

DATU INOCENCIO C. SIAWAN, COMPLAINANT, VS. JUDGE AQUILINO A. INOPIQUEZ, JR., RESPONDENT.*A.M. No. MTJ-95-1056 (Formerly A.M. OCA IPI 95-25-MTJ). May 21, 2001*

Ponente: MENDOZA, J.

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This is a complaint filed by Datu Inocencio Siawan against Judge Aquilino A. Inopiquez, Jr. of the Municipal Circuit Trial Court, Kananga-Matag-ob, Leyte, for gross ignorance of the law, gross abuse of power, and misconduct in connection with the latter's handling of a criminal case and two election cases for inclusion of voters. Originally, two identical complaints against respondent were filed. The first was referred to this Court by the Department of Justice, the National Bureau of Investigation, the Commission on Elections, and the Government Service Insurance System, while the second one, O.C.A.I.P.I. No. 95-54-MTJ, was referred to this Court by the Office of the President.

O.C.A.I.P.I. No. 95-54-MTJ was dismissed by the First Division on October 25, 1995.[1] On the other hand, O.C.A.I.P.I. No. 95-25-MTJ was redocketed as Administrative Matter No. MTJ-95-1056 and referred by the Second Division to Acting Executive Judge Fortunato[2] L. Madrona of the Regional Trial Court of Ormoc City, Leyte, for investigation, report, and recommendation on October 16, 1996.[3]

On September 15, 1997, Investigating Judge Fortunato L. Madrona submitted his report.[4] With respect to Criminal Case No. 584, entitled "people of the Philippines v. Julia Enriqueta Seco," the Investigating Judge found the following facts:

(1) In Crim. Case No. 584 entitled People of the Philippines vs. Julia Enriqueta Seco . . . , the accused then was charged of Usurpation of Authority and Official Functions under Art. 177 of the Revised Penal Code, involving as the complaint states, a "paquiao" contract in which the accused Julia Seco allegedly signed as the Barangay Captain of Brgy. Cansuso, Matag-ob, Leyte;

(2) In the course of the proceedings after the prosecution had already presented its witnesses, the complaint was dismissed on the basis of an Affidavit of Desistance executed by complainant Restituto C. Pedrano which was prepared and executed before Provincial PROSECUTOR Rosario D. Beleta on June 4, 1992 (Exh. "R"). This Affidavit of Desistance is opposite to the earlier affidavit of the same complainant dated March 17, 1997. . . which was made the basis of the Complaint;

(3) On the basis of the Affidavit of Desistance the respondent issued the Order dated December 22, 1992 dismissing the case (Exh. "S");

(4) Prior to the issuance of Affidavit of Desistance that is on May 20, 1987, accused Julia Enriqueta Seco had filed before the Municipal Circuit Trial Court a Motion for Inhibition of the Presiding Judge now respondent in this case (Exh. "Q"). The meat of this motion for inhibition is that the father-in-law of the Presiding Judge, herein respondent, was conspicuously present in the proceedings during which time he gave consultation to the complainant who was reportedly his political leader and protégée. The accused herself signed the motion with "conforme" of a certain Atty. Camilo Superable acting as counsel;

(5) The Motion for Inhibition was denied by the Presiding Judge, herein respondent;

(6) The accused after the dismissal of the case sued Restituto C. Pedrano in a separate civil action for damages (docketed as Civil Case No. 3167-0 before the RTC, Ormoc City and now elevated to the Court of Appeals as CA-G.R. CV No. 51495), as a result of which the latter, through an Omnibus Motion (Exh. "T") dated November 4, 1993 or about a year after the dismissal of Criminal Case No. 584, filed by Atty. Eusebio Otadoy, Jr. who acted as counsel and private prosecutor, wanted to revive the case against accused Julia Enriqueta Seco;

(7) Then accused Seco herself filed Opposition to Omnibus Motion dated November 26, 1993 (Exh. "U") stating, among others, the grounds that (a) the lower court has no more jurisdiction as the assailed order was long final and (b) the motion was only signed by the private prosecutor with no authority from the public prosecutor to file such kind of pleading;

(8) Respondent as Presiding Judge issued the Order dated January 20, 1994 (Exh. "V") ordering the withdrawal from the records of the affidavit of Restituto Pedrano dated June 4, 1992 (the desistance) and recalling the Order of the Court dated December 22, 1992 (which is for dismissal) and reinstating the case in the court's calendar;

(9) Because of the reinstatement, the accused through her daughter, Mrs. Lilia Tordillo, requested the fixing of the bail bond, which in the Order of the Court dated February 24, 1994 (Exh. "W") was fixed at P4,000.00;

(10) The Order of respondent (Exh. "W") shows a warrant of arrest must have been issued against complainant, then accused Seco in connection with Criminal Case No. 584. This was testified to by her during the hearing (TSN of April 29, 1997, pp. 56-57) although respondent through counsel stated that the record of the case is "bereft of warrant of arrest" (Ibid, p. 65);

(11) Respondent reconsidered the previous Order by issuing the Order dated March 29, 1994 (Exh. "X"). In this latter Order, he voluntarily inhibited himself from further taking cognizance of the case for reasons of delicadeza;

(12) Obviously because of the statement in respondent's Order of March 29, 1994 (see last sentence, first paragraph, page 2 thereof) herein quoted as follows:

If ever the private complainant wants to [revive], the case he should refile the case [anew]. Anyway the crime has not yet [prescribed] and double jeopardy will not come in for the accused in the instant case had not been [arraigned].

a complaint denominated as Criminal Case NO. 1181 (Exh. "Y") was filed by the same complainant, Restituto Pedrano, before the same Municipal Circuit Trial Court of Kananga-Matag-ob, Leyte of respondent judge against the same accused and involving the same offense.

(13) The complaint in Criminal Case No. 1181 (Exh. "Y") in substance, is the same as the complaint in Criminal Case No. 584 (Exh. "O")... All supporting affidavits except the complaint affidavit of Pedrano, were all reproduced from the previous complaint in Criminal Case No. 584 (TSN of June 16, 1997, pp. 28-29);

(14) The new complaint re Criminal Case No. 1181 was filed April 21, 1994 (supra, p. 30). About a week later, or on April 28, 1994, respondent Judge issued the Order... inhibiting himself from trying the case (Exh. "6") on the ground that "the counsel for the offended party is related to the Presiding Judge";

(15) The Order of inhibition, however, was denied by the Regional Trial Court, Ormoc City in an Order dated September 1, 1994 (Exh. "7") and soon thereafter, respondent judge in an Order dated September 5, 1994 dismissed Criminal Case No. 1181. The principal reason given for the dismissal is the admission by respondent that the case "had been filed by the offended party without however the intervention of the public prosecutor or the station commander. The crime of Usurpation of Authority and Official Function is a public offense and the offended party is the People of the Philippines. It appears that the instant case has been instituted not by the

proper party." (Exh. "VV" and Exh. "9");

(16) A Motion For Reconsideration re the Order of dismissal was filed by the private complainant to which the respondent judge directed accused's counsel, to file comment to the motion despite the fact she was not yet arrested or that the Court had not yet acquired jurisdiction over her body (TSN, supra, p. 34 et seq. Cf. p. 37);

(17) The respondent judge issued the Order of November 14, 1994 (Exh. "8") denying the motion for reconsideration;

(18) A second motion for reconsideration was again filed by the private complainant and the respondent in an Order dated December 23, 1994 (Exh. "SS") directed anew the accused's counsel for another comment;

(19) Atty. Custodio Cañete complied and filed his comment dated December 26, 1994 and a supplemental comment dated February 6, 1995 (Exh. "TT") stating among others that the counsel is not the lawyer representing the then accused (herein complainant) in Criminal Case 1181 whom the Court had not yet acquired jurisdiction in the first place;

(20) Criminal Case No. 1181 was finally laid to rest on February 17, 1995 as per admission of complainant (TSN, April 29, 1997, pp. 57-58).[5]

As regards the election cases decided by respondent, the Investigating Judge found the following:

(1) Respondent is the Presiding Judge of the Municipal Circuit Trial Court of Kananga-Matag-ob, Leyte, residing in Brgy. Riverside, Matag-ob, Leyte (TSN of June 3, 1997, p. 19).

(2) Respondent has had relatives who ran for public office while he assumed as such presiding judge. His brother-in-law Edgardo Laurente ran for Mayor during the January 18, 1988 elections but lost to complainant Michael L. Torrevillas (TSN of April 15, 1997, pp. 63-64). His son, Van Russel, ran for SK Chairman of Brgy. Riverside and won on the December 4, 1992 election. His daughter, Cheri May, also ran for the position of Chairman of the Sangguniang Kabataan of Brgy. Riverside on May 6, 1996. The son, Van Russel, again ran but lost as Mayor of Matag-ob on the May 8, 1995 congressional and local elections (see TSN, supra, pp. 62-63).

(3) In all these elections, the respondent never inhibited [himself] from hearing inclusion and exclusion cases except for once wherein his sister-in-law, Charito Laurente, was the petitioner in an inclusion proceedings (TSN of June 16, 1997, p. 51). She ran for Sangguniang Bayan (Ibid, p. 53).

(4) In an inclusion proceedings (Denominated as Election Case No. 333 Exh. "B-1") in which the petitioner was retired RTC Judge Pnciano Inopiquez, respondent's uncle, the latter did not inhibit (TSN, supra, pp. 51-52). He was not running for a public office, he was merely seeking his right to vote, which fact explained the reason for the respondent's non-inhibition of his uncle's petition (see TSN of June 16, 1997, p. 52).

(5) In an Election Case No. 292 (Exh. "C-1") for inclusion, the petition of petitioners Buenaventura Gervas and Rene Gervas, spouses Jolito Gervas and Francisca Gervas, Pastor Gervas and Calixtra Gervas and their son Dolorico Gervas, was granted in the Order of Respondent dated March 4, 1992 (Exh. "C-2"). The grant, however, was not effected or implemented (Affidavit of Torrevillas, p. 2, Exh. "A") meaning the petitioners were not able to exercise their right to vote (see Exh. "D").

(6) Complainants evidence consisting of Exhibits "D" to "L", among which are the certification from the Office of the City Election Officer, Ormoc City, dated November 17, 1992 showing the said petitioners Gervas, et al. were registered voters in Ormoc City, and their Voter's Affidavit issued on November 17, 1992 showing petitioners place of residence, do not impute anything invalid or anomalous the findings in Election case No. 292 in which Gervas et al. were the petitioners for the simple reason that the election case and the order issued by the respondent judge in favor of the petitioners took place on March 4, 1992, way before the

existence of the aforementioned documents. At the time the proceedings were conducted re the election case, there were yet no adverse or damaging evidence against the petitioners.

(7) In all these inclusion and exclusion proceedings since the time respondent's relatives ran for public office, complainant was never a party nor present in court either to protest or to oppose (TSN of April 15, 1997, p. 55, et seq.). Complainant could not rebut respondent's averment in his answer (Exh. "1", question No. 17, p. 4) that neither was there anybody who sought respondent's inhibition in all the inclusion and exclusion cases filed before his sala during the times indicated by complainant. The fact thus stands out that there was no such petition for inhibition filed against the respondent in the inclusion and exclusion cases filed in the latter's sala.[6]

On the basis of these facts, Judge Madrona found respondent guilty of grave abuse of official functions and/ or oppression and recommended that he be fined the sum of P15,000.00 and/ or suspended for a period of six months.[7] On March 15, 1999, the Office of the Court Administrator submitted its report likewise finding that respondent judge mishandled Criminal Case No. 584 and recommended that respondent judge be fined P15,000.00, with warning that repetition of the same or similar offense in the future will be dealt with more severely.[8]

We find both recommendations to be well taken.

Re Criminal Case No. 584

Complainant's counsel in Criminal Case No.584 was Atty. Eusebio Otadoy, Jr.[9] Respondent admits that he is related to Atty. Otadoy whose maternal surname is in fact Inopiquez, but respondent claims he could not trace who among their forefathers were related. He claims that he and counsel are not even second cousins.[10]

Although respondent is not related within the fourth degree of consanguinity or affinity to Atty Otadoy, the evidence shows that because of his relationship not only to Atty Otadoy but also to those helping the complainant, Restituto Pedrano, one of whom, Guillermo Laurente, is respondent's father-in-law, while the other one, Atty. Felix Sun, is his brother-in-law, respondent judge acted with obvious partiality for complainant in the criminal case. It must be recalled that the accused Julia Enriqueta Seco, who was charged on March 19, 1987 with usurpation of authority and official functions, moved on May 20, 1987 for the disqualification of respondent on the ground that Atty. Sun, respondent's brother-in-law, was actively participating in the prosecution of the case, while Guillermo Laurente, respondent's father-in-law, was often present during the trial because the complainant therein, Restituto Pedrano, was his political protégée.[11]

Without addressing the issues raised by accused Seco, respondent denied her motion for inhibition in his order, dated May 22, 1987, on the pretext that the motion was filed with the assistance of Atty. Camilo A. Superable, who was then not the counsel of record of accused Seco.[12] Apparently realizing that the motion for disqualification was meritorious, respondent, after partially hearing the case, dismissed it on the basis of an affidavit of desistance of the complainant, Restituto Pedrano. But, as Seco sued Pedrano for damages for filing the criminal case, respondent judge ordered the withdrawal of Pedrano's affidavit of desistance from the record and recalled his order dismissing the criminal case. Respondent then revived Criminal Case No.584 only to dismiss it again, saying the complainant in the criminal case could always refile it.

He then inhibited himself on the ground of delicadeza citing his relationship to counsel for the private prosecutor.[13] When Criminal Case No.1181 was filed against accused Seco, based on the same facts as Criminal Case No.584, respondent, to whom the case was again assigned, issued an order, dated April 28, 1994, inhibiting himself, reiterating that he is related to the private prosecutor.[14]

Thus, respondent could have recused himself from the moment his disqualification was sought by the accused

Julia Enriqueta Seco in Criminal Case No.594. Apparently, he later realized it was untenable for him to continue hearing the criminal case not only because of his relationship to Atty. Otadoy but also to Atty. Felix Sun and Edgardo Laurente, both of whom were his brothers-in-law,[15] who were actively participating in the prosecution of the criminal case. Respondent hung on to the case as long as he could until this case was filed against him. It is noteworthy that the order of respondent finally inhibiting himself from trying Criminal Case No.584 was issued only on March 29, 1994, after the herein letter- complaint of Datu Siawan, dated March 24, 1994, had already been prepared and drafted. Indeed, it is too much of a coincidence that respondent judge's decision to recuse himself in Criminal Case No.584 and Criminal Case No.1181 came only after the filing of this case against him.

Indeed, although the disqualification of judges is limited only to cases where the judge is related to counsel within the fourth degree of consanguinity or affinity, the Rules nonetheless provide that a judge may, in the exercise of his discretion, disqualify himself from sitting in a case for other just and valid reasons.[16] A judge should not handle a case where he might be perceived, rightly or wrongly, to be susceptible to bias and impartiality, which axiom is intended to preserve and promote public confidence in the integrity and respect for the judiciary .[17] In this case, the refusal of respondent to inhibit himself from the conduct of the case and his doing so only after being threatened with an administrative case could not but create the impression that he had ulterior motives in wanting to try the case.

Indeed, it was even error for him to dismiss Criminal Case No. 584 on the basis of the affidavit of desistance of Restituto Pedrano without determining whether the affidavit was voluntarily executed. Then, as already stated, because Seco sued Pedrano for damages, respondent reinstated the criminal case based on the latter's omnibus motion even if it had already been almost a year after he had dismissed it, because allegedly such would not anyway constitute double jeopardy as the accused Seco had not yet been arraigned. However, respondent admits that when he dismissed the case, the prosecution had already presented its evidence.[18] This means that the accused Seco had been already arraigned at the time the case against her was dismissed, so that its refiling subsequently placed her in jeopardy of being twice punished for the same offense.

It is obvious that respondent got entangled in his own maneuverings in his desire to favor and protect the complainant Restituto Pedrano and those helping the latter. As the Court Administrator well observed in his memorandum to the Court:

Indeed, respondent's bias towards the private complainant showed when he allowed his father-in-law to advise the private complainant, who is said to be his political leader during the proceedings held in Crim. Case No.584. It must have been disconcerting on the part of the accused to see the private complainant openly consulting the father-in-law of the person sitting in judgment of his case.

To maintain the appearance of impartiality in his court, at the first instance, respondent should have stopped his father-in-law from meddling in the proceedings. If he did not want to offend or displease him, he should have outrightly inhibited himself from further trying the case. However, he even denied the motion for inhibition filed by the accused.

It may also be added that a well-meaning judge may not just order the reopening of an already dismissed criminal case or direct the removal of a vital evidence on record without first going over the record of the case. But, a judge whose mind is set to favor a party-litigant may literally turn a blind eye to the proceedings which already transpired and the applicable law and jurisprudence on the case before him.

We are referring to the irregular actuations of respondent in the same Crim. Case No.584 wherein he granted the motion of the private prosecutor to withdraw or detach the Affidavit of Desistance executed by the private complainant 1) without the approval of the private prosecutor; 2) despite the fact that the dismissal of the case was already final; and 3) stating in the order that the accused was not yet arraigned, when the truth is the prosecution has already rested when the case was dismissed on December 22, 1992. It cannot be said that respondent overlooked the facts because the accused filed a timely opposition to the motion.

Respondent's apparent irregular actuations were calculated to give the private complainant a leverage in the civil action for damages filed by the accused Seco before the Regional Trial Court - on the basis of the affidavit of desistance executed by the private complainant.

Respondent's deliberate mishandling of the case erodes the people's faith in the judiciary. There being nothing on record showing that complainant was deprived of her liberty as a consequence of respondent's indiscretions, a fine imposed upon him may be appropriate under the premises.[19]

Re Election Case Nos. 333 and 292

The first case was a petition for inclusion of a voter in the voter's list. Respondent judge admits that the petitioner, retired Judge Ponciano C. Inopiquez, Sr., is his uncle.[20] Nonetheless, he justifies his failure to recuse himself on the ground that the petition of Ponciano C. Inopiquez, Sr. was meritorious. Respondent claims that a hearing was conducted on February 28, 1992 during which Ponciano C. Inopiquez, Sr. testified to prove that he was a resident of Brgy. Talisay, Matag-ob, Leyte.[21]

Respondent judge's contention is without merit. Rule 137, §1 of the Rules of Court provides:

No judge or judicial officer shall sit in any case in which he, or his wife or child, is pecuniarily interested as heir, legatee, creditor or otherwise, or in which he is related to either party within the sixth degree of consanguinity or affinity, or to counsel within the fourth degree, computed according to the rules of civil law, or in which he has been executor, administrator, guardian, trustee or counsel, or in which he has presided in any inferior court when his ruling or decision is the subject of review, without the written consent of all parties in interest, signed by them and entered upon the record.

A judge may, in the exercise of his sound discretion, disqualify himself from sitting in a case, for just or valid reasons other than those mentioned above.

Similarly, Rule 3.12 of the Code of Judicial Conduct provides:

A judge should take no part in a proceeding where the judge's impartiality might reasonably be questioned. These cases include, among others, proceedings where:

....

(d) the judge is related by consanguinity or affinity to a party litigant within the sixth degree or to counsel within the fourth degree;

....

In every instance the judge shall indicate the legal reason for inhibition.

Under these provisions, respondent judge was disqualified from hearing the petition of his uncle and it was immaterial that the petition was meritorious. The purpose of the prohibition is to prevent not only a conflict of interest but also the appearance of impropriety on the part of a judge. A judge should take no part in a proceeding where his impartiality might reasonably be questioned and he should administer justice impartially and without delay.[22] The failure of respondent judge to inhibit himself constitutes an abuse of his authority and undermines public confidence in the impartiality of judges.

Nor is it true respondent decided the election cases solely on the basis of their merits. The records show that he disregarded the provisions of the Omnibus Election Code (B.P. Blg. 881).

In Election Case No.333, the petitioner, respondent's uncle, Ponciano C. Inopiquez, alleged that he was a resident of Barangay. Talisay, Matag-ob, Leyte; that he had the qualifications of a voter and none of the disqualifications;

that he had not voted for two consecutive elections in Metro Manila; that he was unable to register in Barangay Talisay, Matag-ob, Leyte, because he could not book a plane for Leyte on that day; and that it was his intention to vote in Leyte as he was already retired as judge of the Regional Trial Court, Branch 4, of Manila.[23] In Election Case No.292, on the other hand, the seven petitioners, all surnamed Herbas, alleged that they had been residents of Barangay San Sebastian, Matag-ob, Leyte for two years at the time of the petition; that they were refused registration on February 1, 1992 at Brgy. San Sebastian, Matag-ob, Leyte by the Board of Election Inspectors; and that they have not voted for two consecutive elections.[24]

The Omnibus Election Code (B.P. Blg. 881), as amended by P.D. No.1896, provides, however, that:

Sec. 139. Petition for inclusion of voters in the list.- Any person whose application for registration has been disapproved by the board of election inspectors or whose name has been stricken out from the list may apply, within twenty days after the last registration days, to the proper municipal or metropolitan trial court, for an order directing the board of election inspectors to include or reinstate his name in the list, together with the certificate of the board of elections inspectors regarding his case and proof of service of notice of his petition upon a member of the board of election inspectors with indication of the time, place, and court before which the petition is to be heard.

Thus, under the law, a petition for inclusion may be filed only by a person (a) whose application for registration has been disapproved by the board of election inspectors or (b) whose name has been stricken out from the list of voters. No exception is provided by the law. The petition of former Judge Ponciano C. Inopiquez does not fall within the coverage of the law, since he was neither refused registration by the board nor his name ordered stricken from the list of voters of Barangay Talisay, Matag-ob, Leyte. Whether or not Ponciano Inopiquez had good reason for his failure to register as a voter was irrelevant. Otherwise, every person who is unable to register for whatever reason, i.e., he or she was working in another province or was out of the country during the registration period, could simply file a petition for inclusion in order to be able to vote.

The Omnibus Election Code further provides:

Section 143. Common rules governing judicial proceedings in the matter of inclusion, exclusion, and correction of names of voters.--- (a) Outside of regular office hours, no petition for inclusion, exclusion, or correction of names of voters shall be received.

(b) Notices to the members of the board of election inspectors and to challenged voters shall state the place, day and hour in which such petition shall be heard, and such notice may be made by sending a copy thereof by registered mail or by personal delivery or by leaving it in the possession of a person of sufficient discretion in the residence of the said person or, in the event that the foregoing procedure is not practicable, by posting a copy in a conspicuous place in the city hall or municipal building and in two other conspicuous places within the city or municipality, at least ten days prior to the day set for the hearing.

(c) Each petition shall refer to only one precinct.

(d) No costs shall be assessed in these proceedings. However, if the court should be satisfied that the application has been filed for the sole purpose of molesting the adverse party and causing him to incur expenses, it may condemn the culpable party to pay the costs and incidental expenses.

(e) Any candidate who may be affected by the proceedings may intervene and present his evidence.

(f) The decision shall be based on the evidence presented. If the question is whether or not the voter is real or fictitious, his non-appearance on the day set for hearing shall be prima facie evidence that the registered voter is fictitious. In no case shall a decision be rendered upon a stipulation of facts.

(g) These applications shall be heard and decided without delay. The decision shall be rendered within six

hours after the hearing and within ten days from the date of its filing in court. Cases appealed to the regional trial court shall be decided within ten days from receipt of the appeal in the office of the clerk of court. In any case, the court shall decide these petitions not later than the day before the election and the decision rendered thereon shall be immediately final and executory, notwithstanding the provision of Section 138 on the finality of decisions.

The records show that neither of the petition in Election Case No. 333[25] and Election Case No. 292[26] named the board of election inspectors a party to the proceedings. Nor is there any showing that the board of election inspectors was ever notified of hearings to be conducted on such inclusion proceedings either by registered mail or by personal delivery, or by notice posted in a conspicuous place in the city hall or municipal building and in two other conspicuous places within the city or municipality at least 10 days prior to the day set for the hearing as required in paragraph (b) of the above provision.

The failure of respondent to observe the requirements of the Election Code is inexcusable. As a judge of the Municipal Circuit Trial Court vested with the jurisdiction to hear and decide petitions for inclusion or exclusion of voters, he is expected to be familiar with these requirements because it can be assumed that these election cases were not the first cases he has decided.

In *Villaluz v. Mijares*,[27] a judge was fined P10,000.00 for trying and deciding the petition for correction of entry filed by her grandson. On the other hand, in the case of *Pacris v. Pagalilauan*,[28] the respondent judge therein was found guilty of gross ignorance of the law for having violated or failed to apply relevant provisions of the Omnibus Election Code and was fined P10,000.00. In this case, however, respondent did not simply fail to recuse himself from cases in which his relatives were either involved or interested, the record shows he did so to favor or protect the parties. Considering that respondent was previously censured and warned by this Court for grave abuse of discretion and gross ignorance of the law, we hold that a fine of P20,000.00 and suspension for three (3) months without pay would be an appropriate penalty in view of respondent's violation of Rule 137 of the Rules of Court and his abuse of authority.[29]

WHEREFORE, respondent Judge Aquilino A. Inopiquez, Jr. is hereby ORDERED to pay a fine of P20,000.00 for violation of Rule 137 of the Rules of Court and is SUSPENDED without pay for a period of three months for abuse of authority and ignorance of the law.

SO ORDERED.

Bellosillo, (Chairman), Buena and De Leon, Jr., JJ., concur.
Quisumbing, J., on leave.

[1] Rollo (O.C.A.I.P.I. 95-54-MTJ), p. 222.

[2] Should be Fortunito.

[3] On September 10, 1997, the sEcond Division of this Court also ordered O.C.A.I.P.I. No. 95-54-MTJ to be consolidated with Administrative Matter No. MTJ-95-1056. Rollo (O.C.A.I.P.I. No. 95-54-MTJ), p. 224.

[4] On April 1, 1997, while the present administrative case was being heard by the Investigating Judge, complainant Datu Siawan died, per certificate of death issued on April 2, 1997.

[5] Records, vol. II, pp. 723-728.

[6] Id., pp. 728-730.

- [7] Id., p. 743.
- [8] Memorandum, dated March 15, 1999, p. 10.
- [9] Exhs. WW and XX; Records, vol. II, pp. 669-707.
- [10] Exh. 1; Records, vol. II, p. 608; Sworn Statement of Judge Aquilino A. Inopiquez, Jr., dated May 29, 1997, p.2. This sworn statement was adopted as the direct testimony of respondent judge.
- [11] Exh. Q; Id., p. 457.
- [12] Rollo (O.C.A.I.P.I. No. 95-54-MTJ), p. 103.
- [13] Exh. X; Records, vol. II, pp. 475-476.
- [14] Exh. 6; Id., p. 647.
- [15] TSN, pp. 43-45, June 16, 1997.
- [16] Rule 137, S1 of the Rules of Court.
- [17] Sandoval v. Court of Appeals, 260 SCRA 283 (1996).
- [18] TSN, p. 19, June 16, 1997.
- [19] Recommendation, dated March 15, 1999, pp. 9-10.
- [20] TSN, p. 46, June 16, 1997.
- [21] Comments and Manifestations, dated May 24, 1994, pp. 1-2; Rollo, (O.C.A.I.P.I. No. 95-54-MTJ), pp. 162-163. See also Annex B of the Comments and Manifestations, dated May 24, 1994.
- [22] Lazo v. Tiong, 300 SCRA 173 (1998).
- [23] Exh. B-1; Records, vol. II, p. 437.
- [24] Exh. C-1; Id., p. 439.
- [25] Exh. B-2; Id., p. 438.
- [26] Exh. C-1; Id., p. 439.

[27] 288 SCRA 594 (1988).

- [28] A.M. No. RTJ-98-1403, Aug. 14, 2000.
- [29] Zarate v. Balderian, A.M. No. MTJ-00-1261, March 31, 2000; Yu-Asensi v. Villanueva, 322 SCRA 255 (2000); Sanchez v. Vestil, 298 SCRA 1 (1998); Cortes v. Agcaoili, 294 SCRA 423 (1998).

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