

AMADO L. DE LEON, COMPLAINANT, VS. JUDGE PATROCINIO R. CORPUZ, REGIONAL TRIAL COURT, BRANCH 44, SAN FERNANDO CITY, PAMPANGA, RESPONDENT.

A.M. NO. RTJ-03-1780 (FORMERLY OCA IPI NO. 03-1709-RTJ). September 14, 2005

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

In a complaint^[1] dated April 12, 2002, one Amado L. De Leon charged Judge Patrocinio Corpuz of the Regional Trial Court (RTC), Branch 44, San Fernando City (Pampanga), with grave abuse of authority.

The complaint alleges that on April 10, 2002, respondent judge approved the application for bail of Noe dela Fuente, accused of fourteen (14) counts of swindling (estafa) and fourteen (14) violations of Batas Pambansa Blg. 22^[2] before the Municipal Trial Court (MTC), Branch 2, Guagua, Pampanga, docketed as Criminal Cases Nos. 18143 to 18170. At the time respondent approved the bail posted for the accused, Judge Jesusa Mylene C. Suba-Isip, Presiding Judge of the MTC of Guagua, Branch 2, where the cases were filed, was in her court the whole day. Hence, she should have been the one to act on the accused's application for bail, not respondent judge.

On April 18, 2002, the Office of the Court Administrator (OCA) referred the complaint to Executive Judge Isagani M. Palad of the RTC of Guagua, Pampanga for discreet investigation and report.

In his Report dated April 30, 2002, Executive Judge Palad stated:

"That on April 10, 2002, the arrest of accused Noe dela Fuente was effected by SPO2 Enrico Nonato, Warrant Server, PNP Guagua Police Station. Certification is hereto attached as Annex "D";

That likewise on even date April 10, 2002, the accused filed his personal bail bonds, provided by Summit Guaranty & Insurance Company, Inc., which were approved by Judge Patrocinio R. Corpuz, RTC, Branch 44, City of San Fernando, Pampanga; on said date Judge Jesusa Mylene C. Suba-Isip reported for duty and very much available for the purpose of approving said question subject bail bond of the accused. Copies of the Order, the Certification and Court Calendar are hereto attached as Annexes "E," "F," "G," "H," & "I," respectively.

x x x" (Underscoring ours)

In his comment on the complaint, respondent denied the charge or any irregularity in approving the 14 bailbonds of accused Noe dela Fuente. Respondent explained that the accused, accompanied by SPO2 Nonato Enrico, appeared before him in his court "at about the close of office hours" on April 10, 2002. They told him that there were no more judges in the courts of Guagua and that he was the only judge present in the courts of San Fernando City. The accused then presented his bail furnished by the Summit Guaranty & Insurance Co., Inc. After finding that the bail is in order, he (respondent) issued an Order approving the same.

Eventually, Deputy Court Administrator Jose P. Perez submitted his Report with the following recommendation:

"1.

The instant complaint against Judge Patrocinio Corpuz, RTC, Branch 44, San Fernando City, Pampanga be RE-DOCKETED as a regular administrative matter; and

2.

Judge Corpuz be FOUND GUILTY of Grave Abuse of Authority for fixing and approving bail bonds in Criminal Case Nos. 18143 to 18170 despite the presence of the judge before whom the said cases are pending, in clear abuse of Section 17, Rule 114 of the Rules of Court and that he be FINED in the amount of Ten Thousand Pesos (P10,000.00) with a STERN WARNING that a repetition of the same or similar offense in the future shall be dealt with more severely."[3]

In our Resolution dated April 7, 2003, we required the parties to manifest, within twenty (20) days from notice, whether they are submitting the case for decision on the basis of the pleadings/records submitted.

Only respondent submitted the required manifestation. On April 18, 2004, he retired compulsorily.

Sec. 17, Rule 114 of the 2000 Rules of Criminal Procedure provides:

"SEC.17. Bail, where filed. – (a) Bail in the amount fixed may be filed with the court where the case is pending, or in the absence or unavailability of the judge thereof, with any regional trial judge, metropolitan trial judge, municipal trial judge, or municipal circuit trial judge in the province, city, or municipality, If the accused is arrested in a province, city, or municipality other than where the case is pending, bail may also be filed with any Regional Trial Court of said place, or if no judge thereof is available, with any metropolitan trial judge, municipal trial judge, or municipal circuit trial judge."

In *Cruz v. Yaneza*,^[4] we held:

"The foregoing provision anticipates two (2) situations. First, the accused is arrested in the same province, city, or municipality where his case is pending. Second, the accused is arrested in the province, city, or municipality other than where his case is pending. In the first situation, the accused may file bail in the court where his case is pending or, in the absence or unavailability of judge thereof, with another branch of the same court within the province or city. In the second situation, the accused has two (2) options. First, he may file bail in the court where his case is pending or second, he may file bail with any regional trial court in the province, city, or municipality where he was arrested. When no regional trial court judge is available, he may file bail with any metropolitan trial judge, municipal trial judge, or municipal circuit trial judge therein."

In the instant case, accused Noe dela Fuente was arrested by virtue of the warrants of arrest^[5] all dated April 9, 2002 issued by Judge Isip of the MTC of Guagua, Pampanga, Branch 2, where the cases were then pending. The accused was arrested in the same municipality. Following the above Rule and our ruling in *Cruz*, the application for bail should have been filed with the MTC of Guagua, Branch 2. Significantly, respondent does not dispute that Presiding Judge Isip was then present the whole day. If she was absent or unavailable, then the accused should have filed his application for bail with another branch of the same court within the Province of Pampanga or San Fernando City.

Here, we cannot understand why respondent approved the accused's application without first determining whether MTC Judge Isip is absent or unavailable, and if so, whether there are other MTC or MTCC Judges within the province of Pampanga or San Fernando City. Considering his long service in the judiciary, he must have known he has no authority to act on the accused's application for bail.

In his Report, DCA Perez stated in his Evaluation that:

"The undersigned believes that the issue here is whether on the basis of the previous approval of bailbonds by

Judge Patrocinio Corpuz, Section 17, Rule 114 of the Rules of Court was abused by the said judge.

After a careful evaluation of the record of this case, the undersigned is of the opinion that there are good grounds to believe that the aforementioned section of the Rules of Court was indeed abused by Judge Corpuz. Section 17, Rule 114 provides that: 'SEC.17. Bail, where filed. – (a) Bail in the amount fixed may be filed with the court where the case is pending, or in the absence or unavailability of the judge thereof, with any regional trial judge, metropolitan trial judge, municipal trial judge, or municipal circuit trial judge in the province, city, or municipality. x x x'

Under the afore-cited section, it is very clear that Judge Corpuz can only act on applications for bailbond in the absence or unavailability of the judge of the court where the cases are pending. The latter is primarily responsible for approving/disapproving such applications for bail due to the pendency of the said cases in his/her court. Judge Corpuz can only act secondarily. Also, it must be shown that the judge of the Court where the cases are pending is indeed absent or unavailable before another judge can act on applications for bail lodged before him. The undersigned believes that Judge Corpuz failed in this aspect. He should have called first the presiding judge of MTC, Branch 2, Guagua, Pampanga (Judge Jesusa Mylene C. Suba-Isip) and inquired whether the latter is absent or unavailable before he acted on the application for bailbonds in Criminal Cases Nos. 18143 to 18170. As shown by the Report dated 30 April 2002 submitted by Executive Judge Isagani M. Palad, RTC, Guagua, Pampanga, bailbonds for Criminal Cases Nos. 18143 to 18170 (28 counts) entitled 'People of the Philippines vs. Noe dela Fuente' for Violation of B.P. 22, were indeed approved by Judge Corpuz despite the fact that Judge Jesusa Mylene C. Suba-Isip, the judge who issued the warrant of arrest, was very much available for the purpose of approving said bailbond." (Underscoring ours)

We find respondent's protestation of good faith and eagerness to uphold the constitutional right of an accused to bail bereft of merit. Records show that he likewise granted bail to all the accused in the following cases: (1) Criminal Case No. 00-33639, pending before the MTCC of Angeles City, Pampanga, Branch 1, on April 19, 2002; (2) Criminal Case No. 56084-89, MTCC of Pasig City, Branch 71, on April 23, 2002; (3) Criminal Case No. 12408, RTC of San Fernando City, Branch 42, on April 27, 2002; (4) Criminal Case No. 02-088-90, MCTC of Mabalacat-Magalang, Pampanga, on May 2, 2002; (5) Criminal Cases Nos. 6067-68, MTC of Floridablanca, Pampanga, on May 2, 2002; (6) Criminal Case No. 02-3108-9, RTC of Macabebe, Pampanga, on May 3, 2002; (7) Criminal Case No. 12439, RTC of San Fernando City, Branch 42, on May 10, 2002; (8) Criminal Case No. 12437, RTC of San Fernando City, Branch 48, on May 10, 2002; (9) Criminal Case No. 02-186, RTC of Angeles City, on May 10, 2002; (10) Criminal Case No. G-5823, RTC of Guagua, Pampanga, on May 13, 2002; and (11) Criminal Case No. 02-108, MCTC of Mabalacat-Magalang, Pampanga, on May 21, 2002. The bailbonds in these cases were furnished by the First Quezon City Insurance Co., Inc. and Summit Guaranty & Insurance Co., Inc.

In granting bail, it is imperative that a judge be conversant with the procedures provided by the Rules and basic legal principles. A judge presiding over a court of law must not only apply the law but must also live by it.[6] The exacting standards of conduct demanded from judges are designed to promote public confidence in the integrity and impartiality of the judiciary.[7] When the judge himself becomes a transgressor of the law which he is sworn to apply, he places his office in disrepute, encourages disrespect for the law and impairs public confidence in the integrity of the judiciary itself.[8]

Sad to say, respondent failed to live by the above standards when he approved accused dela Fuente's bailbonds and issued release orders without authority and in breach of the Rules.

Section 8, Rule 140 of the 1997 Rules of Civil Procedure, as amended, provides:

"SEC. 8. Serious charges. - Serious charges include:

x x x

- Gross misconduct constituting violations of the Code of Judicial Conduct;

x x x"

Respondent judge committed gross misconduct by blatantly disregarding the Rules and settled jurisprudence. Such offense has been defined as "the transgression of some established or definite rule of action, more particularly, unlawful behavior or gross negligence." [9] In *Spouses Adriano and Hilda Monterola v. Judge Jose F. Caoibes, Jr.*, [10] we ruled: "The observance of the law, which respondent judge ought to know, is required of every judge. When the law is sufficiently basic, a judge owes it to his office to simply apply it; x x x failure to consider a basic and elementary rule, a law or principle in the discharge of his duties, a judge is either too incompetent and undeserving of the position and the title he holds or is too viscious that the oversight or omission was deliberately done in bad faith and in grave abuse of judicial authority."

Canon 1 (Rule 1.01) of the Code of Judicial Conduct provides that a judge should be the embodiment of competence, integrity and independence. Canon 3 states that "A judge should perform his official duties honestly and with impartiality and diligence." By his actuations, respondent judge has shown his lack of integrity and diligence, thereby blemishing the image of the judiciary.

Under Section 8, Rule 140 of the Revised Rules of Court, gross misconduct is classified as a serious charge. As to the penalty to be imposed, Section 11, A (3) of the same Rule provides:

"SEC. 11. Sanctions. – A. If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:

x x x

3. A fine of more than P20,000.00 but not exceeding P40,000.00."

WHEREFORE, respondent Judge Patrocinio R. Corpuz, now retired, is found GUILTY of gross misconduct and is hereby FINED in the amount of Forty Thousand Pesos (P40,000.00) to be deducted from his retirement benefits.

SO ORDERED.

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

[1] Rollo at 46.

[2] These cases were entitled "*People of the Philippines v. Noe dela Fuente*" and docketed as Criminal Cases Nos. 18143 to 18170. See Annex "D" of Report of Executive Judge Isagani M. Palad, Rollo at 52.

[3] *Id.* at 5.

[4] A.M. No. MTJ-99-1175, March 9, 1999, 304 SCRA 285.

[5] Rollo at 49-51.

[6] *Panganiban v. Cupin-Tesorero*, A.M. No. MTJ-02-1454, August 27, 2002, 388 SCRA 44.

[7] *Lim v. Fineza*, A.M. No. RTJ-02-1705, May 5, 2003, 402 SCRA 534, citing *Vedaña v. Judge Valencia*, 356

Phil. 317 (1998).

[8] Id.

[9] Id., citing Manuel v. Judge Calimag, Jr., 367 Phil. 162 (1999).

[10] A.M. No. RTJ-01-1620, March 18, 2002, 379 SCRA 334, cited in Lim v. Fineza, supra.

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