

MARGARITO PILOS, COMPLAINANT, VS. HON. REYNALDO P. HONRADO, RESPONDENT.

Adm. Matter No. 1230-CFI. November 23, 1981

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

This complaint against respondent Judge Reynaldo P. Honrado of the Court of First Instance of Rizal, was referred to Associate Justice Buenaventura S. de la Fuente of the Court of Appeals for investigation.

After conducting the required investigation, Justice de la Fuente submitted the following report and recommendation:

"This has reference to the administrative complaint filed by Margarito Pilos against respondent Judge Reynaldo P. Honrado, alleging that said respondent had 'knowingly render(ed) an unjust judgment' against him and 'knowingly taken such additional steps to ensure unobstructed implementation of said judgment'. This was reiterated in a supplemental petition subsequently filed by petitioner, wherein he also complained of acts done by said respondent judge 'to deter the prosecution of the administrative action against respondent'.

"Submitting his comment in compliance with the resolution of the Supreme Court, respondent Judge recited the events that transpired in connection with Criminal Case No. 10160, 'People vs. Margarito Pilos', and prayed for dismissal of the complaint for being moot and academic because the judgment in question had been vacated and set aside by the court a quo after the Court of Appeals granted the ex parte manifestation of respondent Judge to the effect that the appealed case be remanded 'to this Court of origin to give the accused (Pilos) a day in court and to prevent a miscarriage of justice.' [Resolution in CA-G.R. No. UDK-CFI Rizal No. 10160].

"In this inquiry into the said administrative charges, with the conformity or agreement of both the complainant and the respondent, the undersigned investigator required that direct testimonies be submitted by means of affidavits setting forth the questions propounded to and the answers of witnesses, subject to cross-examination by the other party, in addition to the stipulation of facts on undisputed facts. Accordingly, the following were submitted for consideration in this investigation: (1) 'Sinumpaang Salaysay' of complainant Margarito Pilos attached to Atty. Ventura's letter of June 23, 1980; (2) 'Sinumpaang Salaysay' of complainant Annex H of the original petition; (3) Affidavit of complainant's counsel, Atty. Eulalio Ventura, Annex I of the original petition; (4) Counter-affidavit of respondent Judge Honrado, dated August 3, 1980; (5) the Stipulation of Facts with respect to the aforementioned sworn statements, Annexes H and I of the complainant and his counsel; (6) Original records of Criminal Case No. 10160, CFI Rizal; and (7) the manifestations of both the complainant and the respondent, and other papers.

"After submitting their respective manifestations amplifying on their respective positions (amongst others, the respondent's manifestation to the effect that 'respondent will no longer examine and/or cross-examine verbally and in writing the petitioner and/or witnesses in connection with his petition' [administrative charge]), this case was deemed submitted for resolution.

"The relevant facts. -

"Most of the determinative facts in this case are not in dispute. Briefly stated, they are:

"1. In Criminal Case No. 10160 (CFI Rizal), Margarito Pilos, herein complainant, was charged with damage to property thru reckless imprudence. When the prosecution had completed its presentation of evidence, the defense counsel asked for and was granted by the court a period of 15 days from July 2, 1975, within which to file a motion to dismiss. This was later extended twice, the last extension of 15 days to be counted from receipt of the transcript of stenographic notes. On August 11, 1975, the accused finally filed his motion to dismiss.

"2. It appears from the record that on August 13, 1975, the respondent, as Presiding Judge of said court, set the promulgation of its judgment for August 26, 1975. On that date, it also appears, that in view of the absence of defense counsel de parte, Atty. Filomeno T. Koh was appointed counsel de oficio for the accused. There was then no proof of service upon Atty. Eulalio Ventura (defense counsel of record). The Court proceeded with the promulgation of its judgment, sentencing the accused to pay a 'fine in the amount of P3,081.75 ... with imprisonment in case of insolvency at the rate of One (1) day for each P8.00 not to exceed one-third (1/3) of thirty-one (31) days or ten (10) days;' and to indemnify the owner of the Mercedes Benz car 'in the amount of P3,081.75'.

"3. On the same day, Deputy Clerk Evangeline S. Yuipco issued a Commitment Order addressed to the Municipal Warden, Municipality of Mandaluyong, Rizal, as a consequence of which the accused was detained at the municipal jail for ten days, when no bail on appeal was posted in his behalf.

"4. According to the sheriff's return dated August 22, 1975, signed by Special Sheriff Poblado, Jr., but received by the court only on September 18, 1975, 'Notice intended for Atty. Eulalio Ventura was not served on the ground that the said address given cannot be located by the undersigned despite diligent effort exerted.'

"5. On September 9, 1975, after the accused had been released, his counsel de parte filed a notice of appeal. It is admitted by said counsel, however, that he received a copy of the decision on September 1, 1975 (paragraph 8, page 3, Atty. Ventura's affidavit, Annex I, Original Petition).

"6. In the Court of Appeals, where the records were transmitted in view of the notice of appeal, a manifestation ex parte, dated February 27, 1976, was filed by the respondent Judge praying that the records be remanded to the court of origin 'to give the accused a day in court and to prevent a miscarriage of justice.' He stated therein that 'due to plain oversight, confusion with other cases he was preparing the decision at home, and due to the cardiac ailment he had (been) suffering since 1972, he had overlooked thru honest mistake that herein accused was given an extension of fifteen (15) days to file a motion to dismiss.' Said prayer was granted by the Court of Appeals [Fifth Division] on April 23, 1976 (p. 110, Original Record, Criminal Case No. 10160), after due consideration of the comments submitted by the complainant as well as by the Solicitor General's Office.

"7. Conformably with the said resolution of the Court of Appeals remanding the case 'to give the accused his day in court', respondent Judge issued an order vacating and setting aside the decision in question and the complainant's motion to dismiss of August 11, 1975, was calendared for hearing on May 17, 1976 (page 117, Ibid.).

"8. An opposition to said motion to dismiss was filed by Assistant Provincial Fiscal Sta. Ana (page 118, Ibid.).

"9. On May 12, 1976, the accused thru counsel filed a manifestation (dated May 10, 1976) to the effect that the accused was not going to participate 'in any further proceedings' in the case because of his earnest belief 'that by doing so he would be voluntarily placing himself in double jeopardy in violation of his constitutional rights', and also because he had 'already served his sentence and duly released after completion of said service of sentence.' It was submitted that the participation of the accused would 'not serve him any purpose or benefit inasmuch as any favorable outcome . . . would be moot and academic.'

"10. On May 31, 1976, respondent Judge rendered an Amended Decision. Its dispositive portion reads as follows:

'WHEREFORE, this Court finds the defendant Margarito Pilos y Magalzo guilty beyond reasonable doubt of Reckless Imprudence Resulting in Damage to Property, and imposes upon him the penalty of:

'1. Fine in the amount of P3,081.75 which is the equal amount to the value of the damages, with imprisonment in case of insolvency at the rate of one (1) day for each P8.00 not to exceed one-third (1/3) of thirty-one (31) days or ten (10) days;

'2. Deducts the period the accused has served for the period of ten (10) days which this Court considers as preventive imprisonment based on equitable ground under Republic Act 6127; and

'3. To pay the costs.

'SO ORDERED.'

"The Complainant's Version as to what happened when the questioned judgment was promulgated on August 26, 1975, may be recapitulated as follows:

"Complainant received on August 23, 1975 a notice requiring his presence in court on August 26, 1975. On that day, he appeared in court unaware that sentence was going to be promulgated. He learned about this only when the case was called. Because of the absence of counsel, complainant asked respondent for time to contact his lawyer, but respondent 'refused to heed your petitioner's plea', although there was no proof of service upon his counsel. Then sentence was promulgated, after which he was taken to the office of the clerk of court. Although he was 'made to understand that he was being detained only until he is able to post an appeal bond', it turned out that 'respondent caused a commitment order to be prepared.' He was thus committed to the municipal warden and 'served sentence commencing on August 26, 1975' for 10 days. It was only upon his release at the end of said period that he 'realize(d) that he was not merely detained but actually imprisoned to serve sentence' for a crime 'he sincerely believes he is not guilty of'. And such service of sentence, it is also claimed, 'has rendered moot and academic your petitioner's right to appeal' (see pars. 14 to 18, Orig. Petition).

"Questions to be resolved in this case.

"The complainant's charges raise the following questions:

"1. Is this a case of 'knowingly rendering an unjust judgment' within the purview of the law.

"2. If not, may the questioned acts or actuations of the respondent in regard to the said promulgation of the questioned judgment (which was later vacated and set aside by the respondent) be categorized or considered as serious error warranting appropriate disciplinary action against the respondent.

"Observations. -

"1. To begin with, the following ruling of the Honorable Supreme Court is most pertinent.

'In order that a judge may be held liable for knowingly rendering an unjust judgment, it must be shown beyond doubt that the judgment is unjust as it is contrary to law or is not supported by the evidence, and the same was made with conscious and deliberate intent to do an injustice...' (In re Climaco, 5 SCRA 107).

"This was reiterated in *Gil vs. Baes*, 61 SCRA 476; *Sta. Maria vs. Abay*, 87 SCRA 179; and *Revita vs. Rimando*, 98 SCRA 620. In the last mentioned case, the Supreme Court even added: 'As a matter of public policy, in the absence of fraud, dishonesty or corruption, the acts of a judge in his judicial capacity are not subject to disciplinary action, even if such acts are erroneous' (page 624). Disciplinary action does not necessarily follow from every error of judgment committed by a judge or non-observance of procedural rules. It was also held in *Gahol vs. Riodique*, 64 SCRA 494, that 'only after the appellate court holds in a final

judgment [on appeal] that a trial judge's alleged errors were committed deliberately and in bad faith may the charge of knowingly rendering an unjust decision be levelled a trial judge.'

"In Criminal Case No. 10160, the accused (herein complainant) had refused to participate in 'further proceedings' after it was remanded by the Court of Appeals to the lower court to give him his day in court, as prayed for by respondent himself. Complainant gave as principal reason that he had already abandoned his appeal by reason of his 'service of sentence.' Said appellate court was thereby denied the opportunity of passing upon the merits of the questioned judgment and of deciding whether or not the respondent committed errors in said impugned decision which were patently 'contrary to law' or 'not supported by the evidence' adduced. In the absence of such a finding, the judgment has in its favor the presumption of correctness. And it becomes unnecessary to determine whether the judgment was 'made with conscious and deliberate intent to do an injustice.'

"The undersigned, therefore, believes and submits that this is not a case of 'knowingly rendering an unjust judgment.'

"But assuming, arguendo, that it is such a case, examination of the decision in question shows that the respondent clearly and distinctly stated the facts upon which the court based its conclusion that the taxicab driver's negligence was the proximate cause of the vehicular accident. More specifically, it was pointed out that the collision was due to the 'sudden and immediate swerving to the left to execute a U-turn by the driver of the Blue Car Taxi', etc.

"By his motion to dismiss, complainant submitted that his guilt was not established beyond reasonable doubt inasmuch as the lone pro-prosecution witness contradicted or did not support and substantiate the prosecution's averment that it was 'the vehicle driven by the accused which hit, struck and bumped the Mercedes Benz car.' On the other hand, in its opposition, Asst. Prov. Fiscal Sta. Ana countered that defense counsel 'relied solely on his cross-examination.. and overlooked the fact that the bumping occurred because of the recklessness of his client who was then driving a taxi by making sudden turn without giving any signal...' At best, the question of sufficiency of the proof of guilt of complainant was a debatable one. It cannot be said, then, that complainant's innocence is so clear and unmistakable from the evidence of record.

"2. In the opinion of the undersigned, the core of the charges against the respondent Judge is that he rendered prematurely a judgment of conviction without first resolving his motion to dismiss and before complainant could present his evidence.

"On this score, the following facts of record appear pertinent:

"(a) Respondent himself admitted his 'error', claiming however that it was 'plain oversight, confusion with other similar cases I was preparing at home, and due to cardiac ailment I had been suffering since 1972.' He regards it as an 'honest mistake.;

"(b) The comment submitted by the Office of the Solicitor General on the respondent's ex parte manifestation stated inter alia: 'There is no doubt that the decision by the lower court ... only three days after the court granted the accused fifteen (15) days within which to file a Motion to Dismiss, deprived the accused-appellant of his day in court' because the motion to dismiss was not considered; and that the manifestation ... filed by Judge Honrado 'seeks to correct this injustice done to the accused.' To show it was proper, said office cited 'existing jurisprudence.' Sustaining this view, this court granted the prayer for the remand of the case 'to give the accused his day in court' (Res. in CA-G.R. No. UDK-CFI Rizal No. 10160).

"(c) Respondent Judge then vacated and set aside the decision in question. But, thereafter, the accused (herein complainant) refused to cooperate and insisted in not participating in 'further proceedings'.

"(d) At this juncture, it should be noted that at the hearing of July 2, 1975, defense counsel informed the

respondent Judge:

'In case the court will deny our motion to dismiss, we will not present our evidence. We will submit our case on the basis of the evidence already submitted ...' (Annex I, Orig. Petition).

"The motion to dismiss was filed on August 11. The questioned decision was promulgated on August 26, or 15 days afterwards. Said decision dated July 31 appears to have been prepared before the filing of the motion to dismiss.

"It would seem, then, that even a judgment rendered after the denial of the motion to dismiss would still be based wholly on the evidence considered in the questioned decision, since defense counsel had already served notice he would not present any evidence and the result would be no different. Also, that decision having been actually promulgated 15 days after the filing of said motion, one could argue that it was impliedly denied upon the promulgation of the decision (Ong vs. Fonacier, 17 SCRA 617).

"Such a posture, however, would be incompatible with respondent's admission of his 'error' in rendering judgment before denying the motion to dismiss.

"3. In view of respondent's admission of his error in prematurely rendering the judgment in Crim. Case No. 10160 against the accused (herein complainant), the question that arises is: Would that be sufficient reason or ground to hold the respondent Judge administratively answerable for such mistake which was allegedly due to 'oversight, confusion with other similar cases I was preparing the decisions at home ...' As earlier noted, *Revita vs. Rimando*, 98 SCRA 620, informs us -

'As a matter of public policy, in the absence of fraud, dishonesty or corruption, the acts of a judge in his judicial capacity are not subject to disciplinary action, even if such acts are erroneous (48 C.J.S. 974).'

"The decision in question was not clearly or patently erroneous in the sense that there was 'no evidence of record' to support its factual findings or that it is plainly 'contrary to law.' This is quite evident upon reading the decision, the motion to dismiss and opposition thereto. In concluding that negligence of the accused was the proximate cause of the accident, the respondent reasoned it out and mentioned supporting evidence of record. Respondent's mistake was in promulgating the decision ahead of his denial of the motion to dismiss. Considering that defense counsel manifested to the court that, in case of the denial of his motion, he was going to submit the case without presenting evidence for the defense, the error did not have the effect of depriving the accused of the right to present evidence.

"That respondent committed a mistake in good faith has to be presumed unless the contrary is shown by indubitable proof. Complainant imputes bad faith or malice upon the reasoning that respondent judge could not have overlooked that motion he filed 14 days before the promulgation of the decision, and that the decision was prepared evidently 10 days earlier as indicated by its date 'July 31, 1975.' That would have been correct if the decision was promulgated immediately, or before the filing of the motion to dismiss. The stubborn fact remains that the decision was actually promulgated on August 26, 1975 or 14 days after receipt by the court of the motion to dismiss.

The premature rendition of the decision cannot be attributed to fraud, dishonesty or corruption. This is not a case of a judgment based on non-existent or imagined evidence but made to appear other-wise. Neither can it be said that the decision was hastily promulgated because of some monetary or other valuable consideration. The complaint merely alleged and insinuated personal ill-will as the probable motivation of respondent Judge. To quote complainant's counsel, the respondent 'was greatly peeved by my insistence to file the Motion to Dismiss' (par. 4, Annex H, Orig. Petition; this was denied by respondent in the stipulation).

"4. Complainant was of the impression, and he insists, that he was made to serve his sentence. It is not denied that when he was brought to the office of the clerk of court, Deputy Clerk Yuipco prepared immediately a

commitment order (Annex G. Orig. Petition). It is not shown that after promulgation of the decision, respondent had any direct or personal participation in the issuance of the said order. It was issued under the signature of the Deputy Clerk of Court who explained to complainant's counsel that it was 'routine procedure to detain the accused until a bail is posted for the purpose of the appeal' (par. 17, Annex I, Orig. Petition). It is also significant that the complaint just averred that 'the respondent caused a commitment order to be prepared and thereby ordered your petitioner to be imprisoned and serve sentence ...' Such a conclusion is premised simply on the fact of issuance of said order, unsupported by evidence that respondent himself personally gave any specific order or instructions in regard thereto.

"Besides, it does not seem correct to say that the accused had 'served his sentence.' x x x x x x x x x x x x x x x x x x. Soon after judgment was promulgated, complainant signified his intention to appeal and he was told that for his provisional liberty he should file his appeal bond. His status, then, was that of an appellant under detention. That such continued for 10 days because of his failure to post the required bail bond does not make it 'service of sentence.'

"Complainant also claims that, due to the premature promulgation of judgment, he was unable to contact his counsel. This may be true during the first day of his detention. It is, however, unbelievable that, during the entire 10-day period of detention, he could not get in touch with his lawyer. Surely, his family could have someone to look for him when he failed to return home that first day. Proper inquiry would have disclosed that he was sentenced, was placed under detention but could be released upon filing an appeal bond. His counsel admittedly received notice of the decision on September 1, 1975. Counsel would have learned, if he tried to find out what had happened, that his client was still under detention. Apparently, counsel acted only on September 9, when he filed a notice of appeal. At that time, complainant had already been released.

"5. In *Mangaron vs. Bagano* (85 SCRA 1), the respondent judge likewise erred in ordering execution of an order before its finality, resulting in the premature imprisonment of the complainant. Upon motion of complainant, the respondent vacated and set aside the order. This was considered in his favor. Here, it would be relevant to take note also of the following: (a) Upon realizing his 'error', respondent filed an ex parte manifestation asking the Court of Appeals to remand the case in order to give the accused his day in court and to prevent a miscarriage of justice; (b) Upon remand, he immediately vacated and set aside the questioned judgment.

"Respondent invites attention to his 4 years service as a Justice of the Peace and 14 years as district judge, CFI; he submits his case with a plea for 'compassionate consideration'. The complainant, too, has this prayer: '.... even if respondent judge fails to adequately explain his action ... leaving no alternative but for appropriate action in the premises, it is prayed that justice be tempered with mercy.'

"Conclusion and recommendation. -

"It is submitted that 'all things considered, the admitted "error" of the respondent was committed without malice or wrongful intention to cause an injustice.

"Accordingly, it is recommended that an admonition (in *Revita vs. Rimando*, 98 SCRA 619, the respondent Judge, who dismissed a complaint without presentation of prosecution evidence, was merely "admonished to exercise more prudence and circumspection in the performance of his duties.") of the respondent would be sufficient disciplinary action in regard to this administrative matter."

The foregoing report and recommendation being supported by the record, is hereby approved and adopted.

WHEREFORE, RESPONDENT JUDGE IS HEREBY ADMONISHED TO HENCEFORTH ACT WITH GREATER CIRCUMSPECTION.

SO ORDERED.

Teehankee, Acting C.J., Fernandez, Guerrero, and Melencio-Herrera, JJ., concur.

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