

TERESITA ARMI R. GUILLERMO, COMPLAINANT, VS. JUDGE JOSE C. REYES, JR., REGIONAL TRIAL COURT, BRANCH 76, SAN MATEO, RIZAL, RESPONDENT.*A.M. No. RTJ-93-1088. January 18, 1995*

Ponente: REGALADO, J.

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This administrative matter was commenced by a sworn complaint dated August 26, 1993 filed by Teresita Armi R. Guillermo before the Office of the Court Administrator charging Judge Jose C. Reyes, Jr. of the Regional Trial Court, Branch 76, in San Mateo, Rizal with knowingly rendering an unjust judgment, gross incompetence, misconduct, and ignorance of the law.

Complainant Teresita Armi R. Guillermo, a physician by profession, avers that together with her medical assistant, a midwife named Nida Tanael, she was the offended party in Criminal Case No. 1696, involving a charge for serious illegal detention, which was raffled to the branch presided over by respondent judge. She claimed that on August 4, 1993, the therein accused Aurora Ilot-De la Cruz and Annie Ilot-Orgeta unlawfully locked her up, with her aforesaid assistant, for about an hour on the ground floor of a two-storey apartment which complainant had leased and occupied as her medical clinic. [1]

According to complainant, Aurora Ilot-De la Cruz, who had also leased the second level of the apartment, wanted to have the occupancy of the whole apartment all to herself and her family and on account of that she had a heated quarrel on that day with complainant just before the incident. As a result thereof, Aurora Ilot-De la Cruz and her sister, Annie Ilot-Orgeta, were subsequently charged in Criminal Case No. 1696 with serious illegal detention. [2]

Complainant contends that when the two accused filed a joint application for bail, respondent judge denied the same in an order dated July 15, 1992 on the ground that it was premature since the accused were not yet in the custody of the law. However, in a subsequent order dated August 24, 1992, respondent judge, without conducting any hearing on the aforesaid application and thereby denying the prosecution an opportunity to oppose the same, granted the said petition for bail of the accused upon their voluntary appearance in court. [3]

Then, on May 26, 1993, respondent judge rendered judgment absolving the accused of the crime charged. Complainant further assails said judgment as unjust and shows respondent's gross ignorance of the law since the established facts of the case clearly made out a case of serious illegal detention. She asserts that although respondent found the detention of the complainant and her assistant to be illegal, respondent nonetheless held that the offenders had no intention to deprive the aggrieved doctor and her assistant of their liberty on the ratiocination that the accused had merely acted by reason of "anger and annoyance" brought about by the earlier altercation among the parties. [4] Then, holding that the offense only constituted unjust vexation, respondent rendered the judgment of acquittal on the ground that the offense had prescribed long before the filing of the information in said criminal case.

Respondent judge, on the other hand, bewails as unfounded the supposed basis of complainant's grievance. In his

comment on the complaint, he argues that the grant of bail to the two accused in said criminal case was regular as, in fact, the motion for bail was duly heard and the evidence offered by the accused and by the prosecution in opposition thereto were properly taken into account. He theorizes that since the petition had been initially denied but not on the merits or based on the evidence, he could then act thereon upon the surrender of the accused, this time on the merits thereof. Furthermore, he submits that his verdict of acquittal is supported by the evidence and the applicable law on the matter. Consequently, he prays for the outright dismissal of the present administrative complaint against him. [5]

The grant of bail to an accused charged with an offense that carries with it the penalty of reclusion perpetua, as in the case of serious illegal detention, is discretionary and not a matter of right on the part of the accused. [6] Furthermore, when the evidence of guilt is strong, an accused shall not be admitted to bail regardless of the stage of the criminal prosecution. [7]

Where bail is not a matter of right, the rule is that at the hearing of an application for admission to bail filed by any person who is in custody for the commission of an offense punishable by reclusion perpetua, the prosecution has the burden of showing that the evidence of guilt is strong. [8] A hearing, in the nature of a summary proceeding entailing judicial determination is required where the grant of bail is addressed to the discretion of the court. The prosecution should be given the opportunity to adduce evidence thereat after which the court should then spell out at least a summary or resume of the evidence on which the order, whether it be affirmative or negative, is based. Otherwise, the order is defective or voidable. [9]

In the matter at bar, the Court notes that respondent judge did not err in initially denying the application for bail. Admittedly, bail is unavailing with respect to an accused who has not voluntarily surrendered or to one who has yet to be placed under legal custody. Hence, an application for admission to bail of a person against whom a criminal action has been filed, but who is still at large is premature. [10] On that score, respondent judge was justified in denying the motion for bail by reason of prematurity since the accused had yet to be arrested or to voluntarily appear in court.

The error of respondent judge lies in the fact that in his subsequent consideration of the application for bail, he acted affirmatively thereon without conducting another hearing and, what is worse, his order concededly lacked the requisite summary or resume of the evidence presented by the parties and necessary to support the grant of bail. Respondent insists that there was in fact such a hearing but, the proceeding he adverts to was that which was conducted when the motion for bail was first considered and then denied for being premature.

As a matter of course, what respondent judge should have done upon the voluntary appearance of the accused was to require another motion for bail and set the same for hearing, with the prosecution duly notified thereof. Respondent judge should not have relied only on the evidence presented by the parties when the application for bail was heard as his bases for granting bail. He should have accorded the parties another opportunity to introduce whatever additional evidence they may have been minded to adduce therein as an aid in determining the proper amount of the bail. This would also have obviated the impression that he had abbreviated the normal course of bail proceedings and resorted to procedural shortcuts to favor the accused.

In any event, what this Court has primarily castigated in previous cases [11] was the blatant denial by the trial court of due notice to the prosecution and proper hearing of an application for discretionary grant of bail, thereby depriving the People of procedural due process and rendering dubious the court's calibration of the strength of the prosecution's event. However, in the criminal case before the respondent judge, despite the aforestated irregularity in the procedure adopted in the proceeding therein, the prosecution was undeniably afforded the benefit of notice and hearing. No erroneous appreciation of the evidence was alleged nor did the prosecution indicate its desire to

introduce additional evidence in an appropriate challenge to the aforestated grant of bail by respondent.

With regard to the supposed erroneous ruling of acquittal rendered by respondent judge, we hold that he may well have been convinced to render a judgment of acquittal in the honest belief that the evidence and the law fully justified such a ruling. He explains that the alleged intent on the part of the accused to deprive the offended parties of their liberty cannot be inferred simply from the circumstance of their having been locked up by the accused since it was spawned by an acrimonious argument between them and the accused acted on the impulse thereof. Otherwise, respondent adds, the accused would not have had the effrontery to proceed shortly thereafter to a nearby police station to report the incident and then return thereafter to the clinic. At bottom then is that the presumption of good faith on the part of respondent judge in rendering the decision in question must at least be acknowledged. Furthermore, we do not find a fatal error in his findings of fact and conclusions of law in the judgment complained of.

We have heretofore ruled that a judge may not be held administratively accountable for every erroneous order or decision he renders. [12] To unjustifiably hold otherwise, assuming that he has erred, would be nothing short of harassment and would make his position doubly unbearable, for no one called upon to try the facts or interpret the law in the process of administering justice can be infallible in his judgment. [13] The error must be gross or patent, malicious, deliberate or in evident bad faith. [14] It is only in this latter instance, when the judge acts fraudulently or with gross ignorance, that administrative sanctions are called for as an imperative duty of this Court.

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. [15] 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. [16] In this regard, as already noted, respondent judge had been remiss in the grant of bail and the scrupulous observance of the requisites therefor.

ACCORDINGLY, respondent Judge Jose C. Reyes, Jr. is hereby REPRIMANDED with a STERN WARNING that a repetition of the same or similar acts in the future shall definitely be dealt with more severely by this Court. SO ORDERED.

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

[1] Rollo, 1-2.

[2] Loc. cit.

[3] Rollo, 3-4.

[4] Ibid., 6-10.

[5] Ibid., 24-29; Comment of Judge Jose C. Reyes, Jr., 1-6.

[6] Section 4, Rule 114, Rules of Court.

[7] Section 7, id.

[8] Section 8, id.

[9] Carpio, etc., et al. vs. Maglalang, etc., et al., G.R. No. 78162, April 19, 1991, 196 SCRA 41.

[10] Manigbas, et al. vs. Luna, et al., 98 Phil. 466 (1956).

[11] Libarios vs. Dabalos, A.M. No. RTJ-89-286, July 11, 1991, 199 SCRA 48; Borinaga vs. Tamin, etc., A.M. No. RTJ-93-936, September 10, 1993, 226 SCRA 206; Aguirre, et al. vs. Belmonte, etc., A.M. No. RTJ-93-1052, October 27, 1994.

[12] Rodrigo vs. Quijano, etc., A.M. No. 731-MJ, September 9, 1977, 79 SCRA 10.

[13] Lopez vs. Corpus, A.M. No. 425-MJ, August 31, 1977, 78 SCRA 374; Pilipinas Bank vs. Tirona-Liwag, A.M. No. CA-90-11, October 18, 1990, 190 SCRA 834.

[14] Quizon vs. Baltazar, Jr., A.M. No. 532-MJ, July 25, 1975, 65 SCRA 293.

[15] Galan Realty Co., Inc., etc. vs. Arranz, etc., A.M. No. MTJ-93-978, October 27, 1994.

[16] Libarios vs. Dabalos, supra; Lardizabal, etc. vs. Reyes, A.M. No. MTJ-94-897, December 5, 1994.

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