

CHI CHAN LIEU @ “CHAN QUE,” AND HUI LAO CHUNG @ “LEOFE SENGLAO”, COMPLAINANTS, VS. HON. INOCENCIO M. JAURIGUE IN HIS CAPACITY AS PRESIDING JUDGE, RTC, BRANCH 44, MAMBURAO, OCCID...

A.M. No. RTJ-04-1834 (Formerly OCA-IPI-02-1591-RTJ). March 31, 2004

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TINGA, J.:

For the Court's resolution is an Administrative Complaint dated July 25, 2002 against Regional Trial Court Judge, Hon. Inocencio M. Jaurigue (Jaurigue), for ignorance of the law, gross negligence and gross inefficiency, abuse of authority, bias, partiality, and pre-judgment in relation to the latter's disposition of several motions filed by the accused, Chi Chan Lieu and Hui Lao Chiung, in Criminal Case No. Z-1058. The accused, complainants herein, are Chinese nationals charged with violating Republic Act No. 6425[1] in the said criminal case pending before the sala[2] of the respondent Judge.

According to the complainants, Judge Jaurigue failed to live up to the judicial standard of knowledge of the law in his unfounded denial of their motion to take the deposition of Barangay Captain Maximino Torreliza (Torreliza). The respondent Judge allegedly denied the motion on the grounds that there were other available witnesses whose testimonies would corroborate that of Torreliza and that unnecessary delay would result in conducting a session in Looc, Occidental Mindoro, which could be avoided if the testimony of other defense witnesses would instead be taken.[3] The complainants further claim that Judge Jaurigue made a sweeping misstatement of Rule 137 of the Rules of Court when he denied their motion for inhibition on the ground that “[T]here is nothing in the Rules of Court that direct the Presiding Judge to inhibit (himself) except delicadeza...”[4]

Moreover, they question the basis for Judge Jaurigue's Order of July 18, 2001[5] compelling the appearance of a certain Dr. Vicente Caisip, Jr. (Dr. Caisip) to testify on Torreliza's capacity or incapacity to appear in court in spite of the respondent Judge's declaration, in the same Order, that the court cannot reconsider its denial of the motion to take Torreliza's deposition until certain preconditions, according to the respondent Judge, are met. These are: the examination of Torreliza's physical condition to be conducted by a medico-legal officer of the National Bureau of Investigation (NBI) and the determination by said officer that Torreliza is indeed incapable of testifying in court due to old age or infirmity.

They aver that Judge Jaurigue is guilty of gross negligence for issuing the Order dated February 15, 2001 where he stated that “the witness to be presented has manifested his willingness and ability to testify in this Court by the two (2) telegrams he sent.”[6] According to them, had the respondent Judge consulted the records, he would have discovered that the telegrams were sent, not by Torreliza, but by the former mayor of Looc, Occidental Mindoro.

The complainants also assert that Judge Jaurigue committed gross inefficiency for his failure to resolve within the required period the omnibus motion and motion for deposition filed by the complainants on December 11, 2000 and January 17, 2001, respectively. Allegedly, in March and again on June 12, 2001, they inquired on the status of the pending motions, but were told that the motions have not yet been resolved. On June 13, 2001, the

collaborating counsel for the complainants went to court with the intention of filing a motion for early resolution of the pending motions. He was told, however, that the Orders disposing of the motions were mailed to the parties on the same day. As it turned out, the Orders dated January 16, 2001 and February 15, 2001 denying the omnibus motion and motion for deposition, respectively, were both postmarked on June 13, 2001. The complainants claim that the circumstances surrounding the issuance of these Orders are questionable and highly irregular.

Furthermore, they aver that Judge Jaurigue has shown abuse of authority, bias and partiality, and pre-judgment of the case as evidenced by his acts and use of intemperate language during the hearing of their motion for deposition.

In his letter-comment[7] dated November 20, 2002, the respondent Judge vehemently denies the charges against him and claims that the instant complaint, as well as the petition for certiorari earlier filed by the complainants, were filed for the purpose of delaying the resolution of the case and pressuring him to inhibit himself.

According to Judge Jaurigue, he denied the motion for deposition filed by the complainants because he was not convinced that the intended witness, Torreliza, was indeed infirm. While Torreliza's testimony was material to the complainants' defense, he thought it wise to ascertain the true state of Torreliza's health in view of the objection interposed by the government prosecutor against the taking of Torreliza's deposition. This was also the reason why he required the appearance of Dr. Caisip and directed the NBI medico-legal officer to examine Torreliza's physical condition. He avers that Torreliza passed away on January 26, 2001; hence, the issue has become moot and academic.

As regards the motion for inhibition, he concedes that there are many grounds for the inhibition of a judge. However, he finds no cogent reason to justify his inhibition. He also admits having overlooked the fact that the two (2) telegrams which he relied upon in denying the motion for deposition were sent by Mayor Felesteo Telebrico and not by Torreliza himself. The mistake was, however, unintentional, so he explains.

With respect to his alleged failure to dispose of the omnibus motion and motion for deposition within the reglementary period, Judge Jaurigue claims that the motions were resolved in open court on December 19, 2000. According to him, the Orders resolving the motions were not yet attached to the records of the case when the counsel for the complainants went to court to verify the status of the pending motions. He concedes, however, that the written Orders were mailed only on June 13, 2001.

The respondent Judge further asserts that the fact that he has issued orders unfavorable to the herein complainants does not necessarily mean that he acted with partiality, bias, abuse of authority and pre-judgment. The Transcript of Stenographic Notes taken during the hearing on July 18, 2001, which the complainants attached to the instant complaint as evidence of bias and partiality, does not bear out the complainants' allegations.

In his report[8] dated October 6, 2003, the Court Administrator finds that Judge Jaurigue's actions were not attended by fraud, dishonesty, corruption or malice. However, because of his unreasonable delay in resolving the complainants' pending motions, the Court Administrator recommends that the respondent Judge be admonished and directed to promptly dispose of all matters submitted to him for resolution with warning that the commission of the same or similar acts in the future would be dealt with more severely.

We find this recommendation too generous considering the circumstances.

To begin with, the complainants' contention that Judge Jaurigue was negligent in failing to ascertain from the records that the telegrams manifesting Torreliza's willingness and ability to testify in court were in fact sent, not by Torreliza himself, but by Mayor Felesteo Telebrico is uncontroverted. Verily, the respondent Judge himself admitted having overlooked this piece of information despite the fact that the telegrams were the bases for his

Order denying the complainants' motion for deposition. The Court is of the view that Judge Jaurigue's negligence is a serious lapse that must not go unsanctioned.

What is more, Judge Jaurigue avers that the Orders resolving the omnibus motion and motion for deposition filed by the complainants on December 11, 2000 and January 17, 2001, respectively, had been resolved in open court during the hearing on December 19, 2000. This explanation is obviously contrived. Indeed, how could he have resolved on December 19, 2000 a motion filed only on January 17, 2001, or 29 days later? Resorting to the plain pretext smacks of dishonesty which is a serious charge or offense under Section 8, Rule 140 of the Rules of Court. It also violative of Canon 3 of the Code of Judicial Conduct which commands judges to perform official duties honestly.

Furthermore, Judge Jaurigue should have known and prevented the anomalous situation in which his Orders supposedly dated January 16 and February 15, 2001 were served on the defendants only on June 13, 2001. In order to keep track of the court's business, he should have adopted a system of checklisting all matters submitted for resolution, including the dates when these were resolved and served on the parties.[9] Failing this, it is difficult to dispel the impression that the Orders were ante-dated to cover-up the respondent Judge's contravention of the ninety-day requirement for rendering decisions and resolving motions. Hence, we find him guilty of gross incompetence and inefficiency.

Indeed, members of the judiciary must always strive to strictly observe the provisions of Section 15, Article VIII of the Constitution on the prompt and expeditious disposition of cases submitted for decision or resolution.[10]

ACCORDINGLY, Judge Inocencio M. Jaurigue is severely REPRIMANDED for Gross Incompetence, Inefficiency and Negligence and ordered to pay a FINE in the amount of Two Thousand Pesos (P2,000.00) for Dishonesty. He is also WARNED that a more drastic disciplinary action will be taken against him for the commission of similar irregularities. A copy of this Resolution should be attached to his personal record.

SO ORDERED.

Quisumbing, (Acting Chairman), Austria-Martinez, and Callejo, Sr., JJ., concur.
Puno, J., (Chairman), on leave.

[1] Sec. 14, Art. III in relation to Sec. 21(a), Art. IV of R.A. 6425, otherwise known as the Dangerous Drugs Act of 1972, as amended .

[2] Regional Trial Court, Branch 44, Mamburao, Occidental Mindoro.

[3] Rollo, pp. 12-13, Order dated May 9, 2000, Annex A of the Administrative Complaint.

[4] Id. at 3 and 14, Order dated July 18, 2001, Annex B of the Administrative Complaint.

[5] Id. at 15, Annex C of the Administrative Complaint.

[6] Id. at 6.

[7] Id. at 65-68.

[8] Id. at 78-84, Report of Court Administrator Presbitero J. Velasco, Jr.

[9] De Leon v. Judge Castro, 191 Phil. 556 (1981).

[10] Perez v. Judge Andaya, 349 Phil. 714 (1998).

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