AUREO G. BAYACA, COMPLAINANT, VS. JUDGE TRANQUILINO V. RAMOS, RESPONDENT.

A.M. No. MTJ-07-1676. January 29, 2009

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

In a complaint-affidavit[1] dated September 6, 2006 filed with the Office of the Court Administrator (OCA), complainant Aureo G. Bayaca charged respondent Judge Tranquilino V. Ramos of the Municipal Circuit Trial Court (MCTC), Dupax del Norte, Nueva Vizcaya with gross misconduct, dishonesty, gross ignorance of the law, arbitrary detention, incompetence, grave abuse of discretion, and conduct prejudicial to the best interest of the service.

As can be gleaned from the complaint and the subsequent documents submitted by respondent Judge, the antecedent facts of the case, originally docketed as OCA IPI No. 07-1874-MTJ, are as follows:

Complainant Bayaca was the accused in a criminal case for arson through reckless imprudence. The case was docketed as Criminal Case No. 2479 at the MCTC of Dupax del Norte - Dupax del Sur - A. Casteneda, Nueva Vizcaya, presided by respondent Judge. After trial, respondent Judge promulgated his Decision dated April 2, 2004,[2] finding complainant Bayaca guilty as charged and imposing upon him the penalty of imprisonment of four (4) months of arresto mayor as minimum and four (4) years and two (2) months of prision correccional as maximum with all the accessory penalties imposed by law and to pay costs and actual damages in the amount of P100,000.00.

Aggrieved, complainant appealed the case to the Regional Trial Court (RTC), Branch 37 of Bambang, Nueva Vizcaya, where it was docketed as Criminal Case No. 1866.

On November 26, 2004, the RTC came out with its decision[3] affirming with modification the decision of the MCTC, to wit:

> WHEREFORE, the decision appealed from is affirmed insofar finding the accused guilty beyond reasonable doubt of the crime of reckless imprudence resulting in arson as defined and penalized under Article 365 of the Revised Penal Code in relation to Presidential Decree No. 1613. However, the penalty therefor is modified, and instead, the accused Aureo Bayaca is hereby sentenced to pay a fine of Seventy-five pesos (Php75.00) and to pay the costs. The award of P100,000.00 as actual damages is hereby deleted. Instead, the accused is directed to pay the offended parties the total sum of P25,000.00 as temperate damages.
>
> SO ORDERED.

Despite the deletion of the penalty of imprisonment in the RTC decision, respondent Judge issued a Warrant of Arrest and Commitment on Final Sentence[4] which led to complainant's incarceration at the Solano District Jail from August 8 to 28, 2006.[5]

Hence, the instant complaint[6] alleging that respondent Judge acted without legal basis in ordering his detention,

thus displaying bias, manifest partiality, incompetence in office, gross ignorance of the law, gross misconduct, dishonesty and grave abuse of authority and discretion. Complainant added that respondent's conduct was unbecoming and inappropriate for a judge which is greatly prejudicial to the best interest of the service. He, thus, prayed for the suspension of the respondent Judge citing, among other reasons, the latter's chronic drinking habit.

On October 12, 2006, the OCA, through Court Administrator Christopher O. Lock, referred to respondent Judge the complaint-affidavit for his comment thereon.[7]

In his Counter-Affidavit dated October 16, 2006,[8] respondent Judge clarified that his issuance of the warrant of arrest against herein complainant was a mistake done in good faith. He added that for almost sixteen (16) years it was the practice in his sala that before acting on a motion it passed through his Clerk of Court who studied the records to determine whether or not to grant it. If it would be granted, the Clerk of Court would then request the stenographer to type the order and thereafter, he would affix his initial for respondent Judge's signature. This was the procedure that they followed in the instant case which was unfortunately the only instance that they committed a mistake.

While he apologized to complainant Bayaca and his parents, the respondent Judge maintained that the matter was merely a case of simple negligence. He likewise submitted copies of the Acknowledgement Receipt dated December 3, 2006[9] to show that complainant and his spouse had already agreed to amicably settle all the cases that they had previously filed against respondent Judge subject to their receipt of the amount of P750,000.00.

On February 26, 2007, the OCA received respondent Judge's supplemental comment dated February 3, 2007[10] wherein he narrated that the civil case for damages previously filed against him by complainant with the RTC, Branch 30 of Bambang, Nueva Vizcaya was already dismissed by virtue of an Order dated January 3, 2007 granting the joint motion to dismiss filed by the parties. Respondent Judge further informed the OCA that the criminal complaint for unlawful arrest and serious illegal detention pending before the Office of the Provincial Prosecutor was also dismissed after complainant filed an Affidavit of Desistance[11] therein. Respondent Judge claimed that the instant case was filed mainly to harass him when complainant discovered that he had filed for optional retirement as MCTC Judge. Respondent Judge informed the Court that he has been suffering from severe asthma and arthritis and had been bedridden and very sickly as he asked for assistance in facilitating the approval of his retirement benefits.

In its Report dated April 23, 2007,[12] the OCA, through Court Administrator Christopher O. Lock, found respondent Judge guilty of Negligence and Conduct Prejudicial to the Best Interest of Service. As explained by the OCA in its report and recommendation:

> Negligence may be defined as the failure to observe such care as a reasonably prudent and careful person would use under similar circumstances; it is the doing of some act which a person of ordinary prudence would not have done or failure to do what a person of ordinary prudence would have done under similar circumstances. It is the conduct which falls below the standard established by law for the protection of others against unreasonable risk of harm; a departure from the conduct expected of a reasonably prudent person under like circumstances. (Black's Law Dictionary, 930-931, 5[th] Ed.) At bottom, it is a test of foreseeability xxx. Likewise, it may be a ground for administrative liability of a government official or employee. (Re: Report on the Judicial Audit Conducted in the RTC, Branch 117, Pasay City, A.M. No. 96-5-163-RTC, June 22, 1998). The Bill of Rights which is the very heart of the fundamental law of the land emphasizes the indispensability of one's liberty because it is considered as the greatest among the civil and political rights. Extreme care must be practiced by a magistrate in signing papers relative to disposition of motions, writs, decisions, and orders especially warrant of arrest because the liberty and property of an individual is at stake. The records show that complainant was detained at Solano District Jail for twenty days from August 8 to August 28, 2006 due to respondent Judge's mistake in issuing a warrant of arrest. Respondent Judge cannot take refuge behind the

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> lame excuse of relying on his staff or the Clerk of Court because the position of a judge demands personal efficiency and professional competence. Indeed such excuse is verily an admission of incompetence.
>
> 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. (Office of the Court Administrator vs. Estacion, Jr., 181 SCRA 33) Hence, a judge is required to pore over all documents on which he affixes his signature notwithstanding his heavy caseload.
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> Moreover, it bears stressing that respondent Judge made a partial payment of P250,000.00 to the complainant with a promise to pay another P500,000.00 to be paid within two months from the date when the Acknowledgment Receipt of Amicable Settlement was executed. The act of respondent Judge in giving money in exchange for the withdrawal of civil, criminal and administrative case filed against him is highly improper. It is a well-settled rule that administrative case cannot be the subject of amicable settlement. The filing of administrative complaint does not depend upon the whims and caprices of complainant and it cannot be rendered naught by the private concessions of the parties. Hence, the withdrawal of administrative complaint will not prevent the court from deciding the case since complainants are, in a real sense, only witnesses therein.
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> xxx
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> Anent the charge of the respondent Judge's chronic drinking habit, the Code of Judicial Ethics mandates that the conduct of a judge should be free from any impropriety in all activities. However, the same cannot be given credence on account of lack of evidence substantially proving the charge.
>
> The instant case of negligently signing papers relative to issuance of Warrant of Arrest and Commitment to Final Sentence despite the deletion by the appellate court of that portion of judgment imposing the penalty of imprisonment is analogous to the case of Marietta A. Padilla vs. Judge Salvador Silerio (A.M. No. RTJ-98-1421, May 9, 2000). In the said case, the Supreme Court imposed a fine of Five Thousand Pesos (P5,000.00) for respondent Judge's negligence when he signed the Order approving the spurious cash bond of accused Prieto.
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> RECOMMENDATION: Respectfully submitted for the consideration of the Honorable Court our recommendation that (a) the instant case be RE-DOCKETED as an administrative matter; and (b) respondent Judge be found GUILTY of Negligence and Conduct Prejudicial to the Best Interest of Service and (c) respondent Judge be FINED in the amount of P5,000.00 with a WARNING that a repetition of similar acts should be dealt with severely.

By Resolution dated June 27, 2007,[13] the Court required the parties to manifest whether they are willing to submit the case for decision on the basis of the pleadings filed.

In a Manifestation dated September 6, 2007[14] and Supplemental Manifestation dated October 4, 2007,[15] respondent Judge interposed no objection to submit the case for decision based on the pleadings filed.

Complainant, upon the other hand, did not file any manifestation in compliance with our resolution.

The foregoing premises considered, this Court finds no reason to disturb the findings of the OCA.

We have repeatedly ruled in a number of cases[16] that mere desistance or recantation by the complainant does not necessarily result in the dismissal of an administrative complaint against any member of the bench. The withdrawal of complaints cannot divest the Court of its jurisdiction nor strip it of its power to determine the veracity of the charges made and to discipline, such as the results of its investigation may warrant, an erring respondent. Administrative actions cannot depend on the will or pleasure of the complainant who may, for reasons of his own, condone what may be detestable. Neither can the Court be bound by the unilateral act of the

complainant in a matter relating to its disciplinary power. The Court's interest in the affairs of the judiciary is of paramount concern. For sure, public interest is at stake in the conduct and actuations of officials and employees of the judiciary, inasmuch as the various programs and efforts of this Court in improving the delivery of justice to the people should not be frustrated and put to naught by private arrangements between the parties as in the instant case.

Respondent Judge should not be allowed to capitalize on the Acknowledgement Receipt dated December 3, 2006 showing that complainant and his spouse had already agreed to amicably settle the cases they previously filed against him. Apparently, respondent Judge made a partial payment of P250,000.00 to the complainant with a promise to pay another P500,000.00 within two (2) months from the date when the said Acknowledgment Receipt was executed. This deplorable act of respondent Judge in giving money in exchange for the withdrawal of the cases filed against him by the complainant cannot be countenanced, being considered by law as an obstruction of justice.[17]

Anent respondent Judge's assertion that his optional retirement was effective April 30, 2007, it must be stressed that the Court is not ousted of its jurisdiction over an administrative case by the mere fact that the respondent Judge ceases to hold office during the pendency of his case. In Perez vs. Abiera[18] and as reiterated in Judge Rolando G. How vs. Teodora A. Ruiz,[19] this Court ruled:

> In other words, the jurisdiction that was Ours at the time of the filing of the administrative complaint was not lost by the mere fact that the respondent public official had ceased to be in office during the pendency of his case. The Court retains its jurisdiction either to pronounce the respondent official innocent of the charges or declare him guilty thereof. A contrary rule would be fraught with injustices and pregnant with dreadful and dangerous implications. x x x If only for reasons of public policy, this Court must assert and maintain its jurisdiction over members of the judiciary and other officials under its supervision and control for acts performed in office which are inimical to the service and prejudicial to the interests of litigants and the general public. If innocent, respondent official merits vindication of his name and integrity as he leaves the government which he served well and faithfully; if guilty, he deserves to receive the corresponding censure and a penalty proper and imposable under the situation.

We hold that respondent Judge was inexcusably negligent when he issued a Warrant of Arrest and Commitment to Final Sentence despite the deletion by the appellate court of that portion of the judgment imposing the penalty of imprisonment. In the performance of his duties, respondent Judge failed to observe that diligence, prudence and circumspection which the law requires in the rendition of any public service. If only respondent Judge had exercised the requisite thoroughness and caution, he would have noted not only the modification of the monetary awards by the appellate court, but also the deletion of the penalty of imprisonment upon which the Warrant of Arrest and Commitment to Final Sentence that he signed was based.

Respondent Judge cannot pass on the blame to his Clerk of Court and/or Stenographer. A judge cannot take refuge behind the inefficiency or mismanagement of his very own court personnel. Certainly, a judge is responsible not only for the dispensation of justice but also for managing his court efficiently to ensure the prompt delivery of court services.[20] In the discharge of the functions of his office, respondent 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.[21] Surely, a judge is enjoined to pore over all documents whereon he is required to affix his signature and give his official imprimatur.[22] The negligence of respondent Judge in this case simply cannot be countenanced.

Even as we decline to pass upon the alleged chronic and daily alcoholic drinking sprees of respondent Judge for lack of credible substantiation, we reiterate here the exacting standards decreed by the Code of Judicial Conduct.

Membership in the judiciary circumscribes one's personal conduct and imposes upon him certain restrictions, the faithful observance of which is the price one has to pay for holding such a distinguished position. Accordingly, a magistrate of the law must comport himself in a manner that his conduct must be free of a whiff of impropriety, not only with respect to the performance of his official duties, but also to his behavior outside his sala and as a private individual. His conduct must be able to withstand the most searching public scrutiny, for the ethical principles and sense of propriety of a judge are essential to the preservation of the people's faith in the judicial system lest public confidence in the judiciary would be eroded by the incompetent, irresponsible and negligent conduct of judges. [23]

To recapitulate, we find respondent Judge's act of issuing an order for the arrest of herein complainant, despite the deletion by the appellate court of that portion of the judgment imposing the penalty of imprisonment, an act of inexcusable negligence and conduct which is prejudicial to the best interest of the service.

In a letter dated October 23, 2008, Mrs. Marie Rosalind Ramos Delos Reyes, daughter of respondent Judge, informed the Office of the Chief Justice of the death of Judge Tranquilino V. Ramos. Attached to the letter was the Certificate of Death indicating that respondent Judge died on August 27, 2008, of cardiopulmonary arrest secondary to multiple organ failure and septic shock.

In Baikong Akang Camsa vs. Judge Aurelio Rendon[24], this Court, citing previous cases, discussed the different implications and effects of the death of a respondent while an administrative complaint is still pending with the Court; viz:

> In Hermosa vs. Paraiso, the respondent, a branch clerk of court of the then Court of First Instance of Masbate, was charged with irregularities while in office. The matter was referred to an Investigating Judge considering that there were persons mentioned in the complaint who had to be questioned. The Investigating Judge, in his report of 18 August 1973, recommended that the respondent be exonerated of the charges for lack of sufficient evidence. On 01 August 1974, while the case was pending before the Court, the respondent died. The Court, nevertheless, resolved the case so that the respondent's heirs might not be deprived of any retirement benefits due to them and ordered the dismissal of the case for lack of substantial evidence.
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> In Mañozca vs. Judge Domagas, the respondent judge, who was charged with gross ignorance of the law for having erroneously granted a demurrer to evidence, died while the case was being evaluated by the OCA for appropriate action. The Court, on the basis of what appeared on record, no factual matter being in serious dispute that would require a formal investigation, resolved to impose a fine of P5,000.00 on the respondent judge, stressing that he had been previously sanctioned by the Court for gross ignorance of the law.
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> In Apiag vs. Judge Cantero, the respondent judge was charged with gross misconduct for allegedly having committed bigamy and falsification of public documents. The case was referred to the Executive Judge of the Regional Trial Court of Toledo City for investigation, report and recommendation. An investigation was imperative considering that factual issues, including the circumstances of the respondent's first marriage to the complainant, were inextricably involved. Upon receipt of the report of the Investigating Judge, who recommended that the respondent judge be suspended for one (1) year without pay, the Court referred the matter to OCA for evaluation, report and recommendation. The OCA, in its memorandum, recommended that the respondent judge be dismissed from the service. The respondent judge died while the case was still being deliberated upon by the Court. The Court there held -
> However, we also cannot just gloss over the fact that he was remiss in attending to the needs of his children of his first marriage -- children whose filiation he did not deny. He neglected them and refused to support them until they came up with this administrative charge. For such conduct, this Court would have imposed a penalty. But in view of his death prior to the promulgation of this Decision, dismissal of the case is now in order.

While the fine recommended by the OCA could have been imposed on respondent Judge under the circumstances

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of this case, the case could be dismissed,in view of his death prior to the promulgation of this Decision.

WHEREFORE, the instant complaint is hereby DISMISSED and this case considered CLOSED and TERMINATED.

SO ORDERED.

Corona,[****] (Acting Chairperson), Quisumbing,[**] Austria-Martinez,[***] and Carpio-Morales,[***] JJ., concur.
Puno, C.J., on official leave.

** Additional Member in lieu of Justice Antonio T. Carpio as per Special Order No. 547.

*** Additional Members in lieu of Chief Justice Reynato S. Puno and Justice Adolfo S. Azcuna as per Special Order No. 553.

**** Acting Chairperson of the First Division in lieu of Chief Justice Reynato S. Puno as per Special Order No. 552.

[1] Rollo, at pp. 6-8.

[2] Id., at pp. 10-18.

[3] Id., at pp. 19-31.

[4] Id., at p. 45.

[5] As certified by the District Jail Warden; id., at p. 9.

[6] See note 1.

[7] Rollo, at p. 34.

[8] Id., at pp. 39-40.

[9] Id., at pp. 37-38.

[10] Id., at pp. 71-75.

[11] Id., at p. 118.

[12] Id., at pp. 1-5.

[13] Id., at p. 125.

[14] Id., at p. 172.

[15] Id., at pp. 178-179.

[16] Boiser vs. Aguirre, Jr., A.M. No. RTJ-04-1886, May 16, 2005, 458 SCRA 430, 436 (citing Marcelino vs. Singson, Jr., A.M. No. MTJ-94-962, April 24, 1995, 243 SCRA 685); Enojas, Jr. vs. Gacott, Jr., A.M. No. RTJ-99-1513, January 19, 2000, 322 SCRA 272, 278-279 (citing Sandoval vs. Manalo, A.M. No. MTJ-96-1080, August 22, 1996, 260 SCRA 611); and Caña vs. Santos, A.M. No. 93-10-1269-RTC, July 8, 1994, 234 SCRA 17.

[17] See Section 1, paragraph (a) of Presidential Decree No. 1829.

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[18] A.C. No. 223-J, June 11, 1975, 64 SCRA 302, 306-307.

[19] A.M. No. P-05-1932, February 15, 2005, 451 SCRA 320, 325.

[20] Visbal vs. Sescon, A.M. No. RTJ-04-1890, October 11, 2005, 472 SCRA 233, 238-239 (citing Visbal vs. Buban, A.M. No. MTJ-02-1432, September 3, 2004, 437 SCRA 520 and Aguilar vs. How, A.M. No. RTJ-03-1783, July 31, 2003, 407 SCRA 482); Garong vs. Benipayo, O.C. A.M. No. 00-02, November 19, 2003, 416 SCRA 155; and Buenaflor vs. Ibarreta, Jr., A.M. No. RTJ-02-1683, April 24, 2002, 381 SCRA 518.

[21] Office of the Court Administrator vs. Estacion, Jr., A.M. No. RTJ-87-104, January 11, 1990, 181 SCRA 33.

[22] Padilla vs. Silerio, A.M. No. RTJ-98-1421, May 9, 2002, 331 SCRA 515, 519-520.

[23] Pascual vs. Bonifacio, A.M. No. RTJ-01-1625, March 10, 2003, 398 SCRA 695, 701, citing Campilan vs. Campilan, Jr., A.M. No. MTJ-96-1100, April 24, 2002, 381 SCRA 494; Marcelino vs. Singson, Jr., A.M. No. MTJ-94-962, April 24, 1995, 243 SCRA 685; Lim vs. Calimag, Jr., A.M. No. RTJ-99-1517, February 26, 2002, 377 SCRA 531; and Alfonso vs. Juanson, A.M. No. RTJ-92-904, December 7, 1993, 228 SCRA 239.

[24] A.M. No. MTJ-02-1395, February 19, 2002, 377 SCRA 271, 272-274.

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