

ALFREDO ARPON, COMPLAINANT, VS. MUN. JUDGE ARISTIDES B. DE LA PAZ, SAN MIGUEL, LEYTE, RESPONDENT.

A.M. No. 41-MJ. May 28, 1975

Ponente: BARREDO, J.

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BARREDO, J.:

Administrative complaint against respondent Municipal Judge Aristides B. de la Paz of San Miguel, Leyte for alleged "unexcusable ignorance of the law, conduct prejudicial to the best interest of the service and grave abuse of discretion, judicial powers and authority."

Upon due investigation, Judge Meneleo C. Melicor of the Court of First Instance of Leyte, the said Investigator found the facts to be as follows:

"It appears that on June 4, 1971, Mrs. Clementina L. Oballo filed a criminal complaint for Libel against Alfredo Arpon, complainant herein, with the municipal court of San Miguel, Leyte (Exhs. 1, 1-A & 1-B). The corresponding preliminary examination was forthwith conducted on the same day by the Respondent Judge (Exhs. 2 & 2-A) who thereafter promulgated an order finding a prima facie case against the accused (Exh. 3) and issued the corresponding warrant of arrest (Exh. 4), all on the same day. On June 9, 1971, the warrant was served on complainant Alfredo Arpon who had been invited to the municipal building and was detained there without however being placed inside the jail (tsn pp. 3-4). On being informed that he was entitled to bail, complainant sent a word on the same day to his relatives in his barrio, 3 kms. away, to prepare the bailbond (tsn pp. 5-6). On the next day, June 10, complainant's relatives arrived at the municipal building with a bail-bond, which however was not accepted by Respondent's clerk (tsn p. 6). Later in the day, complainant was allowed to go around the town and look for new bondsmen, and on the next day, June 11, the bond was filed and approved and Complainant was finally released (tsn p. 7). The second stage of the preliminary investigation was set for June 16, but it was postponed on request of Complainant, (tsn. p. 8) who said he was going to Manila (tsn p. 16). In the meantime, Respondent undertook research work and discovered that he could not entertain a case of written defamation for preliminary investigation pursuant to R.A. No. 4363, hence, when the day for the postponed preliminary investigation came on July 19, he dismissed the case *motu proprio* (Exh. 5) and issued the necessary order (Exh. 5-a), in the presence of Complainant who had no lawyer then (tsn pp. 9, 13). Subsequently, Asst. Prov'l. Fiscal Roman Avila filed a motion dated March 23, 1972 (Exh. 6) for the reconsideration of Respondent's order (Exh. 5-a), but Respondent denied the motion in an order dated April 19, 1972 (Exh. 7)." (Pp. 73-74, Record.)

Upon these facts, the Court feels that the charges have not been proven. Respondent did overlook the bounds of his jurisdiction, but promptly took steps to correct the error upon realizing the same, and there being no showing that he acted in bad faith, We do not believe that disciplinary sanction is warranted. Besides, the question of jurisdiction involved relates to the provisions of Rep. Act 4363, the effectivity of which was made conditional by Section 3 thereof as follows:

"SEC. 3. This Act shall take effect only if and when, within thirty days from its approval, the newspapermen in the Philippines shall organize, and elect the members of, a Philippine Press Council, a private agency of the

said newspapermen, whose function shall be to promulgate a Code of Ethics for them and the Philippine press, investigate violations thereof, and censure any newspaperman or newspaper guilty of any violation of the said Code, and the fact that such Philippine Press Council has been organized and its members have been duly elected in accordance herewith shall be ascertained and proclaimed by the President of the Philippines."

As there is no showing as to when such proclamation of the President was issued, it is not clear that respondent did act without jurisdiction. In fact, the fiscal asked for reconsideration of the order of dismissal issued by respondent.

Of course, it is the inescapable duty of all judges to know before anything else the exact limits of their jurisdiction. There are instances, however, as in this case wherein the pertinent provisions may not appear readily comprehensible, particularly to a judge in a municipality wherein the means of communication and the facilities for up-to-date information are not very good. Indeed, We are not supposed to call judges to account administratively for every flaw they may commit in passing over questions involving their own jurisdiction. Fault in this regard may exist only when the error appears to be deliberate or in bad faith. But this is not to say that judges should not make every effort to keep themselves abreast of the latest laws and jurisprudence affecting their jurisdiction.

With the ADMONITION to respondent to be more careful in the discharge of his judicial functions, the Court resolved to DISMISS the complaint in this case.

Fernando, (Chairman), Antonio, Aquino, and Concepcion, Jr., JJ., concur.

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