

ROBERTO L. UNTALAN, Complainant, vs. JUDGE DEODORO J. SISON, RTC, Branch 40, Dagupan City, Promulgated: Pangasinan, Respondent.

Adm. Matter No. RTJ-92-822. February 04, 2008

Ponente: AZCUNA, J.

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AZCUNA, J.:

On February 17, 1992, complainant Roberto L. Untalan filed a Complaint against respondent Judge Deodoro J. Sison for gross ignorance of the law and partiality in the granting of bail to the accused in Criminal (Crim.) Case No. D-10678.

In his Comment dated June 15, 1992, respondent stated that the charge against him was malicious, libelous and without factual and legal basis.

On September 22, 1992, the administrative case was referred to the late Justice Luis A. Javellana of the Court of Appeals for investigation, report and recommendation.

The facts of the case are as follows:

On October 24, 1991, an Information for double murder was filed before the Regional Trial Court (RTC) of Dagupan City, Branch 40, docketed as Crim. Case No. D-10678, against Manolo Salcedo, Romulo Salcedo, Ricardo Samuco, Rolando Pingol and one Joel Doe for the death of the brothers Mario and Tito Untalan on October 21, 1991.

On November 8, 1991, the accused filed a petition for reinvestigation, which respondent granted, giving the prosecution until December 23, 1991 to submit the result of the reinvestigation.

On December 21, 1991, a Saturday, the accused filed a petition for bail, and served a copy thereof on the City Prosecutor's Office on the same day, and set the petition for hearing on December 23, 1991 at 1:30 p.m.

On December 23, 1991, respondent granted the petition and fixed the bail bond at P40,000 for each of the accused.

On December 24, 1991, the prosecution filed an opposition to the petition for bail on the ground that the sworn statements of several eyewitnesses, on which the Information was based, constituted clear and strong evidence of guilt; and that the accused should await the outcome of the reinvestigation they had requested for.

On January 7, 1992, the prosecution moved for the reconsideration of the Order of December 23, 1991, arguing that due process requires that the prosecution must be given an opportunity to present within a reasonable time all the evidence it may desire to produce before the court resolves the motion for bail.

Respondent denied the motion for reconsideration on January 10, 1992.

On February 17, 1992, the complainant, who is a brother of the deceased in Crim. Case No. D-10678, filed this complaint against respondent.

On March 11, 1992, complainant, assisted by the Fourth Assistant Prosecutor Joven M. Maramba, moved for the inhibition of respondent from the hearing of the case because of respondent's haste in granting the petition for bail and approving the bail bond, and the animosity that had developed between the complainant and respondent.

On March 15, 1992, respondent issued an Order denying the motion, stating:

Considering that time is of the essence because all the accused except Joel Doe have been under detention at the City Jail since October 21, 1991 and considering that the City Prosecutor has not yet resolved the matter of reinvestigation on December 23, 1991 as ordered by the Court, and considering further that Asst. City Prosecutor Rosita Castro interposed no objection to the granting of bail in the amount of P40,000.00 which she considered reasonable, without determining whether or not the proper charge could be double homicide, the Court granted bail for the provisional liberty of each accused in the amount of P40,000.00.

In view of the foregoing, the Court finds no legal and factual basis for the Motion to Inhibit.[1]

On April 13, 1992, complainant moved for the reconsideration of the Order of March 15, 1992. Respondent denied the motion in an Order dated June 8, 1992.

On April 3, 1993, complainant and his brother Ritchie Untalan filed a Supplemental Affidavit in the administrative case.

The issue is whether or not respondent committed gross ignorance of the law when he granted bail to the accused in Crim. Case No. D-10678.

In his Report dated May 27, 1993, the Investigating Justice found respondent to be guilty of gross ignorance of the law in granting bail to the accused for the following reasons:

First, there was absence of the required three-day notice which is a violation of Sec. 4, Rule 15 of the Rules of Court. The petition for bail was filed on December 21, 1991, a Saturday, with notice that it will be heard on Monday, December 23, 1991, at 1:30 p.m. A copy of the petition was served on the prosecution on the same day it was filed. Clearly, there was no three-day notice to the prosecution.

Second, respondent granted bail to the accused, who were charged with a capital offense, without giving the prosecution the opportunity to show that the evidence of guilt of the accused was strong.

The Investigating Justice stated:

. . . The so-called hearing conducted by respondent Judge was limited to a statement from counsel of [the] accused, a query from respondent Judge to the prosecutor as to her view on the petition and the amount of bail. There was no reception of evidence [for] the prosecution to show that the evidence of guilt is strong. There was no inquiry into the character and reputation of the accused, the probability of their appearing at trial, or whether or not they were fugitives from justice. The order granting bail does not contain a summary of the evidence of the prosecution and the court's conclusion on whether or not the evidence of guilt is strong.

Respondent contends that the prosecution never requested that it be given the opportunity to demonstrate that the evidence of guilt against the accused is strong although it could have done so in at least two instances. The first was when it filed an opposition to the petition for bail, and the second was when it moved for the reconsideration of his order granting bail.

While the pleadings of the prosecution did not specifically pray for the opportunity to prove that the evidence of guilt against [the] accused is strong, enough appear therein which should have moved respondent Judge, on his own, to require the prosecution to do so. In its opposition to the petition for bail, the prosecution specifically alleged, "That the Information for Murder . . . was filed on the strength of the sworn statement[s] of several eyewitnesses to the incident which constitute a clear and strong evidence of guilt of all the . . .

accused.” In its motion for reconsideration of the order granting bail, it alleged, “In cases where [the] grant of bail is discretionary, due process requires that the prosecution must be given the opportunity to present within reasonable time all the evidence it may desire to produce before the court should resolve the motion for bail ([People] vs. Hon. Procopio Donato, G.R. No. 79269, June 5, 1991).” If these are not specific requests from the prosecution, they are, at least, clear reminders to respondent Judge that he must give the prosecution every opportunity to show the evidence of guilt against the accused is strong. Assuming, however, that such a request could not be read into [the] said statements in the prosecution’s pleadings, nevertheless, respondent was duty-bound to require the presentation of proof of the strength of the evidence of guilt against the accused because without it he would have no basis for the exercise of his discretion on whether or not bail should be granted.

It may be pertinent to mention here that the orders of the respondent granting bail to the accused and denying the prosecution’s motion for reconsideration thereof were nullified by the Court of appeals in CA-G.R. SP No. 28384, 19 January 1993, for having been issued with grave abuse of discretion . . .

It is perhaps this lack of observance of the rules on the grant of bail which resulted in accused jumping bail, thus compelling respondent to order their arrest. Up to the time the respondent filed his memorandum on 24 February 1993, there was no report that the accused had been apprehended. In short, complainants’ worst fears were realized.[2]

The Investigating Justice also found respondent guilty of partiality in favor of the accused, thus:

It is quite obvious the bail was granted with undue haste, nay railroad, to favor the accused.

Despite the absence of the required three-day notice to the prosecution, the petition for bail was considered and granted by the respondent.

Also, at the time, the case was under reinvestigation by the Office of the City Prosecutor precisely upon the request of the accused which was granted by respondent. The deadline for submission of the result of the reinvestigation was 23 December 1992, the very same day the petition for bail was heard and granted. Respondent says that he was compelled to grant the bail because the findings on the reinvestigation were not forthcoming and time was of the essence. However, there is nothing in the record which would show that the prosecution had informed respondent that it would not be able to submit its findings on the date set, or that respondent had asked the prosecution about the status of its reinvestigation. What he should have done was to inquire into the status of the reinvestigation, and impose [a] new deadline, if necessary, instead of precipitately granting bail. Respondent asserts that “time was of the essence” but he does not state the reason why it was so, except that the accused had been in jail since the incident happened on 21 October 1991. Such does not justify the shelving of the required basic procedure in the grant of bail for those accused of a capital offense, because if evidence of guilt is strong, they cannot be released anyway.

The haste with which respondent acted on the matter is reflected in his cryptic order granting bail. No discussion of the evidence of either the prosecution or the accused was made, or a rationalization of the favorable action. The order merely states: “Finding the Petition for Bail filed by all the accused, thru counsel, to be well taken, the same is hereby “Granted”, and then proceeds to set the bail bond at P40,000.00 for each of the accused. One is left only to speculate as to the bases thereof. Equally cryptic is his denial of the prosecution’s motion for reconsideration simply “for lack of merit.” It appears that respondent would not have the accused linger in jail even for the length of time it would take him to make a reasonably sound and credible order.”[3]

Accordingly, the Investigating Justice recommended that respondent be fined P20,000 following *Libaros v. Dabalos*. [4]

In its Memorandum dated August 31, 2005, the Office of the Court Administrator (OCA) concurred with the

report and recommendation of the Investigating Justice.

The Court agrees with the recommendation of the OCA. Respondent clearly failed to accord the prosecution the basic and elementary entitlements of due process, such as timely notice and opportunity to be heard. Such failure equally clearly resulted either from ignorance of the law or, worse, partiality in favor of the accused. The recommendation is thus in order.

The Court notes that respondent has been dismissed from the service in A.M. No. 99-731-RTJ entitled *Hilario De Guzman, Jr. v. Judge Deodoro J. Sison*,^[5] promulgated on March 26, 2001. However, the dismissal of respondent in 2001 does not prevent the Court from imposing a sanction against him for gross ignorance of the law while in office.^[6]

WHEREFORE, former Judge Deodoro J. Sison, RTC, Branch 40, Dagupan City, Pangasinan, is found GUILTY of gross ignorance of the law for which he is FINED in the amount of Twenty Thousand Pesos (P20,000), to be deducted from any remaining accrued leave credits in his favor.

No costs.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio Morales, Tinga, Velasco, Jr., Nachura, Reyes, and Leonardo-De Castro, JJ., concur.
Chico-Nazario, J., on official leave.

[1] Rollo, p. 98.

[2] Report of Justice Javellana, pp. 8-10.

[3] Supra note 2 at 12.

[4] A.M. No. RTJ-89-286, July 11, 1991, 199 SCRA 48 (1991).

[5] *De Guzman, Jr. v. Sison*, A.M. No. RTJ-01-1629, March 26, 2001, 355 SCRA 69.

[6] *Bagano v. Hontanosas*, A.M. No. RTJ-05-1915, May 6, 2005, 458 SCRA 59; *Leonidas v. Supnet*, A.M. No. MTJ-02-1433, February 21, 2003, 398 SCRA 38.

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