

ATTY. JOSE B. TIONGCO, COMPLAINANT, VS. JUDGE ADRIANO S. SAVILLO, REGIONAL TRIAL COURT, BRANCH 30, ILOILO CITY, RESPONDENT

A.M. NO. RTJ-02-1719. March 31, 2006

Ponente: CARPIO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a0552a732d29/>

CARPIO, J.:

The Case

This is an administrative complaint filed by Atty. Jose B. Tiongco ("complainant") against Judge Adriano S. Savillo ("respondent judge") of the Regional Trial Court, Branch 30, Iloilo City, for gross incompetence and ignorance of the law.

The Facts

In a verified complaint[1] dated 21 November 2000, complainant alleged the following:

- In Criminal Case No. 00-58710 entitled *People v. Alias Gamay Cruza Balle*, respondent judge, because of "familiarity" with accused's counsel, granted the motion for reduction of bail without notice to complainant, the private prosecutor and husband of the private complainant in the case. Respondent judge also granted the motion without the conformity of Prosecutor Constantino C. Tubilleja, the trial prosecutor assigned to Branch 30.
- In Criminal Case No. 49222 entitled *People v. Pampag*, Criminal Case No. 45575 entitled *People v. Tuburan*, and Criminal Case No. 45060 entitled *People v. Hormina*, respondent judge rendered erroneous decisions because he erred in the appreciation of the evidence presented before the court.
- Respondent judge rendered decisions beyond the mandatory 90-day period. In *People v. Tuburan*, submitted for decision on 16 August 1999, respondent judge promulgated his decision on 19 January 2000 or after a lapse of five months and three days. In *People v. Hormina*, submitted for decision on 21 June 1999, respondent judge promulgated his decision on 13 January 2000 or after a lapse of six months and twenty-two days.
- On 29 October 1999, respondent judge invited complainant to his chambers and called complainant a "swindler." Complainant surmised that this was because he "caricatured" respondent judge and the public prosecutor in his motion for reconsideration in *People v. Pampag*. [2]
- Respondent judge does not wear his black robe during court sessions.
- Respondent judge intervenes "too thickly" during the cross-examination of witnesses by complainant.
- Respondent judge uniformly overrules complainant's objections, while uniformly sustaining objections of the public prosecutor.
- Finally, respondent judge keeps on referring to the stenographer questions on matters that transpire during the court hearings.

In his Comment[3] dated 23 February 2001, respondent judge controverted the allegations against him as follows:

- In *People v. Alias Gamay Cruza Balle*, respondent judge admitted that he knows accused's counsel but this was not the reason why he granted the motion for reduction of bail. Respondent judge stated that accused's counsel pointed out that the accused, being a minor offender, could be released on recognizance. However, accused's counsel opted to move for a reduction of bail to secure his immediate release. Respondent judge also stated that the motion was submitted with the conformity of Prosecutor Jeremy Bionat, who was duly authorized by City Prosecutor Efrain Baldago to act on petitions for reduction of bail.[4]
- In *People v. Pampag*, *People v. Tuburan*, and *People v. Hormina*, which were all appealed to the Court of Appeals, respondent judge believed that it is up to the Court of Appeals to determine the validity of his analysis and conclusions of the evidence presented in these cases.

Respondent judge also pointed out that in *People v. Pampag*, complainant was "not all together candid and honest with his complaint." Complainant made it appear in the complaint that respondent judge's decision placed the value of the necklace at P15,000, as alleged in the information. According to respondent judge, the decision clearly stated that the value of the necklace was P1,000.[5] Complainant also claimed that respondent judge "almost" sent the accused to prison for six years and one day to ten years. Respondent judge considers this as "malicious" because this was not the penalty imposed by the court.[6]

- In *People v. Tuburan* and *People v. Hormina*, respondent judge admitted that the decisions in these cases were promulgated beyond the 90-day period. Respondent judge explained that he was already loaded with complicated civil cases when these cases were submitted for decision. He also claimed that his staff did not inform him that these two cases had already been submitted for decision. However, respondent judge accepts full responsibility for the delay and does not blame anyone for his shortcomings.

- Respondent judge denied that he invited complainant to his chambers and that he called complainant a "swindler."

- On the charge that he does not wear the black robe during court sessions, respondent judge attributed this to his "thyrotoxicosis" which causes excessive sweating, resulting to an imbalance of electrolytes in the muscles manifested by a sudden loss of muscle function.[7] Respondent judge, therefore, tries to avoid possible conditions that may subject him to excessive sweating, like wearing the black robe during trial, as it may aggravate his ailment. He also claimed that he consulted with then Court Administrator Meynardo A. Tiro ("Court Administrator Tiro") and Justice Ernani C. Paño on this matter. Court Administrator Tiro allegedly advised him that "he does not need to wear the robe if it will be unhealthy for him." [8] He also stated that the Court did not send him his black robe even if he sent his measurements.

- Respondent judge denied that he intervenes during the cross-examination of witnesses by complainant.

- On the objections that he overruled, respondent judge explained that he overruled them because they did not conform to the Rules of Court.

- On the allegation that he keeps referring to the stenographer on matters relating to the proceedings during trial, respondent judge pointed out that this is because the stenographer is the one in charge of recording the whole proceedings during trial.

Respondent judge concluded that complainant filed the administrative case against him because his rulings were against the interest of complainant, particularly the granting of the motion to reduce bail. Respondent judge also asked the Court that sanctions be imposed on complainant for conduct and language unbecoming of an officer of the court because of the "colorful language" used in the complaint and the way he "manipulates" his arguments.

In a Resolution dated 6 May 2002, the Court ordered the re-docketing of the case as an administrative matter.

In a Resolution dated 19 February 2003, the Court required the parties to manifest within 10 days from notice if they were willing to submit the case for resolution based on the records on file.

In March 2003, respondent judge filed a Manifestation and Motion for Extension of Time to file additional comments on the complaint. In a Resolution dated 21 April 2003, the Court noted and granted his motion.

In a Manifestation dated 8 April 2003, respondent judge submitted a medical certificate issued by Dr. Rolando Jardeleza. The medical certificate stated that in 1986, respondent judge was diagnosed to have "hyperthyroidism (Grave's Disease) with episodes of Hypokalemic paresis due to hyperthyroidism." [9] Respondent judge also attached the Decision of the 16th Division of the Court of Appeals in *People v. Tuburan*, where his decision was affirmed. [10] He also manifested that *People v. Hormina* and *People v. Pampag* were still pending before the Court of Appeals. The Court noted the additional documents submitted by respondent judge in a Resolution dated 16 June 2003.

In a letter dated 12 January 2004, complainant informed Court Administrator Presbitero J. Velasco, Jr. that he has not received the comment of respondent judge on his complaint. The Court noted the letter in a Resolution dated 10 March 2004. On 10 January 2005, the Court forwarded a copy of respondent judge's comment to complainant, which he received on 31 January 2005.

In a Resolution dated 10 August 2005, the Court reiterated its 19 February 2003 Resolution and required both parties to manifest within 10 days from notice if they were willing to submit the case for resolution based on the records on file.

In a Compliance dated 5 October 2005, complainant manifested that he was submitting the case for resolution. However, complainant reiterated that respondent judge be "discharged" from the judiciary for concealing his "thyrotoxicosis," which complainant now calls "Black Robe Allergy," from the Court when he applied for judgeship and because "a judge with sick thyroid glands will, inevitably, issue sick orders and judgments." [11]

On 7 October 2005, respondent judge submitted a Manifestation and Motion for Leave to File Additional Affidavits. In a Resolution dated 16 November 2005, the Court noted and granted respondent judge's motion. On 27 October 2005, respondent judge filed another Manifestation and Motion for Leave to File Additional Evidence based on complainant's Compliance. Respondent judge manifested that he will file a complaint for suspension or disbarment against complainant as a counter charge.

On 10 November 2005, respondent judge submitted the joint affidavit [12] of Myra Gregorios ("Gregorios"), Court Interpreter, and Jeanne Guardiana ("Guardiana"), Court Stenographer III, to prove that he never invited complainant to his chambers and that he did not call complainant a "swindler."

Complainant filed his Comment, dated 24 November 2005, to respondent judge's manifestation and motion. Complainant contends that the joint affidavit of Gregorios and Guardiana was self-serving because members of respondent judge's staff executed it.

The Recommendation of the Office of the Court Administrator

In its Report [13] dated 28 February 2002, the Office of the Court Administrator (OCA) recommended that respondent judge be held liable for delay in the promulgation of the decision in *People v. Tuburan* and *People v. Hormina* and fined P3,000. The OCA also recommended that respondent judge be directed to wear the judicial robe in his courtroom, otherwise he would be held administratively liable for violation of a lawful order of the Court. The OCA's Report reads:

With respect to the charge of delay, respondent admits to the delay in rendition of judgment in the subject

cases.

The Court time and again has pronounced that delay in resolving motions and cases pending before a judge's sala within the reglementary period of ninety (90) days fixed by the Constitution and the law is not excusable and should not be condoned. Respondent [j]udge should therefore be reminded that assumption of judicial office casts upon him duties and restrictions peculiar to his position. He should be faithful to the law and maintain professional competence, dispose of the court's business promptly and decide cases within the required period. (Report on the Judicial Audit and Physical Inventory of the Cases in RTC, Branch 138, Makati City, Administrative Matter No. RTJ-94-4-156, 13 March 1996)

In the present case, the respondent [j]udge was fully aware of the courts' condition which adversely affected the disposition of cases in his court. Therefore he could have seasonably requested an extension of time to decide said cases citing the reasons thereto if he could not comply with the mandate. But he failed to do so.

On the issue of granting the reduction of bail without the [public] prosecutors' opposition, suffice it to say that the [public] prosecutor could have objected to the reduction upon resumption of [the] hearing on the case. He did not. Respondent [judge] cannot now be faulted for the lapse of the public prosecutor.

Administrative Circular No. 25 dated 9 June 1989 requires all judges to wear the black robe during court sessions to heighten public consciousness on the solemnity of judicial proceedings. Although respondent [judge] claims to have sought exemption from the rule from then Court Administrator Tiro, there seems [to be] no reason why he should consider himself excused now. If respondent is still suffering from "thyrotoxicosis" he should submit a medical certificate to buttress his claim considering that he has not been wearing the black robe since 1989.[14]

The Court's Ruling

On Respondent Judge's Undue Delay in Rendering Judgments

The Constitution mandates all lower court judges to decide cases within the reglementary period of 90 days from the time the case is submitted for decision.[15] The Code of Judicial Conduct also directs judges to "dispose of the court's business promptly and decide cases within the required periods." [16] Furthermore, the New Code of Judicial Conduct for the Philippine Judiciary [17] provides that "judges shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness." [18]

Respondent judge admits and accepts full responsibility for the delay in rendering the decisions in the cases of *People v. Tuburan* and *People v. Hormina*.

The Court notes that respondent judge, upon finding himself unable to comply with the 90-day period, could have asked the Court for a reasonable period of extension to dispose of the cases. The Court, mindful of the heavy caseload of judges, generally grants such requests for extension.[19] There was no such request from respondent judge.

Judges are enjoined to decide cases with dispatch. Any delay, no matter how short, in the disposition of cases undermines the people's faith and confidence in the judiciary.[20] It also deprives the parties of their right to the speedy disposition of their cases.[21] Judges' failure to decide cases within the reglementary period constitutes gross inefficiency and warrants the imposition of administrative sanction.[22]

On Respondent Judge's Erroneous Decisions and Order

Administrative liability for ignorance of the law does not necessarily arise from the mere fact that a judge issued an erroneous decision or order.[23] To be liable for ignorance of the law, the error must be gross or patent,

deliberate and malicious or incurred with evident bad faith.[24]

In this case, complainant's allegation of ignorance of the law actually pertains to respondent judge's exercise of his adjudicative functions. Complainant assails as erroneous respondent judge's order granting the motion for reduction of bail and his decision, based on his appreciation of the evidence, in the cases of *People v. Pampag*, *People v. Tuburan* and *People v. Hormina*. However, complainant failed to show that respondent judge's error, if any, was gross, deliberate, malicious or attended by bad faith. Such error cannot be corrected by administrative proceeding but should instead be assailed through judicial remedies, such as a motion for reconsideration, an appeal, or a petition for certiorari.[25] An administrative complaint is not the proper remedy because administrative remedies are "neither alternative nor cumulative to judicial review where such review is available, and must await the results thereof." [26] If complainant felt prejudiced by respondent judge's decision or order, his remedy lies with the court for the proper judicial action, not with the OCA by means of an administrative complaint.[27]

The Court notes that the Court of Appeals had already sustained respondent judge's ruling in *People v. Tuburan*. The cases of *People v. Hormina* and *People v. Pampag* are still pending before the Court of Appeals.

The Court agrees with the OCA that if complainant felt aggrieved by respondent judge's order granting the motion for reduction of bail, then he should have seasonably objected by filing a motion for reconsideration or motion for reinstatement of original bail.

On Respondent Judge's Refusal to Wear the Judicial Robe

Administrative Circular No. 25 dated 9 June 1989 ("Circular No. 25"), provides:

Pursuant to Sections 5 and 6, Article [VIII] of the Constitution and in order to heighten public consciousness on the solemnity of judicial proceedings, it is hereby directed that beginning Tuesday, August 1, 1989, all Presiding Judges of all Trial Courts shall wear black robes during sessions of their respective Courts.

Respondent judge admitted that he does not wear the black robe, but seeks to excuse his non-compliance because of his illness. The Court cannot accept his plea. In *Chan v. Majaducon*, [28] where respondent judge tried to excuse his non-compliance because of his hypertension, we held that:

The wearing of robes by judges during official proceedings, which harks back to the 14th century, is not an idle ceremony. Such practice serves the dual purpose of "heighten[ing] public consciousness on the solemnity of judicial proceedings," as Circular No. 25 states, and of impressing upon the judge, the exacting obligations of his office. As well put by an eminent jurist of another jurisdiction:

[J]udges [are] x x x clothed in robes, not only, that they who witness the administration of justice should be properly advised that the function performed is one different from, and higher, than that which a man discharges as a citizen in the ordinary walks of life; but also, in order to impress the judge himself with the constant consciousness that he is a high priest in the temple of justice and is surrounded with obligations of a sacred character that he cannot escape and that require his utmost care, attention and self-suppression.

Consequently, a judge must take care not only to remain true to the high ideals of competence and integrity his robe represents, but also that he wears one in the first place.

Respondent judge's medical condition may exempt him from complying with Circular No. 25, but he must first inform the Court, through the OCA, of his health problem and request exemption from the circular's coverage. The alleged advice of Court Administrator Tiro "not to wear the robe" is not enough. Respondent judge should

have secured the Court's written permission for such exemption. Besides, his medical certificate stated that his hyperthyroid problem was already resolved in 1997.[29] Therefore, there was no more reason for respondent judge not to wear the black robe when this complaint was filed in November 2000.

On the Other Charges Against Respondent Judge

The Court finds insufficient evidence to hold respondent judge liable for allegedly calling complainant a "swindler."

Complainant also failed to convince the Court that respondent judge should be held liable for intervening during complainant's cross-examination of witnesses and for overruling complainant's objections.

The 2002 Revised Manual for Clerks of Court lists as one of the functions and duties of a court stenographer the taking of stenographic notes on all matters that transpire during court hearings.[30] Therefore, there was nothing wrong with respondent judge referring to the stenographer matters questioned by complainant during the hearing for clarification.

On the Appropriate Penalty to be Imposed Against Respondent Judge

Section 9 of Rule 140,[31] as amended by A.M. No. 01-8-10-SC,[32] classifies undue delay in rendering a decision and violation of Supreme Court circulars as a less serious charge for which the penalty is suspension from office without salary and other benefits for one month to three months, or a fine of P10,000 to P20,000.[33]

On Complainant's Use of Intemperate Language Before the Court

The Court is alarmed by complainant's unrestrained use of unsavory, even defamatory and offensive language against respondent judge in his pleadings before the Court. For example, in his Comment, complainant called respondent judge "an honest to goodness Bar-Flunker!" and that "His Honor projects that unmistakable aura of the quintessential Bar-Flunker x x x [who] tries and decides cases like a true Bar-Flunker." [34] Complainant stated that respondent judge, because of his "thyrotoxicosis", was "incapable of exercising their [sic] judicial functions" [35] and that his illness has "hardened His Honor's heart and renders His Honor callous and insensitive to all feelings of pity and compassion for those that find themselves under His Honor's power." [36] Complainant also stated that he believes in "the Devil that is nearby — in fact, for all appearances it is the Devil's Day, x x x " Don't believe me? — just attend trial of a criminal case at Branch 30 presided by [r]espondent [j]udge, the Honorable Adriano S. Savillo, and the only thing that you will not see are the flames of Hell if not Lucifer with his popping eyes [h]imself." [37] Complainant also called respondent judge "a malicious person," [38] "a power-drunken upstart," [39] "stupidity of stupidities," [40] "a judicial guinea pig," [41] a "circus clown," [42] and a "Judicial Frankenstein." [43] Even the judiciary was not spared, complainant referred to the judiciary as "nothing if not the hot-bed of the [n]ew [m]egalomaniacs" and that "[d]emocracy is a dead animal inside the Philippine courtroom." [44]

However, complainant admitted that he only concluded that respondent judge is a Bar-Flunker, "not because petitioner (complainant) has taken the pains to dig into the records of the Judicial and Bar counsel [sic] to gain such information," but only because of respondent judge's "deportment, swaggering style of manner and speech." [45]

Complainant's use of intemperate and unfair criticism is a gross violation of the duty of respect a lawyer owes to the courts. Complainant violated Canon 11 of the Code of Professional Responsibility, which provides that "a lawyer shall observe and maintain the respect due to the courts and to judicial officers" and, more specifically, Rule 11.03, which mandates that "a lawyer shall abstain from scandalous, offensive or menacing language or

behavior before the Courts."

It is true that lawyers can criticize the courts — it is their right as citizens and their duty as officers of the court to avail of such right.[46] But, as held in *In Re: Almacén*, "it is [a] cardinal condition of all such criticism that it shall be bona fide, and shall not spill over the walls of decency and propriety." [47] By his unjust denigration of respondent judge, complainant exceeded the bounds of decency and propriety. By showing disrespect to and contempt for respondent judge, complainant diminished public confidence in respondent judge and, eventually, in the judiciary.[48]

The Court notes that in *Tiongco v. Aguilar*, where complainant was found guilty of violating Canon 11 and fined P5,000, the Court concluded:

That Atty. Tiongco had exceeded the bounds of decency and propriety in making x x x the scurrilous characterizations of the respondent judge is, indeed, all too obvious. Such could only come from anger, if not hate, after he was not given what he wanted. Anger or hate could only come from one who "seems to be of that frame of mind whereby he considers as in accordance with law and justice whatever he believes to be right in his own opinion and as contrary to law and justice whatever does not accord with his views" (*Montecillo vs. Gica*, 60 SCRA 234, 238 [1974]).[49]

Complainant was also warned that the commission of the same or similar acts in the future would be dealt with more severely. In *Yared v. Ilarde*,[50] complainant was again warned because of the "improper and unethical language" he employed in the pleadings and motions he filed before the court.

WHEREFORE, we FIND respondent Judge Adriano S. Savillo of the Regional Trial Court, Branch 30, Iloilo City, GUILTY of (1) undue delay in rendering the decisions in *People v. Tubaran* and *People v. Hormina*, and (2) violating Administrative Circular No. 25, for which offenses we FINE him P15,000. We also DIRECT him to wear the black robe during court sessions, or, otherwise, to file a formal request for exemption from the coverage of Administrative Circular No. 25.

On the other hand, we ORDER Atty. Jose B. Tiongco to show cause, within 10 days from receipt of this decision, why he should not be held administratively liable for violating Canon 11 and Rule 11.03 of the Code of Professional Responsibility.

SO ORDERED.

Quisumbing (Chairperson), Carpio Morales and Tinga, JJ., concur.

[1] Rollo, pp. 39-44.

[2] *Id.* at 41.

[3] *Id.* at 1-8.

[4] *Id.* at 9.

[5] Complainant placed the value of the necklace at P500.

[6] The penalty imposed was prison correccional in its minimum (six months and one day to two years and four months) and medium (two years, four months and one day to four years and two months) periods.

[7] Rollo, p. 3.

[8] Id. at 4.

[9] Id. at 96.

[10] Id. at 98-108.

[11] Id. at 122-123.

[12] Id. at 143.

[13] Id. at 78-80.

[14] Report, pp. 2-3.

[15] Constitution, Art. VIII, Sec. 15.

[16] Code of Judicial Conduct, Canon 3, Rule 3.05.

[17] A.M. No. 03-05-01-SC which took effect on 1 June 2004.

[18] Id., Canon 6, Sec. 5.

[19] Office of the Court Administrator v. Dilag, A.M. No. RTJ-05-1914, 30 September 2005, 471 SCRA 186.

[20] Office of the Court Administrator v. Eisma, 439 Phil. 601 (2002).

[21] Floresta v. Ubiadas, A.M. No. RTJ-03-1774, 27 May 2004, 429 SCRA 270.

[22] Office of the Court Administrator v. Butalid, 355 Phil. 337 (1998).

[23] Cabatingan, Sr. v. Arcueno, 436 Phil. 341 (2002).

[24] Del Callar v. Salvador, A.M. No. RTJ-97-1369, 17 February 1997, 268 SCRA 320.

[25] Santos v. Orlino, 357 Phil. 102 (1998).

[26] In Re: Borromeo, 311 Phil. 441, 514 (1995).

[27] Dionisio v. Escano, 362 Phil. 46 (1999).

[28] A.M. No. RTJ 02-1697, 15 October 2003, 413 SCRA 354, 360.

[29] Rollo, p. 96.

[30] The 2002 Revised Manual for Clerks of Court, Vol. I, p. 204.

[31] Rule 140, Sec. 9 of the Rules of Court provides:

SEC. 9. Less Serious Charges.— Less serious charges include:

1. Undue delay in rendering a decision or order, x x x;

x x x x

4. Violation of Supreme Court rules, directives, and circulars;

[32] Re: Amendment to Rule 140 of the Rules of Court on the Discipline of Judges and Justices which took effect on 1 October 2001.

[33] Rules of Court, Rule 140, Section 11, as amended by A.M. No. 01-8-10-SC.

[34] Rollo, p. 148.

[35] Id.

[36] Id. at 146.

[37] Id. at 151-152.

[38] Id. at 146.

[39] Id. at 147.

[40] Id. at 148.

[41] Id. at 150.

[42] Id.

[43] Id. at 154.

[44] Id. at 147.

[45] Id. at 148.

[46] *Tiongco v. Aguilar*, 310 Phil. 652 (1995), citing *In Re: Almacén*, 142 Phil. 353 (1970).

[47] *In Re: Almacén*, 142 Phil. 353, 371 (1970).

[48] *Tiongco v. Aguilar*, *supra*.

[49] Id. at 663.

[50] 391 Phil. 722 (2000).

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.