

MAMASAW SULTAN ALI, COMPLAINANT, VS. HON. BAGUINDA ALI PACALNA, PRESIDING JUDGE, HON. PUNDAYA A. BERUA, ACTING PRESIDING JUDGE, HADJI IBRA DARIMBANG, CLERK OF COURT AND MANDAG U...

A.M. No. MTJ-03-1505. September 25, 2007

Ponente: YNARES-SATIAGO, J.

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YNARES-SATIAGO, J.:

In a verified complaint^[1] filed on January 30, 2003 before the Office of the Court Administrator (OCA), complainant Mamasaw Sultan Ali charged respondents Judge Baguinda Ali Pacalna, Judge Pundaya A. Berua and Clerk of Court Hadji Ibra Darimbang with grave abuse of discretion, dishonesty, gross ignorance of the law, grave misconduct and conduct prejudicial to the best interest of the service in connection with Election Case No. 2002-10-M.

The records show that on January 18, 2002, complainant and other residents of different barangays in Madalum, Lanao Del Sur filed 20 petitions for inclusion in the permanent list of voters docketed as Election Case Nos. 2002-01-M to 2002-20-M. Complainant was the petitioner in Election Case No. 2002-10-M which, together with the other petitions, was assigned to the Municipal Circuit Trial Court (MCTC), Balindong, Lanao Del Sur, presided by respondent Judge Pacalna.

In their petitions, complainant and the other petitioners alleged that during the general registration of voters on December 26, 2001, they personally appeared at the designated registration center for the purpose of enlisting as voters for the upcoming barangay elections. However, they were not able to register due to the lack of registration forms and were thus advised by the Assistant Election Officer, Amerogong Tumara,^[2] to list down their names so that a certification may be issued that would enable them to file a petition for inclusion later on.^[3] Complainant and the other petitioners did as they were told and Tumara signed the list certifying that their failure to register was “through no fault of their own”.^[4]

Thereafter, complainant and the other petitioners filed the aforementioned petitions for inclusion before the MCTC on January 18, 2002. The notice of hearing stated that the petitions will be submitted for consideration of the court on “FEBRUARY _____, 2002 at 9:00 A.M. or as soon thereafter as they may be heard”.^[5] Copies of the petitions were served on Tumara on January 17, 2002.

Judge Pacalna did not issue any order relative to the petitions from the time that these were filed until the first week of May 2002. Except for a motion to transfer venue filed by complainant’s lawyer, Atty. Masorong, no other event transpired with respect to the pending petitions. It was only on May 6, 2002 that Judge Pacalna issued an order setting the petitions for hearing three days later.^[6]

During the hearing on May 9, 2002, Judge Pacalna announced that the purpose of the proceeding was to ascertain the authenticity of Tumara’s signature appearing on the certified list. Atty. Masorong manifested that this was not

necessary considering that Tumara never assailed the authenticity of his signature despite receipt of the petitions as early as January. Tumara did not appear during the hearing. He instead sent a letter requesting that the hearing be reset because his wife purportedly fell ill.

During the May 9, 2002 hearing, Atty. Superman A. Usop also appeared as counsel for the incumbent Municipal Mayor of Madalum, Soraida M. Sarangani. Complainant alleged that Judge Pacalna irregularly recognized the appearance of Atty. Usop even if no motion for intervention was filed by the latter and allowed him to participate in the proceedings over the vigorous objection of complainant's counsel. Atty. Usop even demanded the resetting of the hearing to May 23 and 24, 2002.

Prior to the scheduled hearing, complainant and the other petitioners went to Judge Pacalna's residence where the latter allegedly suggested that only two (2) representatives from the opposing camps should appear at the hearing. Judge Pacalna also told complainant that since the hearing was only for ascertaining whether the signature appearing on the certified list was truly that of Tumara's, the parties should come without their respective counsels.

Meanwhile, Atty. Usop filed a Motion for Intervention with Motion to Dismiss on May 13, 2002 which was set for hearing on May 23, 2002. Complainant received a copy of the motion on May 20, 2002.

As suggested earlier by Judge Pacalna, Atty. Masorong did not attend the hearing on May 23, 2002. Instead, complainant's camp was represented by Nora A. Alim, Licayan M. Aragasi and Allan Sharief L. Azis. On the other hand, Atty. Usop attended the hearing in which Tumara answered questions propounded by Judge Pacalna. Tumara allegedly stated that he was forced into signing the certificate because he feared for his life.

Tumara then submitted a letter to Judge Pacalna which contained the statements he made during the hearing. Judge Pacalna read the letter in open court but did not show the same to complainant's representatives despite the request of Azis. To this day, complainant and the other petitioners have not seen the letter, contrary to assurances made by Judge Pacalna that a copy would be made available to them.

On May 27, 2002, complainant and the other petitioners, through Atty. Masorong, filed three consecutive motions for the urgent resolution of the "pending issue" regarding Tumara's signature. They also prayed that the hearing of the petitions be scheduled at once in view of the proximity of the barangay elections. Complainant intended to run as punong barangay and the deadline for filing a certificate of candidacy was on June 10, 2002.[7]

According to complainant, it soon became apparent that Judge Pacalna was unnecessarily delaying the proceedings to prevent the petitioners from being registered as voters. The petitioners were allies of complainant and were not willing to support Mayor Sarangani's re-election bid in 2004. Atty. Masorong thus filed a motion for the inhibition of Judge Pacalna on June 4, 2002.[8] On the same day, however, Atty. Masorong received an order of the trial court dated May 31, 2002 dismissing all the petitions for inclusion.[9]

Judge Pacalna relied on the May 23, 2002 testimony of Tumara that he signed the certificate under duress. Quoted in the order of dismissal was the letter of Tumara, marked as Exhibit "1" for the intervenor Mayor Sarangani, stating that he was constrained to sign the certificate because of imminent danger to his life. Additionally, Judge Pacalna held that the petitions should be dismissed for not having complied with jurisdictional requirements under pertinent COMELEC rules, since the petitions were not brought against an order of the Election Registration Board (ERB) disapproving petitioners' application for registration.

Meanwhile, the representatives of complainant during the May 23, 2002 hearing separately executed affidavits insisting that Tumara did not testify on any duress, threat or intimidation.[10] Atty. Masorong also requested for a copy of the transcript of stenographic notes taken during the hearing.[11] However, the court stenographer,

Mandag U. Batua-an, could not provide Atty. Masorong with a copy of the transcript since the custodian of the records, Clerk of Court Darimbang, was allegedly not present in the office. Atty. Masorong thus requested that he instead be allowed to listen and reproduce the tape recording of the proceedings. His request was likewise denied because according to Batua-an, the tape was not in the office but in his residence.[12]

On June 6, 2002, Atty. Masorong filed a Notice of Appeal[13] from the order dismissing the petitions. Thereafter, Atty. Masorong once again demanded from Batua-an that he be furnished a copy of the May 23, 2002 transcript but was denied, allegedly upon the instructions of Judge Pacalna that no records relative to the election cases would be released until he (Judge Pacalna) returns from Manila. Atty. Masorong requested Batua-an to issue a certificate stating this fact.[14]

On June 14, 2002, the MCTC forwarded the records of the election cases to the Regional Trial Court (RTC) of Marawi City[15] where it was raffled to Branch 8 presided by Judge Santos B. Adiong. Included in the transmittal was the May 23, 2002 transcript as well as the tape recording of the proceedings. Meanwhile, Tumara was required to comment on complainant's appeal memorandum within three days from receipt of notice.[16] Mayor Sarangani was not similarly notified since her motion for intervention was still pending.

Since the transcript of stenographic notes of the May 23, 2002 hearing was unsigned, Atty. Masorong moved for inspection of the cassette tape on June 27, 2002. But when the tape was played before the RTC, it contained only music on both sides. Atty. Masorong thus verbally moved to strike out the May 23, 2002 transcript from the records of the case.[17] In the meantime, Tumara failed to file his comment within the period given by the court.

On July 1, 2002, the RTC rendered a decision reversing the judgment of the MCTC.[18] It ordered the transcript of the May 23, 2002 proceedings stricken off the records and held that there was no clear and convincing evidence to support a finding that Tumara signed the certificate under duress. Moreover, complainant and the other petitioners were not given the opportunity to cross-examine Tumara on his alleged testimony. Neither was Tumara's letter offered in evidence nor examined by the petitioners.

The RTC also held that Tumara's failure to supply petitioners with the application forms for registration is tantamount to a denial of their application. Thus, when Tumara signed and issued the certificate, the same was deemed substantial compliance with jurisdictional requirements for filing the petitions. Tumara was categorically found to have voluntarily and freely signed the certificate. [19]

The RTC then remanded the election cases to the MCTC for further hearing on the merits. Meanwhile, Judge Pacalna was ordered to inhibit himself from further hearing the cases.[20]

On the same day that the RTC's decision was promulgated, Tumara belatedly filed his appeal memorandum.[21] Mayor Sarangani, although not so required, followed suit.[22]

Subsequently, respondent Judge Berua was designated as Acting Presiding Judge of the MCTC-Balindong for the purpose of hearing the election cases. Judge Berua immediately caused the service of notice to Mayor Sarangani to appear on July 5, 2002 for the hearing of her Motion for Intervention. Another notice was sent to Tumara and the other parties to appear on July 8 and 9, 2002 for the formal hearing of the petitions for inclusion.[23]

On July 5, 2002, for failure of the opposing counsels to appear, Judge Berua issued an order directing the petitioners, through Atty. Masorong, to file a comment on Mayor Sarangani's motion for intervention within two days from receipt of notice. Atty. Usop was likewise given two days from receipt of petitioners' comment to file a reply in behalf of Mayor Sarangani.[24] Petitioners filed their comment[25] while Mayor Sarangani failed to file a reply. Instead, the latter through counsel filed a Motion to Dismiss.[26]

On July 8, 2002, Judge Berua issued an order granting Mayor Sarangani's motion for intervention.[27] However, Judge Berua's order was solely anchored on an alleged order[28] dated May 23, 2002 issued by Judge Pacalna granting Mayor Sarangani's motion for intervention. The petitioners were surprised by the ruling because at no instance did they receive copy of Judge Pacalna's May 23, 2002 Order granting Mayor Sarangani's motion for intervention. Moreover, Judge Pacalna did not conduct any hearing on the motion for intervention and the alleged order granting the same was not even part of the records elevated to the RTC on appeal.

Complainant and the other petitioners thus theorized that Judge Berua caused the insertion of the said order in the records of the case when, during the hearing, he unbound and rearranged the records for allegedly being in disarray. That the order was fabricated was further bolstered by the fact that Mayor Sarangani's counsel did not manifest that their motion for intervention was granted when the same was set for hearing by Judge Berua on July 5. Even the alleged transcript of the May 23, 2002 proceedings did not mention any hearing conducted on the motion for intervention or of the granting thereof by the trial court.

Noting that the barangay elections was to take place on July 15, Judge Berua nevertheless proceeded to examine the petitioners regarding their qualifications as voters and were thereafter cross-examined by Atty. Usop. The following day, Judge Berua once again called upon Tumara to testify on his alleged involuntary signing of the certificate.

On July 11, 2002, a decision was rendered dismissing the petitions for the second time on the ground of lack of jurisdiction.[29] Judge Berua observed that the petitions were not filed against the order of the Election Registration Board denying the registration of petitioners, as required under COMELEC Resolution No. 4164.[30] Petitioners also did not formally offer their testimonial evidence during the trial, as a consequence of which their testimonies could not be considered.

Complainant and the other petitioners again appealed the decision of Judge Berua to the RTC-Marawi City. Notably, Mayor Sarangani did not submit an appeal memorandum despite the order of the RTC to do so. In due course, the RTC rendered a decision dated August 9, 2002 ordering the Board of Election Inspectors (BEI) to include the names of the petitioners in the permanent list of voters. The RTC held that the May 23, 2002 order granting Mayor Sarangani's motion for intervention was of doubtful legal existence; that the grounds cited by the trial court for dismissing the petitions were already passed upon when the cases were first brought on appeal; and that the trial court's reliance on the rules on formal offer of evidence was misplaced, considering that it was Judge Berua who elicited the testimonial evidence from the petitioners in a proceeding that was supposed to be summary in nature.[31]

The foregoing decision of the RTC was delivered to the election officer on election day itself. As a result, complainant's name was not timely included in the master list, and he was not considered a candidate for barangay chairman, thus depriving him of his right to vote and be voted.

Thus aggrieved, complainant filed the instant administrative complaint against respondents for dishonesty, gross ignorance of the law and grave misconduct.

Respondents uniformly alleged that the true complainant in this case is complainant's counsel, Atty. Masorong. They deny having purposely delayed the inclusion proceedings in favor of the incumbent municipal mayor and contend that the delay was in fact the fault of Atty. Masorong since he did not specify a hearing date for the petitions.

Judge Pacalna also claims that Atty. Masorong's wife personally requested him to set the petitions for hearing at a later date. Mrs. Masorong allegedly intended to run as municipal mayor in 2004 and all the petitioners were her

supporters. She claims that she needed time to raise money for the election cases since she would be shouldering the expenses in behalf of the petitioners. She allegedly told Judge Pacalna that her husband would file the necessary motion to set a hearing date once she is ready with the money.[32]

Judge Pacalna denies the allegation that it was upon his advice that the parties attended the May 23, 2002 hearing without their respective counsels. Atty. Masorong's absence during the said hearing was due to his own omission and negligence.

Moreover, Judge Pacalna insists that Mayor Sarangani's motion for intervention was heard during the May 23, 2002 hearing and that an order was issued granting the same. As proof thereof, he submitted a Joint Affidavit executed by the court personnel attesting to this fact.[33] Judge Pacalna and Clerk of Court Darimbang likewise disclaim responsibility for the dubious transcript and cassette tape, stating that the same were the responsibility of the stenographer.[34] The cassette tape is not even part of the evidence and is purely "for the stenographer's consumption". Judge Pacalna also asserts that the certification on his alleged instruction not to release any records relative to the election cases is pure hearsay.[35]

For his part, Judge Berua denies having inserted the May 23, 2002 order in the records of the cases. He maintains that when he noticed that the records were in disarray and the pages thereof unnumbered, he asked Clerk II Acmad M. Macalawi to arrange the same chronologically and to write the page number at the bottom of each page. According to Judge Berua and Darimbang, this was done in the presence of the parties and their counsels as well as the general public. Judge Berua submitted a Joint Affidavit executed by the court personnel to support his assertion.[36]

Judge Berua moreover claims that he honestly believed that the petitions should have been dismissed on jurisdictional grounds. Aside from failure to specify a hearing date for the petitions,[37] the same was not brought against an order of the ERB disapproving the petitioners' application for registration.[38] Only Tumara was given notice of the filing of the petition and not all members of the ERB. He thus dismissed the petitions for the second time.

On January 24, 2005, the Court required Court Stenographer Mandag Batua-an to comment on the assertion of Judge Pacalna and Darimbang that the May 23, 2002 transcript and tape recording were Batua-an's responsibility. On May 20, 2005, Batua-an filed the required comment alleging that he gave Atty. Masorong an unsigned copy of the transcript and one of the tapes from his drawer because he was intimidated by the latter. He claimed that he acted in good faith and apologized for any damage that he may have caused.[39]

Upon the OCA's recommendation, the Court resolved to include Batua-an as a respondent in this case and to refer this administrative matter to Executive Judge Amer Ibrahim of the Regional Trial Court of Marawi City for further investigation, report and recommendation.[40] Judge Ibrahim submitted his report on September 13, 2006 recommending that all respondents, except for Batua-an, be absolved of the administrative charges.[41]

Upon referral of Judge Ibrahim's report to the OCA, the latter recommended the dismissal of the complaint against Judge Berua and Darimbang for insufficiency of evidence.[42] According to the OCA, there is no proof that Judge Berua caused the insertion of Judge Pacalna's purported May 23, 2002 order into the records of the cases or that he intentionally delayed the resolution of the inclusion proceedings. As for Darimbang, the OCA opined that he could not be faulted for being away on official business when complainant's counsel requested for a copy of the May 23, 2002 transcript.

On the other hand, the OCA recommended that Judge Pacalna be held accountable for delaying the resolution of the cases, for failing to observe the proper procedure, and for gross ignorance of the law and procedure, for which

he should be fined in the amount of P10,000.00. Meanwhile, the OCA agreed with Judge Ibrahim's recommendation that Batua-an be reprimanded for "lack of prudence" in rectifying his mistake of submitting the wrong tape and unsigned transcript.

In a Resolution[43] dated February 12, 2007, the Court adopted the OCA's recommendation and exonerated Judge Berua and Clerk of Court Darimbang from the administrative charges. On the other hand, Judge Pacalna and Court Stenographer Batua-an were required to manifest within five (5) days from notice whether they were willing to submit the instant case for resolution on the basis of pleadings filed. They both complied on April 24, 2007, after which the case was deemed submitted for decision.[44]

We have reviewed the records of the case and we find that the May 23, 2002 order of Judge Pacalna is a sham. There is no proof that the motion for intervention was heard and that the same was granted by Judge Pacalna. The alleged transcript[45] of the May 23, 2002 proceedings, which the RTC ordered stricken off the records, does not show that Judge Pacalna heard the motion, much less issued an order granting the same. Except for the purported order, there is no documentation of any proceedings relative to the said motion.

There is also no showing that the parties received their respective copies of the alleged order. Judge Pacalna could have submitted proof of service of the order showing that it was duly received by the parties, but he failed to do so. The counsel of Mayor Sarangani also did not object or manifest that Judge Pacalna has granted the motion when Judge Berua initially set the same for hearing upon remand of the cases to him. Judge Berua even ordered the parties to exchange pleadings when neither of them appeared during the July 5, 2002 hearing set for the motion for intervention.

Moreover, the RTC itself categorically observed that the order was not part of the records when the cases were first elevated to it on appeal. The RTC said in its decision that –

[T]his Court is just as surprised as the petitioners/appellants with respect to the legal existence of the lower court's order dated May 23, 2002, considering that it was not with the records elevated to this Court when the decision dismissing the twenty (20) petitions for inclusion was first appealed on June 6, 2002. Even the comments belatedly filed by respondent/appellee election officer and the intervenor/appellee made no mention of the said order granting the intervention, a fact that intervenor/appellee's counsel could not have overlooked considering that he was questioning the omission by petitioners/appellants of his client's name as intervenor in the title caption of the appealed case. x x x[46]

The records reveal that said order never officially existed. The Joint Affidavit of the court personnel stating that Judge Pacalna in fact heard and granted the motion and issued the said order cannot prevail over the records of the case. Their sworn statement rings hollow in the face of obvious inferences that may be drawn from the pleadings and documents on record.

The fabrication of an order by Judge Pacalna constitutes dishonesty which is defined as a "disposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of straightforwardness; disposition to defraud, deceive or betray." [47] Dishonest acts have no place in the judiciary and are even more detestable when perpetrated by a judge who is expected to be the visible representation of truth and justice.

Dishonesty, like bad faith, is not simply bad judgment or negligence, but a question of intention. In ascertaining the intention of a person accused of dishonesty, consideration must be taken not only of the facts and circumstances which gave rise to the act committed by the respondent, but also of his state of mind at the time the offense was committed, the time he might have had at his disposal for the purpose of meditating on the consequences of his act, and the degree of reasoning he could have had at that moment.[48] In the instant case, it

appears that Judge Pacalna intentionally fabricated the order to cover up for his official shortcomings. This is a reprehensible act that will not be sanctioned by the Court.

Judge Pacalna likewise displayed gross ignorance of procedure in the conduct of the election cases. Section 32 of Republic Act No. 8189[49] prescribes the rules to be followed in judicial proceedings for inclusion in the permanent list of voters, as follows:

SEC. 32. Common Rules Governing Judicial proceedings in the Matter of Inclusion, Exclusion, and Correction of Names of Voters.-

- a) Petition for inclusion, exclusion or correction of names of voters shall be filed during office hours;
- b) Notice of the place, date and time of the hearing of the petition shall be served upon the members of Board and the challenged voter upon filing of the petition. Service of such notice may be made by sending a copy thereof by personal delivery, by leaving it in the possession of a person of sufficient discretion in the residence of the challenged voter or by registered mail. Should the foregoing procedures not be practicable, the notice shall be posted in the bulletin board of the city or municipal hall and in two (2) other conspicuous places within the city or municipality;
- c) A petition shall refer only to one (1) precinct and implead the Board as respondents;
- d) No costs shall be assessed against any party in these proceedings. However, if the court should find that the application has been filed solely to harass the adverse party and cause him to incur expenses, it shall order the culpable party to pay the costs and incidental expenses;
- e) Any voter, candidate or political party who may be affected by the proceedings may intervene and present his evidence;
- f) The decision shall be based on the evidence presented and in no case rendered upon a stipulation of facts. If the question is whether or not the voter is real or fictitious, his nonappearance on the day set for hearing shall be prima facie evidence that the challenged voter is fictitious; and
- g) The petition shall be heard and decided within ten (10) days from the date of its filing. Cases appealed to the Regional Trial Court shall be decided within ten (10) days from receipt of the appeal. In all cases, the court shall decide these petitions not later than fifteen (15) days before the election and the decision shall become final and executory. (*Italics supplied*)

Judge Pacalna dismissed the petitions on the basis of Tumara's testimony that the latter signed the certifications under duress but, in so doing, did not give complainant the opportunity to cross examine the election officer before he rendered his decision. Tumara's letter was also received as part of the evidence offered by Mayor Sarangani without allowing complainant the opportunity to inspect and controvert the contents of the letter. Worse, the letter was admitted as part of Mayor Sarangani's evidence when the latter's Motion for Intervention had not yet been acted upon and the letter itself was never formally offered in evidence. In other words, Judge Pacalna decided the election cases on the basis alone of Mayor Sarangani's evidence, without due regard to procedural rules as well as fundamentals of due process.

The records also disclose that Judge Pacalna did not set the election cases for hearing in due time. The cases were first heard on May 9, 2002 or more than three months after the same were filed on January 18, 2002. Considering that Section 32 (g) above mandates that petitions for inclusion be heard and decided within 10 days from filing, it was incumbent upon Judge Pacalna, upon determining that the petitions were sufficient in form and substance, to set the cases for hearing at the soonest possible time.

In this connection, we cannot accept Judge Pacalna's explanation that the cases were not set for hearing due to

complainant's failure to specify a hearing date in his petition. Although complainant's counsel is not entirely faultless in this regard, the notice of hearing incorporated in the petitions clearly states that the same was being submitted for consideration of the trial court on "FEBRUARY __, 2002 at 9:00 A.M. or as soon thereafter as they may be heard." Even if the date, as written, omitted to mention the exact day for the hearing, it is nevertheless apparent that complainant intended his petition to be heard at a particular day that the trial court may deem convenient. The omission was not substantial as to preclude Judge Pacalna from setting the cases for hearing, bearing in mind the urgent nature of the petition. If he believes that the omission rendered the petition fatally defective, as he now insists, he should have dismissed the same outright and not wait for three months before acting on the same.

Judge Pacalna's failure to observe fundamental rules relative to the petitions for inclusion cannot be excused. As a judge of the Municipal Circuit Trial Court vested with jurisdiction to hear and decide petitions for inclusion or exclusion of voters, he is expected to be familiar with the legal requirements. Having accepted the exalted position of a judge, he is expected to exhibit more than just a cursory acquaintance with the laws and rules of procedure. The litigants will have faith in the administration of justice only if they believe that the occupants of the bench cannot be accused of deficiency in their grasp of legal principles.[50]

As for Court Stenographer Batua-an, although the tape is not officially part of the records of a case and a stenographer is not required to use a tape recorder in documenting the proceedings,[51] it is a fact that Batua-an failed to sign the transcript that was forwarded to the RTC. Batua-an has failed to provide an explanation regarding this irregularity except to say that Atty. Masorong intimidated him. This claim of intimidation is a bare assertion which Batua-an invokes to escape administrative liability.

Section 17 of Rule 136[52] expressly states that it is the duty of a court stenographer to deliver to the clerk of court, immediately at the close of a court session, all the notes he has taken, to be attached to the record of the case. When such notes are transcribed, the transcript shall be delivered to the clerk, duly initialed on each page, likewise to be attached to the record of the case. Batua-an was evidently remiss in his duty when he failed to sign and certify the May 23, 2002 transcript.

All told, we find Judge Pacalna administratively liable for dishonesty, serious misconduct and gross ignorance of the law or procedure. He likewise violated the Code of Judicial Conduct which enjoins judges to uphold the integrity of the judiciary, avoid impropriety or the appearance of impropriety in all activities and to perform their official duties honestly and diligently.[53] However, we find the fine in the amount of P10,000.00 as recommended by the OCA not commensurate in view of the infractions committed. Under the circumstances, fine in the amount of P20,000.00 is more appropriate.

There being no proof of any ill motive on the part of Court Stenographer Batua-an, he is reprimanded for failing to sign the transcript of stenographic notes of the May 23, 2002 proceedings.

WHEREFORE, for dishonesty, gross misconduct constituting violation of the Code of Judicial Conduct and gross ignorance of the law, respondent Judge Baguinda Ali Pacalna, Presiding Judge of the Municipal Circuit Trial Court, Municipality of Balindong, Lanao Del Sur, is ORDERED to PAY a fine of P20,000.00, with WARNING that a repetition of the same or similar acts shall be dealt with more severely.

Court Stenographer Mandag Batua-an of the same court is hereby REPRIMANDED with similar WARNING that a repetition of the same or similar acts shall be dealt with more severely.

SO ORDERED.

Chico-Nazario, Nachura, and Reyes, JJ., concur.

Austria-Martinez, J., concurs that respondent judge is guilty as charged. However, he should be imposed a fine of P40,000.00.

[1] Rollo, pp. 01-039.

[2] Referred to as “Tomara” in other parts of the records.

[3] Rollo, p. 042.

[4] Id. at 046-048.

[5] Id. at 044.

[6] Id. at 049-054.

[7] Id.at 071 & 076.

[8] Id. at 077-080.

[9] Id. at 081-086.

[10] Id.at 065-070.

[11] Id. at 087.

[12] Id.at 088 & 089.

[13] Id. at 090-096.

[14] Id. at 097.

[15] Id.at 098.

[16] Id.at 099.

[17] Id. at 100.

[18] Id. at 101-108.

[19] Id. at 106.

[20] Id. at 131.

[21] Id.at 122-128.

[22] Id.at 109-121.

[23] Id.at 132.

[24] Id. at 134.

[25] Id.at 135-143.

[26] Id.at 144-154.

[27] Id.at 156-157.

[28] Id. at 155.

[29] Id. at 161-163.

[30] Id. at 412-414.

[31] Id. at 164-190.

[32] Id. at 197-198.

[33] Id. at 223.

[34] Id. at 221.

[35] Id. at 205.

[36] Id. at 224-225.

[37] Id. at 230.

[38] Id. at 229.

[39] Id. at 307-308.

[40] Id. at 315-322.

[41] Id. at 328-345.

[42] Id. at 485-492.

[43] Id. at 493.

[44] Id. at 495-498.

[45] Id. at 158-160.

[46] Id. at 176-177.

[47] Office of the Court Administrator v. Ramos, A.M. No. P-05-1966, October 20, 2005, 473 SCRA 463, 469.

[48] Civil Service Commission v. Perocho, A.M. No. P-05-1985, July 26, 2007.

[49] The Voter's Registration Act of 1996.

[50] Mercado v. Dysangco, 434 Phil. 547, 557-558 (2002).

[51] Alfonso v. Ignacio, A.M. No. P-02-1557, December 8, 2004, 445 SCRA 493, 498.

[52] SEC 17. Stenographer. – It shall be the duty of the stenographer who has attended a session of a court either in the morning or afternoon session, to deliver to the clerk of court, immediately at the close of such morning or afternoon session, all the notes he has taken, to be attached to the record of the case; and it shall likewise be the duty of the clerk to demand that the stenographer comply with said duty. The clerk of court shall stamp the date on which such notes are received by him. When such notes are transcribed, the transcript shall be delivered to the clerk, duly initialed on each page thereof, to be attached to the record of the case.

[53] See Code of Judicial Conduct, Canons 1, 2 and 3.

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