

OLIVIA BAMBO-JORIN, COMPLAINANT, VS. JUDGE ARNULFO A. SINGSON, RESPONDENT.

A.M. No. MTJ-92-678. February 24, 1994

Ponente: NOCON, J.

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NOCON, J.:

Filed with this Court is a sworn letter-complaint of Olivia L. Bambo-Jorin dated April 26, 1992 against Judge Arnulfo A. Singson of Municipal Trial Court stationed at Tanay, Rizal for alleged negligence, knowingly rendering an unjust judgment, incompetence and ignorance of the law in Criminal Cases Nos. 5714 and 5715, entitled "People of the Philippines vs. Teresita Sabiniano," for Slight Physical Injuries and Oral Defamation, respectively.

Briefly, the facts are as follows:

Filed with the Municipal Trial Court of Tanay, Rizal were Criminal Cases Nos. 5714 and 5715 for Slight Physical Injuries and Oral Defamation respectively, entitled "People of the Philippines vs. Teresita Sabiniano" on the complaint of Olivia L. Bambo-Jorin. The cases were tried by two (2) former Municipal Judges namely, Judge Amado Calderon and Judge Jaime Manaois. Respondent Judge Arnulfo A. Singson inherited the cases in 1989.

Complainant alleges the following irregularities:

1. Respondent Judge issued a Notice of Promulgation of Judgment on April 1, 1992, ordering the parties in the case to appear before his court on April 6, 1992, for the promulgation of Judgment despite the fact that the decision was dated April 2, 1992;
2. Respondent Judge sentenced the accused to suffer the penalty of *arresto menor* (without specifying the period) for the Slight Physical Injuries case and a fine of P200.00 in the oral defamation case without taking into consideration the fact that the latter was a teacher by profession and therefore, in a much better position to pay a higher fine;
3. Respondent Judge reset the trial proceedings on several occasions despite his knowledge that he has no power to adjourn a trial for a period longer than one month for each adjournment, nor more than three months in all, except when authorized in writing by the Chief Justice of the Supreme Court.
4. Respondent Judge issued an Order dated April 12, 1992, directing the accused Teresita Sabiniano to report to the Probation Officer, Rizal Probation Office No. 2 within seventy two (72) hours from receipt of his Order without giving the trial prosecutor an opportunity to comment on the same.

In the Comment filed by respondent Judge, he argued that the mistake in the date of the notice of promulgation of the judgment is a mere clerical error attributable to the mistake and inadvertence of his stenographers.

Respondent Judge admitted that although the postponements in the trial of the criminal cases subject matter of the present controversy were adjournments for a period longer than one (1) month without written authority from the

Chief Justice, such was the practice below and besides, the same were made with the consent of both counsel who even chose their available dates to attend the hearings.

Respondent Judge avers that the imposition of the fine of P200.00 against the accused is discretionary "upon this court."

Respondent Judge though, admitted his error in not providing for the proper period in the penalty imposed upon the accused. He explains that such was an "oversight caused by making the decision in a hurry due to the big volume of unfinished cases prevailing in his court."

Lastly, respondent Judge added that the public prosecutor was not notified of the accused's application for Probation as notice to the prosecutor is not required in Presidential Decree No. 1990 amending Section 4 of P.D. No. 968.

The case was referred to the RTC Vice-Executive Judge of Morong, Rizal, Judge Alejandro A. Marquez for evaluation, report and recommendation.

In the report submitted by Judge Marquez, he recommended that respondent Judge Singson be suspended from office for one (1) month without pay.

After a careful study of the records of the case, we find no evidence of bad faith on the part of respondent Judge to warrant a one (1) month suspension of his salary.

At most, he was negligent in the improper imposition of the penalty in the case for Slight Physical Injuries. He should have stated the period of the penalty and should not have imposed a fine of P200.00 at the same time. Article 266, pars. (2) and (3) of the Revised Penal Code provide for imprisonment or a fine, not both.

Article 266 pars. (2) and (3) provides:

"The crime of slight physical injuries and maltreatment shall be punished:

"2. By arresto menor or a fine not exceeding P200 pesos and censure when the offender has caused physical injuries which do not prevent the offended party from engaging in his habitual work nor require medical attendance.

"3. By arresto menor in its minimum period or a fine not exceeding P50 when the offender shall illtreat another by deed without causing injury."

In connection with his decision in the Oral Defamation case, we find the imposition of the fine of P200.00 within the discretion of respondent Judge. Article 358 of the Revised Penal Code provides that the penalty for the crime of oral defamation is arresto menor or a fine not exceeding P200.00. It is immaterial whether the accused in the oral defamation case is financially capable or not of paying a fine of more than that imposed by law.

WHEREFORE, respondent Judge Arnulfo Singson is hereby REPRIMANDED with WARNING that a repetition of a similar infraction in the future will be dealt with more severely.

SO ORDERED.

Narvasa, C.J., Cruz, Feliciano, Padilla, Bidin, Regalado, Davide, Jr., Romero, Bellosillo, Melo, Quiason, Puno, Vitug, and Kapunan, JJ., concur.

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