

ALBERTO P. ABBARIAO, COMPLAINANT, VS. JUDGE ORLANDO D. BELTRAN, RESPONDENT.

A.M. NO. RTJ-04-1839. August 31, 2005

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

In finding respondent guilty of the administrative charge, the Court reiterates that ignorance of simple and elementary law renders judges liable for gross ignorance of the law. Indeed, magistrates are expected to have more than just cursory knowledge of the scope of their authority.

The Case and the Facts

This administrative case originated from a Complaint[1] filed by Alberto P. Abbariao, charging Judge Orlando D. Beltran of the Regional Trial Court (RTC) of Tuguegarao City (Branch 2) with gross ignorance of the law and knowingly rendering an unjust judgment relative to Criminal Case Nos. 6689 and 6283-TUG-94, entitled "People of the Philippines versus Joseph Abraham."

The facts are summarized by the Office of the Court Administrator (OCA) in this wise:

"Complainant was the former Branch Manager of Country Banker's Assurance Corporation. In October 1992, Joseph Abraham procured two (2) insurance policies from complainant. As payment for the premiums, Mr. Abraham issued a post-dated check in the amount of P49,651. The check was subsequently dishonored. Two (2) Informations, one for estafa and another for violation of Batas Pambansa Blg. 22 were filed against Mr. Abraham before the Regional Trial Court, Branch 2, Tuguegarao City, where respondent is the Acting Presiding Judge.

"In a Decision dated 31 August 2001, respondent acquitted Abraham in this wise:

"x x x. There was never a valid insurance contract between the herein accused and Country Bankers Insurance Company. The disapproval made by the latter of the insurance policy form used necessarily means that it was not recognizing the contract entered into between the private complainant and the herein accused, and would not have honored it.

"On the other hand, the Court has no wish to delve into the morality or even the legality of the acts of the herein private complainant. Such is the affairs solely of the Country Bankers and the latter.

"In conclusion, since there was no valid contract of insurance entered into between the private complainant in representation of his principal and the employer, Country Bankers Insurance Company and the herein accused, there was no obligation on the part of the latter to pay any premiums thereon. Obviously, if there was no obligation to pay any premiums, the issuance by the herein accused of Check No. 181217 and its subsequent dishonor by the drawee bank for having been drawn against insufficient funds produced no legal consequences, much less any criminal liability on the part of the herein accused, either for Estafa under Article 315, paragraph 2 (d) of the Revised Penal Code, as amended or under Batas Pambansa Blg. 22, otherwise known as the Bouncing Checks Law.

"WHEREFORE, in view of all the foregoing the Court hereby renders judgment of ACQUITTAL in favor of the accused JOSEPH ABRAHAM."

"Complainant is questioning the Decision of respondent on two (2) grounds. First, complainant contends that respondent has no jurisdiction over the case for violation of B.P. [Blg.] 22. Second, he claims that the conclusion of respondent that there was no valid insurance policy is erroneous. According to complainant, respondent based his conclusions on mere letters which are hearsay evidence since the authors of which were never present in court." [2]

In his Comment [3] dated July 8, 2003, respondent denied that he had wrongfully assumed jurisdiction over the bouncing check case against Joseph Abraham. He explained that, prior to his appointment as presiding judge of the RTC (Branch No. 2), jurisdiction had already been vested in his court by the arraignment of the accused for the crimes of estafa and violation of Batas Pambansa (BP) Blg. 22. Respondent added that he was even assured by the public prosecutor that the arraignment had taken place before the effectivity of the law expanding the jurisdiction of first-level courts. Moreover, the accused, through his counsel, never raised any objection as regards the jurisdiction of respondent's court. Thus, the parties were allowed to present evidence for both cases and, after due trial, judgment was rendered acquitting the accused.

Finally, as regards the allegation of knowingly rendering an unjust judgment, respondent noted that aside from the general accusation that the questioned judgment was "without logic," complainant had failed to introduce any evidence to support the charge. Respondent judge emphasized that an administrative case was not the proper venue in which to review a judgment already rendered.

The OCA's Recommendation

In its January 7, 2004 Report, [4] the OCA exonerated respondent from the charge of knowingly rendering an unjust judgment. However, it found him guilty of gross ignorance of the law. It observed that when the Information for the violation of BP 22 was filed on January 30, 1995, Republic Act (RA) No. 7691 -- the law expanding the jurisdiction of first-level courts -- was already in effect. It explained thus:

"It does not matter what the provincial prosecutor said or what the parties did or did not do during the trial. As a judge, it was the duty of respondent to determine for himself whether or not his court had jurisdiction over the case. Even the argument of the Provincial Prosecutor that the Regional Trial Court acquired jurisdiction over the case because the accused had already been arraigned prior to the enactment of RA No. 7691 is erroneous and should not have been relied upon by respondent. It is impossible for the accused [to] have been arraigned prior to the effectivity of RA No. 7691 because this law took effect on April 15, 1994 while the information was filed on January 30, 1995." [5]

The OCA therefore recommended that respondent be ordered to pay a fine of P20,000, with a warning that the commission of the same or a similar act in the future shall be dealt with more severely.

The Court's Ruling

The Court agrees with the findings and recommendation of the OCA.

Respondent's Administrative Liability

It is hornbook doctrine that a court can only take cognizance of a case that falls within its jurisdiction. Judges are thus expected to know and to act only within the limits of the jurisdictional scope of courts, as defined by law. Judges who wantonly arrogate unto themselves the authority and power vested in other courts not only act in oppressive disregard of the basic requirements of due process, but also contribute to confusion in the administration of justice. [6]

Respondent showed utter lack of familiarity with this legal precept when he took cognizance of a criminal case for violation of the Bouncing Check Law. The act of issuing a worthless check is penalized by BP 22 with (a) imprisonment of not less than thirty days, but not more than one year; or (b) a fine of not less than the amount of the check, but not more than double that amount, and in no case exceeding two hundred thousand pesos; or (c) both such fine and imprisonment at the discretion of the court.[7] On the other hand, Section 32 (2) of BP 129, as amended by RA 7691, provides that first-level courts shall have jurisdiction over criminal cases in which the offense is punishable with imprisonment not exceeding six (6) years, regardless of the amount of the fine. Thus, respondent clearly had no jurisdiction to hear and decide the case.

Respondent maintains, though, that jurisdiction over the case was already vested in his court by the arraignment of the accused. Moreover, respondent said that the jurisdiction of his court was recognized by the prosecutor when the latter, to whom belonged the decision to prosecute, failed to withdraw the case. Noting that the accused, through counsel, never raised any objections regarding this matter, respondent proceeded to trial and rendered judgment thereafter.

The explanation of respondent betrays his lack of diligence and ignorance of an elementary rule of procedure. Records show that during the tenure of the former presiding judge, the issue of jurisdiction over the case was already pending resolution. Seemingly unaware of this matter, respondent had to be reminded by the counsel of the accused that the issue was still unresolved.[8]

Respondent, however, displayed indecisiveness and lack of proficiency. After engaging the counsels of the parties in an academic discussion regarding the jurisdiction of his court, he eventually relied on the public prosecutor's assurance that his court had already acquired jurisdiction.[9] Had he endeavored to exert more effort to review the records of the case, he would have discerned that, contrary to the public prosecutor's manifestations, RA 7691 was already in effect at the time the Information was filed. Thus, it was incumbent upon him to dismiss the case for lack of jurisdiction.

We emphasize that ignorance of the law is the mainspring of injustice.[10] For this reason, we always remind the members of the bench of their duty to be faithful to the law and to maintain professional competence.[11] Judges are called upon to exhibit more than just cursory acquaintance with statutes and procedural rules.[12] Basic rules must be at the palms of their hands.[13] Their inexcusable failure to observe the basic laws and rules will render them administratively liable.[14] "Where the law involved -- as in this case -- is simple and elementary, lack of conversance therewith constitutes gross ignorance of the law." [15]

Verily, for transgressing the elementary jurisdictional limits of his court, respondent is found guilty of gross ignorance of the law.

On the charge of knowingly rendering an unjust judgment, the OCA was correct in absolving respondent. As a rule, the acts of judges pertaining to their judicial functions are not subject to disciplinary power, unless such acts are committed with fraud, dishonesty, corruption or bad faith.[16] In the absence of proof to the contrary, an erroneous decision or order is presumed to have been issued in good faith.[17] Complainant, in this case, failed to show that respondent had rendered the questioned judgment with ill motives.

We note that respondent was previously charged and found guilty of gross ignorance of the law in AM No. RTJ-98-1406 (*De Austria v. Beltran*, decided on September 1, 1999) and was consequently fined in the amount of P10,000 for that infraction. Also, in AM No. RTJ-00-1597 (*Andres v. Beltran*, decided on August 20, 2001), he was held guilty of grave abuse of discretion for canceling the bail bond that the accused had posted for failure to attend the hearing. A fine of P2,000 was imposed on respondent.

WHEREFORE, Judge Orlando D. Beltran of the Regional Trial Court, Branch 2 of Tuguegarao City, is found guilty of gross ignorance of the law, for which he is FINED P20,000 as recommended by the OCA. He is WARNED that a repetition of the same or similar acts shall be dealt with more severely in the future.

SO ORDERED.

Sandoval-Gutierrez, Corona, Carpio Morales, and Garcia, JJ., concur.

[1] Dated April 12, 2002; rollo, pp. 1-7.

[2] OCA Report dated January 7, 2004, pp. 1-2; rollo, p. 117-118.

[3] Rollo, pp. 110-116.

[4] Signed by Court Administrator Presbitero J. Velasco Jr.

[5] OCA's Report and Recommendation, p. 3; rollo, p. 119.

[6] *Gustilo v. Real*, 353 SCRA 1, February 28, 2001.

[7] §1.

[8] TSN for Criminal Case No. 6283, February 16, 1998, p. 3; rollo, p. 10.

[9] *Id.*, pp. 3 -5; rollo, pp. 10-12.

[10] *De la Paz v. Adiong*, 443 SCRA 480, November 23, 2004; *Español v. Mupas*, 442 SCRA 13, November 11, 2004; *Espino v. Salumbre*, 352 SCRA 668, February 26, 2001; *Bio v. Valera*, 372 Phil. 249, June 20, 1996.

[11] Rule 3.01, Code of Judicial Conduct.

[12] *Jamora v. Bersales*, 447 SCRA 20, December 16, 2004; *Tabao v. Barataman*, 430 Phil. 189, April 11, 2002; *Dumo v. Perez*, 379 Phil. 588, January 20, 2000; *De Vera v. Dames II*, 369 Phil. 470, July 13, 1999; *Cortes v. Agcaoili*, 355 Phil. 848, August 20, 1998; *Supena v. De la Rosa*, 334 Phil. 671, January 28, 1997.

[13] *Vileña v. Mapaye*, 431 Phil. 217, April 24, 2002; *Oporto Jr. v. Monserate*, 356 SCRA 443, April 16, 2001; *Ortiz v. Quiroz*, 392 Phil. 18, August 4, 2000.

[14] *Mactan Cebu International Airport Authority v. Hontanosas Jr.*, 441 SCRA 229, October 25, 2004.

[15] *Jamora v. Bersales*, *supra*, per Garcia, J.

[16] *Causin v. Demecillo*, 437 SCRA 594, September 8, 2004; *Quinto v. Vios*, 429 SCRA 1, May 21, 2004; *Sacmar v. Reyes-Carpio*, 400 SCRA 32, March 28, 2003; *Director, PNP Narcotics Command v. Salazar Jr.*, 415 Phil. 210, August 15, 2001.

[17] *Osorio v. Dizon*, 426 SCRA 1, March 18, 2004; *Lacadin v. Mangino*, 405 SCRA 473, July 9, 2003; *Heirs of the Late Justice Reyes, J. B. L. v. Demetria*, 425 Phil. 1, January 23, 2002; *Contreras v. Solis*, 329 Phil. 376, August 21, 1996.

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