of the bench to avoid any impression of impropriety to protect the image and integrity of the judiciary which in recent times has been the object of criticism and controversy.[66]

Case law repeatedly teaches that judicial office circumscribes the personal conduct of a judge and imposes a number of restrictions thereon which he must pay for accepting and occupying an exalted position in the administration of Justice. A judicial office traces a line around his official as well as personal conduct beyond which he may not freely venture. He must conduct himself in a manner that gives no ground for reproach. The irresponsible or improper conduct of a judge erodes public confidence in the judiciary. It is thus the duty of all members of the bench to avoid any impression of impropriety to protect the image and integrity of the judiciary.[67]

WHEREFORE, the Court finds respondent Judge Agustin T. Sardido, Municipal Trial Court in Cities of Koronadal City, South Cotabato, GUILTY of gross ignorance of the law and gross misconduct, and accordingly orders his DISMISSAL from the service and the forfeiture of retirement benefits, except accrued leave credits, with prejudice to reemployment in any branch of the government or any of its agencies or instrumentalities, including government-owned and controlled corporations.

Respondent Judge Sardido shall immediately vacate his position as Presiding Judge, Municipal Trial Court in Cities of Koronadal City, South Cotabato, as well as any position in the judiciary to which he may be presently assigned, and desist from deciding or resolving any case or incidents therein upon receipt of the notice.

SO ORDERED.

Davide, Jr., C.J., Puno, Vitug, Mendoza, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., and Azcuna, JJ., concur.
Bellosillo, J., on leave.

[1] Canon 1, Rule 1.01, Code of Judicial Conduct.

[2] Canon 2, Rule 2.01, Code of Judicial Conduct.

[3] Resngit-Marquez, et al. v. Judge Victor T. Llamas, Jr., A.M. No. RTJ-02-1708, 23 July 2002, citing Canon 2, Code of Judicial Conduct.

[4] Delgra, Jr. v. Gonzales, 31 SCRA 237 [1971]; Ysasi v. Fernandez, 26 SCRA 393 [1968].

[5] Agpalo R.E. Legal Ethics. 6[th] Ed. (1997), p. 440, citing Masadao and Elizaga Re: Criminal Case No. 4954-M, 155 SCRA 72 [1987] and Naldoza v. Lavilles, 254 SCRA 286 [1996].

[6] Kalalang v. Fernandez, 39 SCRA 418 [1971].

[7] Rollo, p. 7.

[8] Ibid., p. 9.

[9] Id., pp. 37-38.

[10] Id, p. 39.

[11] Id., p. 51.

[12] Id., pp. 1-53.

[13] Id., p. 55.

[14] Id., pp. 56-73.

[15] Id., p. 93.

[16] Which took effect on April 15, 1994.

[17] Rollo, p. 78.

[18] Amended by Section 4, Rule 15 of the 1997 Rules of Civil Procedure which provides that:

SEC. 4. Hearing of Motion. - Except for motions which the court may act upon without prejudicing the rights of the adverse party, every written motion shall be set for hearing by the applicant.

Every written motion required to be heard and the notice of the hearing thereof shall be served in such a manner as to ensure its receipt by the other party at least three (3) days before the date of the hearing, unless the court for good cause sets the hearing on shorter notice.

[19] Rollo, pp. 40-50.

[20] De Guia v. Guerrero, Jr., 234 SCRA 625, 629 [1994], citing People v Hon Bonifacio Sanz-Maceda, 188 SCRA 530 [1990].

[21] People v. Leviste, 255 SCRA 238, 247 [1996].

[22] Intestate Estate of the Late Ricardo P. Presbitero, Sr. v. CA, 217 SCRA 372, 380-381 [1993]; Garces v. Valenzuela, 170 SCRA 745, 749 [1989]; De Guia v. Guerrero, supra.

[23] Pacuribot v. Lim, Jr., 275 SCRA 543 [1997]; Castaños v. Escaño, 251 SCRA 174 [1995]; In re: Emil Jurado, 243 SCRA 299 [1995].

[24] Heirs of the Late Justice Jose B.L. Reyes v. CA, 338 SCRA 282, 299 [2000], citing Yasay, Jr. v. Recto, 313 SCRA 739 [1999], citing Dee v. SEC, 199 SCRA 238 [1991].

[25] Esmeralda-Baroy v. Peralto, 287 SCRA 1, 16 [1998].

[26] Canon 3, Rule 3.01.

[27] Bacar v. De Guzman, Jr., 271 SCRA 328 [1997].

[28] Marzan-Gelacio v. Judge Alipio V. Flores, Branch 20, RTC, Vigan, Ilocos, Sur, 334 SCRA 1 [2000], citing Conducto v. Monzon, 291 SCRA 619 [1998], citing Estoya v. Abraham-Singson, 237 SCRA 1 [1994], citing Aducaen v. Flores, 51, SCRA 78 [1973]; Ajeno v. Insierto, 71 SCRA 166 [1976]; Ubongen v. Mayo, 99 SCRA 30 [1980]; Libarios v. Dabalos, 199 SCRA 48 [1991]; Lim v. Domagas, 227 SCRA 258 [1993]; Cuaresma v. Aguilar, 226 SCRA 73 [1993].

[29] OCA v. Judge Lucenito N. Tagle, A.M. No. RTJ-01-1635, 17 September 2002, citing Re: Hold Departure Order dated April 13, 1998 issued by Judge Juan C. Nartatez, MTC-Br. 3, Davao City, 298 SCRA 710 [1998]; Hold Departure Order issued by Judge Eusebio M. Barot, MCTC-Br. 2, Aparri, Cagayan, 313 SCRA 44, 46

[1999].

[30] Industrial and Transport Equipment, Inc. v. NLRC, 284 SCRA 144 [1998].

[31] Guerrero v. Villamor, 179 SCRA 355 [1989].

[32] Wicker v. Arcangel, 252 SCRA 444 [1996].

[33] Industrial and Transport Equipment, Inc. v. NLRC, 284 SCRA 144 [1998], citing Abad V. Somera, 187 SCRA 75 [1990].

[34] 136 SCRA 57 [1985].

[35] Yasay v. Recto, supra; Lee Yick Hon v. Collector of Customs, 41 Phil. 548 [1921].

[36] Remnan Enterprises, Inc. v. CA, 268 SCRA 688 [1997], citing People v. Godoy, 243 SCRA 64 [1995].

[37] Commissioner on Immigration v. Cloribel, 127 Phil. 716 [1967].

[38] Nazareno v. Barnes, 136 SCRA 57 [1985]; Pacuribot v. Lim, Jr. 275 SCRA 543 [1997].

[39] Yasay, Jr. v. Recta, supra, citing Austria v. Masaquiel, 20 SCRA 1247 [1967]; Angeles v. Gernale, 274 SCRA 10 [1997] and Nazareno v. Barnes, supra; Panado v. CA, 298 SCRA 110 [1998].

[40] Martinez v. Pahimulin, 116 SCRA 136 [1982].

[41] Ferrer v. Maramba, 290 SCRA 44 [1998].

[42] Rollo, p. 56.

[43] Ibid., p. 63.

[44] Id.

[45] Id., p. 68.

[46] Id., p. 72.

[47] See Delgra, Jr. v. Gonzales, 31 SCRA 237 [1970]; Laguio v. Diaz, 104 SCRA 689 [1981]; Retuya v. Equipilag, 91 SCRA 416 [1979].

[48] Royeca v. Animas, 71 SCRA 1 [1976].

[49] Azucena v. Munoz, 33 SCRA 722 [1970].

[50] Turqueza v. Hernando, 97 SCRA 483 [1980].

[51] Royeca v. Animas, supra, p. 6.

[52] Ibid., p. 9.

[53] De Luna v. Ricon, 250 SCRA 1 [1995].

[54] 54 Pineda E.L., Legal and Judicial Ethics, pp. 354-355 [1995].

[55] Cañas v. Castigador, 348 SCRA 425, 434 [2000], citing Quiroz v. Orfila, 272 SCRA 324 [1997].

[56] Rollo, p. 63.

[57] Ibid., p. 68.

[58] Id., p. 72.

[59] Id., p. 68.

[60] Id.

[61] 246 SCRA 94 [1995].

[62] 281 SCRA 415 [1997].

[63] Judge Pedro B. Cabotongan, Sr. (ret.) v. Judge Celso A. Arcueno, A.M. No. MTJ-00-1323, 22 August 2002, citing Marcos-Manotoc v. Agcaoili, 330 SCRA 368 [2000].

[64] Ibid.; Cabilao v. Sardido, supra; Almeron v. Sardido, supra.

[65]

1.] MTJ-01-1370 (formerly A.M. No. 00-11-238-MTC) for Gross Ignorance of the Law.

2.] 01-1041-MTJ for Violation of R.A. No. 7160; Violation of Rules on Criminal Procedure and Violation of the Code of Judicial Conduct.

3.] 96-221-MTJ for Misdeed in the performance of duty.

4.] 98-512-MTJ for Knowingly Rendering an Unjust Judgment.

5.] 97-414-MTJ for Gross Misconduct; Gross Violation of the Rules on Criminal Procedure, Jurisprudence and Legal Procedure.

6.] 99-687-MTJ for Grave Abuse of Discretion, Partiality and Ignorance of the Law.

[66] Antonio Yu-Asensi v. Judge Francisco D. Villanueva, 322 SCRA 255 [2000].

[67] De Guzman v. Sison, 355 SCRA 69, 90-91 [2001].

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.