

JUDGE EMERITO M. AGCAOILI, COMPLAINANT, VS. JUDGE JOSE O. RAMOS, MUNICIPAL TRIAL COURT, ECHAGUE, ISABELA, RESPONDENT.*A.M. No. MTJ-92-6-251. February 13, 1995*

Ponente: BELLOSILLO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/93e8ac452c0f/>**BELLOSILLO, J.:**

This is a motion for reconsideration [1] filed by respondent Judge of our Decision dated 7 February 1994 finding him guilty of gross ignorance of the law, dereliction of duty and serious misconduct prejudicial to the interest of the judicial service, and dismissing him from the service with forfeiture of all retirement benefits with prejudice to reemployment in any branch of the government, including government-owned or controlled corporation.

Principally, respondent Judge takes exception to the factual findings of Investigating Judge Artemio R. Alivia, which the Court adopted, that respondent falsified and altered the records of Crim. Case No. 24--0331 (formerly Crim. Case No. 2632) by erasing and changing the original date of filing of the complaint from "5 December 1986" to "26 October 1987" supposedly to cover up for his gross negligence and delay in resolving the case. He restates the factual background of the aforesaid case vis-a-vis Crim. Case No. 2529 to show the material facts omitted or overlooked by the investigating judge. He prays that the maximum administrative penalty of dismissal be set aside and that in re-evaluating the imposition of the penalty the following mitigating circumstances be considered in his favor: (a) his thirty-four (34) years of dedicated service to the government, twenty-six (26) years of which were spent in the judiciary; (b) his being the sole support of his family; (c) his impending optional retirement on 28 November 1994 [2] for which he deserves some leniency and compassion from this Court; and, (d) the absence of any imputation of malice, fraud, dishonesty or corruption in the complaint against him.

On 7 April 1994 we required the complainant to file his comment. [3] On 6 July 1994 Judge Emerito M. Agcaoili submitted his comment [4] but we found it unsatisfactory as it failed to meet the factual issue therein raised. Thus on 29 September 1994 we directed Investigating Judge Artemio R. Alivia himself to file his comment on the motion and to elevate forthwith to this Court the entire records of the case. [5]

In his comment dated 14 October 1994, Judge Alivia admits to have erred in his finding that respondent falsified the records of Crim. Case No. 24-0331. He however claims that he cannot be faulted for the mistake because the "earlier filing of Crim. Case No. 2529 was never brought to his attention and neither did respondent submit any evidence explaining the circumstance why Crim. Case No. 2632 was filed only on October 26, 1987." He submits the complete records of Crim. Cases Nos. 24-0331 and 2529 to support his conclusion that respondent Judge did not commit any falsification. [6]

A thorough examination of the records of the two (2) criminal cases referred to discloses that on 12 November 1986 a criminal complaint for murder docketed as Crim. Case No. 2529, "People v. Jessie Oplencia, Sonny Hernal and Samuel Lim," was filed with the Municipal Trial Court of Echague, Isabel, by Lt. Gregorio A. Pua, Prosecutor, INP, Echague. [7] After the preliminary investigation on 5 December 1986, [8] respondent Judge

issued an order dated 9 October 1987 finding probable cause for the lesser offense of homicide and dismissing without prejudice the murder charge against the accused. [9] On 26 October 1987 Sgt. Eugenio M. Marquez, Chief Investigator/Prosecutor, INP, Echague, filed a criminal complaint for homicide against all of the aforesaid accused with the same court docketed as Crim. Case No. 2632. [10] On the same date he also filed a motion in Crim. Case No. 2529 requesting that the original copies of the sworn statements of the prosecution witnesses be detached and incorporated in Crim. Case No. 2632, which is the homicide case. [11] This motion was granted on 26 October 1987. [12] Thus the annexes attached to Crim. Case No. 24-0331 bore dates different from the complaint.

Under these circumstances Crim. Case No. 2529 filed 12 November 1986 was, as it were, the basis of Crim. Case No. 2632 now re-numbered as Crim. Case No. 24-0331 filed 26 October 1987. Admittedly, Investigating Judge Alivia was oblivious of Crim. Case No. 2529 due to the fact that "in the hearing called on 5 April 1993 the parties agreed to submit this case for decision without presenting any oral evidence in view of respondent's admission of the charges." [13] In the course of his investigation, Judge Alivia was confused about the date of filing of Crim. Case No. 24-0331 and the dates of its annexes. Nonetheless, he did not require respondent Judge to enlighten him on this point since the issue of alteration was not included among the charges against the latter and the case was fully documented. Judge Alivia merely relied on the case records and made his conclusion which turned out to be inaccurate.

Unaware of the erroneous impression of the investigating Judge, respondent did not also file any pleading to inform Judge Alivia of the prior Crim. Case 2529 which gave rise to Crim. Case No. 24-0331. Hence, the oversight of both resulted in a finding of falsification which we made the basis for our Decision dismissing respondent Judge.

The issue of falsification having been addressed in our Decision based on the report of the investigating judge, respondent Judge hastened to thresh out the confusion. His explanation was readily accepted by Judge Alivia who then elevated the records of the criminal cases to attest to the veracity of respondent's claims. Even the complainant, Judge Emerito Agcaoili, in his Comment on Respondent's Motion for Reconsideration, opined that the penalty we imposed on respondent Judge "would seem harsh." [14]

Given this factual backdrop, we grant the motion for reconsideration. Consequently, the dismissal of respondent Judge mainly because of the supposed falsification, which turned out to be baseless, is set aside.

As it now stands, the administrative charges against respondent Judge in the case at bench narrow down to gross ignorance of the law and dereliction of duty for failing to resolve the four (4) criminal cases within the period prescribed by law after the preliminary investigation was conducted.

Conformably with our ruling in similar cases, [15] aside from the fact that this appears to be the first offense of respondent in his thirty-four (34) years of government service twenty-six (26) of which were in the judiciary, a reasonable fine with admonition may be sufficient penalty for his infraction.

WHEREFORE, the motion for reconsideration of respondent Judge Jose O. Ramos is GRANTED. Consequently, our Decision of 7 February 1994 is MODIFIED particularly with regard to the penalty of dismissal which we here set aside and, in lieu thereof, a fine in the amount of Ten Thousand Pesos (P10,000.00) is imposed upon respondent Judge for gross ignorance of the law and dereliction of duty, the same to be paid within thirty (30) days from notice of this Resolution. He is warned that a commission of the same or similar act in the future will be dealt with more severely.

Let a copy of this Resolution be attached to the personal records of respondent.

SO ORDERED.

Narvasa, C.J., Feliciano, Padilla, Bidin, Regalado, DavId., Jr., Romero, Melo, Quiason, Puno, Vitug, Kapunan, Mendoza, and Francisco, JJ., concur.

[1] Rollo, p. 113.

[2] The records do not show that respondent Judge has applied for optional retirement. He will be compulsorily retired on 28 November 2004.

[3] Rollo, p. 139.

[4] Id., p. 142.

[5] Id., p. 146.

[6] Id., p. 150.

[7] Id., p. 154.

[8] Id., p. 209.

[9] Id., p. 186.

[10] Id., p. 203.

[11] Id., p. 182.

[12] Id., p. 185.

[13] Id., p. 70.

[14] Id., p. 142.

[15] Balagot v. Opinion, Adm. Matter No. MTJ-90-439, 20 March 1991, 195 SCRA 429; Soyangco v. Maglalang, Adm. Matter No. RTJ-90-570, 19 April 1992, 196 SCRA 5.

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