

RE: REQUEST OF JUDGE ESTHER N. BANS TO TRAVEL ABROAD.*Adm. Matter No. 86-8-10603-RTC. January 31, 1987*

Ponente: FERNAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/649f14a4c4bb/>**FERNAN, J.:**

Judge Esther N. Bans, Presiding Judge, Regional Trial Court, Branch 72, Olongapo City, was extended an invitation by the International Law Association [Philippine Branch] to attend the 62nd Conference of the International Law Association [ILA] in Seoul, South Korea on August 24 to 29, 1986, and to participate in the Biennial Conference of the International Bar Association [IBA] in New York, U.S.A., scheduled for September 14 to 19, 1986. In a letter dated August 4, 1986, she requested the Court's permission to travel abroad on official time for the period beginning August 24 to September 19, 1986.[1]

In view of her caseload of 396 cases, 175 of which were reportedly criminal cases with detention prisoners,[2] the Court en banc instructed the Court Administrator, Hon. Leo D. Medialdea, to confer with Judge Esther N. Bans. On August 22, 1986, she came to the Office of the Court Administrator [OCA] and was advised to expedite the trial of cases with detention prisoners and to submit a report thereon before her departure for abroad. She was likewise asked which of the two [2] conferences she preferred to attend, and she chose the conference in New York. The Court Administrator then recommended to the Court en banc in a memorandum dated August 25, 1986 that Judge Esther N. Bans be allowed to travel only for a period of 19 days or from September 1-19, 1986, at no government expense, the period of her actual attendance in the IBA Conference in New York, U.S.A., to be on official time, but the rest of her travel period to be charged against her forfeitable leave.[3]

Meanwhile, no report on the disposition of the 175 criminal cases with detention prisoners was submitted to the Court by Judge Bans. The directive was reiterated on August 28, 1986 by the Court en banc, directing the Court Administrator to require Judge Bans to submit said report.

On September 1, 1986, the Office of the Court Administrator wired Judge Bans to come immediately to the Supreme Court in connection with her application for travel abroad. There was no reply and the Judge never came. Neither did Judge Bans submit the required report.

In a telegram received on September 9, 1986, Executive Judge Nicias O. Mendoza, Regional Trial Court, Olongapo City, informed the Office of the Court Administrator, in compliance with its directive, that Judge Bans last reported at his office in the afternoon of August 22, 1986.

The Court Administrator was later informed by the Chief Justice, Hon. Claudio Teehankee, that Associate Justice Florentino Feliciano saw Judge Esther N. Bans at Seoul, South Korea and that she was on her way to the United States of America. On the other hand, Atty. Adelaida Cabe- Baumann, Chief Administrative Services, Supreme Court, informed the Court, thru her certification, that the leave application of Judge Esther N. Bans from August 26 to September 24, 1986 was not signed and/or approved by the Court Administrator, inasmuch as action thereon was dependent upon the approval of her request to travel abroad.

From all indications, Judge Esther N. Bans left the country to attend the two [2] international conferences without

prior approval of her request to travel abroad.

On October 16, 1986, the Court en banc issued a resolution[4] requiring Judge Esther N. Bans to explain within ten [10] days from notice why disciplinary action should not be taken against her for leaving the country to attend the aforesaid international conferences without prior permission of the Court.

In her explanation and/or comment[5] Judge Bans attributed her having left the country to attend the ILA Conference in Seoul, South Korea and IBA Conference in New York, U.S.A. without prior approval of the Court of her request to travel abroad to "the more pressing need to prevent unnecessary forfeiture of so much hard-earned money [\$550] out of the total expenditure of \$1,290.00 for both conferences". She said that upon being advised by the Court Administrator that she will only be credited official time for the IBA Conference in New York, she requested her travel agency for travel adjustments but was informed that it could not work out feasible arrangements or adjustments in her plane tickets nor cancel the hotel reservation already paid proportionately with other lady delegates, so that under the circumstances, she had to push through with the original timetable, taking the necessary risks and the better option of exercising frugality.[6]

We are not satisfied with the reason proffered by Judge Esther N. Bans in totally disregarding the directive of the Court. As a judicial officer delicately tasked with the administration of justice, the higher interests of public service should, at all times, be above all other considerations. Admittedly, Judge Bans made travel arrangements even before approval by the Court of her request to travel abroad on official time. In fact, she paid in advance the airplane tickets and hotel accommodations. Judges should be reminded that requests for permission to travel abroad on official time should not be presumed granted by the Court. Guided by considerations of higher interests of the service, the Court painstakingly looks into every request on a case-to-case basis. Judge Bans should have informed the Court before her departure for abroad of the circumstances which compelled her to push through with her original timetable. But she chose to leave first, and explain later.

The Court does not approve of such practice.

Moreover, Judge Bans was remiss in not complying, at the earliest opportunity with the directive of the Court requiring her to submit a report on the disposition of the 175 criminal cases with detention prisoners pending before her sala. In her report[7] dated October 22, 1986, apparently submitted to the Court upon her return from abroad, Judge Bans informed the Court Administrator that the number of criminal cases with detention prisoners was erroneously reported to be about 175 when actually upon verification of the records, there were only 89 criminal cases with 57 detention prisoners, mostly involved in drug cases for which no bail had been recommended by the prosecution. Had she been mindful of the directive of the Court, We could have at least been apprised of such fact and could have acted more favorably on her request. In this connection, it is well to remind Judge Bans of the exigent need for promptness and efficiency in the discharge of official duties by occupants of the bench. For this purpose, they should make a regular periodic inventory of their cases to enable them to know their status. They must ever be fully cognizant of the state of their dockets.[8]

IN VIEW OF THE FOREGOING, Judge Esther N. Bans, Presiding Judge, Regional Trial Court, Branch 72, Olongapo City, is hereby REPRIMANDED with a warning that a repetition of similar action will be dealt with more severely by this Court. Let a copy of this resolution be attached to the concerned Judge's personal records.

SO ORDERED.

Teehankee, C.J., Yap, Narvasa, Melencio-Herrera, Alampay, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Padilla, and Bidin, JJ., concur.

[1] pp. 3-4, Rollo.

[2] p. 2, Rollo.

[3] p. 6, Rollo.

[4] p. 10, Rollo.

[5] pp. 13-19, Rollo.

[6] p. 14, Rollo.

[7] pp. 25-26, Rollo.

[8] Juan vs. Arias, 72 SCRA 409; Meimban vs. Balite, 72 SCRA 380.

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.