

**ATTY. NORLINDA R. AMANTE-DESCALLAR, COMPLAINANT, VS.
JUDGE REINERIO ABRAHAM B. RAMAS, REGIONAL TRIAL COURT,
BRANCH 18, PAGADIAN CITY, RESPONDENT.**

A.M. No. RTJ-08-2142 [OCA-IPi No. 08-2779-RTJ]. March 20, 2009

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

Atty. Norlinda R. Amante-Descallar, Clerk of Court, Regional Trial Court of Pagadian City, Branch 18, filed seven administrative complaints against respondent Judge Reinerio Abraham B. Ramas, of the same court, for gross ignorance of the law, gross negligence, and violation of the Code of Judicial Conduct.

In Misc. No. 2820, complainant charged respondent with gross ignorance of the law in relation to Civil Case No. 3412. She claimed that in the Order dated August 18, 2006, respondent granted the motion for execution of the prevailing party by counting the five year period provided in Section 6 of Rule 39 from the counsel's receipt of the Entry of Judgment. Complainant averred that Rule 39 expressly provides that the five year period is reckoned from the date of entry of judgment; and not from the date of receipt by counsel; that jurisprudence is replete with rulings that a final judgment ceases to be enforceable after that period, but merely gives the prevailing party a right of action to have the same revived. Hence, respondent should be disciplined for gross ignorance of the law and violation of Rule 3.02[1] Canon 3 of the Code of Judicial Conduct.[2]

In Misc. No. 2821, complainant charged respondent with gross ignorance of the law in relation to the conduct of the plea bargaining in Criminal Case Nos. 5601-2000 and 5602-2000 both entitled "People v. Cebedo." On pre-trial, the defense offered to enter into plea bargaining by offering to plead guilty in Crim. Case No. 5602-2000 for possession of seven (7) decks of shabu in exchange for the withdrawal of Crim. Case No. 5601-2000 for selling one deck of shabu. The prosecution agreed and respondent approved the agreement declaring Crim. Case No. 5601-2000 withdrawn[3] and dismissed as a consequence of plea bargaining.[4]

Complainant averred that respondent's conduct was contrary to the provisions on plea bargaining in Section 2 of Rule 116, Rules on Criminal Procedure[5] and Sections 2 and 3 of R.A. No. 8493,[6] and Supreme Court Circular No. 38-98.[7] She argued that it was unclear whether the offended party consented and whether the prosecutor has proper authority to enter into such agreement; and that plea bargaining is limited to a plea to a lesser offense which is necessarily included in the offense charged.[8]

In Misc. No. 2824, complainant alleged that the validity and propriety of the plea bargaining in Crim. Case Nos. 5760-2K, 5761-2K, 5762-2K entitled "People v. Dumpit" and the dismissal of one case as a consequence thereof are questionable. Respondent approved the plea bargaining agreement entered into by the prosecution and the accused[9] and dismissed Crim. Case No. 5760-2K and Crim. Case No. 5762-2K as a consequence of plea bargaining. Upon arraignment,[10] accused pleaded guilty to the sale of shabu. Thereafter, respondent issued a Decision[11] finding the accused guilty of selling shabu in Crim. Case No. 5761-2K. The next day, the accused applied for probation and was released on recognizance.[12]

Complainant also alleged that respondent was grossly negligent relative to the issuance of Search Warrant No. 40-03[13] against accused Dumpit which led to the filing of an Information for possession of shabu docketed as Criminal Case No. 6899.[14] In a Motion to Quash the Information, the accused challenged the jurisdiction of the court over his person and prayed for the suppression of the evidence obtained[15] on ground that Search Warrant No. 40-03 was intended for one Edmun Camello and not Dometilo. In the Order[16] dated May 3, 2004, respondent quashed Search Warrant No. 40-03, admitting that there was indeed an error in the search warrant, particularly the name of the person subject thereof which rendered it intrinsically void.

Complainant argued that respondent's failure to read carefully the contents of the search warrant before affixing his signature constitutes gross negligence; that any inadvertence on the part of the stenographer should not be construed to exonerate the respondent who signed the search warrant without ascertaining the correctness of its contents; that by such negligence, respondent exposed the judicial system to ridicule by declaring null and void a search warrant which he himself issued and likewise caused a blow on the morale of the police officers who lost the case on a technicality.

In Misc. No. 2825, complainant assailed the August 2, 2006 Order[17] issued by respondent dismissing Criminal Case No. 8149-2K6 entitled *People v. Lopez* for lack of probable cause. In said case, respondent gave the prosecution ten days from receipt of the order to file a comment or opposition to the accused's Motion to Dismiss and/or for Judicial Determination of Probable Cause. However, on August 2, 2006, or only seven days after the prosecution received its copy of the order, the respondent issued an Order dismissing the case for lack of probable cause. Complainant claimed that respondent disregarded due process because the Order dismissing the case was rendered before the expiration of the 10 day period given to the prosecution to file comment.

Moreover, complainant alleged that respondent should have treated the subject motion as a Motion to Quash. Thus, pursuant to Section 1 of Rule 117, the motion should be made before the accused enters a plea, and not after arraignment, as in this case, and based on any of the grounds stated in Section 3, and failure to assert any ground before arraignment shall be deemed a waiver thereof.

In Misc. No. 2860, complainant alleged that on the strength of Search Warrant No. 87-04,[18] the accused in Criminal Case No. 7235-2K4 was arrested after a search conducted in his residence. After arraignment, accused filed a Motion to Quash the Search Warrant and Suppress Evidence. However, the prayer[19] in said motion inadvertently asked for the quashal of another search warrant issued in another case.

Complainant claimed that despite the glaring error, respondent gave due course to the motion; worse, the dispositive portion of the Resolution dated August 8, 2005 was a mere reproduction of the erroneous prayer in the Motion. Complainant alleged that the same cannot be treated as a mere typographical error; that respondent did not read the resolution before affixing his signature; that respondent exhibited gross ignorance in issuing Search Warrant 87-04 and thereafter invalidating the same for failing to comply with the requisites of a Search Warrant; and that respondent issued several search warrants beyond the territorial jurisdiction of his court which were eventually invalidated thereby putting the efforts of the arresting officers to naught.

In Misc. No. 2861, complainant argued that respondent provisionally dismissed Criminal Case No. 6994-2K3 entitled *People v. Fernandez*, for failure of the prosecution to present the laboratory technician on several occasions despite having presented several other witnesses. Complainant claimed that the court cannot *motu proprio* dismiss the case solely on that ground since the prosecution has presented other witnesses whose testimonies respondent is duty bound to pass upon before making a resolution of the case. While Section 23 of Rule 119 allows the Court to dismiss the case for insufficiency of evidence, it requires that the prosecution must first rest its case and be given opportunity to be heard. The right of the accused to a speedy trial does not mean the

arbitrary dismissal of the case against him to the prejudice of other parties in the case.

In Misc. No. 2887, complainant averred that Raup Ibrahim and Vivian Duerme who were the accused in three criminal cases[20] filed motions to suppress evidence and quash information praying for the dismissal of the cases against them. Respondent gave the prosecution ten days to file a Comment on the said motions. However, in disregard of the period given to the prosecution, respondent issued an Order dated July 31, 2006 dismissing the three cases.

In his Comment, respondent judge argued that complainant failed to show that his decisions were issued whimsically and arbitrarily or that the parties in said cases were deprived of due process; that hearings were conducted and the parties were given equal opportunity to be heard, and the dispositions in question were served upon them; that assuming his rulings to be erroneous, the rules provide remedies by which said rulings may be contested, which the parties failed to avail of. Moreover, if complainant believed that the dispositions were erroneous, she should have alerted the respondent as lawyer and an officer of the court.

Moreover, respondent assailed the standing of complainant to file the administrative complaint docketed as Misc. No. 2820 because she was not the counsel of the parties nor was she a party to the case. He claimed that assuming the assailed order to be erroneous, the proper party could still avail of proper remedies under the rules; and that the present complaint only attempts to preempt whatever legal action the parties may undertake which is tantamount to a usurpation of the rights of the aggrieved party to a judicial process and an arrogation of judicial discretion.

With respect to the dismissal of Criminal Case No. 5601 as alleged in Misc. No. 2821, respondent averred that the prosecution initiated its withdrawal on August 4, 2000; that the assailed orders were properly served to the parties; however, neither contested the disposition of the court hence, the orders became final and executory by operation of law.

In Misc. No. 2824, respondent averred that the parties in Criminal Cases No. 5760-2K, 5761-2K and 5762-2K actively participated in the proceedings. None of them contested the disposition of the court which are now final and executory.

Respondent imputed ill motive on the part of complainant in filing the present charges. He claimed that he filed an administrative complaint against complainant for irresponsibly disclosing wrong and malicious information in Election Protest Case No 0001-2K4, to which complainant retaliated by filing administrative charges against him for Absenteeism and Falsification of Certificate of Service and for bringing home a piece of evidence, of which respondent was found guilty. Thereafter, respondent filed another administrative charge against complainant for Gross Inefficiency, who in turn filed the instant administrative complaints.

In its Report dated January 7, 2008,[21] the Office of the Court Administrator found respondent guilty of gross ignorance of the law only in Misc. No. 2821 and Misc. No. 2824, and recommended the dismissal of the other complaints for being judicial in nature, thus:

EVALUATION: As can be gleaned from the records, it is evident that the acts being complained of relate to the propriety of the orders issued by respondent judge in resolving the motion to dismiss filed by the counsel of the accused in Misc. No. 2825; motion to suppress evidence filed by the counsel of the accused in Misc. No. 2887. Thus, the same refers to the exercise of respondent judge of his judicial discretion.

x x x x

Likewise, as to Misc. No. 2820 and Misc. No. 2860, even assuming that respondent judge made an erroneous decision and/or interpretation of Section 6 of Rule 39 of the Rules of Court, still he cannot be automatically

held administratively liable.

x x x x

As to Misc. No. 2861, the act complained of actually dwells on an issue evidently judicial in nature since it involves the appreciation of evidence by the respondent judge. It bears without stressing that a trial judge's impression on the testimony of witnesses and his appreciation of evidence presented before him are binding on the Court in the absence of a clear showing of grave abuse of discretion or an obvious misapprehension of facts. The fact that the respondent's appreciation of evidence differed from that of the complainant's does not warrant the conclusion that the respondent judge is ignorant of the law.

x x x x

Moreover, as to these charges of ignorance of the law, complainant utterly failed to present substantial proof to negate the presumptions of good faith and the regularity in the performance of judicial functions. It is true that "judges may be held administratively liable for gross ignorance of the law when it is shown that--motivated by bad faith, fraud, dishonesty or corruption--they ignored, contradicted or failed to apply settled law and jurisprudence."

x x x x

Finally, the present administrative complaint does not even allege that respondent judge was motivated by bad faith, malice, corruption or dishonesty when he issued the assailed orders/decisions. Neither were there any evidence presented tending to prove that respondent judge was motivated by such motives in issuing said orders/decisions.

However, as to Misc. No. 2821 and Misc. No. 2824, the next issue to be resolved is: whether or not the issuance of Orders dated September 4, 2000 and August 14, 2000, respectively, amounted to gross ignorance of the law which would justify an administrative sanction against respondent judge.

To justify his issuances of Orders dated September 4, 2000 and August 14, 2000 in Misc. No. 2821 and Misc. No. 2824, respectively, respondent judge insists that neither the prosecution nor the accused contested the disposition of the Court, thus, said orders are now final and executory.

One need not even go beyond the four corners of RA 6425 (as amended by R.A. 7659 effective December 31, 1993) to see respondent judge's palpable error in the application of the law. The assailed Orders are in connection with violation of the Dangerous Drug Act, particularly, Sections 15 and 16 of R.A. 6425 (as amended) which cannot be a subject of plea bargaining as provided under the plea-bargaining provision of the same law. Nevertheless, respondent judge in his Order dated September 4, 2000 and August 14, 2000 approved and granted the release of the accused by virtue of the plea-bargaining agreement entered by the prosecution and the accused. The pertinent provisions of R.A. 6425 (as amended) reads as thus:

Article III, RA 6425

SEC. 15. Sale, Administration, Dispensation, Delivery, Transportation and Distribution of Regulated Drugs.--The penalty of reclusion perpetua to death and a fine ranging from five hundred thousand pesos to ten million pesos shall be imposed upon any person who, unless authorized by law, shall sell, dispense, deliver, transport or distribute any regulated drug.

x x x x

SEC. 16. Possession or Use of Regulated Drugs.-- The penalty of reclusion perpetua to death and a fine ranging from five hundred thousand pesos to ten million pesos shall be imposed upon any person who shall possess or use any regulated drugs without the corresponding license or prescription, subject to the provisions of Section 20 hereof.

Article IV, RA 6425

SEC. 20-A. Plea-bargaining Provision.--Any person charged under any provision of this Act where the imposable penalty is reclusion perpetua to death shall not be allowed.

A plain reading of the above-quoted law would readily show that violation of Section 15 and 16 of R.A. No. 6425 (as amended) cannot be subject of plea bargaining since the imposable penalty therein is reclusion perpetua to death. Had respondent judge been more prudent in going over the pertinent provisions of R.A. 6425 (as amended), particularly Section 15 and Section 16, he would certainly arrive at the same conclusion. It does not take an interpretation of the law but just a plain and simple reading thereof.[22]

The Office of the Court Administrator thus recommended:

- 1) That this instant case be RE-DOCKETED as a regular administrative matter;
- 2) That respondent Judge Reinerio Abraham B. Ramas, Presiding Judge, RTC, Branch 18, Pagadian City be found GUILTY of gross ignorance of the law and be DISMISSED from the service with forfeiture of all or part of his benefits, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations, provided, however, that the forfeiture of benefits shall in no case include accrued leave credits; and
- 3) That Misc. No. 2820, Misc. No. 2825, Misc. No. 2860, Misc. No. 2861 and Misc. No. 2887 against respondent Judge Reinerio Abraham B. Ramas de DISMISSED for being judicial in nature.[23]

The OCA also noted that in another case docketed as RTJ-06-2015, involving the same parties, respondent judge was found guilty of Simple Misconduct and was fined P11,000.00 and sternly warned. The charges of Absenteeism and Falsification of Certificate of Service against him was referred for Investigation but no report has yet been submitted.[24]

The issue for resolution is whether respondent judge is administratively liable for the alleged erroneous rulings and issuances made by him in the exercise of his judicial functions.

It is elementary that not every error or mistake that a judge commits in the performance of his duties renders him liable, unless he is shown to have acted in bad faith or with deliberate intent to do an injustice. Good faith and absence of malice, corrupt motives or improper considerations are sufficient defenses in which a judge charged with ignorance of the law can find refuge.[25] In *Maquiran v. Grageda*,[26] the Court held that alleged error committed by judges in the exercise of their adjudicative functions cannot be corrected through administrative proceedings but should instead be assailed through judicial remedies. Thus:

Now, the established doctrine and policy is that disciplinary proceedings and criminal actions against Judges are not complementary or suppletory of, nor a substitute for, these judicial remedies, whether ordinary or extraordinary. Resort to and exhaustion of these judicial remedies, as well as the entry of judgment in the corresponding action or proceeding, are pre-requisites for the taking of other measures against the persons of the judges concerned, whether of civil, administrative, or criminal nature. It is only after the available judicial remedies have been exhausted and the appellate tribunals have spoken with finality, that the door to an inquiry into his criminal, civil, or administrative liability may be said to have opened, or closed.

Law and logic decree that "administrative" or criminal remedies are neither alternative nor cumulative to judicial review where such review is available, and must wait on the result thereof. Indeed, since judges must be free to judge, without pressure or influence from external forces or factors, they should not be subject to intimidation, the fear of civil, criminal or administrative sanctions for acts they may do and dispositions they may make in the performance of their duties and functions; and it is sound rule, which must be recognized independently of statute, that judges are not generally liable for acts done within the scope of their jurisdiction

and in good faith; and that exceptionally, prosecution of the judge can be had only if "there be a final declaration by a competent court in some appropriate proceeding of the manifestly unjust character of the challenged judgment or order, and ** also evidence of malice or bad faith, ignorance of inexcusable negligence, on the part of the judge in rendering said judgment or order" or under the stringent circumstances set out in Article 32 of the Civil Code.

In Misc. No. 2820, the Court agrees with the OCA that the ruling of the respondent as to the interpretation of Section 6, Rule 39 of the Rules of Court does not automatically subject him to administrative liability for gross ignorance of the law. First, there is no showing that parties to the case have exhausted judicial remedies against the alleged erroneous ruling. Neither was it refuted that, as claimed by respondent, the subject civil case, unlike the other administrative charges, is still pending and active, and should his ruling be erroneous, the parties still have available remedies to contest said ruling. An administrative complaint is not an appropriate remedy where judicial recourse is still available, such as a motion for reconsideration, an appeal, or a petition for certiorari, unless the assailed order or decision is tainted with fraud, malice, or dishonesty. The remedy of the aggrieved party is to elevate the assailed decision or order to the higher court for review and correction.[27] Second, there was no showing and neither was it alleged that the issuance of the ruling was attended with bad faith, malice, or dishonesty.

As regards Misc. No. 2861, the Court agrees that the charge of gross ignorance of the law against the respondent judge should be dismissed. The allegations of complainant and the proffered evidence do not prove the elements of this administrative offense, to wit: that the subject order or actuation of the judge in the performance of his official duties must not only be contrary to existing law and jurisprudence but more importantly must be attended by bad faith, fraud, dishonesty or corruption.[28] The soundness of the provisional dismissal of the criminal case subject of Misc. No. 2861 lies within the judicial discretion of the respondent, erroneous exercise of which does not automatically render him liable. In proper cases, unreasonable delay in the proceedings, in violation of the right of the accused to speedy trial, may even be a ground for the permanent dismissal of a criminal case.[29] In the subject case, respondent deemed it proper to order only the provisional dismissal of the case.

As regards Misc. No. 2825 and Misc. No. 2887, the Court finds that respondent violated the basic and fundamental constitutional principle of due process when he granted the motions filed by the accused in the criminal cases subject of these administrative complaints without giving the prosecution its day in court. Worse, respondent disregarded the period he gave for the prosecution to file comment on the motions. Such action cannot be characterized as mere deficiency in prudence, or lapse of judgment but a blatant disregard of established rules.

In *Balagtas v. Sarmiento*,[30] the Court found respondent therein grossly ignorant of the law in granting the Urgent Ex-Parte Motion to Leave for Abroad in violation of due process. Thus:

Considering the litigious nature of Peith's motion and the fact that the criminal and civil aspects of the cases were simultaneously instituted, the public prosecutor and the private offended party should have been notified, failing which, the respondent judge should not have acted upon the motion.

The Rules of Court is explicit on this point. A motion without notice of hearing is pro forma, a mere scrap of paper. It presents no question which the court could decide. The court has no reason to consider it and the clerk has no right to receive it. The rationale behind the rule is plain: unless the movant sets the time and place of hearing, the court will be unable to determine whether the adverse party agrees or objects to the motion, and if he objects, to hear him on his objection. The objective of the rule is to avoid a capricious change of mind in order to provide due process to both parties and to ensure impartiality in the trial.

In granting Peith's Urgent Ex-Parte Motion to Leave for Abroad, the respondent judge violated a basic and fundamental constitutional principle, due process. When the law is elementary, not to be aware of it constitutes

gross ignorance thereof. After all, judges are expected to have more than just a modicum of acquaintance with the statutes and procedural rules. Hence, the respondent judge is guilty of gross ignorance of the law.

In the instant administrative cases, the motions filed before respondent judge were likewise litigious in nature which must be heard. Respondent judge should not have acted on said motions filed by the accused without first giving the prosecution the opportunity to present its side.

Though not every judicial error bespeaks ignorance of the law and that, if committed in good faith, does not warrant administrative sanction, the same applies only in cases within the parameters of tolerable misjudgment. Where the law is straightforward and the facts so evident, not to know it or to act as if one does not know it constitutes gross ignorance of the law. One who accepts the exalted position of a judge owes the public and the court the ability to be proficient in the law and the duty to maintain professional competence at all times. When a judge displays an utter lack of familiarity with the rules, he erodes the confidence of the public in the courts. A judge owes the public and the court the duty to be proficient in the law and is expected to keep abreast of laws and prevailing jurisprudence. Ignorance of the law by a judge can easily be the mainspring of injustice.[31]

Section 8, Rule 140 of the Rules of Court classifies gross ignorance of the law and procedure as a serious charge punishable by either dismissal from service, suspension from office without salary and other benefits for more than three (3) months but not exceeding six (6) months, or a fine of more than P20,000.00 but not exceeding P40,000.00. In the instant case, the penalty of suspension from office for six months without salary and other benefits, is proper.

With respect to Misc. No. 2821 and Misc. No. 2824, the Court disagrees with the findings of the Office of the Court Administrator that the issuance of the Orders dated September 4, 2000 and August 14, 2000, respectively, amounted to gross ignorance of the law because it was made in violation of the provisions of R.A. No. 6425, as amended, prohibiting plea bargaining.

At the time the assailed rulings were issued, the prohibition on plea-bargaining provided in Section 20-A of R.A. No. 6425, as amended, is not absolute. It applies only when the person is charged under R.A. No. 6425 where the imposable penalty is reclusion perpetua to death. Though Sections 15 and 16 of the said law, under which the accused was charged, provide that the sale and possession of these drugs is punishable by reclusion perpetua to death, these penalties may only be imposed if the same were of the quantities enumerated in Section 20.[32] If the quantity involved is less than that stated, the penalty shall range from prison correccional to reclusion perpetua depending on the quantity.[33]

It is to be noted that the decision to accept or reject a plea bargaining agreement is within the sound discretion of the court subject to certain requirements of statutes or rules.[34] In *Daan v. Sandiganbayan*,[35] the Court defined plea bargaining as a process, in criminal cases, whereby the accused and the prosecution work out a mutually satisfactory disposition of the case subject to court approval. It usually involves the defendant's pleading guilty to a lesser offense or to only one or some of the counts of a multi-count indictment in return for a lighter sentence than that for the graver charge.[36]

In the instant administrative cases, the determination of whether the agreement complied with requirements set forth by the rules lies in the sound discretion of the respondent judge. Whether the quantity of shabu in the criminal cases subject of Misc. No. 2821 and Misc. No. 2824 is covered by the prohibitory provision of Section 20-A is also within the competence of the trial court judge to pass upon. Should there be an error in the dismissal of the cases as a consequence of plea bargaining, parties to the cases are not without judicial remedies.

The Court notes, however, that respondent was also charged with gross negligence in Misc. No. 2824 and Misc. No. 2860. Misc. No. 2824 relates to the issuance of Search Warrant No. 40-03 where the name of the accused in

the caption differs from that mentioned in the body. On the other hand, Misc. No. 2860 relates to the Order quashing a Search Warrant in another criminal case and reproducing the Prayer in the Motion to Quash filed as its dispositive portion. The errors committed by respondent judge in the mentioned cases could have been avoided had he exercised diligence and prudence expected of him before affixing his signature.

As held by the Court in *Padilla v. Judge Silerio*,^[37] in "the discharge of the functions of his office, a judge must strive to act in a manner that puts him and his conduct above reproach and beyond suspicion. He must act with extreme care for his office indeed is laden with a heavy burden of responsibility. Certainly, a judge is enjoined, his heavy caseload notwithstanding, to pore over all documents whereon he affixes his signature and gives his official imprimatur." In *Judicial Audit and Physical Inventory of Confiscated Cash, Surety and Property Bonds at the Regional Trial Court of Tarlac City, Branches 63, 64 and 65*,^[38] the Court found respondent judge therein negligent for failure to exercise the necessary diligence in the performance of his duties and was imposed a fine of P5,000.00.

Respondent judge cannot take refuge behind the mistakes and inefficiency of his court personnel. He is charged with the administrative responsibility of organizing and supervising them to secure the prompt and efficient dispatch of business, requiring at all times the observance of high standards of public service and fidelity. Indeed, he is ultimately responsible for ensuring that court personnel perform their tasks and that the parties are promptly notified of his orders and decisions.^[39] In *Co v. Judge Plata*,^[40] the Court found respondent judge therein liable for negligence for his failure to scrutinize the documents he had signed and to follow the proper procedure for fixing the amount of bail.

WHEREFORE, in view of all the foregoing, this Court finds respondent Judge Reinerio Abraham B. Ramas of the Regional Trial Court of Pagadian City, Branch 18, GUILTY:

- 1) of gross ignorance of the law in Misc. No. 2825 and Misc. No. 2887, for which he is suspended from office for six (6) months without salary and other benefits;
- 2) of negligence in Misc. No. 2860 and Misc. No. 2824, for which he is meted a FINE of P5,000.00.

Respondent is STERNLY WARNED that a repetition of the same or similar acts shall be dealt with more severely.

The charges in Misc. No. 2820, Misc. No. 2821, and Misc. No. 2861 against respondent Judge Reinerio Abraham B. Ramas are DISMISSED for lack of merit.

SO ORDERED.

Quisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Corona, Carpio-Morales, Tinga[*], Chico-Nazario, Velasco, Jr., Nachura, Leonardo-De Castro, Brion, and Peralta, JJ., concur.
Puno, C.J., on official leave.

[*] In lieu of Associate Justice Minita V. Chico-Nazario, per Special Order No. 590 dated March 17, 2009.

[1] Rule 3.02. -- In every case, a judge shall endeavor diligently to ascertain the facts and applicable law unswayed by partisan interests, public opinion or fear of criticism.

[2] Rollo, pp. 15-16.

[3] Id. at 56.

[4] Id. at 57.

[5] Section 2. Plea of guilty to a lesser offense. --At arraignment, the accused, with the consent of the offended party and the prosecutor, may be allowed by the trial court to plead guilty to a lesser offense which is necessarily included in the offense charged. After arraignment but before trial, the accused may still be allowed to plead guilty to said lesser offense after withdrawing his plea of not guilty. No amendment of the complaint or information is necessary.

[6] Rep. Act. No. 8493. Section 2. Mandatory Pre-Trial in Criminal Cases. - In all cases cognizable by the Municipal Trial Court, Municipal Circuit Trial Court, Metropolitan Trial Court, Regional Trial Court, and the Sandiganbayan, the justice or judge shall, after arraignment, order a pre-trial conference to consider the following:

- (a) Plea bargaining;
- (b) Stipulation of Facts;
- (c) Marking for identification of evidence of parties;
- (d) Waiver of objections to admissibility of evidence; and
- (e) Such other matters as will promote a fair and expeditious trial.

Section 3. Pre-Trial Agreement. - All agreements or admissions made or entered into during the pre-trial conference shall be reduced to writing and signed by the accused and counsel, otherwise the same shall not be used in evidence against the accused. The agreements in relation to matters referred to in Section 2 hereof is subject to the approval of the court: Provided, That the agreement on the plea of the accused to a lesser offense may only be revised, modified, or annulled by the court when the same is contrary to law, public morals, or public policy.

[7] Sec. 3. MANDATORY PRE-TRIAL IN CRIMINAL CASES. -- In all criminal cases cognizable by the Sandiganbayan, Regional Trial Court, Metropolitan Trial Court, Municipal Trial Court in Cities, Municipal Trial Court and Municipal Circuit Trial Court, the court shall, after arraignment, order a pre-trial conference to consider the following:

- (a) Plea bargaining;
- (b) Stipulation of facts;
- (c) Marking for identification of evidence of the parties;
- (d) Waiver of objections to admissibility of evidence; and
- (e) Such other matters as will promote a fair and expeditious trial of the criminal and civil aspects of the case.

If the accused has pleaded not guilty to the crime charged, he may state whether he interposes a negative or affirmative defense. A negative defense shall require the prosecution to prove the guilt of the accused beyond reasonable doubt, while an affirmative defense may modify the order of trial and require the accused to prove such defense by clear and convincing evidence.

Sec. 4. PRE-TRIAL AGREEMENT. -- All agreements or admissions made or entered into during the pre-trial conference shall be reduced to writing and signed by the accused and counsel, otherwise the same shall not be used against the accused. The agreements in relation to matters referred to in Section 3 hereof are subject to the approval of the court; Provided, That the agreement on the plea of the accused should be to a lesser offense necessarily included in the offense charged.

[8] Rollo, p. 46.

[9] Id. at 92.

- [10] Id. at 93.
- [11] Id. at 94-95.
- [12] Id. at 96-97.
- [13] Id. at 98.
- [14] Id. at 99-101.
- [15] Id. at 102.
- [16] Id. at 105-106.
- [17] Id. at 149-151.
- [18] Id. at 180.
- [19] Id. at 186.

PRAYER

"WHEREFORE, it is prayed that, after due hearing of this incident, Search Warrant No. 01-PMG-SM 2004 dated August 24, 2004, be ordered quashed, all evidences obtained or emanating from it be ordered suppressed and declared as inadmissible in evidence, this case be ordered DISMISSED and the accused be ordered released."

- [20] People v. Raup Ibrahim y Cua, Criminal Case No. 8284-2K6; People v. Raup Ibrahim y Cua and Vivian Duerme y Cajutor, Criminal Case No. 8283-2K6; and People v. Vivian Duerme y Cajutor, Criminal Case No. 8285.
- [21] Rollo, pp. 1-13.
- [22] Id. at 9-11.
- [23] Id. at 13.
- [24] Id. at 8.
- [25] Philippine Amusement and Gaming Corporation v. Hon. Romulo A. Lopez, A.M. No. RTJ-04-1848, October 25, 2005, 474 SCRA 76, 99.
- [26] A.M. No. RTJ-04-1888, February 11, 2005, 451 SCRA 15, 43-44.
- [27] Claro v. Judge Efondo, A.M. No. MTJ-05-1585, March 31, 2005, 454 SCRA 218, 226.
- [28] Go v. Judge Abrogar, 446 Phil. 227, 242 (2003).
- [29] See Condrada v. People of the Philippines, 446 Phil. 635, 650 (2003).
- [30] A.M. No. MTJ-01-1377, June 17, 2004, 432 SCRA 343, 349-350.
- [31] Lim v. Judge Cesar M. Dumlao, A.M. No. MTJ-04-1556, March 31, 2005, 454 SCRA 196, 201-203.
- [32] Section 20.
- x x x x
3. 200 grams or more of shabu or methylamphetamine hydrochloride

x x x x

[33] 2[nd] paragraph of Section 20, R.A. No. 6425.

[34] 21 Am. Jur. 2d Criminal Law §§ 648, 638.

[35] G.R. Nos. 163972-77, March 28, 2008, 550 SCRA 233.

[36] Id. at 240; citing *People v. Villarama, Jr.*, G.R. No. 99287, June 23, 1992, 210 SCRA 246, 251-252.

[37] 387 Phil. 538 (2000).

[38] OCA-IPI No. 04-7-358-RTC, 464 SCRA 21, 29-30 (2005).

[39] *Visbal v. Judge Buban*, 481 Phil. 111, 117 (2004).

[40] 453 Phil. 326, 332 (2005).

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