

P/C SUPT. LUCAS M. MANAGUELOD, COMPLAINANT, VS. JUDGE FERNANDO M. PACLIBON, JR., REGIONAL TRIAL COURT, BRANCH 28, STA. CRUZ, LAGUNA AND JUDGE FRANCISCO J. GO, MUNICIPAL TRIAL CO...

A.M. No. RTJ-02-1726 (Formerly OCA I.P.I. No. 01-1221-RTJ). March 29, 2004

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PER CURIAM:

In a letter-complaint dated April 14, 2000, complainant Atty. Lucas M. Managuelod, Police Chief Superintendent then stationed in Camp Vicente Lim, Calamba, Laguna, charged respondents Judge Fernando M. Paclibon, Jr. of the Regional Trial Court, Branch 28, Sta. Cruz, Laguna and Judge Francisco J. Go of the Municipal Trial Court of Pila, Laguna, with having committed procedural lapses in granting bail to accused Ariel Palacol in Criminal Case No. SC-8235, entitled *People vs. Palacol*, and in quashing the search warrants issued in connection with Criminal Case No. 7604, entitled *People vs. Jaime Manambit, et al.* and Criminal Case No. 7603, entitled *People vs. Ferdinand Pagkaliwanagan*.

In Criminal Case No. SC-8235, complainant averred that, pursuant to a search warrant issued by respondent Judge Francisco Go, the police confiscated 214.40 grams of shabu from Ariel Palacol who was arrested and criminally prosecuted for violation of RA 6425, the Dangerous Drugs Act of 1972, as amended by RA 7659. Considering the amount of shabu confiscated from the accused, the offense committed should have been treated as a heinous and therefore non-bailable crime. However, on March 17, 2000, accused Palacol filed a motion to fix bail which respondent Judge Go granted on the same day without conducting any hearing thereon. He fixed the bail for the provisional liberty of the accused at P200,000. In the same order, respondent Judge Go inhibited himself from further hearing the case. On March 16, 2000, respondent Judge Fernando Paclibon, Jr. issued an order for the release of accused Palacol.

Complainant further alleged that, in Criminal Case No. SC-7604, respondent Judge Go issued two search warrants, pursuant to which 214.57 grams of shabu were confiscated by the police from the accused Jaime Manambit et al. The corresponding criminal case was then filed in court. However, on motion of the accused, the search warrants were quashed by respondent Judge Go because they allegedly took on the nature of general warrants, hence unconstitutional. On appeal, respondent Judge Paclibon affirmed the findings of Judge Go.

The same thing happened in Criminal Case No. SC-7603, where the shabu confiscated weighed 225.03 grams.

In his comment dated July 27, 2000, respondent Judge Go explained that in Criminal Case No. SC-8235, the weight of the confiscated shabu was not yet determined at the time the accused filed his motion to fix bail. In fact, the shabu seized from the accused was forwarded to the PNP Crime Laboratory for examination only on March 13, 2000. He further averred that the receipt of the seized article specified only “one piece transparent plastic with suspected shabu” and not one plastic bag of shabu. He justifies his action that, in case of doubt, it should be resolved in favor of the accused. As regards Criminal Case Nos. SC-7604 and SC-7603, he clarified that the search warrants he issued were quashed based on the pleadings submitted.

Respondent Judge Paclibon, on the other hand, explained that, in ordering the release of accused Palacol, he merely relied on the March 17, 2000 order of respondent Judge Go fixing the bail at P200,000. Nevertheless, when Criminal Case No. 8235 was eventually raffled to his sala, he issued another order, dated May 5, 2000, which set aside the assailed order of Judge Go and directed the issuance of a warrant of arrest for the apprehension of accused Palacol. By virtue thereof, Palacol was arrested and detained at the Laguna Provincial Jail.

Regarding Criminal Case Nos. SC-7604 and SC-7603, respondent Judge Paclibon attached to his comment copies of the orders he issued in those cases which he alleged could very well explain the rationale of his decisions therein.

In a resolution dated October 9, 2002, the Third Division of this Court dismissed the charges against Judge Paclibon, Jr., as recommended by the Office of the Court Administrator, for lack of evidence, it appearing that his only participation in Criminal Case No. SC-8235 was the alleged irregular and hasty issuance of the order of release, a copy of which was not even attached to the records.

What is left now to be resolved by this Court is the recommendation of the Office of the Court Administrator to suspend respondent Judge Go for three months, without pay, effective upon notice, for having failed to conduct a hearing on the application for bail by accused Palacol.

The duties of a judge, in case an application for bail is filed, are to: (1) notify the prosecutor of the hearing on the application for bail or require him to submit his recommendation; (2) conduct a hearing on the application for bail whether or not the prosecution presents evidence to show that the guilt of the accused is strong, to enable the court to exercise its discretion; (3) decide whether the evidence of guilt of the accused is strong based on the summary of evidence of the prosecution, and (4) if the guilt of the accused is not strong, discharge the accused upon the approval of the bailbond.[1]

In this case, the records do not reveal that respondent Judge Go ever conducted any hearing on the motion to fix bail filed by accused Palacol before he allowed him to post bail. Respondent Judge Go merely relied on the comment filed by Provincial Prosecutor Dan B. Rodrigo favoring the fixing of bail as prayed for by the accused in his motion. We find it highly suspicious that respondent Judge Go granted bail and fixed the amount thereof on the very same day the accused filed his motion. Thereafter, he inhibited himself from further hearing the case. The weight of the shabu confiscated was more than 200 grams, thereby qualifying the offense as a heinous crime, pursuant to RA 6425 as amended by RA 7659.

It is imperative that judges be conversant with basic legal principles and possess sufficient proficiency in the law. In offenses punishable by reclusion perpetua or death, the accused has no right to bail when the evidence of guilt is strong.[2] Respondent Judge Go should have known the procedure to be followed when a motion for admission to bail is filed by the accused. Extreme care, not to mention the highest sense of personal integrity, is required of him in granting bail, specially in cases where bail is not a matter of right.[3] The fact that the provincial prosecutor interposed no objection to the application for bail by the accused did not relieve respondent judge of the duty to set the motion for bail for hearing. A hearing is of utmost necessity because certain guidelines in fixing bail (the nature of the crime, character and reputation of the accused, weight of evidence against him, the probability of the accused appearing at the trial, among other things) call for the presentation of evidence. It was impossible for respondent judge to determine the application of these guidelines in an ex-parte determination of the propriety of Palacol's motion for bail. Thus, for his failure to conduct any hearing on the application for bail, we hold respondent Judge Go guilty of gross ignorance of the law justifying the imposition of the severest disciplinary sanction on him.

Further, the actuations of respondent judge in Criminal Case Nos. SC-7604 and SC-7603 were likewise highly dubious. In said cases, he issued several search warrants, only to quash them later after the police authorities had already conducted the search and seized a total of more than 400 grams of shabu. He justified his action by claiming that the search warrants he issued were in the nature of “general warrants,” which were unconstitutional. He, however, never explained why he, in the first place, issued such unconstitutional warrants.

A judge is human; this we acknowledge. But a judge is expected to rise above human frailties.[4] The Court frowns on and will never countenance the conduct of respondent judge for he should know that his behavior must always be beyond reproach and free from any appearance of impropriety to protect the image and integrity of the judiciary, specially considering that drugs were involved. Lamentably, respondent judge failed to measure up to such exacting norm. Although a judge may not always be subjected to disciplinary action for every erroneous order or decision he renders, that relative immunity is not a license to be negligent, abusive or arbitrary in the performance of his adjudicatory prerogatives.[5]

No position in the government service exacts a greater demand for personal honesty and integrity than a seat in the judiciary.[6] He must not sacrifice for expediency’s sake the fundamental requirements of due process or to forget that he must conscientiously endeavor each time to seek the truth, to know and correctly apply the law, and to dispose of controversies objectively and impartially — to the end that justice is done to every party.[7] Canon 2 of the Code of Judicial Conduct provides that a judge should not only avoid impropriety but also the appearance of impropriety in all his acts. By the very nature of his work, he should always be imbued with a high sense of duty and responsibility in the discharge of his obligation to administer justice.

WHEREFORE, respondent Judge Francisco J. Go of the Municipal Trial Court of Pila, Laguna is hereby DISMISSED from the service, with forfeiture of all retirement benefits, except accrued leave credits, and with prejudice to re-employment in any branch or instrumentality of the government, including government-owned or controlled corporations.

This resolution is immediately executory.

SO ORDERED.

Davide, Jr., C.J., Puno, Vitug, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio Morales, Callejo, Sr., Azcuna, and Tinga, JJ., concur.

[1] People vs. Cabral, 303 SCRA 361 [1999].

[2] People vs. Manes, 303 SCRA 231 [1999].

[3] Cruz vs. Yaneza, 304 SCRA 285 [1999].

[4] Lorena vs. Encomienda, 302 SCRA 632 [1999].

[5] de Vera vs. Dames II, 310 SCRA 213 [1999].

[6] Cruz vs. Yaneza, 304 SCRA 285 [1999].

[7] Young vs. De Guzman, 303 SCRA 254 [1999].

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