

**MYLA PAREDES, ROWENA PAREDES, GLORIA PAREDES, AND
JESSICA PAREDES, COMPLAINANTS, VS. JUDGE JACINTO A.
MANALO, MUNICIPAL CIRCUIT TRIAL COURT, CORON-BUSUANGA,
PALAWAN, RESPONDENT.**

Adm. Matter No. MTJ-93-842. May 10, 1995

Ponente: BELLOSILLO, J.

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BELLOSILLO, J.:

JUDGE JACINTO A. MANALO is administratively charged with ignorance of the Rule on Summary Procedure based on the affidavit-complaint filed by the sisters Myla, Rowena, Gloria and Jessica, all surnamed Paredes, before the Tanodbayan, docketed as TBP Case No. 87--00407. In a Resolution of 8 July 1993 the Office of the Deputy Ombudsman for Luzon dismissed the criminal case but referred the administrative aspect to us for appropriate action.[1]

The records show that on 15 December 1986 three (3) separate criminal complaints were filed by a certain Roger Maron for less serious physical injuries docketed as Crim. Case No. 1619, and by Roberta Maglasang and Josephine Gargar for unjust vexation docketed as Crim. Cases Nos. 1620 and 1621, respectively, against the Paredes sisters with the Municipal Trial Court of Culion, Palawan, where respondent judge was then Acting Municipal Judge. On the same day, respondent Judge issued warrants of arrest against all of the accused which the Paredes sisters now denounce as improper and irregular under the Rule on Summary Procedure.

According to complainants, they heard rumors about the warrants of arrest issued in the aforesaid, cases against them. Consequently, on 17 December 1986, accompanied by Lt. Cesar Policarpio of the Philippine Navy, they went to the Municipality of Coron to verify the truth. Upon query by Lt. Policarpio about the warrants, respondent Judge answered that he was "waiting for the return." Being laymen, complainants and Lt. Policarpio interpreted the answer to be in the negative.

On 24 December 1986 the warrants of arrest were served upon complainants who were unable to post the required bonds so that, to secure their temporary release, Lt. Policarpio took them into his custody on recognizance until 26 December 1986. On that date, complainants went to Coron escorted by Navy personnel to post a cash bond of P1,000.00 with the Municipal Treasurer, i.e., P50.00 each for the two cases of unjust vexation and P100.00 each for the less serious physical injuries. However, they were informed by Clerk of Court Aida Paje that they could not file their cash bond because respondent Judge was in Manila and no one would sign the release order. Nonetheless, complainants proceeded to the Office of the Municipal Treasurer bringing with them their warrants of arrest. But the Municipal Treasurer refused to accept their money for want of instruction from respondent Judge to accept cash bonds in his absence. On 29 December 1986 they tried once more to post their cash bonds with the Municipal Treasurer but to no avail. Hence, they were detained until 7 January 1987.

Complainants contend that respondent Judge immediately issued the warrants of arrest without the subpoenas first being issued; that considering that the penalty for unjust vexation is less than six (6) months they should not have

been required to post a bond under the Rule on Summary Procedure; that they were surprised over the non-acceptance of their cash bonds since they had previously deposited a cash bond of P50.00 each in an earlier case, Crim. Case No. 1603, by showing the amount of bail bond in their warrants of arrest; that the Deposit Acceptance Order to be secured from the court addressed to the Municipal Treasurer was an unusual and new requirement of respondent Judge, which was not imposed on other accused residing in Culion who merely deposited their cash bonds on the basis of their warrants of arrest; that the absence of instruction to the Municipal Treasurer was a probable deliberate intent of respondent to detain them in order to satisfy the offended party in the criminal cases.[2]

Required to comment on the administrative complaint,[3] respondent Judge claims that the warrants of arrest were issued in accordance with Sec. 12 pars. (a), (c) and (d), of the Rule on Summary Procedure. He asserts that while the warrants were served on 24 December 1986, complainants actually were not detained as Lt. Cesar Policarpio of the Philippine Navy took them into custody on recognizance until 26 December 1986. Subsequently, complainants' temporary release was revoked pursuant to the orders of Capt. Gordonio Reyes based on a report that complainants again quarreled with the complaining witness. However, complainants were freed during daytime but detained during the nights of 27 December 1986 until 7 January 1987 when they finally posted their cash bonds.

Further, respondent Judge alleges that he honestly believed that flight or the escape of complainants was a clear possibility; that although complainants hail from Culion, they nevertheless travel to places without indicating their whereabouts; that due to such circumstance, the promulgation of the decision dated 22 July 1988 of an earlier case, Crim. Case No. 1603 for slander filed against complainants on 23 July 1986, was unduly delayed since the location of complainants could not be ascertained even by their own lawyers; that finally their lawyers mutually agreed to represent them in the promulgation of judgment on 29 November 1989; that complainants could not pretend to be oblivious of the procedure regarding the Deposit Acceptance Order since warrants for their arrest were issued in Crim. Case No. 1603 for which they secured a Deposit Acceptance Order from the court to post their cash bonds; that an unidentified person who turned out later to be Lt. Policarpio inquired about the warrants of arrest issued in Crim. Cases Nos. 1619, 1620 and 1621; that had the complainants themselves appeared before respondent to inquire about the warrant, he could have informed them of its issuance and admitted them to bail; and, that complainants who were already aware of the outstanding warrants issued against them could have just posted their bond on 17 December or in the morning of 24 December 1986 but, as the records showed, they did not do so during that period.

Lastly, respondent Judge admits to be in a dilemma regarding Sec. 12, in relation to Sec. 10, of the Rule on Summary Procedure. He opines that "(t)he issuance of a warrant of arrest only after the accused failed to answer the subpoena as provided for in Sec. 10 has a more pronounced ill effect and an expensive litigation if and when the accused is a transient in the place or even if a resident, he or she has no properties in the area or not gainfully employed, for in such cases, since they are (sic) not being arrested but only served by a subpoena they (sic) may choose to get lost, hence, any and all warrant of arrest later on that has to be issued will be very hard, to say the least, to be served against them."

In the resolution of 15 December 1993 we referred the case at bench to the Office of the Court Administrator (OCA) for evaluation, report and recommendation.[4]

On 1 February 1994 the OCA submitted a Memorandum recommending the dismissal of this case "with a reminder to respondent to adhere to procedures provided for in the Rules" on the premise that -

"x x x (a)lthough we find that a deviation from the Rule on Summary Procedures was effected by respondent, his acts nonetheless was (sic) done in his honest belief that it would lead to an expeditious disposition of the

cases considering that the complainants' conduct in the earlier criminal case had unduly delayed and disrupted the orderly and speedy administration of justice x x x"[5]

We cannot subscribe to the recommendation of the OCA to dismiss the case. While we concede that no malice may have attended respondent's actuations, his unorthodox procedure in Crim. Cases Nos. 1620 and 1621 however cannot be lightly dismissed.

Section 10 of the Rule on Summary Procedure provides that in all other cases where the accused is not in custody, the court shall issue an order, accompanied by copies of all the affidavits submitted by the complainant, directing the defendants to appear and submit their counter-affidavits and those of their witnesses at a specified date. Such mandate is clear, hence, judges have no other option but to obey. For the first duty of the court is to apply the law.[6] The court has no power to change but only to interpret the law as it stands at any given time.[7] Thus, Canon 3, Rule 3.01, of the Code of Judicial Conduct requires judges to be faithful to the law and maintain professional competence.

Respondent Judge justifies his action by showing the difficulty encountered by his court in locating the whereabouts of accused who were earlier charged with slander in Crim. Case No. 1603. He blames the delayed promulgation of the decision in that case to the non-appearance of complainants whose whereabouts could not be ascertained even by their own lawyers. He also cites the numerous postponements asked by counsel for complainants in submitting their counter-affidavits in Crim. Cases Nos. 1619, 1620 and 1621 due to the fact that not all of these accused were present at one time.

We are not persuaded. The delay in the promulgation of the decision in Crim. Case No. 1603 was ironically caused by respondent Judge. We find that he acquitted complainants in that case.[8] Such being the case, the presence of accused was not necessary as the judgment was one of acquittal.[9] Moreover, Sec. 6, Rule 120, of the Rules of Court explicitly provides that if the accused fails to appear, the promulgation shall consist in the recording of the judgment in the criminal docket and a copy thereof served upon his counsel.

Respondent Judge must also be reminded that the court is not helpless with regard to numerous postponements requested by counsel for complainants. Judges should be vigilant in avoiding unreasonable delay in the resolution of cases. If the need arises, the court *motu proprio* could use its coercive power to direct compliance by the parties. Besides, we find no cause for respondent Judge to be anxious over the possible non-appearance of complainants. The records show that the policemen were able to keep track of complainants' whereabouts. There was therefore no basis for his fears.

Under the foregoing circumstances, we find no valid reason for respondent's departure from the procedure laid down by the Rule on Summary Procedure. Shortcuts in judicial processes are to be avoided where they impede rather than promote a judicious dispensation of justice.[10] However, respondent Judge's administrative culpability is mitigated by his intention to resolve the criminal cases with the least delay by ensuring the presence of accused whose availability for trial in a prior case posed problems in its early resolution.

Once more, we must emphasize that judges are the visible representation of the law and, more importantly, of justice.[11] They are therefore required to observe and abide by the rules and procedures especially those which relate to the scope of their authority so as to guarantee the orderly and efficient administration of justice.

WHEREFORE, for his disregard of Sec. 10 of the Rule on Summary Procedure and Canon 3, Rule 3.01 of the Code of Judicial Conduct, JUDGE JACINTO A. MANALO, Municipal Circuit Trial Court, Coron-Busuanga, Palawan, is FINED P3,000.00 which he is directed to pay within thirty (30) days from service hereof, and WARNED that a repetition of the same or similar act in the future will be dealt with more severely.

SO ORDERED.

Padilla, (Chairman), Davide, Jr., and Quiason, JJ., concur.
Kapunan, J., on official leave.

[1] Rollo, pp. 6-7.

[2] Rollo, pp. 5-74.

[3] Id., p. 76.

[4] Rollo, p. 103.

[5] Id., pp. 104-107.

[6] Philippine Global Communications, Inc. v. Relova, L-60548, 10 November 1986, 145 SCRA 385, 389.

[7] Ponce Enrile v. Salazar, Jr., G.R. No. 92163, and Panlilio v. de Leon, G.R. No. 92164, all prom. on 5 June 1990, 186 SCRA 217, 233.

[8] Rollo, p. 89.

[9] See Cea v. Cinco, L-7075, 18 November 1954.

[10] Heirs of Segundo Uberas v. Court of First Instance of Negros Occidental, Branch II, L-48268, 30 October 1978, 86 SCRA 144, 152.

[11] Fonacier-Albaño v. Ancheta, Adm. Matter No. 1938-CFI, 11 September 1981, 107 SCRA 538, 544.

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