

PROSECUTOR LEO C. TABAO, COMPLAINANT, VS. JUDGE PEDRO S. ESPINA, RESPONDENT.

A.M. No. RTJ-96-1347 (Formerly OCA IPI-95-94-RTJ). June 29, 1999

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/5e7c6794a20d/>

PER CURIAM:

Judge Pedro S. Espina was dismissed from the service pursuant to this Court's Decision[1] dated June 14, 1996, the dispositive portion of which reads:

"For these two (2) acts constituting grave misconduct, ignorance of the law and gross incompetence, respondent Judge Pedro S. Espina, now Acting Presiding Judge of the Regional Trial Court, Branch 19, of Malolos, Bulacan, is hereby DISMISSED from the service, with forfeiture of all retirement benefits and accrued leave credits and with prejudice to re-employment in any branch or instrumentality of the government including government-owned or controlled corporations. Let copies of this decision be furnished all trial courts in the country with a warning that further violations of the requirement of hearing prior to the grant of bail in cases where the imposable penalty is death, reclusion perpetua, or life imprisonment, will merit the same sanctions imposed in this case. This decision is immediately executory.

SO ORDERED."

The penalty of dismissal from service was imposed when Judge Espina granted bail without a hearing in Criminal Case No. 93-04-197,[2] a case where imposable penalty at that time was life imprisonment; and for having promulgated a decision in the said case before the defense had rested its case and without giving the prosecution a chance to present rebuttal evidence. The first charge was aggravated by his failure to file his comment thereon as directed by this Court.

Judge Espina thereafter filed his motion for reconsideration[3] praying, among others, that he be reinstated and that in lieu of the penalties imposed on him in this Court's Decision dated June 14, 1996, he be fined in an amount the Court may see fit with a warning that a repetition of the same or similar offenses as those involved will be dealt with more severely because:

"[A]lthough this Honorable Court did not put it categorically, it would appear from its Decision that the above-stated acts have raised strong suspicions of the respondent's integrity, and that it was actually because of these suspicions that he was dismissed.

There was no equivocal finding of dishonesty against the respondent, only a wondering aloud by the Court over the 'deliberate haste' that attended the grant of bail and the decision of the case acquitting the accused. For such suspicions, it is respectfully submitted, the penalty of dismissal was less than condign."[4]

In the motion for reconsideration, respondent argues, in sum, that -

I. The grant was not precipitate and the omission of the evidentiary hearing was made in good faith and that he actually made his explanation in the comment[5] he filed with the Office of Court Administrator Reynaldo L. Suarez on November 14, 1993. Respondent manifested that he presumed the comment he filed with the Office Court Administrator Reynaldo L. Suarez would be transmitted to the Honorable Court along with the report

and recommendation of the said office assuming that his comment thereon would form part of the records of the instant administrative matters. The omission to reproduce such explanation in the comment he filed understandably led to the surmise that he had no explanation to offer. With the turn of events, and the finding of the Honorable Court that he exhibited "gross misconduct even outright disrespect" for this shortcoming, he accepts the blame regretful of his failure to reproduce said comment in these cases.

Addressing the basic issue of precipitate granting of bail, respondent asserts good faith and prosecution's waiver of due process or right of hearing on bail. "[T]he motion for bail was calendared for hearing on April 20, 1993, precisely to enable the prosecution to adduce evidence to support its objection. On that date, City Prosecutor Rosabella Tormiz asked that she be given until April 23, 1993, to file her written Opposition. As recounted in the respondent's Order dated June 23, 1993, she "agreed that thereafter the incident will be deemed submitted for resolution of the Court." [6] The request was granted in an Order dictated in open court which added that "thereafter the petition will be deemed submitted for resolution" [7] It was only after the Opposition was filed on April 21, 1993, in which she did not object, that the bail was granted.

While it is true that no proceeding was held at which the prosecution presented oral arguments to show that the petition for bail should be denied because the evidence against the accused was strong, the objections to the granting of bail was made in its Opposition. Moreover, the prosecution agreed, expressly or at least impliedly, that the issue would be resolved on the basis thereof. By not protesting, the prosecution waived its right to support its Opposition at the hearing that usually attends a petition for bail. It is also noteworthy that the prosecution could have immediately moved for the reconsideration of the order granting bail to the accused on April 22, 1993 but it did not apparently acquiescing to the action of respondent notwithstanding the lack of a hearing and it was only on June 3, 1993, when complainant Tabao took over, that he sought for a reconsideration of the order.

Respondent may have deviated from the usual procedure, but not in violation of due process as held in *Stronghold Ins. Co. v. Court of Appeals* [8] and *Zaldivar v. Sandiganbayan*, [9] he maintains good faith relying on the aforecited jurisprudence, too late to realize that a contrary view would be taken by the Honorable Court in the case of *Santos v. Ofilada*. [10]

With the passage of R.A. No. 7659, the crime charged in the Padernal case, ceased to be punishable by reclusion perpetua, thus, the accused therein became retroactively entitled to bail as a matter of constitutional right. While these facts do not condone respondent's omissions, they nevertheless show that the petition for bail despite the lack of an evidentiary hearing thereon, had actually not been improvidently granted.

II. There was no "deliberate haste" in the rendition of the decision in Criminal Case No. 93-04-197 acquitting the accused, the truth being that it was rendered way beyond the constitutional deadline. The trial of Criminal Case No. 93-04-197 commenced on July 12, 1993, with the presentation of the first witness for the prosecution and ended on June 23, 1995 when the defense was considered to have rested its case. This covered a period of 2 years and 10 days or 740 days, from which should be deducted 253 days representing the period when the trial was suspended pending the decision of the Court of Appeals of the petition for certiorari questioning the grant of bail. This leaves a difference of 415 days which is far in excess of the reglementary 90-day period for the decision of cases by regional trial courts. Respondent also noted the manner in which the decision was reached and not the merits of the decision is what is being questioned.

The evidence sought to be submitted by the defense was never submitted despite the lapse of sixty-five days, thus, the Order of June 23, 1995 was issued to speed up the disposition of the criminal case, which already exceeded the constitutional limit. To quote:

The period allowed to submit those permits having expired without counsel for accused asking for extension of time, the court deemed the case submitted for decision without those permits, it being the opinion of the Court that those permits do not go to the core of the issue of whether or the accused committed the offense of selling

shabu or not.

The order setting the case for promulgation on June 27, 1995 stands.

The defense has the prerogative to choose what evidence to present and the judge the authority to reject it if he believed it was irrelevant. The prosecution had no right to compel the defense to submit particular evidence, neither could it demand that the trial judge to freeze all proceedings indefinitely until the defense has done so. It would be quizzical procedure to say the least if the trial judge were to be required to place everything "on hold" simply to give one party the chance to rebut evidence that the other party does not intend to present at all.

III. Respondent's character is not in issue. It appears that it has been taken into consideration in the decision of these cases, judging from the oblique statements made by the Honorable Court that he was being punished for the suspicious circumstances under which Criminal Case No. 93-04-17 was tried and decided.[11] Complainant Aurillo, who previously filed four administrative cases against respondent (i.e. Administrative Matters No. RTJ-839, No. RTJ-111, No. RTJ-984 and RTJ-1097), all of which were dismissed for lack of merit, appears to have succeeded to sully respondent's honor in the present administrative cases. Reading between the lines of the Decision of the Honorable Court, one would suppose that it too believes the respondent to be tainted with corruption."

Complainants subsequently filed their Joint Comment dated July 16, 1996,[12] contending in sum that -

I. The grant of bail was in bad faith, gravely irregular and against the law and jurisprudence. The question is not much on the waiver of due process as it is on the departure from the correct procedure as found by the Honorable Court. The profession of good faith is allegedly false as respondent was properly advised not to apply the equitable principle of waiver in resolving the motion for bail. The prosecution in its "Motion for Reconsideration" on the Order granting bail, informed the respondent that bail hearings under the law for capital offenses may not be waived, not even by the prosecution and that it has been consistently held by the Honorable Tribunal in *Feliciano v. Pasicolan*[13] and in *People v. Dacudao*.[14] Noteworthy to mention is that respondent avoided dwelling on the merits of the motion denying it instead on the alleged finality of his order granting bail.

Respondent further stands corrected on his allegation that the waiver from the City Prosecutor as the trial prosecutor was not the city prosecutor but an assistant city prosecutor.

II. The Decision in Criminal Case No. 93-04-197 was attended with undue haste, suspicion and bad faith. The reglementary period starts from the time the case is submitted for decision, specifically in this case, on June 23, 1995, when respondent deemed the case submitted for decision for failure of the defense to present documentary evidence but without allowing the prosecution opportunity to rebut defense evidence so far presented. The 415 days respondent claimed as beyond the ninety (90) day constitutional deadline represents the actual trial days. It took respondent an impossibly short time of four (4) days to decide the subject case from the time it was submitted for decision on June 23, 1995 until June 27, 1995 when the actual decision was promulgated. Noteworthy of mentioning is that the decision acquitting the accused was dated June 1, 1995, not anywhere between the two dates. That the decision was finalized on June 1, 1995 explains why respondents could not allow rebuttal evidence to take place as this might create problems for the defense. His order of June 23, 1995 considering the case submitted for resolution was sham, farcical and fraudulent.

With reference to the prosecution's failure to adduce evidence, it is the testimonial evidence of the witness already given, and not the documentary evidence yet to be presented, that it wanted to rebut. Respondent was not forthright when he stated there was no evidence to rebut. Moreover, it is not so much on whether the prosecution had rebuttal evidence to present as to the prosecution's right to present it if so desired.

Finally, complainants made the observation that respondent charges the Honorable Court of "dismissing him

from the judiciary without categorically pronouncing him guilty, in short, without evidence."

By way of Reply^[15] to the Joint Comment, respondent pointed out that -

I. Respondent is not accusing the Honorable Court of injustice. There is no reason for him to make an accusation against the Honorable Court as he pleads for its mercy. Respondent was merely stating that, given the nature of the offense, the penalty of dismissal was less deserved, especially if considered in the light of similar cases. Furthermore, what he seeks is not exoneration but a moderation of his punishment.

II. Prosecution was properly represented by the Assistant City Prosecutor. It is incumbent upon the superior prosecutors to monitor their trial prosecutor to see to it that she does not make any move prejudicial to the prosecution. Respondent may have been at fault but it still was error and the Honorable Court has not found otherwise.

III. Judges have the unfortunate problem of being "damned if they do and damned if they don't" whether they decide a case early or decide it late regardless of the issues involved. Criminal Case No. 93-04-197 was a simple prosecution for violation of the Dangerous Drugs Act, where the only question involved was the credibility of the witnesses, and this was for the trial judge alone to ascertain in the exercise of his own discretion.

No misrepresentation was committed since the case was considered for more than 400 days before actually coming to a formal decision.

IV. Complainants have changed their stand from claiming that they had been deprived of the chance to rebut the documents the defense said it would produce to contending that they wanted to rebut the testimony of witnesses already presented. If complainants felt that the termination of the case would prevent them from submitting rebuttal evidence, they still had a remedy in the circumstances, and that was to make an offer of proof, or tender of excluded evidence, under Rule 132, Sec. 40 of the Rules of Court.

The Office of the Court Administrator (OCA), to whom the matter was referred to for evaluation and report favorably recommends a mitigation of the penalty imposed on the respondent judge in that a.] he be merely suspended from office without pay from June 14, 1996 up to the date of resolution of this case is promulgated; b.] he be reinstated to his former position as Presiding Judge of the Regional Trial Court of Tacloban City, Branch 7, and c.] Judge Robert A. Navidad, Acting Presiding Judge of the same court, be Assisting Presiding Judge of the court thereat until further orders from this Court.

In support of its recommendation, the OCA made the following findings and conclusions:

"Hearing for bail is mandatory in capital offenses. Respondent had his first brush with this decree in complainant Tabao's motion for reconsideration on the order granting bail. Citing *People vs. Dacudao*^[16] and *People vs. San Diego*,^[17] cases decided by the Supreme Court before *Santos vs. Ofilada*,^[18] the Honorable Court already underscored that the court's discretion in granting bail in capital offenses must be exercised in the light of a summary of evidence presented by the prosecution, otherwise, it could be uncontrolled and might be capricious and whimsical. Certain guidelines in fixing bailbond (sic) call for presentation of evidence and reasonable opportunity for the prosecution to refute it.^[19] It is highly doubtful if the trial court can appreciate these guidelines in the ex parte determination where the fiscal is neither present or heard.^[20]

True, the appreciation of evidence adduced during the hearing for bail is subject to respondent's discretion, but "this discretion by the very nature of things, may rightly be exercised only after the evidence is submitted to the court at the hearing. Since the discretion is directed to weight of evidence and since evidence cannot properly be weighed if not exhibited or produced before the court,^[21] it is obvious that the proper exercise of judicial discretion requires that the evidence of guilt be submitted to the court xxx."^[22] In other words, the discretion lies, not in the determination of whether or not a hearing should be held but in the appreciation and

evaluation of the prosecution's evidence of guilt against the accused.[23]

Section 5, Rule 114 of the New Rules on Criminal Procedure was added to address a situation where [the] prosecution does not chose (sic) to present evidence to oppose [the] application for bail. And it is clear therein that granting and fixing of bail in capital offenses proceeds from a summary hearing. The prosecution under the new rules is duty bound to present evidence in the bail hearing to prove whether the evidence of guilt of the accused is strong.[24]

The instant issue was already raised in A.M. No. RTJ-93-1114, which was dismissed by the Honorable Court for prematurity in view of the pendency of similar issue[s] with the Court of Appeals.[25] Later, the appellate court rendered its decision, the dispositive portion of which reads:

WHEREFORE, for having been issued with grave abuse of discretion and for lack of or in excess of jurisdiction, the Orders dated April 22, 1993 and June 23, 1993 issued in Criminal Case No. 93-04-197, are declared null and void and set aside. Consequently, the bail bond posted by accused-private respondent is ordered cancelled and respondent court is ordered to issue a warrant of arrest for the accused."[26]

Inasmuch as the Honorable Court was apprised of the Judgment rendered by the Court of Appeals only in connection with the instant matter, there was no revival of the previous administrative matter for evaluation on the merits.

The Court of Appeals, citing *Go vs. Court of Appeals*[27] held that the judge is under a legal obligation to receive evidence with the view of determining whether evidence of guilt is strong as to warrant denial of bond. The assailed Orders are void for not being sufficient in substance and in form, as held by the Supreme Court in *Carpio vs. Maglalang*.[28] It further held that respondent (court) had prematurely concluded that the prosecution witnesses to be presented would repeat only the contents of the affidavits on file, considering that the prosecution is not precluded from presenting evidence in addition to, or other than, the existing affidavits. The opinion of respondent (court) that the possibility that accused may jump bail is remote is based on mere conjecture or speculation and [is] not based on evidence on record. Finally, the Honorable Court of Appeals ruled that contrary to respondent's opinion that an interlocutory order such as the granting of a petition to admit bail had become final and executory, the same may still be reconsidered and set aside upon proper motion, like (complainant's) motion for reconsideration, at any stage of the criminal proceedings for so long as there is no judgment or order disposing the main case that [may] have become final and executory.

May it be submitted however, that respondent filed his comments twice on the same issue. First in 1993 in A.M. No. 93-1114[29] and second in the "Consolidated Comments"[30] he submitted in connection with then OCA-I.P.I.-54-RTJ.

On the issue of premature and precipitate submission of Criminal Case No. 93-04-197 for Decision, respondent's contention that he proceeded to decide the case without the documentary evidence of the defense since it was not submitted within the period allowed is tenable albeit rather abrupt in view of the defense's failure to formally rest its case. The lapse, however, is not without reasonable basis. Respondent could have justifiably surmised from [the] defense's manifestation in the last hearing[31] that it would rest its case after presenting its last evidence. Upon its failure to submit the promised evidence, he forthwith issued an order submitting the case for decision.

The court may not suspend the proceedings indefinitely to await for defendant's submission of evidence. Failure to submit evidence within the period given may be deemed [a] waiver of rights to present and considering that the evidence awaited was the last to be presented, the case may forthwith be deemed submitted for decision without damage to the defense.

A case shall be deemed submitted for decision upon the filing of the last pleading, brief or memorandum required by the Rules of Court or by the court itself.[32] It is also considered submitted for a decision upon the

admission of the evidence of the parties at the termination of the trial. The ninety (90) day period for deciding the case shall commence to run from submission of the case for decision without memoranda: in case the Court requires or allows its filing, the case shall be considered submitted for decision upon the admission of the parties evidence-in-chief, rebuttal and sur-rebuttal proof, unless the court directs them to argue their respective submissions orally or for them to submit their respective memoranda.[33] In this case, the submission of the case for decision was premature as [the] defense was not afforded the opportunity to formally rest its case. However, as earlier submitted, the lapse is not substantial and for [all] intents and purposes, [the] defense has rested its case albeit not formally.[34]

As to the alacrity with which the case was decided, respondent initially manifested that it took him beyond the constitutional deadline and over four hundred days to resolve the case. On second brush, he claimed the days meant the study and going over the facts of the case in one's mind. At the third instance, he avers that the case was quite speedily decided as it was a simple drug case. It is submitted that respondent's situation is not a question of "damned if you and damned if you don't" but an issue of candor and true representation of facts. The case was not decided beyond the constitutional period nor within [a] few days from the time it was ordered submitted for decision. It was decided weeks before the issuance of the order making it ripe for resolution. By constitutional deadline, we can only mean the ninety (90) day period within which the regional trial courts are ordered to decide a case from the moment it is submitted for decision.[35] Not taken into account is the time it was considered and studied by the magistrate.

For all respondent's lapses, may it respectfully be submitted that [the] prosecution was, however, not deprived of its right to adduce rebuttal evidence as it sought to rebut an evidence not presented in court. This may be deduced from its "Urgent Manifestation"[36] dated June 22, 1995, on the order setting the case for promulgation, [the] pertinent portion of which reads:

2. That in the last hearing of this case, it was agreed that the accused, through his counsel Atty. Lauro Noel shall submit authentic copies of the documents mentioned by the accused when he testified in open court and; that these documents shall be furnished by the defense to the undersigned for comments/or rebuttal and only then shall the case be then considered for resolution by this Honorable Court:

xxx xxx xxx

WHEREFORE, it is respectfully made manifest that the Honorable court may not as yet decide this case prior to the compliance of the accused and his counsel to procure these documents and for the People to prepare its comments and/or rebuttal. (Emphasis supplied)

Respondent cannot under the Rules on Evidence appreciate evidence not formally offered. True, the appreciation of evidence is subject to judicial discretion but respondent cannot prejudice evidence not presented. In his Order[37] dated June 23, 1995, respondent ruled to wit:

The period allowed to submit those permits having expired without counsel for accused asking for an extension of time, the court deemed the case submitted for decision without those permits it being the opinion of the Court that those permits does (sic) not go to the core of the issue whether the accused committed the offense of selling shabu or not.

The retroactive effect of Republic Act No. 7659 benefits the accused but not respondent, as for him, his actuation is appreciated vis-à-vis the law enforced at the time the irregularity was committed.

On the issue raised by respondent as to whether his character was in issue or whether the Court was persuaded to dismiss him from the service on account of previous administrative cases filed against him albeit all were dismissed for lack of merit (n.b. except for A.M. No. RTJ-93-1114 which was dismissed for prematurity), it is respectfully submitted that no such insinuation is apparent in the decision. The circumstances, however, invite suspicions considering that the same criminal case gave rise to two serious administrative charges at crucial

stages thereof. Suspicions are, however, just suspicions and are not taken into account in appreciating offense charged and penalty imposed. Corrupt motive unless proven by verified evidence are not appreciated in administrative cases."

The Court disagrees with the findings and recommendation of the OCA.

With regard to the issue on the precipitate granting of bail without a hearing, the finding of this Court in its Decision dated June 14, 1996 must be upheld. To do away with the requisite bail hearing "is to dispense with this time-tested safeguard against arbitrariness." [38] The procedural necessity of a hearing relative to the grant of bail can not be dispensed with especially in this case when the applicant is charged with a capital offense.

It must always be remembered that imperative justice requires the proper observance of indispensable technicalities precisely designed to ensure its proper dispensation. [39] It must also be borne in mind that -

"A judge is called upon to exhibit more than just a cursory acquaintance with statutes and procedural rules; it is imperative that he be conversant with basic legal principles and [be] aware of well-settled authoritative doctrines. 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." [40]

In the case at bench, respondent judge does not deny that his granting of bail without a hearing to a person accused of a capital offense can not be condoned, he only seeks a mitigation of the penalty imposed upon him.

Given the peculiar factual circumstances obtaining in this case, we find the reasons proffered by respondent judge unconvincing to warrant the reliefs sought much more so considering that we are replete with case law involving bail. The Court itself has not been remiss in keeping trial magistrates informed on the latest developments on the subject. In fact, the Court itself, through its Philippine Judicial Academy, has been including lectures on the topic in the regular seminars conducted for judges. With the wealth of jurisprudence on bail, this Court justifiably expects judges to discharge their duties more assiduously. At the risk of sounding repetitious, we reiterate the following duties of judges in case an application for bail is filed:

- "1. In all cases, whether bail is a matter of right or discretion, notify the prosecutor of the hearing of the application for bail or require him to submit his recommendation (Section 18, Rule 114 of the Rules of Court, as amended);
2. Where bail is a matter of discretion, conduct a hearing of the application for bail regardless of whether or not the prosecution refuses to present evidence to show that the guilt of the accused is strong for the purpose of enabling the court to exercise its sound discretion; (Sections 7 and 8, supra)
3. Decide whether the guilt of the accused is strong based on the summary of evidence of the prosecution;
4. If the guilt of the accused is not strong, discharge the accused upon the approval of the bailbond (Section 19, supra). Otherwise, the petition should be denied." [41]

With such clear procedural guidelines now incorporated in the Rules of Court, judges have been enjoined to study them well and be guided accordingly. Concededly, judges can not be faulted for honest lapses in judgment but this defense has become shopworn from overuse. Thus, this Court put its foot down when it declared that the failure to give notice to the prosecution before granting an application for bail or the granting thereof to a person charged with a capital offense without conducting the required hearing is guilty of ignorance or incompetence, the gravity of which can not be excused by any protestation of good faith or excusable negligence. [42]

Apropos the issue on the hasty rendition of judgment in Criminal Case No. 93-04-197, this Court has reminded members of the bench time and again that as exemplars of justice and law, judges must avoid not only impropriety but even the appearance of impropriety in all their actions neither should they take undue interest in the settlement

of criminal cases as the same may compromise the integrity and impartiality of their office.[43]

At any rate, a circumspect scrutiny of the Order dated June 23, 1995 would show that the same only served the purpose of informing the prosecution that the case had, in fact, already been deemed submitted for decision by virtue of the lapse of five (5) days from the Order dated April 19, 1995 or after April 24, 1995. Although the defense had not formally rested its case, as such, the judgment dated June 1, 1995 was rendered more than one (1) month after the case was actually deemed submitted for decision and well within the ninety-day period prescribed by law.

This is also evident from the fact, as established in the decision of this Court dated June 14, 1996 that "the prosecution received a notice of the promulgation of judgment on June 22, 1995" which meant that the decision had already been made. The prosecution, on the other hand, impliedly admitted or acquiesced to the fact that a decision had already been made when it filed an Urgent Manifestation seeking to postpone promulgation of said judgment. Black defines "promulgate" as "to publish; to announce officially, to make public as important or obligatory. The formal act of announcing a statute or a rule of court." [44]

Be that as it may, the culpability of respondent judge hardly becomes open to question considering that the granting of bail and the promulgation of judgments are staples in the litigation of criminal cases before the trial courts. Whatever may have been the laudable intentions of respondent judge to terminate the case promptly is no excuse for cutting corners laid down by procedural law to ensure that the constitutional requirement of due process is observed and safeguarded.

In short, a judge is not supposed to grab the first opportunity to knock a party out of court.[45] The records must, in fact, be free from even the slightest suspicion that the trial court seized upon an opportunity to either free itself from the usual burdens of presiding over a full-blown court battle or worse, to give undue advantage or favors to one of the litigants.[46]

This Court is not unaware of the overwhelming volume of cases that floods the salas of trial judges to which function the judge's dexterity in the application of the law is unavoidable. While we do not expect judges to have an encyclopedic recollection of applicable laws and jurisprudence in the discharge of their responsibilities, they nevertheless have the bounden duty to "keep abreast with the law and [the] changes therein as well as the latest decisions of the Supreme Court." [47] Indeed -

"The Court, once again, earnestly reminds judges to be extra prudent and circumspect in the performance of their duties for [a] judge owes it to the public and to the legal profession to know the factual basis of the complaint and the very law he is supposed to apply to a given controversy. He is called upon to exhibit more than cursory acquaintance with the statutes and procedural rules. Party litigants will have greater faith in the administration of justice if judges are not cursorily excused of apparent deficiency in the analysis of the facts of the case and in the grasp of legal principles. For service in the judiciary means a continuous study and research on the law from beginning to end. A member of the bench must continuously keep himself abreast of legal and jurisprudential developments because the learning process in law never ceases." [48] (Italics supplied).

At this juncture, it may well be said that the penalty of dismissal rendered by this Court in its Decision dated June 14, 1996 is merely a proportionate form of castigation prompted by the oft-repeated violations by judges in this regard. Admittedly, judges can not be held to account for erroneous judgments rendered in good faith but this defense has been all too frequently cited to the point of staleness even if not applicable.[49]

ACCORDINGLY, the motion for reconsideration is hereby DENIED for lack of merit.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, and Ynares-Santiago JJ., concur.

Romero, J., on leave.

[1] Rollo, A.M. No. RTJ-96-1348, pp. 44-45.

[2] *People v. Padernal*, a case for violation of Sec. 15, Art. III, R.A. 6425, as amended, (Drug Pushing).

[3] *Ibid.*, pp. 46-56.

[4] *Ibid.*, p. 47.

[5] Annex A, Motion for Reconsideration, pp. 57-61, *ibid.*

[6] Annex B and B-1, *id.*, pp. 62-64, *ibid.*

[7] Annex C, *id.*, p. 65, *ibid.*

[8] 205 SCRA 605 [1992].

[9] 166 SCRA 316 [1988].

[10] 245 SCRA 56 [1995].

[11] Rollo, A.M. No. RTJ-96-1348, p. 55.

[12] *Ibid.*, pp. 76-84.

[13] 2 SCRA 888 [1967].

[14] 170 SCRA 489 [1989].

[15] Rollo, A.M. No. RTJ-96-1347, pp. 47-54.

[16] 170 SCRA 489 [1989].

[17] 26 SCRA 522 [1966].

[18] 245 SCRA 56 [1995].

[19] *People v. San Diego*, *supra*.

[20] *People v. Dacudao*, *supra*.

[21] *Basco v. Rapatalo*, 269 SCRA 220 [1997] citing *Ramos v. Ramos*, 45 Phil. 362 [1923].

[22] *Ibid.*, citing *Ocampo v. Bernabe*, 77 Phil. 55 [1946].

[23] *Basco v. Rapatalo*, *supra*.

[24] *Id.*

[25] CA-G.R. SP No. 32420 decided 30 August 1994.

[26] Rollo, A.M. No. RTJ-96-1348, p.16.

[27] 206 SCRA 138 [1992].

[28] 196 SCRA 421 [1991].

[29] Supra.

[30] Ibid., p. 31.

[31] Rollo, A.M. RTJ-96-1347, p. 6.

[32] Article VIII, Section 15 [2], Philippine Constitution.

[33] Rule 119, Sec. 3, New Rules on Criminal Procedure.

[34] Rollo, A.M. No. RTJ-96-1347, p. 6.

[35] Supra.

[36] Ibid., p. 7.

[37] Ibid., p. 9.

[38] *Concerned Citizens v. Elma*, 241 SCRA 84 [1995].

[39] *Office of the Court Administrator v. Alvarez*, A.M. No. CA-98-8-P. 11 March 1998, 287 SCRA 325, citing *Young v. Office of the Ombudsman*, 228 SCRA 718 [1993].

[40] *Conducto v. Monzon*, A.M. No. MTJ-98-1147, 2 July 1998, 291 SCRA 619, citing *Estoya v. Abraham-Singson*, 237 SCRA 1 [1994], citing *Aducayen v. Flores*, 51 SCRA 78 [1973]; *Ajeno v. Insierto*, 71 SCRA 166 [1976]; *Ubongen v. Mayo*, 99 SCRA 30 [1980]; *Libarios v. Dabalos*, 199 SCRA 48 [1991]; *Lim v. Domagas*, 227 SCRA 258 [1993]; *Cuaresma v. Aguilar*, 226 SCRA 73 [1993].

[41] *Cortes v. Catral*, 279 SCRA 1 [1997], citing *Basco v. Rapatalo*, supra.

[42] *Espiritu v. Jovellanos*, 280 SCRA 579 [1997]; *Almeron v. Sardido*, 281 SCRA 415 [1997].

[43] *Ferrer v. Maramba*, A.M. No. MTJ-93-795, 14 May 1998, 290 SCRA 44, citing Rule 1.01, Canon 1 and Rule 2.01, Canon 2, Code of Judicial Conduct.

[44] *Black's Law Dictionary*, 6th ed., p. 1214.

[45] *Heirs of Fuentes v. Macandog*, 83 SCRA 648 [1978].

[46] *Continental Leaf Tobacco (Phils.) v. Intermediate Appellate Court*, 140 SCRA 289 [1985].

[47] *Carpio v. De Guzman*, 262 SCRA 615 [1996].

[48] *Villaluz v. Mijares*, A.M. No. RTJ-98-1402, 3 April 1998, 288 SCRA 594, *Naldoza v. Lavilles*, 254 SCRA 293 [1996]; *Roa v. Imbing*, supra; and *Wingarts v. Mejia*, 242 SCRA 436 [1995].

[49] *Cortes v. Catral*, supra, p. 18; See also *Espiritu v. Jovellanos*, supra; *Aleron v. Sardido*, supra.

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.