

**CONCERNED CITIZEN OF MADDELA AND JUDITH B. ERMITANIO,
COMPLAINANTS, VS. JUDGE MA. THERESA DELA TORRE-YADAO,
REGIONAL TRIAL COURT, BRANCH 38, MADDELA, QUIRINO,
RESPONDENT.**

A.M. No. RTJ-01-1639. November 29, 2002

Ponente: SANDOVAL-GUTIERREZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/9ea61353c4af/>

SANDOVAL-GUTIERREZ, J.:

The present administrative cases stemmed from two letter-complaints dated February 23, 2000 and March 1, 2000 filed respectively by a “concerned citizen of Maddela” and Judith B. Ermitanio against Judge Ma. Theresa dela Torre-Yadao,[1] Regional Trial Court (RTC), Branch 38, Maddela, Quirino.

In the anonymous letter-complaint, respondent judge is being denounced for: (1) sleeping with a female employee in her chambers; (2) collecting gasoline allowance from politicians; (3) directing her court personnel to render services in her house at Quezon City; (4) buying narra logs from a litigant and storing them in her chambers; (5) bringing to her house books, furnishings and equipment intended for office use; and (6) reporting at her sala only three days a month.

In her letter-complaint, Judith Ermitanio alleged that despite the filing on March 18, 1999 of the Information in Criminal Case No. 38-034 for murder involving the death of her husband, respondent judge failed to issue the corresponding warrant of arrest against accused Michael Badangngayon and Peter Guinannoy. It was only on March 7, 2000, or after one (1) year, when respondent judge came to know that an administrative case had been filed against her, that she issued a warrant of arrest dated March 26, 1999.

In her comment on the anonymous letter, respondent judge denied the allegations therein for being false and without basis. She stated that the writer is actually Marilou Cabanatan, a court stenographer in her sala. Respondent judge explained that she sent Marilou memoranda and show-cause letters for her habitual absenteeism and tardiness, disobedience and neglect of duty. Obviously, the latter was motivated by ill will in resorting to an anonymous letter-complaint.

On the complaint of Judith Ermitanio, respondent judge explained that after the filing of the Information in Criminal Case No. 38-034, or on March 26, 1999, she issued the corresponding warrant of arrest against the accused, a copy of which was received by the Maddela Police Station on the same day. Considering that the accused could not be apprehended, she issued an order on March 2, 2000 directing that the case be archived and that an alias warrant of arrest be issued. On March 8, 2000, the PNP of Maddela received a copy of the alias warrant. On March 15, 2000, respondent judge received a request for the issuance of an alias warrant of arrest from the Maddela Police Station, but she only noted it in view of the March 2, 2000 order.

Due to the seriousness of the allegations in the letter-complaints against respondent judge, the Office of the Court Administrator referred the matter to the National Bureau of Investigation (NBI) for a discreet investigation.

In his report dated September 18, 2000, NBI Special Investigator Gerard L. Butale stated that after conducting an investigation, he found that there is reason to believe that respondent judge committed the acts complained of. He, therefore, recommended that an administrative complaint for serious misconduct and gross inefficiency be filed against her.

In a Resolution dated July 11, 2001, this Court referred the case to Justice Eloy R. Bello, Jr. of the Court of Appeals for investigation, report and recommendation.

In his Report and Recommendation, Justice Bello stated that no evidence was presented to support the allegations in the anonymous letter-complaint dated February 23, 2000 against respondent judge. Hence, his Report and Recommendation deals mainly with the complaint of Judith Ermitanio, thus:

“Amidst the conflicting claims of the opposing parties and after a careful consideration and scrutiny of the evidence, particularly the testimonial evidence presented by both parties, this Court finds more reasons to believe the version of the complainant.

“If indeed, a warrant of arrest had been issued and was served on the PNP Maddela on the date being claimed by the respondent judge, the complainant would not have filed the present administrative case in the first place, since her only complaint is the non-issuance of a warrant of arrest in the case of her husband. If a warrant of arrest had been issued as early as 26 March 1999 and was received by the PNP Maddela on the same date, why was not the complainant told about the said warrant during the times she went to the court to follow up whether a warrant of arrest regarding her husband’s case had already been issued? The testimony of Crisostomo Molina, one of the witnesses for the respondent judge, that the complainant never went to the court to follow up the case is not at all believable. That the complainant has been following up the case since April 1999 until March 2000 has been corroborated by the testimony of all the other witnesses for the complainant. Moreover, the fact that the complainant was able to write to Mayor Fred Lim and even went as far as the Supreme Court would show how persistent complainant is in fighting for the cause of her late husband. It would be highly improbable for the complainant not to have gone to the court to follow

“It has also been established that the complainant had been following up the warrant with the PNP Maddela and the Fiscal’s Office. If a warrant had already been issued and served on the PNP Maddela, why did the latter seem not to know about the said warrant when the complainant went to their office to follow up the case? If a warrant of arrest has already been issued and delivered to the PNP Maddela as early as 26 March 1999, we do not find any reason or motive on the part of the PNP Maddela, to hide the fact of the issuance of the said warrant from the complainant. Also, why was not Fiscal Orias informed about the said warrant when he also went to the court to follow up the case and why did he not see a copy of the said warrant in the records of the case when he inspected the said records?

“The logical conclusion that could be drawn from all these is that, maybe, there was no warrant of arrest issued on the date being claimed by the respondent judge, or a warrant of arrest had been issued by the respondent judge on the date being claimed by her, but the same was not timely served on the PNP Maddela.

“The document being presented by the respondent judge, purporting to be the warrant of arrest dated 26 March 1999, and which was received by the Maddela Police on the same date, deserves scant consideration since the due execution of the same is being refuted by the testimonies of the witnesses for the complainant.

“Although the respondent judge enjoys the presumption of regularity in the performance of her official duty, this presumption is not, however, conclusive. It is only a disputable presumption, meaning, it is satisfactory only if uncontradicted and may be overcome by other evidence to the contrary. The testimonies presented by the complainant dispelling the regularity of the issuance of the warrant of arrest are more than enough to dispute this legal presumption of regularity in the performance of official duties.

“According to the police, they have not received any warrant of arrest regarding the case of People of

Philippines vs. Michael Badangayon and Peter Guinannoy until March 2000. P/Chief Insp. Bernardo Bauí testified that on 07 March 2000, a warrant of arrest dated 26 March 1999 was received by their office, particularly by SPO4 Librado Raquipiso. He further testified that on 14 March 2000, the respondent judge, together with her staff, went to the police station asking that another warrant of arrest dated 26 March 1999 be received by his office without indicating the date of receipt of the same. He claimed that he refused at first, but consented eventually since they have earlier received the same warrant of arrest on 07 March 2000 indicating the date of receipt, and so he called on SPO1 Honofre Reolalas to receive the same without indicating the same of receipt. The aforesaid testimony was further corroborated by the testimony of SPO1 Honofre Reolalas.

“What is more telling is the testimony given by Norman Ruabaro, one of the staff of the respondent judge working as docket clerk in Branch 38, RTC, Maddela. He attested to the fact that complainant has been following up her husband’s case with the court monthly, dispelling Crisostomo Molina’s testimony that the complainant never went to court to follow up the case. But that part of his testimony which is most damaging to the claims of respondent judge and which at the same time further bolstered the allegations of complainant, is that part where he claimed that no warrant of arrest was issued on March 1999 and narrated how three warrants of arrest were issued all in all on March 2000. He claimed that he typed a warrant of arrest in 1999 but the judge refused to sign the same. On March 2000, he prepared a warrant of arrest dated 26 March 1999, he delivered the same to the PNP Maddela on 07 March 2000 and the same was received by SPO4 Raquipiso on the same date. He also testified that OIC Molina was able to retrieve the said warrant from the PNP Maddela as per instructions of the respondent judge and claimed that he hid the same afterwards. He further testified that subsequently, he, together with the respondent judge and the other staff, went to the PNP Maddela to have another warrant of arrest dated 26 March 1999 received by the PNP Maddela without indicating the date and that they succeeded in having the same received by Sr. Police Officer Onofre Reolalas without indicating the date of receipt. Lastly, an alias warrant dated 02 March 2000 was issued.

“Since the date of receipt by the PNP Maddela of the said warrant of arrest is being refuted by evidence to the contrary, the said warrant of arrest being presented by the judge could at most prove the issuance of the same on 26 March 1999, but not the receipt of the PNP Maddela on the same date. Hence, the logical probability is that the respondent judge issued the subject warrant of arrest, only that the same was not served to the PNP Maddela on time. But being the presiding judge, it is her duty to monitor the due service of legal processes in her court. Thus, she is guilty of simple negligence on the principle of command responsibility.”[2]

In determining the appropriate penalty, Justice Bello considered the presence of the following circumstances which he believed could mitigate respondent’s liability: a) this is her first offense since her appointment to the judiciary; b) it was probable that she issued a warrant of arrest on March 26, 1999 but the PNP at Maddela was not furnished with a copy on time; and c) her failure to monitor the service of the warrant of arrest was an oversight on her part considering that she was designated Presiding Judge of RTC, Branch 37 in Bayombong, Nueva Viscaya and RTC, Branch 81 in Quezon City, in addition to her regular duties as Presiding Judge of RTC, Branch 38, Maddela, Quirino. Justice Bello then recommended that respondent be merely reprimanded and warned that a repetition of the same or similar offense will be dealt with more severely.

While the findings of the Investigating Justice are well-taken, we do not, however, agree with his conclusion and recommendation.

The issue here is whether respondent judge actually issued a warrant for the arrest of the accused in Criminal Case No. 38-034 on March 26, 1999 or after the filing of the Information on March 18, 1999.

Chief Inspector Bernardo Bauí and Senior Police Officer Onofre Riolalas, both of the Maddela Police Station, Norman Ruabaro, a docket clerk at the RTC, Branch 38, Maddela, and Ferdinand Orias, Provincial Prosecutor of Quirino, all testified that respondent judge did not issue a warrant of arrest on March 26, 1999, nor did the Maddela Police receive any warrant on that day. We note that they even confirmed the fact that complainant was

persistent and assiduous in following up the issuance of the warrant of arrest. If indeed respondent judge issued the warrant on that date, complainant should have been informed about it by the court personnel when she was consistently following it up from April 1999 to March 2000, or a span of one (1) year. Instead, she was always told by the OIC of the court that the judge was not around.

Moreover, it did not escape this Court's attention that respondent judge even attempted to cover up her inaction when she issued a warrant of arrest dated March 26, 1999 almost a year after, or on March 7, 2000. Norman Ruaboro, RTC docket clerk, attested to the fact that sometime in March 2000, he prepared a warrant of arrest dated March 26, 1999 and delivered the same on March 7, 2000 to the Maddela PNP. This was received by SPO4 Librado Raquipiso on the same date. However, the warrant was retrieved by OIC Crisostomo Molina upon instructions of respondent judge. Norman further testified that he, together with respondent judge and the other members of her staff, went to Maddela Police Station to file another warrant of arrest dated March 26, 1999 with her instruction that the date of receipt should not be specified. Senior Police Officer Riolas received the same without indicating the date. Chief Inspector Bau and Senior Police Officer Riolas corroborated Norman's testimony.

At this point it bears stressing that it is within the discretion of the judge to issue a warrant for the arrest of an accused in a criminal case.[3] A judge is required to personally evaluate the resolution of the prosecutor and its supporting evidence. He may immediately dismiss the case if the evidence on record clearly fails to establish probable cause. However, if he finds probable cause, then he is mandated by law to issue such warrant.[4] In such case, the issuance of the warrant of arrest is a matter of extreme urgency to abate the possibility of flight of the accused.

Here, while respondent judge found probable cause which justified the issuance of warrant of arrest in Criminal Case No. 38-034, she did not issue the same as mandated by law. As a result, the accused could no longer be apprehended.

While we understand that respondent judge at that time was designated Presiding Judge of two other RTC salas (Bayombong, Nueva Viscaya and Quezon City), such fact does not justify her failure to issue a warrant of arrest.[5] She herself admitted that Branch 38 of RTC, Maddela has only a few pending cases. Clearly, she could have acted with dispatch. Her inaction obviously delayed the proceedings in Criminal Case No. 38-034 and undermined complainant's trust in the judiciary.

We thus hold that respondent judge violated Rule 3.05, Canon 3 of the Code of Judicial Conduct admonishing all judges, among others, to dispose of the court's business promptly.

It is the sworn duty of judges to administer justice without undue delay under the time-honored precept that justice delayed is justice denied.[6] The present clogged dockets on all levels of our judicial system cannot be cleared, unless each and every magistrate earnestly, painstakingly and faithfully complies with the mandate of the law. Undue delay in the disposition of cases amounts to a denial of justice which, in turn, brings the courts into disrepute and ultimately erodes the faith and confidence of the public in the judiciary.[7] Hence, failure of judges to promptly dispose of the court's business constitutes gross inefficiency and warrants the imposition of administrative sanctions against them.[8]

Time and again, we remind judges of the importance of high sense of duty in the administration of justice. They should dispose of the court's business within the prescribed period, as delay reinforces in the people's minds that the wheels of justice grind ever so slowly.[9] As this Court eloquently stated in one case:[10]

“On the whole, judges ought to be mindful of the crucial role they play in keeping the flames of justice alive and forever burning. Cognizant of this sacred task, judges are duty-bound to vigilantly and conscientiously

man the wheels of justice as it grinds though eternity. In a sense, judges are revered as modern-day sentinels, who, like their erudite forerunners, must never slumber, so to speak, in the hour of service to their countrymen.

“For as lady justice never sleeps, so must the gallant men tasked to guard her domain.”

Section 9(1), Rule 140 of the Rules of Court, as amended, classifies violation of Supreme Court rules as a less serious charge which, under Section 11(B) of the same Rule, is penalized with either suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months, or a fine of more than P10,000.00 but not exceeding P20,000.00.

WHEREFORE, this Court finds Judge Ma. Theresa dela Torre-Yadao liable for violation of Rule 3.05, Canon 3, Code of Judicial Conduct. She is ordered to pay a FINE of TWENTY THOUSAND PESOS (P20,000.00), with a stern warning that a repetition of the same offense will be dealt with more severely.

SO ORDERED.

Panganiban, (Acting Chairman), Corona, and Carpio-Morales, JJ., concur.
Puno, (Chairman), J., on official business.

[1] Now Presiding Judge of the Regional Trial Court, Branch 81, Quezon City.

[2] Report and Recommendation, pp. 8-11.

[3] Roberts, Jr. vs. Court of Appeals, 254 SCRA 307 (1996); D.M. Consunji, Inc. vs. Esguerra, 260 SCRA 74 (1996).

[4] Section 6 (a), Rule 112 of the Revised Rules of Criminal Procedure, as amended, provides:

“Sec. 6. When warrant of arrest may issue. — (a) By the Regional Trial Court. – Within ten (10) days from the filing of the complaint or information, the judge shall personally evaluate the resolution of the prosecutor and its supporting evidence. He may immediately dismiss the case if the evidence on record clearly fails to establish probable cause. If he finds probable cause, he shall issue a warrant of arrest, or a commitment order if the accused has already been arrested pursuant to a warrant issued by the judge who conducted the preliminary investigation or when the complaint or information was filed pursuant to Section 7 of this Rule. In case of doubt on the existence of probable cause, the judge may order the prosecutor to present additional evidence within five (5) days from notice and the issue must be resolved by the court within thirty (30) days from the filing of the complaint or information.”

[5] Echaves vs. Fernandez, A.M. No. RTJ-00-1596, February 19, 2002; Gallego vs. Doronila, 334 SCRA 339, 345 (2000); Re: Report on the Judicial Audit of Cases in the RTC, Br. 35, Iriga City, 299 SCRA 382 (1998).

[6] Office of the Court Administrator vs. Aquino, 334 SCRA 179, 184 (2000); Villanueva vs. Estoque, 346 SCRA 230, 238 (2000).

[7] 319 SCRA 507, 511-512 (1999), citing Re: Report on the Judicial Audit in the MCTC, Dingle-Duenas, Iloilo, 280 SCRA 637, 641 (1997).

[8] Echaves vs. Fernandez, supra.

[9] Hadja Thittie M. Arap vs. Judge Mustafa, A.M. No. SCC-01-7, March 12, 2002, citing Office of the Court Administrator vs. Judge Castillo, A.M. No. RTJ-01-1634, October 25, 2001.

[10] Report on the Judicial Audit Conducted in the RTC-Br. 20, Manila, 342 SCRA 587, 592 (2000).

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.