

AMY O. LAURENTE, COMPLAINANT, VS. MUNICIPAL JUDGE MANUEL BLANCO OF MAMBUSAO, CAPIZ, RESPONDENT.

A.M. No. 44-MJ. August 30, 1974

Ponente: ANTONIO, J.

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ANTONIO, J.:

This is an administrative complaint dated February 5, 1972, filed by Amy O. Laurente of Sapián, Capiz, against Municipal Judge Manuel Blanco of Mambusao, Capiz, for "inaction on and/or indifference" in connection with Criminal Case No. 476 for slander by deed in the Municipal Court of Sapián, which respondent Judge heard, tried and decided pursuant to a designation in lieu of the regular Municipal Judge, who had inhibited himself from acting on the case.

The facts of this case, as quoted from the report of District Judge Tomas R. Leonidas, Court of First Instance, Branch III, Mambusao, Capiz, are as follows:

"Criminal Case No. 476, entitled 'People of the Philippines vs. Amador Guijaro' for Slander by Deed, was filed on November 9, 1966, with the Municipal Court of Sapián, Capiz, by Amy O. Laurente, the offended party. The regularly appointed and presiding judge of said municipal court was and still is Felix A. Villanoy. As the accused Amador Guijaro is a cousin of Judge Felix A. Villanoy, the latter inhibited himself from trying the case. Because of this inhibition, District Judge Cesario Gopez of Capiz designated the Municipal judge of Mambusao, Capiz, the herein respondent, to hear, try and decide this criminal case. After repeated postponements, due to justifiable causes, trial was eventually held and terminated. On June 15, 1970, the respondent judge rendered and read the decision of conviction in the presence of the accused, copy of which was given to the herein complainant. Then and there, in open court, the accused orally filed his notice of appeal. Accused was not taken into custody because he promised to file an appeal bond within five (5) days. Since then the accused had not been arrested nor the records sent to the court of first instance for further proceedings despite the fact that he did not file his appeal bond. On March 10, 1972, the respondent learned for the first time that the accused had not filed his appeal bond; so respondent immediately issued an order for his arrest and the transmittal of the criminal case records to the court of first instance."

Pursuant to the directive contained in the First Indorsement of Undersecretary of Justice Catalino Macaraig, Jr., dated March 9, 1972, Judge Leonidas conducted an investigation of the complaint, at which only complainant Amy O. Laurente and respondent Judge Blanco testified, and certain documents were introduced and admitted in evidence. In the course of the investigation, it became evident that respondent Judge Blanco stood charged on two counts, namely, that he failed; (a) to implement his decision in Criminal Case No. 476 in the Municipal Court of Sapián; and (b) to enter certain items in the docket book in connection with said case.

In his report, the Investigating Judge finds the first charge to be without basis, thus:

"The main thrust of the complaint is that respondent had been inactive and indifferent in implementing the decision of conviction of the accused since July 15, 1970, for which reason the complainant had been denied justice. This assumption is gratuitous, and is belied by the verified complaint itself which states: 'The

Municipal Judge of Sapan, Capiz, the Hon. Felix A. Villanoy, inhibited himself from trying the above said case and the Municipal Judge of Mambusao, Capiz, the Honorable Manuel Blanco, was designated the trial judge of the same until the case was submitted for decision.' It is not denied that Judge Blanco had rendered and read the decision in said criminal case on July 15, 1970. He went even further by issuing an order on said date granting the accused five (5) days within which to file his appeal bond. Clear, therefore, is the fact that the respondent had faithfully performed his duty under the designation extended to him, to hear, try and decide the case. He had no more duty under said designation to act any further than render a decision. Subsequent proceedings should have been addressed, directed to and performed by the regularly appointed judge of Sapan, Capiz, such as the acceptance of the notice of appeal, appeal bond and the transmittal of the records and the body of the accused, if no bond was filed, to the court of first instance. There was no more reason for Judge Felix A. Villanoy not to take cognizance of the incidents following the rendition of the judgment considering that the basis for his inhibition had already lost force and effect. He was inhibited from trying the case mainly because of his relationship with the accused; but said relationship was no legal or moral obstacle to the transmittal to the Court of First Instance, for further proceedings, of the records, the appeal bond, or in its absence, the body of the accused. This being the case, the complainant had no right to demand action from the respondent subsequent to the rendition of decision. She had been furnished with a copy of the decision by the respondent, and if she wanted to imbibe and savor fully her victory, she could and should have compelled Judge Felix A. Villanoy to act decisively on incidents subsequent to the reading of the decision. This charge against the respondent, therefore, is without legal basis."

The Investigating Judge, however, finds respondent Judge Blanco guilty of negligence on the second charge for his failure to make certain required entries in the docket of Criminal Case No. 476, and, accordingly, he recommends that Judge Blanco be reprimanded and warned, to wit:

"There is one aspect in this administrative case, though, that merits the serious attention of the undersigned. It appears from the evidence that the respondent judge had not performed his duties properly in connection with the criminal case under consideration. It is a fact that the docket of this particular criminal case had not been duly accomplished by respondent pursuant to Section 18, Rule 136 of the Revised Rules of Court. As of October 6, 1971, the only entries in the criminal docket of the municipal court of Sapan, Capiz, are as follows: the nature of the case and the offense charged; the date of the issuance of the warrant of arrest; and the return of said warrant. Respondent, while acting as designated judge to hear, try and decide Criminal Case No. 476, did not enter in the criminal docket the date of presenting the plea and the nature of the same; the minutes of the trial, including the date thereof and of all the adjournments; the names and addresses of all witnesses; the date and nature of the judgment; and the date of the notice of appeal, all of which are required to be so entered by the Revised Rules of Court. It was his duty to enter these matters, and not rely upon and leave it to the regularly appointed judge to do so. On this score, the undersigned believes that respondent should be reprimanded and warned to be more assiduous in complying with the duties required of him under pertinent laws and the provisions of the rules of court. The docket of a court is a public and official record thru which the public is apprised of the things and events that transpired in a court of justice. Its integrity and reliability must at all times be guarded against possible unfounded charges of manipulation which are calculated to suit the nefarious ends of unscrupulous persons."

We agree with Investigating Judge Tomas R. Leonidas that since respondent Judge Blanco was designated "to hear, try and decide" Criminal Case No. 476, his duty under the designation ended with his rendition of a decision in the case and did not extend to incidents subsequent thereto, such as the execution of the judgment, as to which the regularly appointed Municipal Judge of Sapan was no longer inhibited. Consequently, complainant Laurente, who, as the complaining witness in the criminal case, was naturally interested in its ultimate outcome, should have addressed her inquiries regarding the incidents of the case to Judge Villanoy. True it is that respondent Judge Blanco attended to the perfection of an appeal by the accused Amador Guijaro, although, as already stated above, that was no longer part of his assigned duty; but, as explained by respondent Judge, it was motivated by a feeling

of compassion for the accused who, after being informed of the sentence, immediately talked to him regarding the intention of the accused to appeal.

We agree that it is the duty of the municipal judge to keep docket books and supervise the recording of the entries therein required by the Rules of Court. Section 18, Rule 136 of the Revised Rules of Court, provides that "[e]very justice of the peace (now municipal judge) and municipal judge (now city judge) shall keep a well-bound book labeled 'docket,' in which he shall enter for each case:

- "(a) The title of the case including the names of all the parties;
 - "(b) The nature of the case, whether civil or criminal, and if the latter, the offense charged;
 - "(c) The date of issuing preliminary and intermediate process including orders of arrest and subpoenas, and the date and nature of the return thereon;
 - "(d) The date of the appearance or default of the defendant;
 - "(e) The date of presenting the plea, answer, or motion to quash, and the nature of the same;
 - "(f) The minutes of the trial, including the date thereof and all adjournments;
 - "(g) The names and addresses of all witnesses;
 - "(h) The date and nature of the judgment, and, in a civil case, the relief granted;
 - "(i) An itemized statement of the costs;
 - "(j) The date of any execution issued, and the date and contents of the return thereon;
 - "(k) The date of any notice of appeal filed, and the name of the party filing the same.
- "A justice of the peace or municipal judge (now-municipal judge or city judge) may keep two dockets, one for civil and one for criminal cases. He shall also keep all the pleadings and other papers and exhibits in cases pending in his court, and shall certify copies of his docket entries and other records proper to be certified, for the fees prescribed by these rules. x x x"

While the making of such entries may be done by any of his court personnel, it must be under his direct and immediate supervision. In the case at bar, however, respondent Judge Blanco was not able to attend to the matter of entries in the docket book, for his official regular station is Mambusao, and he was merely designated to act on an isolated case in Sapián in view of the inhibition of the regular judge therein.

WHEREFORE, respondent Municipal Judge Manuel Blanco of Mambusao, Capiz, is hereby admonished to be more careful in the performance of his duties, even in those occasions where he is acting only in a temporary capacity in another municipality.

Zaldivar, (Chairman), Fernando, Barredo, Fernandez, and Aquino, JJ., concur.

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