

**JOHAN L.H. WINGARTS AND OFELIA A. WINGARTS, COMPLAINANTS,
VS. JUDGE SERVILLANO M. MEJIA, RESPONDENT.***A.M. No. MTJ-94-1012. March 20, 1995*

Ponente: REGALADO, J.

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For resolution by the Court are three letter-complaints, two of which were filed by complainant John L.H. Wingarts, [1] and the other filed jointly by him with complainant Ophelia A. Wingarts, [2] against Judge Servillano M. Mejia of the Municipal Trial Court of Santa Maria, Pangasinan.

These administrative complaints were an offshoot of three criminal cases decided by respondent judge and involving the Wingarts and Col. Rodolfo Munar. Complainant Johan L.H. Wingarts was the accused in Criminal Cases Nos. 2663 and 2664 filed in the aforesaid municipal trial court for malicious mischief and grave threats. The first two criminal cases were initiated by Col. Munar as the private complainant therein. Thereafter, the Wingarts made a counter-charge against Col. Munar resulting in the third criminal case for usurpation of authority docketed in the same court as Criminal Case No. 2696 with Col. Munar as the accused.

In the administrative complaint relative to Criminal Case No. 2663 for malicious mischief, respondent judge is charged with malicious delay in the administration of justice. The case allegedly dragged for one year and four months [3] in respondent's sala and was ultimately dismissed in a decision dated June 8, 1994 after an ocular inspection of the burned premises was conducted by the court personnel. [4]

Herein complainants also charge respondent judge in their second complaint here with incompetence, ignorance of the law and abuse of authority for taking cognizance of Criminal Case No. 2664, entitled "People vs. Leo Wingarts," for grave threats and for issuing a warrant of arrest against him despite lack of prior barangay conciliation. The said case was later dismissed and indorsed to the barangay official concerned. [5]

Their third complaint charges respondent judge with rendering an unjust decision in Criminal Case No. 2696, entitled "People vs. Capt. Manuel, et al." for usurpation of authority. Complainants insist that in the said criminal case, the two accused therein, Capt. Dominador Manuel and Col. Rodolfo Munar who are both military lawyers, violated the prohibition against their appearing in civil courts without the necessary authorization. [6] However, in a decision dated May 12, 1994, respondent judge acquitted both accused, holding that "accused Col. Rodolfo Munar is the complainant in criminal cases no(s). 2662 and 2664 for malicious mischief and grave oral defamation respectively and what the accused have performed or exercise(d) was not that of the fiscal or public prosecutor's duties but in their capacity as the offended party and private counsel respectively x x x." [7]

Required to comment on these administrative charges, respondent judge explained that he took cognizance of Criminal Case No. 2664 in the belief that there had been substantial compliance with the requirements of the Katarungang Pambarangay Law since a certification of the barangay captain regarding a confrontation of the parties, the fact that no amicable settlement was reached by them, and that he was endorsing the filing of the case in court, had been duly submitted to respondent judge. [8]

With regard to the complaint for malicious delay in the administration of justice, respondent judge contended that "(t)he proceedings were continuous until the complainant was acquitted of the crime charged against him. The case was decided one (1) month and three (3) days after it was submitted for decision x x x." [9]

Anent the third complaint, respondent judge submits that his judgment of acquittal in the criminal case against the aforementioned military lawyers for usurpation of authority was the result of his honest findings and conclusion based on the evidence and the law in the hearing of the case. He denied having rendered an unjust judgment and reiterated that due process was observed and the case was prosecuted to the fullest extent, giving the prosecution all the time and opportunity to present their evidence. [10]

The office of the Court Administrator, in a memorandum dated December 27, 1994, made the following findings:

"The first charge is meritorious. Had respondent Judge exercised greater prudence, he could have known at the outset that under Art. 408 (c), Chapter 7, Title One, Book III, R.A. 7160, otherwise known as the Local Government Code of 1991 (The Revised Katarungang Pambarangay Law), offenses punishable by imprisonment not exceeding one (1) year or a fine not exceeding Five Thousand Pesos (P5,000.00) require prior barangay conciliation. The crime of grave threats punishable under Art. 282 of the Revised Penal Code falls within the (p)urview of that section. Furthermore, Sec. 412 (a) of the same law likewise provides:

'SEC. 412. CONCILIATION - (a) Precondition to filing of Complaint in Court - No complaint, petition, action or proceeding involving any matter within the authority of the lupon shall be filled (SIC) or instituted directly in court or any other government office for adjudication unless there has been a confrontation between the parties before the lupon chairman or the pangkat, and that no conciliation or settlement has been reached as certified by the lupon secretary or pangkat secretary as attested to by the lupon or pangkat chairman or unless the settlement has been repudiated by the parties thereto.'

"Had respondent Judge observed the mandate of the aforequoted provision of law he could have remanded the case to the lupon instead of taking cognizance thereof and prematurely issuing the warrant of arrest against the accused. Such an actuation, however, does not appear to be tainted with malice or evil intent. As can be gleaned from the records, respondent Judge dismissed Criminal Case No. 2664 in his Order of April 16, 1993 (Rollo , pp. 42-43) upon motion of the defense counsel. This notwithstanding, administrative sanction is warranted against respondent Judge.

"In his Supplemental Comment dated November 9, 1994 respondent Judge avers that his decision in the case convicting the accused was affirmed by the Regional Trial Court with modification as to the fine imposed. A copy of the said Decision dated October 10, 1994 is attached to the said letter.

x x x x x x x x

"A perusal of the records reveal that while there was a delay in hearing the case, such a delay does not appear to be malicious nor deliberate. Firstly, while the case appears to have been filed only on February 1, 1993, it was remanded back to respondent's sala sometime in June 1993 and was set for hearing on July 9, 1993. Secondly, the postponements were all on account of the absence or unavailability of the fiscal and/or the defense counsel and not of the Judge's own making. While Judges should not allow the parties to control the proceedings in their Court, in the case of respondent, he had no alternative but to grant the postponements if only to better serve the ends of justice. On January 10, 1994, he had to reset the hearing as the assigned fiscal was still in the USA. On April 21, 1994 (Rollo , p. 52), respondent Judge issued an Order giving the prosecution fifteen days within which to file its position paper and thereafter, the case is deemed submitted for decision. Counting fifteen (15) days from April 21, 1994, the case was deemed submitted for decision last May 6, 1994. It was decided on June 8, 1994 or barely a month after it was deemed submitted for decision. Obviously, therefore, there was no delay in deciding

the case. If at all, the delay was in the hearing of the case and for apparently excusable grounds.

x x x x x x x x

"The prosecution contends that the two (2) accused, who are military lawyers, appeared in the hearing of Crim. Case No. 2696 on March 19, 1993 without the required authority, thus they violated Art. 177 of the Revised Penal Code which penalizes usurpation of authority. Respondent Judge acquitted the accused for the following reasons: 1) the accused were authorized by Circular No. 2 of the Dept. of National Defense (Rollo , pp. 16 to 17) to appear as such. Thus, they were able to secure their permit to appear as private prosecutors on April 12, 1993; 2) that their lack of permit does not strip them of their qualifications as military lawyers and such failure merely calls for an administrative sanction, there being no penal sanction imposed under DND Adm. Circular No. 3; 3) that the accused submitted a written manifestation from Asst. Provincial Prosecutor Trece R. Mapili (Ibid p. 12) authorizing them to act as private prosecutors when he is not available, but such authority ceases upon his actual intervention; and 4) that the prosecution is one for an offense penalized under the Revised Penal Code where criminal intent must be present and that the prosecution failed to prove such a criminal intent on the part of the accused. Respondent Judge likewise took judicial notice of the fact that accused Col. Munar is also the complainant in Criminal Cases Nos. 2662 and 2664 and that what he performed was not that of the public prosecutor's duty but that of an offended party and private counsel and cited jurisprudence to that effect. x x x.

"Respondent Judge is being charged with knowingly rendering an unjust judgment which is penalized under Art. 204 of the Revised Penal Code. For a judge to be held liable therefor, it must be established that the judgment is unjust and that the judge knew it to be unjust. A judgment may be said to be unjust when it is manifestly against the law and contrary to the weight of evidence (Rule 37, sec. 1, par. c). It is, therefore, necessary that the judgment was rendered with conscious and deliberate intent to perpetuate an injustice. A judicial officer, when required to exercise his judgment or discretion, is not criminally liable for any error he commits, provided that he acts in good faith. (In re Climaco, Adm. Case No. 134-J, January 21, 1974, 55 SCRA 107)

"From a review of the questioned decision and without ruling on its propriety, we do not find that respondent Judge has knowingly rendered an unjust judgment. He does not appear to have been motivated by an evil or corrupt motive to deliberately perpetuate an injustice." [11]

After a careful examination of the records of this case, and although we disagree with the punitive sanction recommended by the Office of the Court Administrator, we find no reason to depart from its conclusion that respondent judge is indeed liable for incompetence and ignorance of the law for taking cognizance of Criminal Case No. 2664 despite the legal obstacles thereto.

A judge should be the embodiment of competence, integrity and independence and should administer justice impartially and without delay. [12] He should be faithful to the law and maintain professional competence, dispose of the court's business promptly and decide cases within the required periods.

A judge owes it to the public and to the legal profession to know the factual bases of the complaint and the very law he is supposed to apply to a given controversy. He is called upon to exhibit more than just cursory acquaintance with the statutes and procedural rules. Party litigants will have greater faith in the administration of justice if judges cannot just be accused of apparent deficiency in the analysis of the facts of the case and in their grasp of the legal principles. For, service in the judiciary means a continuous study and research on the law from beginning to end. [13]

Although there is no clear proof of malice, bad faith, bias or partiality on his part, respondent judge should have exercised the requisite prudence, especially under the environmental circumstances of the aforesaid criminal case

where personal liberty was involved. He should have carefully examined all relevant facts and issues and avoided the improvident issuance of the warrant of arrest without a circumspect review of the case which, after all, did not exhibit abstruse factual matters or complicated legal questions. The present controversy could have been avoided had he kept faith with the injunction that a member of the bench must continuously keep himself abreast of legal and jurisprudential developments because the learning process in law never ceases. [14]

In the present case, assuming that he did not act with malice or bad faith and that he subsequently issued an order to recall the warrant or prevent the arrest of complainant, such considerations can mitigate but will not altogether exculpate him from the charge of incompetence and ignorance of the law, which accordingly warrants the imposition of an appropriate penalty on him. If judges wantonly misuse the powers vested in them by law, there will not only be confusion in the administration of justice but even oppressive disregard of the basic requirements of due process.

Moreover, judges are directed to desist from improvidently receiving and desultorily acting on complaints, petitions, actions or proceedings in cases falling within the authority of the Lupon Tagapamayapa. [15] We have repeatedly ruled that the proceedings before the lupon are a precondition to the filing of any action or proceeding in court or other government office. Such an initiatory pleading, if filed without compliance with the precondition, may be dismissed on motion of any interested party on the ground that it fails to state a cause of action. [16]

As to the charge of malicious delay in the administration of justice, we agree with the observation of the Office of the Court Administrator that while there was some delay in hearing the case, the same does not appear to be malicious nor deliberate. Respondent judge should not be unfairly subjected to liabilities for contretemps which were brought about by the parties and their lawyers. Complainants could not have been unaware that the delay of the hearing was due to postponements sought and obtained by the parties and their respective counsel. Litigants should not blame a judge for the delay which was not of his own making.

However, the Court finds this as an appropriate occasion to once again remind the members of the judiciary to adopt measures to prevent unnecessary delays in the disposition of their cases. A judge should administer justice not only impartially but also without delay. As expressly mandated by the Code of Judicial Conduct, he shall dispose of the court's business promptly and decide cases within the required periods. [17]

In connection with his decision in Criminal Case No. 2696, after a careful analysis of the assailed decision, we find no showing that respondent judge was motivated by bad faith, fraud, dishonesty or corruption in rendering the same. As held in *De La Cruz, et al. vs. Judge Concepcion, etc.*: [18]

"Knowingly rendering an unjust judgment is both a criminal and an administrative charge. As a crime, it is punished under Article 204 of the Revised Penal Code the elements of which are: (a) the offender is a judge; (b) he renders a judgment in a case submitted to him for decision; (c) the judgment is unjust, and (d) the judge knows that his judgment is unjust. The gist of the offense therefore is that an unjust judgment be rendered maliciously or in bad faith, that is, knowing it to be unjust.

"An unjust judgment is one which is contrary to law or is not supported by the evidence, or both. The source of an unjust judgment may be error or ill-will. There is no liability at all for a mere error. It is well-settled that a judicial officer, when required to exercise his judgment or discretion, is not liable criminally for any error which he commits, provided he acts in good faith. Bad faith is therefore the ground of liability. If in rendering judgment the judge fully knew that the same was unjust in the sense aforesaid, then he acted maliciously and must have been actuated and prevailed upon by hatred, envy, revenge, greed, or some other similar motive. As interpreted by Spanish Courts, the term 'knowingly' means sure knowledge, conscious and deliberate intention to do an injustice. Mere error therefore in the interpretation or application of the law does not constitute the crime.

"The nature of the administrative charge of knowingly rendering an unjust judgment is the same as the criminal charge. Thus, in this particular administrative charge, it must be established that respondent Judge rendered a judgment or decision not supported by law and/or evidence and that he must be actuated by hatred, envy, revenge, greed, or some other similar motive. x x x."

In a recent administrative case decided by this Court, it was reiterated that in order to hold a judge liable, it must be shown beyond reasonable doubt that the judgment is unjust and that it was made with conscious and deliberate intent to do an injustice. [19] The complainants in the present case have dismally failed to convince us that respondent judge knew that his challenged judgment is unjust, even assuming it to be so.

In any event, respondent judge deserves to be appropriately penalized for his regrettably erroneous action in connection with Criminal Case No. 2664 of his court. We have repeatedly stressed that a municipal trial judge occupies the forefront of the judicial arm that is closest in reach to the public he serves, and he must accordingly act at all times with great constancy and utmost probity. [20] Any kind of failure in the discharge of this grave responsibility cannot be countenanced in order to maintain the faith of the public in the judiciary, especially on the level of courts to which most of them resort for redress.

WHEREFORE, respondent Judge Servillano M. Mejia is ORDERED to pay a fine of Two Thousand Pesos (P2,000.00), with a STERN WARNING that the commission of the same or similar offense will be dealt with more severely.

SO ORDERED.

Narvasa, C.J., (Chairman), Bidin, Puno, and Mendoza, JJ., concur.

[*] This complainant is also referred to or identified in other parts of the record as Leo Wingarts or John Leonardo A. Wingarts.

[1] Rollo , 38-39, 65.

[2] Ibid., 1-2.

[3] Ibid., 65.

[4] Ibid., 70.

[5] Ibid., 38.

[6] Ibid., 1.

[7] Ibid., 9.

[8] Ibid., 23-24, 26.

[9] Ibid., 49.

[10] Ibid., 47-48.

[11] Ibid., 75-78.

[12] Rules 1.01 and 1.02, Code of Judicial Conduct.

[13] Roa vs. Imbing, A.M. No. RTJ-93-935, March 11, 1994.

[14] Re Comelec Resolution No. 2521, A.M. No. 92-12-916-RTC, July 8, 1994.

[15] Administrative Circular No. 22, November 9, 1979.

[16] Agbayani, et al. vs. Belen, etc., et al., G.R. No. 65629, November 24, 1986, 145 SCRA 635.

[17] Rule 3.05.

[18] A.M. RTJ-93-1062, August 25, 1994.

[19] Vuitton S.A. vs. Villanueva, Adm. Case No. MTJ-92-643, November 27, 1992, 216 SCRA 121.

[20] Mardoquio vs. Ilanga, A.M. MTJ-93-855, August 10, 1994.

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