

WARLITO MENDOZA, COMPLAINANT, VS. HON. ONOFRE A. VILLALUZ, RESPONDENT.

Adm. Case No. L-1797-CCC. August 27, 1981

Ponente: DE CASTRO, J.

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DE CASTRO, J.:

Warlito Mendoza charged Justice Onofre A. Villaluz, of the Court of Appeals, for serious misconduct while he was Judge of the Circuit Criminal Court in Pasig, Rizal.

Complainant alleged that before the sala of respondent as Judge of the Circuit Criminal Court, he was accused in Criminal Case No. 1909 of the crime of qualified theft of 20 kilos of manufactured polyester yarn valued at P845.00. He filed a motion to reduce the amount of the bail which was fixed at P6,000.00 on the ground that it is unrealistic and beyond his financial means and prayed for a reduced bail which is proportionate to the amount involved in the case. Respondent Judge, acting upon the motion, ordered^[1] herein complainant to post a bond double the amount of his previous bond. Complainant attacked the order as a capricious and whimsical exercise of respondent's discretion, it having been issued without legal basis.

Complainant further alleged that a motion to authorize him to litigate as a pauper was denied by respondent, in open court, without specifying any ground or justification therefor; that he was arbitrarily fined P200.00 and ordered^[2] jailed for ten (10) days for "misbehaving in court," allegedly committed when he stood up when the name of Rogelio Mendoza was called, thus making it appear that Rogelio Mendoza was present with the intention of misleading the court; that despite the explanation of complainant's counsel that he had no intention of misleading the court but it resulted out of his confusion since his last name is the same as that of Rogelio Mendoza, respondent ignored the explanation; and that respondent violated complainant's constitutional right to speedy trial by denying his motion to disapprove the consolidation of Criminal Case No. 1909 with Criminal Case Nos. 21526 and 21527 where he was not a defendant.

Respondent, in his comment,^[3] asserted that his increasing the bail of complainant from P6,000.00 to P12,000.00 is pro-per pursuant to the case of "Capay, et al. vs. Onofre A. Villaluz" since the maximum imposable penalty is 12 years. Like-wise, the denial to litigate as a pauper is justified considering that complainant was gainfully employed with a fixed income prior to the filing of the instant case. Further, the records of the case show that there was deliberate intent on the part of complainant to mislead the court by impersonating the person of Rogelio Mendoza during the roll call. And finally, the consolidation of the cases is sanctioned by law since respondent's sala has the lowest case number of the three pending criminal cases.

Acting upon this complaint, We agree with the recommendation of the Court Administrator Lorenzo Relova that respondent's order increasing the bail bond from P6,000.00 to P12,000.00 is uncalled for. While it is true that the maximum imposable penalty for the offense is twelve (12) years, the information does not alleged any aggravating circumstance to justify the increase in the amount of the bail. It is a general principle governing the allowance of the bail that the amount thereof should be reasonable, and "excessive bail shall not be required."^[4]

In implementing this, regard should be had to the prisoner's pecuniary circumstances, since that which is reasonable bail to a man of wealth may be unreasonable to a poor man charged with a like offense.

At any rate, as pointed out by Mr. Chief Justice Enrique M. Fernando in his Circular No. 1, dated February 9, 1981, regarding the amount of bail bonds in criminal cases "all members of the judiciary are reminded of the guidelines for fixing the amount of bail set forth and summarized by this Court in the case of Villaseñor vs. Abaño, 21 SCRA 321:

- "1. Ability of the accused to give bail;
2. Nature of the offense;
3. Penalty for the offense charged;
4. Character and reputation of the accused;
5. Health of the accused;
6. Character and strength of the evidence;
7. Probability of the accused appearing in trial;
8. Forfeiture of other bonds;
9. Whether the accused was a fugitive from justice when arrested; and
10. If the accused is under bond for appearance at trial in other cases."

However, since it is a fundamental rule of long stand-ing that a judicial officer when required to exercise his judgment or discretion is not criminally liable for any error he commits provided he acts in good faith,[5] that in the absence of malice or other wrongful conduct on the part of the respondent in issuing an order, the judge cannot be held administratively responsible therefor even if the appellate court upholds a different view and finds his conclusion to be erroneous for "no one, called upon to try the facts or inter-pret the law in the process of administering justice can be infallible in his judgment,"[6] and "and to hold a judge administratively accountable for every erroneous ruling or de-cision he renders assuming that he has erred, would be nothing short of harassment or would make his position unbearable."[7]

WHEREFORE, except for his error in raising the bail to twice the amount originally fixed by him, not in accordance with existing guidelines on the matter, for which a mild admonition would have sufficed if respondent were still in the same position when he was charged with serious misconduct, the complaint against him is otherwise found to be without merit, and is, accordingly, hereby dismissed.

SO ORDERED.

Teehankee, Barredo, Aquino, Concepcion, Jr., Fernandez, Guerrero, Abad Santos, and Melencio-Herrera, JJ., concur.

Fernando, C.J., see dissents.

Makasiar, J., reserves his vote.

[1] p. 9, Rollo.

[2] p. 12, Rollo.

[3] pp. 19-20, Rollo.

[4] Section 18, Article IV, 1973 Constitution.

[5] Evangelista vs. Baez, 61 SCRA 475.

[6] Vda. de Zabala vs. Pamaran, 39 SCRA 430.

[7] Barroso vs. Arche, 67 SCRA 161.

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