

GLADY M. GALVEZ, COMPLAINANT, VS. JUDGE GEMINIANO A. EDUARDO, METROPOLITAN TRIAL COURT, GENERAL TINIO, NUEVA ECIJA, RESPONDENT.

A.M. No. MTJ-94-984. January 30, 1996

Ponente: KAPUNAN, J.

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KAPUNAN, J.:

This is an administrative complaint filed by Gladly M. Galvez charging respondent Judge Geminiano A. Eduardo of the Metropolitan Trial Court, General Tinio, Nueva Ecija with grave misconduct in connection with a criminal case filed against her.

In a complaint-affidavit filed with the Office of the Court Administrator on July 13, 1994, complainant alleged that respondent Judge issued a warrant of arrest on May 30, 1994 which included her as one of the persons subject to arrest in Criminal Case No. 3017 for Grave Threats when in fact, she was not an accused in said criminal case. The warrant of arrest was served while complainant and her husband were attending the hearing of the administrative complaint for Grave Abuse of Authority, Harassment and Grave Misconduct which they earlier filed against four (4) members of the General Tinio PNP Command. The irony of it was that the warrant was served by the same persons against whom she and her husband filed the administrative complaint. She was forced to post a P5,000 cash bond for her provisional liberty.

When asked to comment, respondent explained that the issuance of the warrant of arrest on May 30, 1994 for "Grave Threats" was a clerical error. The caption of the case should have been for "Grave Oral Defamation" under Criminal Case No. 3016 where complainant together with her husband were the accused. Being apprised of such mistake, the clerk who was in charge of typing the warrant was duly reprimanded. The signature of the judge on the warrant of arrest was done in good faith and without malice. Respondent further averred that the manner by which the warrant was served was beyond his control. He prayed for the dismissal of the complaint inasmuch as the issuance of the warrant of arrest for "Grave Threat" and not for "Grave Oral Defamation" did not render substantial procedural prejudice to the complainant.

Complainant promptly filed a reply to clarify the matter that there were two separate warrants issued against her by respondent on the same occasion: (1) in Criminal Case No. 3016 for Grave Oral Defamation where she was impleaded as her husband's co-accused; and (2) in Criminal Case No. 3017 for Grave Threats where she was not cited as a defendant. The issuance of two (2) warrants of arrest and not only one (1), as respondent made it appear, therefore belies the claim that this was due to clerical error. The mistake was more out of gross negligence which negates any presumption of good faith. Moreover, complainant refutes the contention that no undue prejudice was suffered since respondent did not even consider the remote possibility of her detention had their financial resources not been enough to cover for the two (2) separate bailbonds. She reiterates her prayer for disciplinary action against respondent.

In its evaluation and recommendation, the Office of the Court Administrator found respondent's mistake

justifiable, attributing it to mere clerical error. The confusion was understandable considering that the two (2) criminal cases were consecutively numbered and the accused in one case were both the husband and the wife, and in the other, the husband alone. The OCA recommended the sanction of reprimand.

We disagree with the OCA on the recommended penalty.

Respondent's mistake in issuing a warrant of arrest against complainant when she is not even the accused in the criminal case warrants more than a mere reprimand.

The issuance of a warrant of arrest must not be taken lightly nor should it be considered as one of the usual paperwork of the judge that just pass through his hands for his signature. What is at stake is the liberty of a person in which its protection can not be overstated. Considering the strict standard of the law as to the propriety of the issuance of a warrant where the determination of probable cause and the authority to issue a warrant rests upon the judge alone, it is therefore respondent's sole responsibility to see to it that a warrant of arrest is issued strictly in accordance with law.

We cannot accept as valid the claim that the mistake was due to clerical error, nor can we consider the alleged confusion in the typing of the caption and the names of the parties in the two (2) criminal cases excusable. Respondent has certainly overlooked the fact that in Criminal Case No. 3017, only the husband and not the wife, herein complainant, was cited as the defendant. Nonetheless, respondent can not shift the blame to his staff who allegedly committed a mistake in the typing of the caption of the case or the names of the parties therein. A judge can not simply take refuge behind the inefficiency or negligence of his court personnel.[1] He should supervise his staff in the performance of their duties, observing a high degree of professionalism and efficiency. He is directly responsible for the proper discharge of his official functions. Court personnel are not the guardians of a judge's responsibility.[2] Thus, in the instant case respondent can not just rely on his staff regarding these court processes. While it is true that the manner by which the warrant of arrest was served was beyond respondent's control, he is however guilty of unduly subjecting a person to an arrest when she is not even an accused in the criminal case. Judges, by the very delicate nature of their functions in dispensing justice, should be more circumspect in the performance of their duties.

IN VIEW OF THE FOREGOING, the Court Resolved to IMPOSE a Fine on Respondent Judge Geminiano A. Eduardo in the amount of Ten Thousand Pesos (P10,000.00) with a stern warning that a repetition of similar act in the future will be dealt with more severely.

SO ORDERED.

Padilla, Bellosillo, Vitug, and Hermosisima, Jr., JJ., concur.

[1] See *Tan v. Madayag*, 231 SCRA 62 [1994]; *Ignacio v. Melanio-Arcega*, 234 SCRA 387 [1994].

[2] *Bongcaron v. Eisma*, 237 SCRA 793.

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