

**MA. VICTORIA S.D. CARPIO AND JOHN PERSIUS S.D. CARPIO
COMPLAINANTS, VS. JUDGE ELENITA C. DIMAGUILA, MUNICIPAL
TRIAL COURT IN CITIES OF ANTIPOLO CITY, RIZAL, BRANCH 4,
RESPONDENT.**

A.M. No. MTJ-17-1897 [Formerly OCA IPI No. 16-2832-MTJ]. November 21, 2018

Ponente: PERLAS-BERNABE, J.

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PERLAS-BERNABE, J.:

For resolution is the Motion for Reconsideration[1] dated April 20, 2018 filed by respondent Judge Elenita C. Dimaguila (respondent) of the Municipal Trial Court in Cities of Antipolo City, Rizal, Branch 4 (MTCC), seeking to reverse and set aside the Court's Resolution[2] dated April 17, 2017 finding her guilty of Gross Ignorance of the Law, and accordingly, imposing upon her the penalty of a fine in the amount P10,000.00.

The Facts

Respondent presided over a case for Grave Coercion against complainants Ma. Victoria S.D. Carpio and John Persius S.D. Carpio (complainants), docketed as Criminal Case No. 14-0504. During the proceedings, respondent allegedly refused to refer the case to the mandatory Court-Annexed Mediation and Judicial Dispute Resolution, pursuant to A.M. No. 11-1-6-SC-PHILJA, otherwise known as the "Consolidated and Revised Guidelines to Implement the Expanded Coverage of Court-Annexed Mediation (CAM) and Judicial Dispute Resolution (JDR)."[3] Accordingly, on February 26, 2016, complainants filed a Joint Complaint Affidavit[4] for Gross Ignorance of the Law, Manifest Bias and Partiality, Patently Erroneous and Serious Irregularity of Judgment, and Grave Abuse of Authority/Discretion against respondent before the Office of the Court Administrator (OCA).[5]

In her Comment[6] dated May 18, 2016, respondent maintained that she is aware of the Court's guidelines under A.M. No. 11-1-6-SC-PHILJA but opted not to refer Criminal Case No. 14-0504 to the mandatory CAM and JDR in order to avoid further delay, considering that complainants categorically declared in open court that they were no longer interested in settling the civil aspect of the case.[7]

In a Memorandum[8] dated January 19, 2017, the OCA recommended that: (a) the Joint Complaint Affidavit be re-docketed as a regular administrative matter against respondent; and (b) respondent be fined in the amount of P10,000.00 for Gross Ignorance of the Law, with a stern warning that a repetition of the same or similar offense shall be dealt with more severely.[9] In the said Memorandum, the OCA pointed out that Criminal Case No. 14-0504 was indeed among the cases which require mandatory referral to the CAM and JDR, and that it was incumbent upon respondent to strictly comply therewith under pain of administrative sanction.[10] However, the OCA noted that the said incident was respondent's first administrative offense, which is a mitigating circumstance in her favor.[11]

In a Resolution[12] dated April 17, 2017, the Court adopted and approved the findings and recommendation of the OCA, and accordingly, found respondent guilty of Gross Ignorance of the Law.

Aggrieved, respondent moved for reconsideration,[13] alleging that her failure to refer the case to the mandatory CAM and JDR was a mere slight deviation from the provisions of A.M. No. 11-1-6-SC-PHILJA, and was thus not intended to frustrate the ends of justice.[14] She added that the same was fully justified, considering that complainants had been taking steps towards delaying the case.[15] Moreover, she insisted that her actions were not brought about by her utter lack of familiarity and disregard of the rules, since she readily issues orders directing the parties in other cases to report to the CAM mediator after the accused's arraignment.[16]

The Issue Before the Court

The main issue in this case is whether or not the Court's Resolution dated April 17, 2017 finding respondent guilty of Gross Ignorance of the Law should be reconsidered.

The Court's Ruling

After a judicious study of the case, the Court finds sufficient basis to hold respondent liable only for Violation of Supreme Court Rules, Directives, and Circulars (a less serious charge), instead of Gross Ignorance of the Law (a serious charge).

Under Section 8, Rule 140 of the Rules of Court, Gross Ignorance of the Law or Procedure is classified as a serious charge.[17] For liability to attach, the assailed order, decision or actuation of the judge in the performance of official duties must not only be found to be erroneous but, most importantly, it must be established that the issuance thereof was actuated by bad faith, dishonesty, hatred or some other like motive.[18]

On the basis of the foregoing, it can be said that respondent's failure to refer the civil aspect of Criminal Case No. 14-0504 to the mandatory CAM and JDR proceedings does not amount to Gross Ignorance of the Law. While respondent deviated from the required procedure under A.M. No. 11-1-6-SC-PHILJA, such act is not outrageous so as to constitute "gross ignorance." Records reveal that she is fairly acquainted with the guidelines prescribed for the CAM and JDR, as in fact, she readily implements the same by ordering the parties in other cases to report to the CAM mediator after arraignment.[19] Moreover, she explicitly stated in the said orders[20] that her referral to the said mediator is in accordance with the provisions of A.M. No. 11-1-6-SC-PHILJA. Verily, respondent is well-aware of the rules involving the CAM and JDR, as well as its application and implementation.

The fault of respondent, however, lies in her belief that an exception to the foregoing was warranted by the circumstances. Respondent pointed out that the parties had unequivocally expressed their disinterest in settling the civil aspect of the case. Thus, to her mind, referring the same to the CAM and JDR would be a mere exercise of futility, and would then cause further delay in the disposition of the case. As such, respondent decided to deviate from the normal course of procedure in order not to hamper and frustrate the ends of justice.

While respondent had good motives in not referring the case to the CAM and JDR, the Court still finds her administratively liable for not complying with the provisions of A.M. No. 11-1-6-SC-PHILJA. It bears stressing that under the said rules, cases involving less grave felonies, where the offended party is a private person, are required to be referred to the CAM and JDR proceedings, as in this case.[21] Such requirement did not carve out any explicit exception and hence, evinces its mandatory nature, notwithstanding the parties' desire to forego with the settlement of the civil aspect of the case.

In view of the foregoing, the Court finds respondent administratively liable for the less serious charge of Violation of Supreme Court Rules, Directives, and Circulars under Section 9, Rule 140 of the Rules of Court, which is punishable by: (a) suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or (b) a fine of more than P10,000.00 but not exceeding P20,000.00.[22] In *Luna v. Mirafuente*,[23] the Court found respondent judge therein liable for Violation of Supreme Court Rules, Directives,

and Circulars for having violated the Revised Rules on Summary Procedure, but accordingly, mitigated the penalty of a fine to severe reprimand after taking into account the absence of malice and corrupt motive on his part.[24] Similarly, considering the absence of bad faith in the actuation of respondent and that this is her first offense, the Court deems it proper to mitigate the penalty imposed upon her from a fine of P10,000.00 to reprimand.

WHEREFORE, the motion for reconsideration filed by respondent Judge Elenita C. Dimaguila of the Municipal Trial Court in Cities of Antipolo City, Rizal, Branch 4 is PARTLY GRANTED. The Court's Resolution dated April 17, 2017 is hereby MODIFIED reducing the administrative liability of respondent from Gross Ignorance of the Law to Violation of Supreme Court Rules, Directives, and Circulars and imposing the penalty of REPRIMAND with a STERN WARNING that a repetition of the same or similar acts in the future shall definitely be dealt with more severely. She is reminded to be more circumspect in the performance of her duties, which should be discharged in accordance with the duly issued rules, directives, and circulars by the Court.

Let a copy of this Resolution be attached to the personal record of respondent judge.

SO ORDERED.

Peralta,[*] Bersamin,**] Del Castillo (Acting Chairperson), and Caguioa, JJ., concur.

[*] Designated Additional Member per Raffle dated October 17, 2018.

[**] Designated Additional Member per Raffle dated October 17, 2018.

[1] Rollo, pp. 116-123.

[2] Id. at 98-99. Signed by then Division Clerk of Court (now Clerk of Court-En Banc) Edgar O. Aricheta.

[3] Approved by the Court through En Banc Resolution dated January 11, 2011.

[4] Rollo, pp. 1-4.

[5] See id. at 93.

[6] Id. at 15-22.

[7] See id. at 20-22.

[8] Id. at 93-97.

[9] Id. at 97.

[10] Id. at 96.

[11] Id.

[12] Id. at 98-99.

[13] See Motion for Reconsideration dated April 20, 2018; id. at 116-123.

[14] Id. at 117.

[15] See id. at 117 and 120.

[16] See id. at 117.

[17] Re: Report on the Judicial Audit Conducted in the RTC, Branch 4, Dolores, Eastern Samar, 562 Phil. 301, 322 (2007).

[18] Luna v. Mirafuente, 508 Phil. 1, 7-8 (2005).

[19] See Orders dated January 15, 2016, September 22, 2014, and December 4, 2014; rollo, pp. 134-137.

[20] Id.

[21] Under A.M. No. 11-1-6-SC-PHILJA (See Part I, Item No. 3 [5] thereof), the civil aspect of less grave felonies punishable by correctional penalties not exceeding six (6) years of imprisonment, where the offended party is a private person, is required to be referred to the CAM and JDR proceedings.

[22] See Section 11 (B), Rule 140 of the Rules of Court.

[23] Supra note 18.

[24] See id. at 6-9.

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