DANTE VICENTE, PETITIONER, VS. JUDGE JOSE S. MAJADUCON, RESPONDENT.

A.M. NO. RTJ-02-1698. June 23, 2005

Ponente: AUSTRIA-MARTINEZ, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/55860fd9b51d/

AUSTRIA-MARTINEZ, J.:

In a letter-complaint dated July 21, 2000, addressed to then Court Administrator Alfredo L. Benipayo, Dante Vicente charged respondent Judge Jose S. Majaducon of the Regional Trial Court (RTC) of General Santos City, Branch 23, with gross ignorance of the law, grave abuse of authority and manifest partiality, praying that he be administratively disciplined and terminated from the service.

The instant administrative complaint stemmed from a series of criminal cases involving a certain Evelyn Te of General Santos City. The factual and procedural antecedents leading to the instant administrative case is summarized in this Court's Resolution of February 19, 2001, in G.R. Nos. 145715-18 entitled, People of the Philippines vs. Evelyn Te, pertinent portions of which read as follows:

> In a joint decision dated May 31, 1995, the Regional Trial Court, Branch 23, General Santos City, found Evelyn Te guilty on four counts of violation of B. P. Blg. 22, otherwise known as the Bouncing Checks Law, and sentenced her to two (2) months of imprisonment on each count. The decision became final and executory after this Court had denied Te's petition for review from the affirmance of the trial court's decision by the Court of Appeals.
>
> On March 11, 2000, Te sought clarification from the trial court whether she should serve her sentences successively or simultaneously. In an order, dated May 25, 2000, the trial court clarified that she should serve her sentences successively, but 'for humanitarian reason' and in accordance with Art. 70 of the Revised Penal Code, it held that 'instead of serving imprisonment of EIGHT months, the prisoner EVELYN TE should serve only six months.'
>
> On June 2, 2000, Te filed a motion for reconsideration, which she prayed be also considered as a petition for issuance of the writ of habeas corpus. Citing Vaca v. Court of Appeals, 298 SCRA 656 (1998), in which the sentence of imprisonment of a party found guilty of violation of B.P. Blg. 22 was reduced to a fine equal to double the amount of the check involved, Te prayed that her sentence be similarly modified and that she be immediately released from detention. In a supplemental motion, Te argued that she had been denied equal protection of the law because the trial judge in another case involving multiple counts of robbery directed the accused to simultaneously serve his sentences.
>
> On June 20, 2000, the trial court denied Te's petition for issuance of the writ of habeas corpus on the ground that Te was detained by virtue of a final judgment.
>
> On June 22, 2000, Te filed an omnibus motion praying for her release on the ground that she had been in jail since March 15, 2000 and had fully served the three months minimum of her total sentence under the Indeterminate Sentence Law. In the alternative, Te prayed for release on recognizance.
>
> On June 23, 2000, Te moved for reconsideration of the trial court's order of June 20, 2000, alleging that the

finality of the joint decision against her did not bar her application for the writ of habeas corpus. She prayed that pending determination as to whether the Vaca ruling applied to her, she also be allowed to post bail pursuant to Rule 102, §14.

On July 5, 2000, the trial court allowed Te to post bail in the amount of one million pesos, holding that it would order her release upon the approval of her bail bond and thereafter certify the proceedings to the Court as the latter has concurrent jurisdiction over proceedings for habeas corpus.

On July 7, 2000, the trial court approved Te's bail bonds in the reduced amount of P500,000.00 and ordered her release. The trial court also directed its clerk of court to certify the proceedings to the Court.

On July 11, 2000, Assistant City Prosecutor Marie Ellengred L. Baliguiat moved for reconsideration of the trial court's resolution of July 5, 2000.

On July 18, 2000, Te filed a notice of appeal from the order, dated June 20, 2000, and the resolution, dated July 5, 2000, of the trial court.

On July 31, 2000, the trial court denied the motion for reconsideration of the Assistant City Prosecutor. It also denied due course to Te's notice of appeal on the ground that there was no necessity for the appeal to the Court of Appeals because it had already ordered that the whole records be forwarded to this Court pursuant to Rule 102, §14.[1]

In the present case, complainant, who claims to be the station manager of Radyo Bombo, General Santos City, alleges that while Te was in prison, respondent judge allowed her to be released and confined at a local hospital in the guise that she was suffering from certain illnesses. Complainant further alleges that respondent judge approved Te's application for bail as part of habeas corpus proceedings even though no petition for habeas corpus in favor of Te was filed and docketed. As a result of respondent judge's order allowing the provisional liberty of Te, the local media in General Santos City made an uproar and criticized respondent judge for his action on the said case. In retaliation, respondent judge cited for indirect contempt a group of mediamen who published a critical article against him. Complainant contends that respondent judge will not hesitate to use his clout and power to stifle criticism and dissent. In addition, complainant alleges that in a separate case, respondent judge allowed the release of the accused without the posting of the necessary bail. On the basis of the above allegations, complainant prays that respondent judge be investigated and if warranted, be terminated and removed from service.[2]

In his Comment, dated October 17, 2000, respondent judge submitted the following contentions which we quote verbatim:

- The certified records of the above-mentioned cases against Evelyn Te were forwarded to the Supreme Court on August 5, 2000, upon the order of undersigned by the Branch Clerk of Court for review of our questioned Order (attached as ANNEX '1' of letter Complaint);

- On June 2, 2000, Evelyn Te's counsel filed not only a motion for reconsideration denying our previous order denying her motion for release from detention but also a petition for Habeas Corpus in the same cases;

- In the exercise of sound discretion and after hearing the comment of the public prosecutor, we issued the questioned Order, which is self-explanatory;

- We believed then that we had the discretion to allow her to be released on bail, based on Sec. 14, Rule 102 of the Revised Rules of Court;

- We were thinking then that in such a dilemma, whether or not to release her on bail, it was a better judgment to release her from bail on a writ of habeas corpus, because, Evelyn Te might be right in her contention that she is

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

considered to have served her sentences simultaneously. If we denied her petition for Habeas Corpus, and on appeal, she could get a favorable decision from the Supreme Court, surely, she could return and charge us with a graver offense of ignorance of the law and abuse of discretion. She could even file other cases against us under the Revised Penal Code, such as rendering an unjust order, or under the Civil Code for moral damages in millions of pesos;

- To obviate such a possible move on Te's part, we opted to allow her release on bail through the writ of habeas corpus proceedings. Anyway, the Supreme Court has the last say on that matter;

- Therefore, we are of the view that the letter complaint of Mr. Dante Vicente is legally premature as it concerned cases which are still sub judice;

- Besides, we are of the opinion that Mr. Vicente has no personality as a third party to charge us with anything as he has not shown any damage that he could have suffered because of our Order;

- We are convinced that Mr. Vicente is trying to pre-empt our move to charge his radio station for libel or cite the announcer for indirect contempt of Court when his radio station and announcer had been reviling and attacking us for many days on the air for having allowed Evelyn Te to be treated and confined in a hospital upon recommendation of a government doctor and for having allowed her release from imprisonment on bail; a certified Xerox copy of the letter of the Regional Director of the Department of Transportation and Communication (National Telecommunications Commission) dated August 9, 2000, in reply to our request for copies of the broadcast tapes, is attached herewith as ANNEX "1";

- As to the charge that we are stifling criticism by the print and broadcast media, we are of the view that if media has the privilege to criticize the Courts and the Judges, we have also the right to charge them for indirect contempt of Court and libel, because there are laws regarding this matter. The article of a certain Joseph Jubelag is now a subject of an indirect contempt charge before us, which we are about to resolve;

- Regarding our Order in Criminal Case No. 14072 in the case of 'People vs. Jhoyche Gersonin-Palma', RTC Br. 36, it was done with sound discretion on our part because it was already 6:30 in the evening and the offices were closed and being a Friday, the accused would be detained for two days and three nights, unless we accepted and approved the bail bond. Besides, the law requires judges to approve bail even during the holidays. Immediately, on Monday, the money in the amount of P6,000.00 was deposited with the Clerk of Court as shown in the official receipt (ANNEX '6' of letter complaint);

- Regarding our competence, honesty and integrity, modesty aside, as a judge for the last thirteen years in General Santos City, the records of the Municipal Trial Court and RTC, Branches 23 and 22 (being a pairing judge of the latter court since October last year) show that most of our decisions appealed to the Court of Appeals and the Supreme Court have been sustained or affirmed;

- As to our reputation in the community, let other members of the media and a member of the Philippine Bar speak about it. We are enclosing herewith a Xerox copy of a news clipping of Philippine Daily Inquirer, July 8, 2000 issue (attached herewith as ANNEX '2'), about how we tried and decided the celebrated case of People vs. Castracion, et. al. when the Supreme Court assigned us to hear the evidence of the defense and decide the case. We did our work in that case as best we could as we have done in all cases being tried and decided by us, mindful of our duty to do our work with faithful diligence, honesty, and integrity. We do not expect praises from others as we do not also wish to be criticized or attacked by Radio Bombo station in General Santos City especially by its manager, Mr. Dante Vicente, without basis or competent proof and evidence. Atty. Rogelio Garcia, who vouched for our honesty, competence and integrity is a former assemblyman of South Cotabato and General Santos City,

and an ex-Assistant Minister of Labor. He has known us in the community for almost twenty five years;

- Complainant Dante Vicente is just a newcomer to General Santos and he and his radio station have a bad and notorious reputation of attacking the character and good name of some people here as shown by cases for libel filed in our courts.[3]

In its Report dated March 11, 2002, the Office of the Court Administrator (OCA) confirmed that Criminal Cases Nos. 9456-9460 were indeed certified by respondent to this Court.[4] However, this Court in its Resolution of February 19, 2001 in G.R. Nos. 145715-18, resolved to return the records of the consolidated cases to the RTC of General Santos City, Branch 23, and to order the said court to give due course to Evelyn Te's notice of appeal from the Order denying her petition for habeas corpus and from the Order requiring her to post bail in the amount of one million pesos for her release from detention. This Court made the following pronouncements:

Rule 102, §14 provides:

> When person lawfully imprisoned recommitted, and when let to bail. – If it appears that the prisoner was lawfully committed, and is plainly and specifically charged in the warrant of commitment with an offense punishable by death, he shall not be released, discharged, or bailed. If he is lawfully imprisoned or restrained on a charge of having committed an offense not so punishable, he may be recommitted to imprisonment or admitted to bail in the discretion of the court or judge. If he be admitted to bail, he shall forthwith file a bond in such sum as the court or judge deems reasonable, considering the circumstances of the prisoner and the nature of the offense charged, conditioned for his appearance before the court where the offense is properly cognizable to abide its order or judgment; and the court or judge shall certify the proceedings, together with the bond, forthwith to the proper court. If such bond is not so filed, the prisoner shall be recommitted to confinement.
>
> The foregoing provision, however, applies to cases where the applicant for the writ of habeas corpus is restrained by virtue of a criminal charge against him, not where, as here, he is serving sentence by reason of a final judgment. Indeed, Rule 102, §4 disallows issuance of the writ where the person alleged to be restrained of his liberty is 'suffering imprisonment under lawful judgment.'
>
> The certification of a case under Rule 102, §14, moreover, refers to cases where the habeas corpus court finds that the applicant is charged with the noncapital offense in another court. Thus, the certification of this case to this Court is clearly erroneous.[5]

On the basis of the above-quoted Resolution and the provisions of Section 24, Rule 114 of the Rules of Court, the OCA, in its Report in the present case, found respondent judge guilty of gross ignorance of the law and recommended that he be fined in the amount of P20,000.00.[6]

The Court agrees with the findings of the OCA except for the recommended penalty.

Section 24, Rule 114 of the Rules of Court is plain and clear in prohibiting the grant of bail after conviction by final judgment and after the convict has started to serve sentence. It provides:

> SEC. 24. No bail after final judgment; exception. – An accused shall not be allowed bail after the judgment has become final, unless he has applied for probation before commencing to serve sentence, the penalty and the offense being within the purview of the Probation Law. In case the accused has applied for probation, he may be allowed temporary liberty under his bail, but if no bail was filed or the accused is incapable of filing one, the court may allow his release on recognizance to the custody of a responsible member of the community. In no case shall bail be allowed after the accused has commenced to serve sentence. (Emphasis supplied)

The only exception to the above-cited provision of the Rules of Court is when the convict has applied for probation before he commences to serve sentence, provided the penalty and the offense are within the purview of

the Probation Law.

In the case of Evelyn Te, the judgment finding her guilty of violation of B.P. Blg. 22 on four counts and imposing upon her the penalty of imprisonment for two months on each count has already become final and executory. She did not apply for probation. At the time respondent judge granted her bail she was already serving her sentence.

From the foregoing, it is evident that Te is not entitled to bail. Respondent judge contends that under Section 14, Rule 102 of the Rules of Court, he has the discretion to allow Te to be released on bail. However, the Court reiterates its pronouncement in its Resolution of February 19, 2001 in G.R. Nos. 145715-18 that Section 14, Rule 102 of the Rules of Court applies only to cases where the applicant for the writ of habeas corpus is restrained by virtue of a criminal charge against him and not in an instance, as in the case involved in the present controversy, where the applicant is serving sentence by reason of a final judgment.

The Court agrees with the observation of the OCA that respondent judge's ignorance or disregard of the provisions of Section 24, Rule 114 and Section 14, Rule 102 of the Rules of Court is tantamount to gross ignorance of the law and procedure. A judge is called upon to exhibit more than just a cursory acquaintance with statutes and procedural rules.[7] It is imperative that he be conversant with basic legal principles and be aware of well-settled authoritative doctrines.[8] He should strive for excellence exceeded only by his passion for truth, to the end that he be the personification of justice and the Rule of Law.[9] When the law is sufficiently basic, a judge owes it to his office to simply apply it; anything less than that would be gross ignorance of the law.[10]

In the present case, considering that the granting of bail is common in the litigation of criminal cases before trial courts, we are not impressed with the explanation of respondent judge in granting bail to Te. Respondent judge contends that he was caught in a dilemma whether or not to grant bail in favor of Te. However, he thought that it would be better for him to release Te on bail rather than deny her application; for if such denial is later found out by the appellate courts to be erroneous, Te could charge him with gross ignorance of the law and abuse of discretion, or hold him liable for rendering an unjust order or for damages. Hence, to obviate such possible move on Te's part, he simply allowed her to be released on bail and relieved himself of any burden brought about by the case of Te by certifying the same to this Court contending that, "[a]nyway, the Supreme Court has the last say on (the) matter."

The Court finds respondent's reasoning shallow and unjustified. He cannot simply shirk responsibility by conveniently passing the buck, so to speak, to this Court on the pretext that we have the final say on the matter. This is hardly the kind of trait expected of a judge. Rule 3.02, Canon 3 of the Code of Judicial Conduct provides that in every case, a judge shall endeavor diligently to ascertain the facts and the applicable law unswayed by partisan interests, public opinion or fear of criticism. In Dimatulac vs. Villon,[11] we held that:

> The judge, on the other hand, "should always be imbued with a high sense of duty and responsibility in the discharge of his obligation to promptly and properly administer justice." He must view himself as a priest for the administration of justice is akin to a religious crusade. Thus, exerting the same devotion as a priest "in the performance of the most sacred ceremonies of religious liturgy," the judge must render service with impartiality commensurate with public trust and confidence reposed in him.[12]

In the present case, respondent judge fell short of the above-cited ideals expected of a magistrate.

Complainant's allegation that no petition for habeas corpus was filed does not hold water. As borne by the records, the Certification issued by one Atty. Elmer D. Lastimosa, Clerk of Court of the Regional Trial Court of General Santos City, shows that Evelyn Te's petition for habeas corpus was incorporated in the pleadings she filed in Criminal Cases Nos. 9456-9460, although no docket fees and other charges were paid.[13] There is no showing that respondent should be held administratively liable for the non-payment of docket and other lawful

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

fees. At any rate, the matter may be considered in the appeal taken by Te, as earlier adverted to in G.R. Nos. 145715-18.

Complainant further claims that on several occasions, respondent judge allowed Te to be released and confined at a local hospital on account of false illnesses. However, the Court does not find sufficient evidence to prove this charge. On the contrary, records on hand show that the confinement of Te in the hospital is recommended by a panel of government doctors and that such confinement is made without the objection of the public prosecutor.[14] Hence, the Court finds respondent judge's act of allowing the temporary confinement of Te in the hospital as justified. The Court agrees with the observation of the OCA that in the absence of contradictory evidence, the presumption of regularity in the performance of official duty should be upheld in favor of respondent judge.[15]

The Court likewise finds no sufficient evidence to find respondent judge guilty of the charge that he uses his clout and power to stifle criticism and dissent. In the present case, the Court finds nothing irregular or arbitrary in his act of requiring a number of journalists to show cause why they should not be cited for indirect contempt. Freedom of speech and of expression, as guaranteed by the Constitution, is not absolute.[16] Freedom of expression needs on occasion to be adjusted to and accommodated with the requirements of equally important public interests such as the maintenance of the integrity of courts and orderly functioning of the administration of justice.[17] In the instant case, the Court finds nothing whimsical or despotic in respondent judge's act of issuing the subject show-cause order. Instead, respondent is merely exercising his right to protect his honor and, more importantly, the integrity of the court which he represents.

As to the issue that respondent judge allowed the release of an accused in Criminal Case No. 14072, entitled People vs. Jhoyce Gersonin-Palma, without the required bail bond being posted, it is not within the jurisdiction of this Court to resolve the same on the basis of the OCA Report as it is already the subject of a separate administrative case against respondent.[18]

Having found respondent guilty of gross ignorance of the law, as discussed earlier, the Court now determines the proper imposable penalty. Section 8(9), Rule 140 of the Rules of Court, as amended, classifies gross ignorance of the law or procedure as a serious charge. Under Section 11(A) of the same Rule, the imposable penalties, in case the respondent is found culpable of a serious charge, range from a fine of not less than P20,000.00 but not more than P40,000.00 to dismissal from the service with forfeiture of all or part of the benefits as the Court may determine, except accrued leaves, and disqualification from reinstatement or appointment to any public office including government-owned or controlled corporations.

However, on February 24, 2002, respondent retired upon reaching the compulsory retirement age of 70.[19] Considering that respondent can no longer be dismissed or suspended, the Court is left with no recourse but to impose the penalty of fine.

Further, it is noted that on July 8, 2002, the Third Division of this Court, in Administrative Matter No.10874-Ret., concerning the compulsory retirement of respondent, resolved to release his retirement benefits but set aside P100,000.00 thereof in view of several administrative cases still pending against him.[20]

In the administrative complaints filed against respondent, two cases have, so far, resulted in his being fined. In Chan vs. Majaducon,[21] respondent was found guilty of violating among others, Rules 1.01 and 2.01 and Canon 2 of the Code of Judicial conduct and was meted the penalty of fine in the amount of P10,000.00. In the more recent case of Alconera vs. Majaducon,[22] respondent was found guilty of gross ignorance of procedure and was fined P40,000.00. In view of the foregoing, it is proper to impose the maximum fine of P40,000.00 to be deducted from the P100,000.00 set aside from respondent's retirement benefits in A.M. No. 10874-Ret.

WHEREFORE, respondent judge is found GUILTY of gross ignorance of the law or procedure. He is ordered to pay a FINE of P40,000.00 to be deducted from the P100,000.00 set aside from his retirement benefits in A.M. No. 10874-Ret.

SO ORDERED.

Puno, (Chairman), Callejo, Sr., Tinga, and Chico-Nazario, JJ., concur.

---

[1] Rollo, pp. 122-123.

[2] Id., pp. 1-2.

[3] Id., pp. 84-85.

[4] The cases, as earlier mentioned, were docketed as G.R. Nos. 145715-18, assigned to the Second Division.

[5] Rollo, pp. 123-124.

[6] Id., pp. 93-98.

[7] A.M. No. RTJ-99-1488, June 20, 2000, Marzan-Gelacio vs. Flores, 334 SCRA 1, 10.

[8] Ibid.

[9] Ibid.

[10] A.M. No. MTJ-03-1496, July 10, 2003, Delos Santos vs. Mangino, 405 SCRA 521, 527.

[11] G.R. No. 127107, October 12, 1998, 297 SCRA 679.

[12] Id., pp. 713-714.

[13] Rollo, p. 14.

[14] Rollo, pp. 41-47.

[15] Section 3(m), Rule 131, Rules of Court.

[16] Choa vs. Chiongson, A.M. No. MTJ-95-1063, August 9, 1996, 260 SCRA 477, 484-485, citing Zaldivar vs. Gonzales, Nos. L-79690-707, October 7, 1988, 166 SCRA 316, 353-354.

[17] Ibid.

[18] Docketed as OCA IPI No. 00-1040-RTJ, entitled, “Concerned Taxpayer vs. Judge Majaducon.”

[19] Alconera vs. Majaducon, A.M. No. MTJ-00-1313, April 27, 2005.

[20] Ibid.

[21] A.M. No. RTJ-02-1697, October 15, 2003, 413 SCRA 354.

[22] Supra.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.