MIGUEL ARGEL, COMPLAINANT, VS. JUDGE HERMINIA M. PASCUA, RTC-BR. 25, VIGAN, ILOCOS SUR, RESPONDENT.

A.M. No. RTJ-94-1131. August 20, 2001

Ponente: BELLOSILLO, J.

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BELLOSILLO, J.:

A.M. No. RTJ-94-1131 (Miguel Argel v. Judge Herminia M. Pascua, RTC-Br. 25, Vigan Ilocos Sur). - This is an administrative complaint for Gross Ignorance of the Law filed by Miguel Argel against Judge Herminia M. Pascua, RTC-Br. 25, Vigan, Ilocos Sur.[1]

Complainant alleged in his complaint that respondent Judge rendered a Decision dated 19 August 1993[2] in Crim. Case No. 2999-V entitled People v. Miguel Argel convicting him of murder notwithstanding the fact that he had already been previously acquitted by respondent in her Decision[3] dated 22 July 1993, promulgated on 13 August 1993. Complainant contends that respondent Judge is guilty of gross ignorance of the law and of violating his constitutional right against double jeopardy.

In a letter-explanation dated 7 March 1994 respondent Judge alleged that she rendered the judgment of acquittal dated 22 July 1993 because she erroneously thought that there was no witness who positively identified the accused, herein complainant, as the perpetrator of the crime. Her mistake was brought about by the fact that the testimony of the eyewitness was not attached to the records at the time she wrote her decision. However, when she re-read her notes after her attention was called by the lawyer of the private complainant that there was such an eyewitness, respondent confirmed that there was indeed one in the person of Tito Retreta. Hence she "revised" her previous decision and rendered the Decision dated 19 August 1993 finding the accused guilty of murder. Fully aware of her prior decision of acquittal, respondent nevertheless ordered the police to bring complainant Argel to court not for the purpose of having him incarcerated but only to inform him of her new decision so that he could be made to answer for his civil liabilities arising from the crime. Before she could explain the matter to complainant, the latter's brother already filed a petition for habeas corpus before the Court of Appeals.[4] According to respondent, she decided to await the hearing of the petition before setting complainant free so that she could give him a copy of her new decision.[5]

In his Reply to the letter-explanation of respondent, complainant additionally charged respondent with gross negligence for not exercising extreme caution in the preparation of her decision by making sure that all the transcripts of stenographic notes were attached to the records before writing the decision.[6]

In a Memorandum dated 11 May 2001 the Office of the Court Administrator recommended that respondent be fined P20,000.00 for gross ignorance of the law.

As stated earlier, complainant was accused of murder in Crim. Case No. 2999-V of the RTC of Vigan, Ilocos Sur. On 13 August 1993 judgment was promulgated acquitting him on the ground that there was no witness who positively identified him as the perpetrator of the crime. However after respondent's attention was called by the private complainant's counsel to the fact that there was such a witness and confirmed by respondent upon

re-reading her notes, she issued an Order dated 16 August 1993 stating her intention to"revise" the previous judgment of acquittal, branded the same as "uncalled for" and "not final," and reset the case for another "rendering of the decision."[7] The reason given was that the judgment of acquittal was rendered without all the facts and circumstances being brought to her attention.

Respondent Judge explained that the transcript of stenographic notes of the testimony of eyewitness Tito Retreta was not attached to the records when she wrote her decision. Thus, in a Decision dated 19 August 1993, respondent Judge declared herein complainant Miguel Argel guilty beyond reasonable doubt of murder on the basis of the eyewitness account of Tito Retreta, sentenced complainant Argel to seventeen (17) years, four (4) months and one (1) day of reclusion temporal to reclusion perpetua, and to pay the heirs of the victim P50,000.00 as civil indemnity and P60,000.00 for actual damages.

Too elementary is the rule that a decision once final is no longer susceptible to amendment or alteration except to correct errors which are clerical in nature,[8] to clarify any ambiguity caused by an omission or mistake in the dispositive portion,[9] or to rectify a travesty of justice brought about by a moro-moro or mock trial.[10] A final decision is the law of the case and is immutable and unalterable regardless of any claim of error or incorrectness.[11]

In criminal cases, a judgment of acquittal is immediately final upon its promulgation.[12] It cannot be recalled for correction or amendment[13] except in the cases already mentioned nor withdrawn by another order reconsidering the dismissal of the case since the inherent power of a court to modify its order or decision does not extend to a judgment of acquittal in a criminal case.[14]

Complainant herein was already acquitted of murder by respondent in a decision promulgated on 13 August 1993. Applying the aforestated rule, the decision became final and immutable on the same day. As a member of the bench who is always admonished to be conversant with the latest legal and judicial developments, more so of elementary rules, respondent should have known that she could no longer "revise" her decision of acquittal without violating not only an elementary rule of procedure but also the constitutional proscription against double jeopardy. When the law is so elementary, not to know it constitutes gross ignorance of the law.[15]

The fact that respondent never had any intention of having complainant incarcerated on the basis of the second decision but only to make him answer for the civil liabilities arising from the crime, as respondent explained, cannot exculpate her from administrative liability. On the contrary, such thinking on the part of respondent that she could still "revise" a promulgated decision of acquittal even for such a purpose underscores, not mitigates, her gross ignorance.

We cannot write finis to this case without also commenting on respondent's negligence in the preparation of her decision. Judges have always been reminded to take down their own notes of salient portions of hearings and not to rely on the transcripts of stenographic notes. The pivotal testimony of Tito Retreta would not have been overlooked and consequently disregarded had respondent prepared her own notes and read them as she was supposed to.

WHEREFORE, for Gross Ignorance of the Law respondent Judge Herminia M. Pascua, RTC-Br. 25, Vigan, Ilocos Sur, is FINED P20,000.00, the same to be deducted from her retirement benefits. Since respondent has already compulsorily retired as of 18 September 1998, let her retirement benefits be immediately released to her minus the amount of P20,000.00 herein imposed on her as fine.

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SO ORDERED.

Mendoza, Quisumbing, Buena and De Leon, Jr., JJ., concur.

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[1] Respondent Judge compulsorily retired on 18 September 1998.

[2] Rollo, pp. 12-20.

[3] Id., pp. 4-9.

[4] Docketed as CA-G.R. SP No. 32060. Complainant was eventually ordered released in an Order dated 4 October 1993 of Executive Judge Efren O. Ramos, RTC, Vigan, Ilocos Sur, who heard and decided the petition per Resolution dated 20 September 1993 of the Court of Appeals.

[5] Rollo, pp. 50-51.

[6] Id., p. 54-55.

[7] Id., pp. 10-11.

[8] Yu v. National Labor Relations Commission, G.R. Nos. 111810-11, 16 June 1995, 245 SCRA 134.

[9] Hiyas Savings and Loan Bank v. Court of Appeals, G.R. No. 95625, 4 October 1991, 202 SCRA 543.

[10] Galman v. Sandiganbayan, G.R. No. 72670, 12 September 1986, 144 SCRA 43.

[11] Buaya v. Stronghold Insurance Co., Inc., G.R. No. 139020, 11 October 2000.

[12] Regalado, Florenz, Remedial Law Compendium, Vol. II, Seventh Rev. Ed., p. 453 citing People v. Sison, 105 Phil. 1249 (1959).

[13] People v. Sison, 105 Phil 1249 (1959).

[14] Catilo v. Abaya, 94 Phil. 1014 (1954).

[15] Cortes v. Agcaoili, A.M. No. RTJ-98-1414, 20 August 1998, 294 SCRA 423.

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