

AVELINO AND ASTERIA DAIZ, COMPLAINANTS, VS. JUDGE PROSTASIO G. ASADON, 6TH MCTC, LLORENTE-HERNANI, EASTERN SAMAR, RESPONDENT.

A.M. No. MTJ-98-1152. June 02, 1998

Ponente: PUNO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/90f7eab2b7b0/>

PUNO, J.:

In an Affidavit/Complaint dated March 19, 1997, spouses Avelino and Asteria accused respondent Judge Prostasio G. Asadon of the 6th Municipal Circuit Trial Court of Llorente-Hernani, Eastern Samar, of evident bias and partiality, abuse of authority and violation of Supreme Court circulars on punctuality and observance of office hours. They alleged:

"x x x

"That at around noon yesterday, March 18, 1997, we were charged with the trumped up charge of Slight Physical Injuries before the 6th Municipal Trial Court of Llorente-Hernani, presided by Judge Prostasio G. Asadon;

"That at about 2:00 o'clock in the afternoon, we were arrested by policemen and brought to the municipal jail;

"That Judge Asadon did not accord us the right to present controverting evidence to the fabricated charges by means of counter-affidavits but instead issued a warrant for our arrest with undue haste;

"That after issuing the warrant of arrest, Judge Asadon immediately left his station and went home to Gen. MacArthur town;

"After our arrest, we sought assistance from Atty. Rufilo L. Tan who filed an Omnibus Motion which was filed at 3:10 o'clock in the afternoon but there was no one to act on it because Judge Asadon had gone home already; A [sic] relative offered to put up a cash bond of P1,000.00 for our provisional liberty but we did not proceed with it because there was no one to issue an Order of Release;

"The municipal employees told us that Judge Asadon often arrive [sic] late and always go home at noon and that he had never been known to hold office in the afternoon x x x;

"The daughter-in-law of Feleciano Bade who is the complainant against us is a relative of the wife of Judge Asadon, hence, his bias and partiality against us."[1]

In his Comment dated August 16, 1997, respondent judge foisted the following defenses:

"xxx

"The accused Avelino Daiz and Asteria Daiz, has [sic] been nourishing hatred and rancor in their hearts arising from respondent's [sic] issuance of a Warrant of Arrest due to the fact that they were about to escape, as in fact, they have escaped after they were released on Bail on Recognizance since March 20, 1997, and up to now their whereabouts is [sic] unknown. x x x

"In regard to the imputation against respondent for evident bias and partially and abuse of authority, the series of orders x x x will show that respondent have [sic] been lenient in dealing with the accused.

"x x x

"It is not true and the same is vehemently denied that respondent went home to Gen. MacArthur in the afternoon on March 18, 1997, because on that date respondent was in the Municipality of Hernani, E. Samar, to attend an equally urgent Crim. Case No. 3975, entitled: PEOPLE VS. FEDERICO AMANO, For, CONSENTED ABDUCTION, in compliance with an EN BANC RESOLUTION of the Honorable Supreme Court, dated June 9, 1994. x x x

"Respondent had absolutely no knowledge of any relationship to his wife with the wife of the Offended Party in fact, respondent's wife [sic] given name, middle name and surname when still single is ROSITA ANES CALZITA, hence complainant's version to this effect is unfounded and an outright lies [sic].

"As to the charge of violation of Supreme Court Circular on Punctuality and Strict Compliance of [sic] Office Hours, same is also denied. If respondent has been plying from his Official Station of Llorente to other Municipal Circuit Trial Courts, like the MCTC Salcedo-Gen. MacArthur; MCTC Guiuan-Mercedes; MCTC Maydolong-Balangkayan; MTC Borongan, and MCTC San Julian-Sulat, it was in obedience to the Orders and designations of his superior Officer. x x x"[2]

On January 1, 1998, while this case was still pending, respondent judge died of pneumonia.[3]

In a Memorandum dated February 27, 1998, the Court Administrator exonerated the late respondent judge of all the charges except for abuse of authority based on the following findings:

"x x x

"The records show that on March 18, 1997, x x x respondent issued on Order directing the issuance of a warrant of arrest against the complainants. The following day, March 19, 1997 x x x another Order was again issued by respondent ordering the parties to file their respective affidavits and counter-affidavits.

"It is evident that respondent judge had been remiss in the correct application of the law when he immediately ordered the arrest of the complainants without requiring them to first submit their counter-affidavits and the affidavits of their witnesses as well as any evidence in their own behalf. Suffice it to say, such actuation on the part of respondent is contrary to the provisions of Section 12, (b) and Section 16, of the said Revised Rules on Summary Procedure, which states [sic]:

'Section 12 (b). If commenced by information.-- When the case is commenced by information, or is not dismissed pursuant to the next preceding paragraph, the court shall issue an order which, together with copies of the affidavits and other evidence submitted by the prosecution, shall require the accused to submit his counter-affidavit and the affidavits of his witnesses as well as any evidence in his behalf, serving copies thereof on the complainant or prosecutor not later than ten (10) days from receipt of said order. x x x

'Section 16. Arrest of Accused - The court shall not order the arrest of the accused except for failure to appear whenever required.' x x x

"x x x

"By ordering the arrest of the accused immediately after the filing of the charges against them, respondent Judge exhibited abuse of authority, thus, giving rise to herein complainant's perception that he is partial to the private complainant.

"Anent the charge that the daughter-in-law of the private complainant in Criminal Case No. 3977 is a relative of the wife of respondent, no substantial evidence has been presented by the complainants to substantiate their

allegation that his (respondent's) actuation in the instant case had been x x x influenced by the alleged relationship of the latter's (respondent's) wife with the daughter -in-law of the private complainant.

"As regards the charge of violation of Supreme Court Circular on punctuality and strict observance of office hours, respondent Judge satisfactorily refuted the charge. x x x"[4]

Accordingly, the Court Administrator recommended that a fine in the amount of ten thousand pesos (P10,000.00) be deducted from whatever retirement benefits the late respondent judge may be entitled to receive.

We express our concurrence with the findings and recommendation of the Court Administrator.

First. The respondent judge committed grave abuse of authority when he hastily issued a warrant of arrest against the complainants. His premature issuance of a warrant of arrest on the same day, March 18, 1998, that the information for slight physical injuries was filed against complainant spouses was in gross violation of the summary procedure rule that the accused should first be notified of the charges against them and given the opportunity to file their counter-affidavits and other countervailing evidence. It cannot be justified on the ground that respondent judge has information that the spouses would escape. Nothing in the records validates the content, source, and extent of that information. There is no gainsaying the fact that the premature issuance of the warrant of arrest against complainant spouses caused them great prejudice as they were deprived of their precious liberty. We reiterate the rule that although a judge may not always be subjected to disciplinary action for every erroneous order or decision he renders, that relative immunity is not a license to be negligent[5] or abusive[6] and arbitrary in prerogatives. If judges wantonly misuse the powers vested in them by law, there will not only confusion in the administration of justice but even also oppressive disregard of the basic requirements of due process.[7]

We find the charges of evident bias and partiality and violation of our circulars on punctuality and observance of office hours to be without basis. Complainants alleged that "the daughter-in-law of Feleciano Bade who is the complainant against us is a relative of the wife of Judge Asadon." The respondent judge categorically belied the existence of any kinship between his wife and his accusers' victim. Complainants alleged that "the daughter -in-law of Feleciano Bade who is the complainant against us is a relative of the wife of Judge Asadon." The respondent judge categorically belied the existence of any kinship between his wife and his accuser's victim. Complainants did not offer an iota of evidence to prove otherwise.

Similarly unsubstantiated is the charge that the respondent judge did not observe office hours. To be sure, the charge is mere hearsay. Complainants admit that the charge is what "the municipal employees told us that Judge Asadon often arrive [sic] late and always go [sic] home at noon and that he had never been known to hold office in the afternoon". To repudiate the charge, the respondent judge attached to his Comment the following documents to explain his afternoon trips out of Llorente, Eastern Samar: (1) Resolution[8] dated June 17, 1994 issued by the Supreme Court En Banc directing him, assisted by two of his office personnel, to hold court sessions at the Municipality of Hernani Eastern Samar; (2) Affidavit[9] of Police Inspector Paulito Candido stating that in the afternoon of March 18, 1997, the day he issued the warrant of arrest against complainant spouses, he was at the municipal building of Hernani, Eastern Samar conducting a hearing in connection with Criminal Case No. 3975, entitled, "People v. Federico Amano" for Abduction with Consent; and (3) various Memoranda and Special Designations[10] dated July 20, 1990, November 7, 1990, November 9, 1990, June 18, 1991, July 8, 1991, July 30, 1991, November 28, 1991, March 11, 1992, April 20, 1993, July 30, 1993, October 13, 1993, November 11, 1993, May 23, 1995, June 1, 1995, November 10, 1995, January 26, 1996, May 29, 1996, July 2, 1996, and August 21, 1996, all directing him to travel to other municipal trial court salas in different parts of Eastern Samar to try, hear and decide specified cases which had been the subject of petitions for inhibition that were granted by Judge Paterno T. Alvarez, who is the Executive Judge of the Regional Trial Court of Borongan, Eastern Samar.

All these abundantly prove that the respondent judge observed the required work hours in the dispersion of his judicial functions.

WHEREFORE, the late respondent Judge Protasio G. Asadon is cleared of all the charges filed against him by complainant spouses Avelino and Asteria Daiz, except with respect to the charge of abuse of authority the penalty for which is a fine in the sum of TEN THOUSAND PESOS (P10,000.00). The fine shall be deducted from the retirement benefits of the respondent judge and the balance shall immediately released to his heirs.

SO ORDERED.

Regalado, (Chairman), Mendoza, and Martinez, JJ., concur.

Melo, J., on leave.

[1] Affidavit/Complaint dated March 19, 1997, Rollo, p.4.

[2] Rollo, pp. 7-8.

[3] Certificate of Death, Rollo, p. 45.

[4] Memorandum dated February 27, 1998, pp. 2-3, Rollo, pp. 47-48.

[5] Vito v. Buslon, Jr., 243 SCRA 519 (1995).

[6] Wingarts v. Mejia, 242 SCRA 436 (1995).

[7] Ibid.

[8] Rollo, p. 19.

[9] Rollo, p. 20.

[10] Rollo, pp. 21-41.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.