

**THERESITA O. REVITA, COMPLAINANT, VS. MUNICIPAL JUDGE
SERGIO F. RIMANDO OF TINGLAYAN, NOW LUBUAGAN,
KALINGA-APAYAO, RESPONDENT.**

A.M. No. 1439-MJ. July 22, 1980

Ponente: AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-1439/>

AQUINO, J.:

Theresita O. Revita in her complaint dated July 26, 1976 charged respondent judge with gross ignorance of the law for having dismissed the grave slander case filed by her against Lorenza A. Viñas.

At the instance of Mrs. Revita, 35, a postal employee, a police investigator in a complaint dated September 2, 1974 filed in the municipal court of Lubuagan, Kalinga-Apayao charged with grave slander Mrs. Viñas, 44, a high school principal.

Municipal Judge Cornelio U. Costales on January 25, 1975 conducted a preliminary examination of the case. He found that the offense committed was light oral defamation. Instead of issuing a warrant of arrest, he set the case for arraignment and trial on February 19, 1975 at eight-thirty in the morning. Mrs. Viñas was served with a copy of that order on February 4, 1975.

The private prosecutor filed a motion for reconsideration of that order. He argued that the court could not amend the complaint by regarding the crime charged as a light offense. He prayed that a warrant of arrest be issued. That motion was not set for hearing and the defense was not furnished with a copy thereof. Judge Costales did not act on it.

Mrs. Viñas filed a bail bond for an unspecified amount but it was not acted upon by Judge Costales.

No arraignment was held on the scheduled date. On May 5, 1975, Judge Costales issued an order wherein he inhibited himself from trying the case on the ground of delicadeza because complainant's husband had sent a telegram to the Assistant Judicial Consultant imputing bias to the judge as shown by his disinclination to issue a warrant of arrest and allowing the postponement of the arraignment and trial.

This Court in its resolution of August 5, 1975 approved the designation by Executive Judge Honorio N. Salvatera of Judge Sergio F. Rimando of Tinglayan, Kalinga-Apayao to try the said case in place of Judge Costales.

In an order dated September 26, 1975, Judge Rimando, at the instance of the defense counsel, reset the arraignment and hearing on October 23, 1975.

At the arraignment, Mrs. Viñas pleaded not guilty. Her counsel orally moved to quash the complaint on several grounds. Defense counsel was given thirty days to submit a written motion to quash with a memorandum. The prosecution was given thirty days to file its opposition.

In the motion to dismiss filed by the defense, a copy of which was furnished the provincial fiscal and the private prosecutor, it was contended that Mrs. Viñas was denied due process because she was arraigned for grave slander

although Judge Costales had already ruled that the offense was light oral defamation; that the imputation "Garampang ka nga babae" is not libelous and that the complaint does not conform substantially with the prescribed form because the alleged defamatory imputation was not translated into English or the national language.

Atty. Tanding B. Odiem (vice-governor), the private prosecutor, opposed the motion to dismiss. Judge Rimando set the motion to dismiss for oral argument three times. The oral argument was not held. Hence, the motion was submitted for resolution without oral argument.

Respondent judge in his order of April 29, 1976 dismissed the complaint. The prosecution did not appeal from that order. The record does not show whether an independent civil action for damages was filed by Mrs. Revita against Mrs. Viñas. Instead, Mrs. Revita came to this Court and denounced the respondent for alleged gross ignorance of the law. Her complaint was received on October 25, 1976.

She contends that the respondent should not have given due course to the motion to dismiss without obtaining the fiscal's written conformity. That contention is not correct. There is no rule requiring the fiscal to give his conformity to a motion to dismiss or to quash.

Complainant Revita contends that the motion to dismiss should not have been resolved without hearing the oral arguments of the parties. That contention is also devoid of merit. The motion was thoroughly argued in the written motion itself and in the private prosecutor's opposition thereto. It was orally argued even before the written motion was filed or at the hearing on October 29, 1975 after the accused pleaded not guilty.

The complainant blamed the respondent for tolerating the filing by Mrs. Viñas of a bail bond although no warrant of arrest was issued. That irregularity was imputable to Judge Costales and not to the respondent.

The so-called bail bond was incomplete and ineffectual. There was no amount stated therein. It was not dated. It was not approved by the court.

What the respondent could have done when he took over the case from Judge Costales was to review the record and to act on private prosecutor's motion for the reconsideration of the dictum in Judge Costales' order that the offense committed was only light oral defamation and not grave slander and then to issue an order for the arrest of the accused and fixing the amount of bail.

Complainant Revita contends that the respondent erred in dismissing the complaint. There is merit in that contention.

Respondent judge predicated his order of dismissal on the grounds that the imputation "Garampang ka nga babae" was not translated into English or the national language and that those words are not defamatory because they are similar to the expression "Putang ina mo" which was not considered slanderous because it is used merely "to express anger or displeasure" (Reyes vs. People, L-21528 and 21529, March 28, 1969, 27 SCRA 686, 693).

It is true that the complaint filed in the municipal court does not contain a translation of the words "Garampang ka nga babae" but it is also true that the affidavits of Mrs. Revita and her witness, Benito Busal, which support the complaint for grave slander and form part of the record (accessible to the accused) contain an English translation of the alleged defamatory imputation.

According to the two affidavits, the libelous words uttered by Mrs. Viñas were: "Sika, Talipa, napangas ka; adu ti complaints kenka nga ka-apam amin nga omay ditoy opisina ti Bureau of Posts. Garampang ka nga babae". These words were translated as follows: "You, Talipa, you are a show-off. There are lots of complaints against you that you quarrel with all those who come to the post office. You flirt and fool around with men."

If, as translated in the affidavits, the words "Garambang ka nga babae" means "You flirt and fool around with men", then, that expression is certainly defamatory and is not a mere cussword or profanity like "Putang ina mo".

Moreover, respondent judge overlooked that Mrs. Viñas by not moving to quash the complaint (before she entered her plea of not guilty) on the ground that it does not conform substantially to the prescribed form, waived that objection (Sec. 10, Rule 117, Rules of Court).

Respondent judge should not have dismissed the complaint without first hearing the prosecution's evidence. As correctly stated by him, the offense of grave slander charged in the complaint is within the jurisdiction of the municipal court since Lubuagan is the capital of the subprovince of Kalinga.

Thus, the respondent, in sustaining the contention of Mrs. Viñas that the complaint was defective and that the facts alleged therein did not constitute grave slander, created the impression that he was just looking for a pretext to dismiss the complaint.

Respondent's order of dismissal laid himself open to complainant's suspicion that he did not act with the cold neutrality of an impartial judge.

The rule is that after hearing a municipal judge may be suspended or removed if it is ascertained that he is not performing his duties properly or that he is unfit for the office (Sec. 97, Judiciary Law).

In the instant case, it may be argued that the respondent committed an error of judgment in dismissing the complaint for grave slander and thus causing (at least in complainant's opinion) a miscarriage of justice.

However, there is no proof that the error was attributable to a conscious and deliberate intent to perpetrate an injustice (In re Climaco, Adm. Case No. 134-J, January 21, 1974, 55 SCRA 107, 119).

"As a matter of public policy, in the absence of fraud, dishonesty, or corruption, the acts of a judge in his judicial capacity are not subject to disciplinary action, even though such acts are erroneous" (48 C.J.S 974).

However, although a judge may not always be subjected to disciplinary action for an error of judgment or unawareness of the appropriate legal rules, that does not mean that he should not evince due care in performing his adjudicatory prerogatives. "He should be studious of the principles of the law and diligent in endeavoring to ascertain the facts" (Par. 5, Canons of Judicial Ethics).

It is his constant obligation to study his cases thoroughly and to act with justice, give everyone his due, observe honesty and good faith and maintain an irreproachable conduct.

WHEREFORE, respondent judge is admonished to exercise more prudence and circumspection in the performance of his duties as municipal judge. He is warned or reminded that appropriate disciplinary action will be taken against him if he commits any culpable impropriety and neglect in the discharge of his official functions. A copy of this decision should be attached to his personal record.

SO ORDERED.

Barredo, (Chairman), Concepcion, Jr., Abad Santos, and De Castro,[*] JJ., concur.

[*] Justice De Castro was designated to sit in the Second Division.

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.