SPS. LYDIO AND LOURDES ARCILLA, COMPLAINANTS, VS. JUDGE LUCIO PALAYPAYON AND BRANCH CLERK OF COURT REMEDIOS BAJO, MTC, TINAMBAC, CAMARINES SUR, RESPONDENTS.

A.M. No. MTJ-01-1344 (Formerly AM OCA No. 97-461-MTJ). September 05, 2001

Ponente: SANDOVAL-GUTIERREZ, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/9158aa93522d/

SANDOVAL-GUTIERREZ, J.:

The present administrative case stemmed from the complaint of spouses Lydio and Lourdes Arcilla, filed with this Court on December 4, 1997, charging Judge Lucio Palaypayon (Ret.) of the Municipal Trial Court, Tinambac, Camarines Sur with gross ignorance of the law; and Remedios B. Bajo, clerk of court of the same court, with irregularity in the performance of duty relative to Criminal Case No. T-97-6287 for estafa.

In their complaint, spouses Lydio and Lourdes Arcilla averred inter alia that on September 16, 1997, SPO1 Teresito Porteza filed with the MTC presided by respondent judge a complaint for estafa against Lydio Arcilla. Porteza alleged that the accused failed to pay P22,000.00 as rentals corresponding to the period of five (5) months for the lease of the operational power chainsaw owned by the former. That same day, without conducting the required preliminary investigation, respondent judge issued a warrant of arrest against the accused. He was then arrested and detained at the Tinambac Police Station for his inability to post bail. According to complainant Lourdes Arcilla, respondent judge told her that if she would pay one-half of Porteza's claim, her husband would be temporarily released.

While her husband was incarcerated, Lourdes went to the MTC to procure certified true copies of the complaint and the warrant of arrest. However, respondent clerk of court denied her request, giving her instead mere photocopies of the desired documents.

Complainants also claimed that respondent judge was previously found guilty of various administrative charges in three (3) other administrative cases, thus:

> (1)
>
> A.M. No. MTJ-93-823, "Ortiz vs. Palaypayon." Respondent was fined P10,000.00 for "gross ignorance of the law (234 SCRA 391);
>
> (2)
>
> A.M. No. MTJ-92-421, "Cosca vs. Palaypayon." Respondent judge was fined P20,000.00 for illegal solemnization of marriage, bribery, utilizing a detention prisoner to work in his house and failure to supervise his clerk of court in the preparation of monthly report of cases submitted to this court (237 SCRA 249);
>
> (3)
>
> A.M. No. MTJ-95-1021, "Peralta vs. Palaypayon." Respondent judge was reprimanded for sentencing a complainant to an excessive penalty of five (5) days imprisonment for direct contempt of court; and

(4)

A. M. No. MT J-93-751, "Peralta vs. Palaypayon." Respondent judge was fined P 2,000.00 and warned for grave abuse of authority.

In their joint comment, respondent judge vehemently denied all the allegations against him for being false and misleading. Contrary to complainants' claim, he conducted a preliminary investigation before issuing the warrant of arrest against accused Lydio Arcilla. Within ten (10) days thereafter, he forwarded the papers to the Provincial Prosecutor's Office.

For her part, respondent clerk of court averred that she gave complainant Lourdes Arcilla copies of the documents requested by her.

Then Court Administrator Alfredo Benipayo made the following findings, quoted in part:

"A. GROSS IGNORANCE OF THE LAW ON THE PART OF RESPONDENT JUDGE

x x x

Contrary to complainant's allegation, respondent Judge has actually examined in writing and under oath the complaining witness by searching questions which were answered as evidenced by the documents marked Annexes 1 and 2 to his comment.

However, respondent Judge acted with undue haste in issuing the warrant of arrest against herein complainant Lydio Arcilla without giving him the opportunity to present counter-affidavits. This is obvious from the annexes to his comment, showing that the complaint was filed and the preliminary investigation was conducted on the same day and soon thereafter order was issued for the arrest of the accused. Respondent Judge, therefore, abused his authority, indicative of partiality in favor of complaining witness.

While before, it was mandatory for the investigating judge to issue a warrant for the arrest of the accused if he found probable cause, the rule now is that the investigating judge's power to order the arrest of the accused is limited to instances in which there is a necessity for placing him in custody "in order not to frustrate the ends of justice." The arrest of the accused can be ordered only in the event the prosecutor files the case and the judge of the Regional Trial Court finds probable cause for the issuance of the warrant of arrest (Flores vs. Sumaljag, A.M. No. MTJ-97-1115, June 5, 1998, 290 SCRA 568-579).

Anent the allegation of an in-chamber arrangement with complainant Lourdes Arcilla regarding a proposed compromise by the payment of one half (1/2) of the claim of complaining witness for his temporary liberty, proof thereof is insufficient to substantiate the accusation against respondent Judge.

Indeed, respondent judge has not learned a lesson from the four other cases filed against him where he was thrice fined and once warned that commission of the same or similar acts would be dealt with severely.

A. IRREGULARITY IN THE PERFORMANCE FO DUTY BY RESPONDENT CLERK OF COURT

While it is true that respondent Clerk of Court Bajo complied with the request of complainants by furnishing them with copies of the documents enumerated in Annex 6, comment, respondent Clerk of Court failed to give them certified copies of said documents that they had asked of her. One of the mandated duties of the Clerk of Court is to prepare for any person demanding the same, a copy certified under the seal of the court of any paper, record, order, judgment or entry in his office for the fees prescribed by law. This duty emanates from the long established principle holding that court records are public records (Ramirez vs. Racho, A.M. No. P-96-1213, August 1, 1996, 260 SCRA 244-249).

The Court Administrator recommended that (1) respondent, judge "be ordered fined in the amount of P10,000.00, chargeable against the amount that has been withheld from his retirement benefits" "considering the four other

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

administrative cases against respondent Judge Lucio P. Palaypayon, MTC, Tinambac, Camarines Sur (retired) in the past," and (2) Respondent Bajo "be reprimanded for her failure to observe the rudiments of good conduct in her dealings with the public, with the warning that repetition of the same or similar conduct would be dealt with more severely."

We find the Court Administrator's conclusions and recommendation well-taken.

The procedure for conducting preliminary investigations in criminal cases requires that the investigating officer, if he finds a ground to continue with the inquiry, issue a subpoena to the respondent and require him to submit counter-affidavits and evidence in his behalf.[1] This is in deference to the time-honored principle of due process and function of a preliminary investigation in protecting respondents from malicious prosecution and the ignominy and expense of a public trial.

While respondent judge conducted a preliminary investigation on the same day the complaint for estafa was filed, however, he did not notify the accused to give him an opportunity to submit counter-affidavits and evidence in his defense. Worst, on the same day, respondent judge issued the warrant of arrest. Clearly, his actuations manifest his ignorance of procedural rules and a reckless disregard of the accused's basic right to due process. It should be observed that the complaint was filed obviously to compel complainants to pay accrued rentals.[2] We thus hold that respondent judge is guilty not only of gross ignorance of law, but also of grave abuse of authority.

The ruling of this Court in Daiz vs. Asadon[3] is pertinent, thus:

> "The respondent judge committed grave abuse of authority when he hastily issued a warrant for arrest against the complainants. His premature issuance of a warrant of arrest on the same day, March 18, 1998, when 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 or abusive and arbitrary in performing his adjudicatory prerogatives. If judges wantonly misuse the powers vested in them by law, there will be not only confusion in the administration of justice but even also oppressive disregard of the basic requirements of due process." (emphasis ours)

Respondent judge contends that it is his practice to conduct the preliminary investigation on the same day the information or complaint was filed to avoid delay, curtail the expenses of the litigants or prevent the escape of the accused. Suffice it to state that while a judge is constantly admonished to act promptly and expeditiously on matters pending before him, he should not sacrifice the accused's right to be heard for the sake of expediency. Otherwise, he tramples upon the very rights he is duty-bound to defend.

On the propriety of issuing a warrant of arrest in preliminary investigations, Sec. 6 (b), Rule 112 of the Revised Rules on Criminal Procedure authorizes a municipal trial judge to issue a warrant when two requisites concur: (1) there is a finding of probable cause; and (2) when there is a "necessity of placing the respondent under immediate custody in order not to frustrate the ends of justice."

Thus, when a municipal trial judge issues a warrant of arrest solely based on his finding of probable cause, and without the consequent determination of the need to place a respondent under the custody of the law, he is guilty of gross ignorance repugnant to the orderly administration of justice. As held by this court in Flores vs. Sumaljag:[4]

> "What differentiates the present rule from the previous one before the 1985 revision of the Rules on Criminal Procedure is that while before, it was mandatory for the investigating judge to issue a warrant for the arrest of the accused if he found probable cause, the rule now is that the investigating judge's power to order the arrest of the accused is limited to instances in which there is a necessity for placing him in custody "in order not to frustrate the ends of justice. x x x.
>
> x x x.
>
> Accordingly, in Mantaring v. Roman, we reprimanded a judge in a preliminary investigation for issuing a warrant without any finding that it was necessary to place the accused in immediate custody in order to prevent a frustration of justice. In this case, it appears that respondent ordered the issuance of a warrant of arrest solely on his finding of probable cause, totally omitting to consider whether it was necessary to do so in order not to frustrate the ends of justice."

Here, in issuing the warrant of arrest, there is no showing that accused Lydio Arcilla would attempt to flee once apprised of the complaint against him.

The Code of Judicial Conduct enjoins judges to be faithful to the law and maintain professional competence. Time and again, this Court has impressed on them the need to be diligent in keeping abreast with developments in law and jurisprudence, for the study of law is a never-ending and ceaseless process.[5] Members of the judiciary are supposed to exhibit more than just a cursory acquaintance with the statutes and procedural rules, more so with legal principles and rules so elementary and basic that not to know them, or to act as if one does not know them, constitutes gross ignorance of the law.[6]

As regards respondent clerk of court Remedios Bajo, we find her remiss in her duties as clerk of court. Sec. 11, Rule 136 of the Revised Rules of Court dictates that the "clerk shall prepare, for any person demanding the same, a copy certified under the seal of the court of any paper, record, order, judgment, or entry in his office, proper to be certified, for the fees prescribed by these rules."

Her explanation that she complied with her duty is belied by the fact that the documents she gave complainant Lourdes Arcilla are mere photocopies without the required certification. Being an officer of the court, she should have adhered to the highest standards of public accountability. This Court reminds respondent, and all court personnel for that matter, that they are mandated to perform their duties with utmost competence and integrity, lest their actions erode the public faith in the judiciary.

WHEREFORE, and as recommended by the Court Administrator, respondent Judge Lucio Palaypayon is hereby found GUILTY OF GROSS IGNORANCE OF THE LAW. Accordingly, he is ordered to pay a FINE of P 10,000.00, chargeable against the amount which has been withheld from his retirement benefits.

Respondent Remedios B. Bajo is found GUILTY OF IRREGULARITY IN THE PERFORMANCE OF DUTY and is REPRIMANDED and WARNED that a repetition of a similar conduct will be dealt with more severely.

SO ORDERED.

Melo, (Chairman), Vitug, Panganiban, and Gonzaga-Reyes, JJ., concur.

---

[1] Sec. 3 (b), Rule 112, Revised Rules on Criminal Procedure.

[2] In Serafin vs. Lindayag (67 SCRA 166), a judge was dismissed for issuing a warrant of arrest inspite of the fact that on the face of the complaint and evidence presented, it appears clearly that the complaint is one to compel payment of indebtedness.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

[3] 290 SCRA 561, 565 (1998).

[4] 290 SCRA 568, 578-579 (1998).

[5] Aguilar vs. Dalanao, 333 SCRA 62, 69 (2000).

[6] Almeron vs. Sardido, 281 SCRA 415, 420 (1997).

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

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.