

CONRADO F. SANTOS, ET AL., PETITIONERS, VS. JUDGE CONRADO DE GRACIA, RESPONDENT.*A.M. No. 2510-MJ. December 15, 1982*

Ponente: DE CASTRO, J.

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This administrative case arose from the alleged act of respondent Judge in ordering the release of the three accused involved in Criminal Case No. 4093, filed in the Municipal Court of Paniqui, Tarlac, for frustrated homicide presided over by said Judge even before they have posted their corresponding property bonds.

The complainants, parents of the victim in said criminal case, allege that on November 5, 1980, they inquired from respondent Judge why the accused Ronald Beltran has not yet been arrested and why accused Florencio Laigo and Cesario Beltran have been released; that respondent Judge informed them that property bonds were posted by the accused for their provisional release, but that upon verification from the Clerk of Court, it was disclosed that no property bond was posted by either Cesario Beltran or Florencio Laigo, while Ronald Beltran is still at large; that only Regidor Beltran, Jr., one of the four accused in criminal case, had posted a bail bond; and that Mayor Vicencio Tayag of Paniqui, Tarlac, in his reply to complainant's query, stated that the alleged property bonds posted by the accused do not exist on file; that suprisingly on August 28, 1980, they found six (6) real estate titles with the corresponding tax declarations on file with the records of Criminal Case No. 4093; that nonetheless the property with TCT No. 118286 was mortgaged with, and foreclosed by, the Rural Bank of San Miguel, Tarlac, Tarlac, subject to a one-year redemption period while one out of the five (5) real estate properties are agricultural lands that have no clearance from the Ministry of Agrarian Reform; and that the total assessed value of all the five (5) real estate properties is only P12,860.00 and does not meet the required amount of P7,000.00 bail bond fixed by the court for each of the accused. Complainants also assailed the alleged delay in the investigation of the criminal case, alleging that the scheduled hearings during the second stage of the preliminary investigation were postponed on five (5) different occasions because of the accused.[1]

A similar letter complaint dated November 14, 1980 was also filed by the complainants with the Office of the President, which letter-complaint was referred to this Court for appropriate action on February 6, 1981.[2] Complainants also wrote former Congressman of Tarlac, Col. Eduardo M. Cojuangco, Jr. and Assemblywoman Mercedes C. Teodoro on December 9, 1980[3] requesting assistance to have the alleged irregularities in the Municipal Court of Paniqui, Tarlac in connection with Criminal Case No. 4093 investigated. The letter was referred by the Ministry of Justice to this Court for appropriate action on January 21, 1981.[4]

In his comment dated January 23, 1981,[5] respondent Judge denied the charges filed against him and chronologically enumerated the proceedings taken in his court. Respondent Judge alleged that as per certification of Station Commander Conrado Molina dated March 16, 1981,[6] Police Entry Blotter No. 447 - October 18, 1980 show that Cesario Beltran and Florencio Laigo were released after having posted their property bail bond. He also alleged that in examining the records of the criminal case in question, private prosecutor Atty. Aladin Bermudez and defense counsel Atty. Marcelino Aganon found the records and proceedings to be correct and in

order. To this allegation, complainants replied that private prosecutor Atty. Bermudez was misled in certifying to the correctness of the records since he only saw the xerox copy of T.C.T. No. 118286 which was mortgaged to the Rural Bank of San Miguel, Tarlac, whereas the sheet where the mortgage was annotated was not submitted to the court to form part of the records.[7]

Executive Judge Fernando S. Alcantara, to whom this case was referred for investigation, report and recommendation, found the respondent Judge guilty as charged. He therefore, recommends that the respondent Judge be reprimanded for his negligence.[8] Deputy Court Administrator Romeo Mendoza, in his Memorandum[9] however, recommended, concurred in by Deputy Court Administrator Arturo Buena, Officer-in-Charge, that respondent Judge be fined equivalent to three months salary and that he should be severely reprimanded and admonished to be more attentive and assiduous in the performance of his duties and warned that a repetition of the same or similar infraction will be dealt with more severely.

According to Deputy Court Administrator Romeo Mendoza, the failure of respondent Judge to explain why no property bonds could be found in the records of the case cast doubt as to the existence of the property bonds at the time that the accused were ordered release. That an irregularity was committed somewhere became apparent, when later six real estate titles were found in the records of said criminal case, when earlier, the Municipal Clerk of Court himself stated there was no such property bonds posted. This irregularity was compounded by the fact that respondent Judge accepted the bonds which consist of properties which were either foreclosed or not properly documented. Furthermore, the bond which has a total assessment of P13,990.00 falls short of P2,510.00 of the approved bond of P16,500.00 bail set for the three accused, which in effect reduced the already minimal amount of P5,500.00 bail[10] as fixed for each of the accused, to only P4,663.00 bail per accused for such a grave offense as frustrated murder.

Deputy Court Administrator Mendoza further noted that there was, likewise, no explanation why the scheduled hearings were postponed. What was given is only an enumeration of the stages of the proceedings that transpired in Court. The point was stressed by complainants that postponements of the scheduled hearings were attributed to the accused on all five occasions.

On the basis of the foregoing, We find as established that respondent Judge, in ordering the release of the accused without bond, in thereafter accepting the defective real estate bonds and in delaying the preliminary investigation of the criminal case, is guilty of abuse of authority. There was evident partiality on his part towards the accused which cannot be tolerated.

In many occasions, this Court has exhorted Judges to act in a manner as to be above suspicion. Respondent's questioned acts undermine public confidence in the effective and expeditious administration of justice.

WHEREFORE, in view of the foregoing, the respondent Judge, Municipal Judge Conrado de Gracia is hereby found guilty of abuse of authority and is imposed the penalty of fine of three months salary, with warning that a repetition of the same or similar offense will be dealt with more severely.

SO ORDERED.

Makasiar, (Chairman), Aquino, Concepcion, Jr., Guerrero, Abad Santos, and Escolin, JJ., concur.

[1] p. 3, Rollo.

[2] p. 1, Id.

[3] pp. 7-9, Id.

[4] p. 7, Id.

[5] p. 25, Id.

[6] p. 33, Id.

[7] p. 27, Id.

[8] p. 59, Id.

[9] p. 61, Id.

[10] The accused had requested that the bail bond be reduced to P5,500.00.

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