

RICARDO ESCARDA, COMPLAINANT, VS. JUDGE JACINTO MANALO OF CORON, PALAWAN, RESPONDENT.*A.M. No. 2268-MJ. November 07, 1980*

Ponente: FERNANDO, C.J.

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This administrative complaint for improper conduct by complainant Ricardo Escarda against respondent Municipal Judge Jacinto Manalo of Coron, Palawan affords this Court an opportunity to set forth the guiding principle as to when the Lupon Tagapayapa under the Katarungan Pambarangay Decree[1] should take cognizance of a case. Respondent Judge refused the referral of a complaint for slight physical injuries to the Lupon Tagapayapa. That was the basis of this charge against him. As the Decree was intended to remedy the clogged state of the dockets through the amicable settlement of minor disputes relying on what was aptly referred to by President Marcos as "the good sense and civic spirit of our citizenry and our community leaders," respondent Judge should be held accountable, if, as alleged, he did not comply with its provisions. His refusal, however, finds support in Circular No. 12[2] of the late Chief Justice Castro, as amended by Circular No. 22.[3] It reads as follows: "Effective upon your receipt of the certification by the Minister of Local Government and Community Development that all the barangays within your respective jurisdictions have organized their Lupons provided for in Presidential Decree No. 158, otherwise known as the Katarungang Pambarangay Law, in implementation of the barangay system of settlement of disputes, you are hereby directed to desist from receiving complaints, petitions, actions or proceedings in cases falling within the authority of said Lupons. Circular No. 12 dated October 30, 1978, issued by the late Chief Justice Fred Ruiz Castro is to that extent modified." [4]

Circular No. 22 was noted in a Letter of Implementation[5] of President Ferdinand E. Marcos, dated November 12, 1979, the first paragraph of which reads as follows: "With a view to easing up the log-jam of cases and solving the problem of backlogs in the case dockets of all government offices involved in the investigation, trial and adjudication of cases, it is hereby ordered that immediate implementation be made by all government officials and offices concerned of the system of amicably settling disputes at the barangay level as provided for in the Katarungang Pambarangay Law (Presidential Decree No. 1508)."[6] It then ordered "effective compliance" with certain directives one of which is the aforesaid Circular No. 22.[7] Then came this paragraph: "For this purpose, all City and Municipal Development Officers of the Ministry of Local Government and Community Development are hereby ordered to certify the fact of organization of the Lupong Tagapayapa in their respective barangays within five (5) days from the publication of this order, and to send such certification to the Ministry of Justice and the Supreme Court, as well as to the fiscals and judges concerned." [8] Prior to such certification of the organization of the Lupon Tagapayapa then, a municipal judge must comply with the Rules of Court applicable to any complaint or judicial proceeding properly cognizable by him. That is his bounden duty. Since there is no question as to the particular case of physical injuries falling within the jurisdiction of respondent Judge, he acted in accordance with law. As noted in the memorandum of Court Administrator Relova: "In the case at bar, Criminal Case No. 2041 was filed before any such certification. Therefore, respondent need not refer the case to the barangay captain or the Lupon." [9]

The complaint for improper judicial conduct is therefore without merit. Accordingly, it should be dismissed. As mentioned at the outset of this opinion, this resolution is intended to provide guidance for the actuation of the judges concerned, more specifically as to the date when in accordance with Presidential Decree No. 1508 the system of conciliation provided for therein should be followed before the judiciary could act on the matter.

WHEREFORE, this administrative complaint is dismissed for lack of merit. Let a copy of this resolution be spread on the record of respondent Judge Jacinto Manalo.

Teehankee, Barredo, Makasiar, Aquino, Concepcion, Jr., Fernandez, Guerrero, Abad Santos, De Castro, and Melencio-Herrera, JJ., concur.

[1] Presidential Decree No. 1508 (1978).

[2] Dated October 30, 1978.

[3] Dated November 9, 1979.

[4] Circular No. 22. This Circular was issued by the ponente as Chief Justice.

[5] Letter of Implementation No. 105.

[6] Ibid., par. 1.

[7] Ibid., par. 2.

[8] Ibid., par. 3.

[9] Memorandum of Court Administrator Lorenzo Relova dated November 4, 1980, 2.

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