

## **RE: EDITORIAL OF THE NEGROS CHRONICLE AND OTHER CHARGES OF A CONCERNED CITIZEN AGAINST JUDGE ROGELIO CARAMPATAN, REGIONAL TRIAL COURT, BRANCH 31, DUMAGUETE CITY**

*A.M. No. 02-10-614-RTC. September 03, 2003*

Ponente: PUNO, J.

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### **PUNO, J.:**

This administrative case against Judge Rogelio L. Carampatan, Branch 31, Regional Trial Court of Dumaguete City, arose from a complaint published in a provincial newspaper questioning his alleged improper issuance of a contempt order and from his failure to submit his certificates of service on time.

On September 11, 2002, the Office of the Chief Justice received a newspaper clipping of an editorial in the September 8, 2002 issue of the *Negros Chronicle*, charging Judge Rogelio L. Carampatan, Branch 31 of the Regional Trial Court of Dumaguete City, with "knowingly or unknowingly flexing his judicial muscle too far" when he cited the editor and publisher of said newspaper Ely P. Dejaresco in contempt for failure to appear in the hearing of an adoption case before said court and ordering his newspaper to be barred from participating in the publication of court orders.

The matter was indorsed to Deputy Court Administrator Zenaida Elepaño who referred the charges to RTC Dumaguete City Executive Judge Eleuterio E. Chiu for discreet investigation. On September 21, 2002, Judge Chiu reported that Mr. Dejaresco, publisher of *Negros Chronicle*, had sought his advice regarding the order of contempt of Judge Carampatan. He advised Mr. Dejaresco to move for reconsideration of the order and apologize to the judge for the latter's failure to appear during the hearing. Dejaresco followed his advice and the contempt order was set aside. Judge Chiu informed Judge Carampatan that a copy of the newspaper editorial was submitted by Dejaresco to this Court for investigation and requested him to submit his written explanation regarding the matter.

In his letter, dated September 20, 2002, Judge Carampatan explained that Dejaresco, as petitioners' last witness in an adoption case pending before his court, failed to appear in the July 10, 2002 hearing. The hearing was postponed and the court calendar was affected. As prayed for by the petitioners, the court required Dejaresco to explain why he should not be cited for contempt for failing to appear at the scheduled hearing.

In compliance therewith, Dejaresco explained that he failed to appear at the July 10, 2002 hearing as he was not in Dumaguete at that time as his work as a newspaperman sends him to cover news events in different parts of the country.

At the next scheduled hearing on August 12, 2002, Dejaresco failed to appear again despite notice. Judge Carampatan cited him for contempt, ordered him to pay a P500.00 fine and banned his newspaper from participating in the raffle for the publication of court orders.

On September 4, 2002, Dejaresco finally appeared at the hearing of the adoption case. Consequently, Judge Carampatan lifted the order of contempt against him.

On October 3, 2002, this Court was informed by the Leave Division of the Office of the Court Administrator that Judge Carampatan failed to submit his certificates of service for the months of February 2002 up to August of the same year. In its Resolution, dated October 15, 2002, the Court required Judge Carampatan to explain his omission. On December 11, 2002, the Court also resolved to withhold Judge Carampatan's salaries and benefits until he has complied with the submission of the required monthly certificates of service.

In compliance, Judge Carampatan submitted his Certificate of Service from February 2002 until October 2002. He claimed that he neglected to file these certificates on time as he had been busy with his work and has fully devoted his time to the conduct of the trial of cases assigned to his sala and the drafting of the orders and decisions therein. He pleaded for consideration for his omission.

First, on the issue of his alleged improper issuance of a contempt order against Dejaresco, we find no merit in the charge. Records disclose that the contempt order was based on Dejaresco's failure to appear before the court in two (2) scheduled hearings despite due notice. Dejaresco's excuse that the nature of his work requires him to travel a lot does not justify his non-appearance before the court as the summonses were duly served and received on his behalf. It is his duty to devise an effective means whereby he can be informed of the receipt of service of legal papers on his residence or work place. Thus, the issuance of the contempt order against him was not without basis. Moreover, no harm resulted from said order as it was immediately lifted by Judge Carampatan as soon as Dejaresco appeared before his court for the hearing of the case.

Be that as it may, we find that Judge Carampatan violated the Judiciary Act of 1948 when he failed to submit his certificates of service on time for the period of February 2002 up to October of the same year. Moreover, the records show that Judge Carampatan continued to neglect the timely submission of the required certificates for, as of January 2003, his last certificate of service on file with the Court Administrator was for the month of October 2002. This infraction is further compounded by the false declaration of Judge Carampatan in his January 2002 certificate of service that he had no pending special proceedings, applications, petitions, motions, civil or criminal cases submitted to him for resolution or decision beyond the required period of ninety (90) days. This Court was informed by the Office of the Court Administrator that the Monthly Report of Cases for his branch showed that, as of January 2002, he had twenty-six (26) cases already submitted for resolution, eighteen (18) of which had been awaiting decision beyond the 90-day reglementary period and one was submitted for decision as early as March 27, 1998.

It bears stressing that judges are required to submit a monthly certificate of service stating therein that all the special proceedings, applications, petitions, motions and all the civil and criminal cases which are already submitted for decision have been decided and resolved within the period required by law. Judge Carampatan's excuse that he had been very busy with his work does not justify his failure to submit his monthly certificates of service on time as this is likewise part of his duty as a member of the bench. Moreover, not only must the certificates be timely filed as they must also contain true and correct information relative to the status of the cases before their sala.

The Court agrees with the findings and recommendation of the Office of the Court Administrator (OCA) that the infractions committed by Judge Carampatan constitute a less serious offense which, under Rule 143 of the Rules of Court, merit a sanction of either suspension from office or imposition of a fine of not less than ten thousand pesos (P10,000.00) but not more than twenty thousand pesos (P20,000.00). Considering that this is the first administrative offense committed by Judge Carampatan in his six (6) years of service in the judiciary, the Court

finds as fair the imposition of a ten thousand-peso (P10,000.00) fine against him.

IN VIEW WHEREOF, a fine of ten thousand pesos (P10,000.00) is imposed on Judge Rogelio L. Carampatan, Regional Trial Court, Branch 31, Dumaguete City, with a stern warning that similar infractions in the future shall be dealt with more severely.

**SO ORDERED.**

Bellosillo, (Acting Chief Justice), Vitug, Panganiban, Quisumbing, Sandoval-Gutierrez, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, and Tinga, JJ., concur.  
Davide, Jr., C.J., Ynares-Santiago, and Carpio, JJ., on official leave.

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