

MARIA PANCHO, DAVID GAYOTIN, LORETO GRAN AND MARINA GRAN, COMPLAINANTS, VS. JUDGE JOSE Y. AGUIRRE, JR., REGIONAL TRIAL COURT, BRANCH 56, HIMAMAYLAN, NEGROS OCCIDENTAL, RESPONDENT.

A.M. No. RTJ-09-2196 [Formerly A.M. No. 00-1052-RTJ]. April 07, 2010

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

Judge Jose Y. Aguirre, Jr.[1] (respondent) of Branch 56 of the Regional Trial Court of Himamaylan, Negros Occidental was charged by Maria Pancho, David Gayotin, Loreto Gran and Marina Gran (complainants) with grave abuse of authority, violation and ignorance of the law resulting in violation of Sections 4[2] and 7, Rule 71 of the Rules of Civil Procedure, and Grave Oppression.

The complaint arose from respondent's issuance on July 13, 2000 of an Order finding complainants guilty of Contempt committed against the Municipal Trial Court and sentencing them to suffer imprisonment of four months to be served in the Municipal Jail of Himamaylan,[3] and issuance on even date of warrants for their arrest.[4]

Complainants fault respondent for violation of 1) Section 4, Rule 71 of the Rules of Court for giving due course to a mere unverified motion for contempt and declaring them guilty thereof, and 2) Section 7 of the same Rule for imposing a penalty of four months imprisonment.

The Court of Appeals, by Decision of October 31, 2006,[5] affirmed respondent's July 13, 2000 Order but modified the penalty, noting that what complainants violated was an injunctive order which was issued by the Municipal Trial Court (MTC), hence, punishable by one month imprisonment, in accordance with Sec. 7, Rule 71 which provides:

SEC. 7. Punishment for indirect contempt. - If the respondent is adjudged guilty of indirect contempt committed against a Regional Trial Court or a court of equivalent or higher rank, he may be punished by a fine not exceeding thirty thousand pesos or imprisonment not exceeding six (6) months, or both. If he is adjudged guilty of contempt committed against a lower court, he may be punished by a fine not exceeding five thousand pesos or imprisonment of one (1) month, or both. If the contempt consists in the violation of a writ of injunction, temporary restraining order or status quo order, he may also be ordered to make complete restitution to the party injured by such violation of the property involved or such amount as may be alleged and proved.

The writ of execution, as in ordinary civil actions, shall issue for the enforcement of a judgment imposing a fine unless the court otherwise provides. (*italics in the original; emphasis and underscoring supplied*)

By Memorandum of April 2, 2009,[6] the Office of the Court Administrator (OCA) found respondent liable for gross ignorance of the law, Section 7 of Rule 71 of the Rules of Court being plain and simple. The OCA accordingly recommended that respondent be fined in the amount of P25,000.

The Court finds the conclusion of the OCA in order. Indeed, above-quoted Section 7 of Rule 71 is clear. Since what complainants violated is an order of the MTC, the imposable penalty is one month, not four, of imprisonment or a fine not exceeding P5,000 or both.

When the law or procedure is so elementary, such as the provisions of the Rules of Court, not to know, or to act as if one does not know the same, constitutes gross ignorance of the law,[7] even without the complainant having to prove malice or bad faith.[8]

Section 8, Rule 140 of the Rules of Court, as amended, classifies gross ignorance of the law as a serious charge and Section 11 thereof penalizes it with any of the following sanctions:

- Dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. Provided, however, That the forfeiture of benefits shall in no case include accrued leave credits;
- Suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or
- A fine of more than P20,000 but not exceeding P40,000.00.

Since respondent had retired (and died),[9] the first two sanctions may no longer be considered. The penalty recommended by the OCA - fine in the amount of P25,000 - is in order.

WHEREFORE, the now deceased Judge Jose Y. Aguirre, Jr. of the Regional Trial Court, Himamaylan, Negros Occidental, Branch 56 is, for gross ignorance of the law, FINED in the amount of Twenty Five Thousand (P25,000) Pesos, to be deducted from the Fifty Thousand (P50,000) Pesos retained/withheld from his retirement benefits.

SO ORDERED.

Puno, C.J., Carpio, Corona, Velasco, Jr., Nachura, Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Villarama, Jr., Perez, and Mendoza, JJ., concur.

Abad, J., on official leave.

[1] Now deceased.

[2] SEC. 4. How proceedings commenced. - Proceedings for indirect contempt may be initiated motu proprio by the court against which the contempt was committed by an order or any other formal charge requiring the respondent to show cause why he should not be punished for contempt.

In all other cases, charges for indirect contempt shall be commenced by a verified petition with supporting particulars and certified true copies of documents or papers involved therein, and upon full compliance with the requirements for filing initiatory pleadings for civil actions in the court concerned. If the contempt charges arose out of or are related to a principal action pending in the court, the petition for contempt shall allege that fact but said petition shall be docketed, heard and decided separately, unless the court in its discretion orders the consolidation of the contempt charge and the principal action for joint hearing and decision.

[3] Rollo, p. 13.

[4] Id. at 14-15.

[5] Id. at 37-55.

[6] Id. at 57-61.

[7] Baculi v. Belen, A.M. No. RTJ-09-2176, April 20, 2009, 586 SCRA 69, 79.

[8] Torrevillas v. Navidad, A.M. No. RTJ-06-1976, April 29, 2009, 587 SCRA 39, 56.

[9] Resolution dated August 17, 2005 in A.M. No. 12054 Ret. (Compulsory Retirement of the late Judge Jose Y. Aguirre, Jr. [formerly Regional Trial Court Himaylan, Negros Occidental, Branch 55]).

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