

**BENJAMIN C. UY, PETITIONER, VS. HON. RENATO S. MERCADO,
RESPONDENT.***A.M. No. R-368-MTJ. September 30, 1987*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/7357f332039c/>**PER CURIAM:**

Municipal Trial Court Judge Renato S. Mercado of Cabarroguis, Quirino Province, later Municipal Circuit Trial Court Judge of Aglipay-Sagaday, Quirino Province, is administratively charged with abuse of judicial power and discretion and gross ignorance of the law.

The records show that, on 3 May 1985, former Mambabatas Pambansa (MP) Orlando C. Dulay of Quirino Province filed a complaint for libel with the Municipal Trial Court of Cabarroguis, Quirino Province, presided over by respondent judge, against herein complainant Benjamin C. Uy, Apolonio Batalla and Ulpiano Quizon, based on a publication in the Tempo newspaper, dated 28 April 1985, implicating said former MP Orlando C. Dulay, along with several others, who were charged before the Provincial Fiscal of Cavite with the crime of robbery in band.

The records further show that respondent judge conducted the preliminary investigation on former MP Orlando C. Dulay, as complainant, on 3 May 1985, and issued the warrant for the arrest of the accused in the libel case on the same day, without any evidence or proof that there was immediate necessity of placing the accused under custody of the court and without proof or evidence to warrant a conclusion that the accused may frustrate the ends of justice by their non-appearance in the trial, as mandated by Rule 112, Section 6(b) of the 1985 Rules on Criminal Procedure. As a result, complainant Benjamin C. Uy, on 14 May 1985, while in the vicinity of the City Hall in Quezon City, was arrested and ordered detained in Cabarroguis, Quirino Province. The issuance of said warrant of arrest caused incalculable damage and suffering to complainant and his family, particularly because of the unusual arrest effected by the military elements under the control and supervision of then MP Orlando C. Dulay.

Complainant alleges that respondent judge gave due course to the complaint of libel despite the fact that, under Rep. Act No. 1289, as amended by Rep. Act No. 4363, the proper jurisdiction and venue of the case is Quezon City, where former MP Orlando C. Dulay held office or in Manila where the allegedly libelous article was printed and first published.

Respondent judge, in his Comment, admits having conducted the preliminary investigation in the libel case. He claims, however, that from the preliminary examination made, along with what he gleaned from the news item, there was reason to believe that there was probable cause for issuance of the warrant of arrest and the court, over which he presided, was of the belief that the three accused were probably guilty of said libel. Citing the cases of *US vs. Ocampo*, 18 Phil. 1, and *Amarga vs. Abbas*, 98 Phil. 739, respondent judge claims that the judicial determination of probable cause is final and conclusive and that whether probable cause exists or not is discretionary for the court. He asks for the dismissal of the administrative complaint.

Under Sec. 37 of Batas Pambansa No. 129, judges of Metropolitan Trial Courts, except those in the National Capital Region, Municipal Trial Courts and Municipal Circuit Trial Courts have authority to conduct preliminary

investigation of crimes alleged to have been committed within their respective territorial jurisdictions and cognizable by the Regional Trial Courts. And, Art. 360 of the Revised Penal Code on libel, as amended by Rep. Act No. 1289 and further amended by Rep. Act No. 4363, provides that, where one of the offended parties is a public officer, the action shall be filed in the Court of First Instance (now Regional Trial Court) of the province or city where he holds office at the time of the commission of the offense or of the province or city where the libelous article was printed and first published. It is also provided that preliminary investigation of criminal actions for written defamations shall be conducted by the provincial or city fiscal of the province or city, or by the municipal court of the city or capital of the province where such actions may be instituted in accordance with the provisions of the above article. The limitation of choice of venue is clearly intended to minimize or limit the filing of out-of town libel suits to protect the alleged offender from hardship, inconvenience, and harassment and to protect the interest of the public service where one of the offended parties is a public officer[1]. Hence, the proper court to hear the libel case, in this instance, was either the court in Quezon City where former MP Orlando C. Dulay held office, or the court in Manila where the allegedly libelous matter was printed and first published, but not the court in Quirino Province.

When respondent judge, in the libel case filed by MP Dulay, conducted the preliminary investigation on Dulay, he issued the warrant of arrest against the accused on the same day. While it is mandated by law that preliminary investigations should be simple, speedy and should not drag on for weeks and months, to protect the substantial rights of the accused, and that the investigating judge acts only upon probable cause and reasonable belief in issuing a warrant of arrest, it is equally mandated that preliminary investigations should secure the innocent against hasty, malicious and oppressive prosecution to protect him from public accusation of crime, from the trouble, expense and anxiety of public trial and to protect the State from useless and expensive prosecutions[2].

Considering that libel suits are often intended to harass an alleged offender, respondent judge should have satisfied himself not only that probable cause exists, but likewise made certain that venue is properly laid and jurisdiction legally acquired before taking cognizance of the case and issuing the warrant of arrest. This, he did not do. Reference may be made, at this point, to cases where despite the existence of probable cause, the investigating judge does not issue a warrant of arrest when there appears to be no necessity therefor.[3]

It should be noted that the accused in the libel case filed a motion to dismiss, raising the issue of venue and jurisdiction, thus affording respondent Judge an opportunity to rectify his previous stand, but respondent failed and refused to dismiss the libel suit[4], even as it was clear that the court, over which he presided, really had no jurisdiction over the case. With this unjustified action, respondent judge placed his integrity under a heavy cloud, leading the Court to believe that he went "out of his way" to accommodate and favor the then influential and powerful former Governor and later Mambabatas Pambansa of Quirino Province, Orlando C. Dulay. As held by this Court in *Montemayor vs. Judge Collado*.[5]

x x x The conduct and behavior of everyone connected with an office charged with the disposition of justice, like the courts below, from the presiding judge to the lowest clerk, should be circumscribed with the heavy burden of responsibility. His conduct, at all times, must not only be characterized with propriety and above all must be above suspicion. Although every office in the government service is a public trust, no position exacts a greater demand on moral righteousness and uprightness of an individual than a seat in the judiciary. x x x"

It appearing that the records of the case sufficiently provide a clear basis for the determination of respondent judge's administrative liability, there is no need to conduct a formal investigation of the charges[6]. The unjustified and irregular acts of respondent judge in the premises constitute serious misconduct or, at least, gross ignorance of the law. Ordinarily, the misconduct of the respondent would have warranted his dismissal from the service in view of its gravity. However, this penalty may no longer be imposed because of his automatic

separation from the service upon his filing of a certificate of candidacy for the position of Congressman for the province of Quirino in the elections of 11 May 1987. But, his actions cannot be allowed to go unpunished.

WHEREFORE, the Court orders the forfeiture of respondent's accrued retirement benefits as well as leave and other privileges, if any, with prejudice to re-employment in any branch or agency of the government, including government-owned or controlled corporations. Respondent is further required to show cause, within ten (10) days from notice hereof, why he should not be disbarred for the misconduct referred to in this resolution.

SO ORDERED.

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

Gancayco, J., on leave.

[1] Time, Inc. vs. Reyes, 39 SCRA 303

[2] Hashim vs. Boncan, 71 Phil. 216

[3] 1985 Rules of Criminal Procedure, Jose Y. Feria, Philip-pine Legal Studies, Series No. 2, p. 16

[4] Rollo, p. 32

[5] 107 SCRA 258

[6] Flores vs. Tatad, 96 SCRA 676

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.