

ATTY. ERNESTO B. ESTOYA, ET AL., COMPLAINANTS, VS. JUDGE MARVIE R. ABRAHAM SINGSON, PRESIDING JUDGE, BRANCH 10, REGIONAL TRIAL COURT OF ANTIQUE, RESPONDENT.

A.M. No. RTJ-91-758. September 26, 1994

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PER CURIAM:

A sworn letter-complaint against the respondent Judge, signed by forty-seven officers[1] and employees[2] of Branches 10, 11, 12, and 13 of the Regional Trial Court (RTC), Sixth Judicial Region in San Jose, Antique; the Office of the Provincial Prosecutor; the Office of the Provincial Probation and Parole Office; and the Office of the Citizens District Attorney of the Public Assistance Office, all of the Province of Antique, was filed with this Court on 4 October 1991. The signatories alleged that the respondent (a) treats her staff members in a "dictatorial and terroristic manner without regards [sic] to the basic dignity and self-respect of the individual," making the "working atmosphere ... entirely dependent on her moods on the particular day which most often fluctuates with the moon"; (b) has become "more terroristic, dictatorial and oppressive ... not only against her staff but also against the lawyers, litigants, and to the general public, who happen to be around" when she is present; and (c) "does not comply with the rule on continuous trial as mandated by the Hon. Supreme Court." They prayed that they be "relieve[d] from [their] predicament by getting Judge Singson out of Antique." Attached to the letter-complaint are affidavits of some of the complainants.

In their letter of 29 January 1992, the complainants prayed for a "full-dress" investigation of their complaint because the respondent has become more oppressive and dictatorial after she learned about the filing of the complaint. They stated that they could not understand her bizarre actuations and that sometimes "she is excessively generous"; however, in most occasions she is "oppressive, dictatorial, despotic, and unbearable, if not hysterical." [3]

On 19 February 1992, this Court received the First Indorsement, dated 6 February 1992, of Executive Judge Bonifacio Sanz Maceda of the RTC of Antique[4] forwarding to this Court the verified letter-complaint, dated 28 January 1992, of some of the original complainants, namely, Atty. Ernesto Estoya, Tomas Huelar, Jr., Leonardo Samulde, Fe Autajay, and Susan Macabuag. They further accused the respondent of gross and culpable incompetence for having, inter alia, (a) delegated her judicial authority to the Clerk of Court by requiring the latter to make orders or resolve or decide cases for her; (b) considered "unlawful aggression" as a mitigating circumstance; (c) imposed two minimum prison terms and two maximum prison terms in the application of the Indeterminate Sentence Law; (d) promulgated decisions before their typing had been completed; (e) pronounced the acquittal of an accused even if the decision itself was not available since it was left in her steel cabinet; (f) denied giving due course to an appeal in a civil case on the ground that appeal, as she learned during the Judicial Career Development Seminar on 7 to 11 October 1991, is not a matter of right; (g) considered a motion filed personally by a party as a mere scrap of paper because the party was not represented by a lawyer; (h) denied the prosecution the right to present evidence in opposition to an application for bail; and (i) violated P.D. No. 385 by restraining the Philippine National Bank (PNB) and the Provincial Sheriff from consolidating ownership over

certain parcels of land foreclosed by the PNB.

In the Resolution of 4 June 1992, this Court required the respondent to answer the charges.

In her verified Answer dated 12 November 1992,[5] the respondent alleged that the charges consist of denunciations and opinions unsupported by any statement of facts; she has not implemented the continuous trial of cases in Antique because from the beginning, she has been assigned to actively handle the case load of two salas -- Branches 10 and 11; many of the complainants are persons unknown to her and were merely solicited by a few of her court staff who have openly resented her work policies; and her work policies, though fairly strict, were in part dictated by the work load of the two branches assigned to her. She considered the imputation concerning her moodiness as a charge that she is suffering from some mental malady to which she made the following response:

"The complaint's language pictures respondent to be suffering from some mental malady, which cause her 'moods ... (to) fluctuate with the moon! She respectfully submits that this in itself indicates the lack of seriousness with which complainants treat this matter."

Complainants Ernesto Estoya, Caridad Jubilan, and Susan Macabuag filed separate Replies to the Answer.[6]

In their 18 June 1993 letter, the complainants adverted to their letter-complaint of 28 January 1992 which asked this Court to apply the doctrine of *res ipsa loquitur* with respect to the respondent's decisions, orders, and pronouncements in the cases mentioned therein.

Issues having been joined, the Court required the parties to inform the Court if they desired to submit the case for decision on the basis of their pleadings.[7]

In her Manifestation and Motion filed on 15 March 1993, the respondent prayed that this case "be assigned for investigation and hearing for the reception of the parties' respective evidence." [8]

In the Resolution of 3 August 1993, the Court referred this case to Associate Justice Pedro Ramirez of the Court of Appeals for investigation, report, and recommendation.[9]

Justice Pedro Ramirez conducted the investigation of the case and submitted a 21-page Report on 1 August 1994.

The Report discloses that at the start of the hearing of the case on 25 January 1994, the parties stipulated that the charges against the respondent were:

- "(1) misconduct;
- (2) gross ignorance of the law;
- (3) incompetence and inefficiency; and
- (4) erratic mind ... all of which affect her capacity and ability to administer justice." [10]

The complainants presented their evidence to prove the charges. The respondent "waived presentation of evidence in her behalf but prayed that she be granted time within which to file a memorandum in argument," [11] which she did.

The Report summarizes the evidence for the complainants as follows:

"The Evidence

The evidence adduced by complainants in support of the charge of (1) misconduct; (2) gross ignorance of the law; (3) incompetence and inefficiency; and (4) erratic behavior which affect her capacity and ability to

administer justice consist of the testimony of the following witnesses and their respective affidavits:

1. Susan D. Macabuag (t.s.n., January 25, 1994; Exhibit C, p. 35, rollo);
2. Fe M. Autajay (t.s.n., supra; Exhibit D, p. 23, rollo);
3. Caridad M. Jubilan (t.s.n., supra; Exhibit J, p. 17, rollo); and
4. Tomas C. Huelar, Jr. (t.s.n., supra; Exhibit K, p. 16, rollo);

and the sworn statements of the following:

1. Atty. Ernesto B. Estoya (Exhibit L, p. 510, rollo) and its appendices (Exhibits L-1 to L-11, pp. 520-572, rollo);
2. Atty. Napoleon A. Abierra (Exhibit M, p. 584, rollo);
3. Mr. Roberto N. Minguez (Exhibit N, p. 586, rollo);
4. Assistant Regional State Prosecutor John I.C. Turalba (Exhibit O, p. 587, rollo); and
5. Atty. Roy P. Murallon (Exhibit P, p. 28, rollo)

whose cross examination Atty. San Juan for respondent Judge waived (order of February 24, 1994, pp. 381-382, rollo).

1. Susan D. Macabuag, Court Interpreter, testified: On September 19, 1990, after calling for her and the staff assistants for criminal and civil cases, respondent Judge upon going over the day's calendar, said: 'this is what I want. I want the arraignment, the motions as follows: x x x if you cannot do as I asked you, as I ordered you to do, I'm going to tear this calendar before you I will throw it away or I will let you eat this, ipakaon ko na sa inyo' (pp. 46-47, t.s.n., Jan. 25, 1994). Once she called for the janitor or another staff assistant to find out if the assistant provincial prosecutor was still in court. Informed that he had gone home already because of an upset stomach, respondent Judge said, 'punyeta, shit' and other invectives (pp. 47, 48, t.s.n., Jan. 25, 1994). There were times respondent Judge would come to office in a very bad mood. Sometimes she looked like she did not comb her hair and did not have any make-up at all. But there were times when she was visibly made up and fully dressed and even had lipstick on her teeth. When she was in good mood and was well dressed she was very nice to her staff. Her bad moods usually come before full moon or new moon or two days after (p. 57, t.s.n., Jan. 25, 1994).

2. Fe M. Autajay, Court Stenographer, testified: On January 8, 1991, in the afternoon, Branch Clerk of Court Estoya called the staff members to a conference in the judge's chambers. While Atty. Estoya was reporting to her about the transcript of stenographic notes that the stenographers were to submit, respondent judge shouted at her (witness) 'Nga--Fe nga wala ka magatrabaho, kaguwapa sa imo, wala ka nakatrabaho, hindi ina pwede, bisan asawa kang huwes kinahanglan magtrabaho' (Why is it Fe that you are not working, that should not be done. Even if you are the wife of a Judge, you should work) (p. 116, t.s.n., Jan. 25, 1994). When she began to explain, respondent Judge shouted at her, 'Unta ti na inang inyong kutsu-kutsu, trabaho-trabaho' ('Stop that gossiping, work, work'). Then she turned to Mrs. Luz Pedreña who was then transcribing her notes and, pointing at her, respondent Judge said: 'Ikaw Luz, wala wala kapa ka makasubmit sang imong transcript' ('You Luz, you have not yet submitted your transcript'). In a loud voice she drove her out, 'Guwa, guwa' ('Go out, go out'). Mrs. Pedreña left and returned to her table to control herself. After shouting at Mrs. Pedreña, respondent Judge shouted at her (witness), 'Nga-a Fe nga naga-piti-piti ka?' as she was sorting out her papers because she ran out of supplies. On June 24, 1991, respondent Judge shouted at her in the presence of Dr. Enrique Pe, an accused in a criminal case. It was a little past 8:00 o'clock in the morning as his case was to be called. He wanted to secure a copy of the transcript of stenographic notes. As she was verifying from the minutes of the session respondent Judge came out and shouted at her, 'Ano ina Fe may bisita ka naman?' ('What is that Fe, do you have a visitor again?'). Indi na pwede pa gwa-a siya, pagua-a' (That should not happened (sic), send him

out, send him out'). So she (witness) whispered to Dr. Pe, 'Gua lang ron to' ('just go out'), which he did immediately (p. 27, t.s.n., January 25, 1994). That same day, June 24, 1991, at about 11:30 in the morning, Erlinda Buyco Fria and two others whom she did not know, came to verify something from the record. Before Erlinda could finish talking to her respondent judge came out of her chambers and shouted at her (witness), 'nga-a Fe kada bes magwa ako may bisita ka' ('why is it Fe that every time I came out of my office, you have a visitor?'). She answered, 'Ma'am, they came from a far flung barrio and they wanted to find out what happened to their cases.' As she tried to explain further respondent Judge said: 'pagwa-a na sila pagwa-a na sila' ('you sent (sic) them out, send them out'). So she (witness) told them to leave and proceed to her house (pp. 127-131, t.s.n., Jan. 25, 1994). On September 4, 1991, while Adelia Espartero was asking her for a copy of the transcript of stenographic notes needed to prepare her defense, respondent Judge asked her again in a loud voice, 'ano naman ina Fe' ('what is that again Fe?'). When she answered that she was Adelia Espartero, an accused in a case who wanted to secure a copy of the transcript of stenographic notes to prepare her defense,' respondent Judge said: 'pakadtua ina dire sa akon' ('let her come to me'). So she told Adelia to go to the Judge and explain to her. The judge told Adelia to just sit down while she (witness) was sorting out her transcript. Eventually Adelia was able to get a copy of the transcript that she needed (pp. 131-135, t.s.n., Jan. 25, 1994). On July 12, 1990, when she was on duty as stenographer, one of the cases scheduled to be tried was that of Roberto Marzonía for illegal possession of ammunition. After the session, respondent Judge called her to her chambers and asked her for a copy of a decision involving an accused who had pleaded guilty. According to respondent Judge, Atty. Estoya told her that she knew how to draft a decision of that nature and told her to submit one to her by Monday morning. It was a case where the fiscal recommended the imposition of one year penalty. After preparing the draft of the decision that same afternoon she (witness) placed it on top of respondent Judge's table. In the morning of July 16, 1990, after she (witness) was informed of her brother's interment at 1:00 o'clock that day, she went to the office and typed in white bond paper the draft of the decision that she was asked to prepare so that if she had no correction to it, respondent Judge could sign it. She wrote a short note on top of the record of the case to inform her (respondent Judge) that she would be absent that day to attend her brother's funeral. When she returned to the office after buying something she was told by Leonardo Samolde that respondent Judge was looking for her. As she (witness) entered her chambers, respondent Judge shouted at her, 'Sino ang nag-siling sa imo nga i-finalon mo ini?' She answered, 'Ay, Ma'am, that is still considered as a draft, you can either delete something or add something. I only prepared that in a white sheet bond paper because it was typewritten first in mimeograph form.' Respondent Judge did not even listen to her explanation that her brother was to be buried that day. In the afternoon of the same day when she returned to the office before 5:00 o'clock, she found that the draft of the decision she had prepared did not have any correction at all. And it was promulgated as drafted by her (pp. 137-146, t.s., Jan. 25, 1994). On August 7, 1990, she was the stenographer on duty. Before the session started, respondent Judge called her to her chambers. In the presence of other stenographers she shouted at her, 'Kapila ko na kamo singganon nga i-transcribe ninyo and iyong stenographic notes?' ('How many times have I told you to transcribe your stenographic notes?'). When she asked her which case she was referring to, respondent Judge said, 'Pamankota ninyo si Atty. Estoya' (Ask Atty. Estoya). That is why on January 14, 1991, she (witness) wrote the Supreme Court, through the Executive Judge, requesting that she be detailed to Branch 12 because she could not bear with respondent Judge anymore (pp. 149-150, t.s.n., Jan. 25, 1994). On January 23, 1991, all three stenographers, namely, Luz Pedreña, Lelani Nolasco and herself (witness) saw in Court a man whom she did not know. Respondent Judge told all three of them to receive orders from that man and submit to him their transcript of stenographic notes of cases submitted for decision but pending resolution. When she left the respondent Judge's chambers she told the man she met earlier that her husband was also an RTC judge. In the course of her conversation with him she learned from the calling card he showed her (Exhibit F) that he was a retired judge. He dictated orders to Ema Graspasil who was not a stenographer to resolve the incidents and cases submitted to respondent Judge (pp. 157-163, t.s.n., Jan. 25, 1994). Respondent Judge never dictated any order in open court. And when objections were interposed during the trial she ruled, 'sustained, overruled' (p. 164, t.s.n., Jan. 25, 1994). Respondent Judge's mind is unstable especially when it is full moon or it is new or it is at its last quarter, but it is usually when it is full moon or two or three days before it that she is irritable. She shouts at anybody for no reason at

all (pp. 168, 169, t.s.n., Jan. 25, 1994).

3. Caridad M. Jubilan, Court Stenographer, testified: The affidavit, Exhibit J (p. 17, rollo) is hers (pp. 227, 228, t.s.n., Jan. 25, 1994). There she stated that on August 26, 1991, respondent Judge, while in session, pointing a finger at her, ordered her to leave the courtroom 'because my presence was unnecessary;' that she went inside the courtroom to look for somebody but had to leave because he was not there; and that she was humiliated by what respondent Judge did to her.

4. Tomas C. Huelar, Jr., Interpreter. After counsel for both parties had agreed that the affidavit (Exhibit K, p. 16, rollo) was executed by the witness, said affidavit to constitute as his testimony, Atty. San Juan for respondent Judge waived cross-examination of the witness (pp. 239-241, t.s.n., Jan. 25, 1994). The affidavit of the witness (Exhibit K, p. 16 rollo) corroborates that of witness Caridad M. Jubilan (Exhibit J, p. 17, rollo).

5. Atty. Ernesto B. Estoya, Clerk of Court, swore in his affidavit (Exhibit L, p. 510, rollo) that respondent Judge's gross ignorance of the law, incompetence, inefficiency and erratic mind are shown in her decisions and orders in the following cases:

(a) Criminal Case No. 3221, *People vs. Jose Dungganon*, where after finding the accused guilty of murder she sentenced him to 'Prision mayor in its maximum period to reclusion temporal in its medium period, or Ten (10) years and one (1) day to Twelve (12) years in its minimum, to Fourteen (14) years, Eight (8) months and One (1) day to Seventeen (17) years and Four (4) months in its maximum' (Exhibit L-1, p. 520, record);

(b) Criminal Case No. 4078, *People vs. Basillo Resuma*, where without a written decision duly promulgated, she ordered the release of the accused who was acquitted of the charge of homicide (Exhibit L-2, p. 538, record); thereafter judgment of acquittal was promulgated (Exhibit L-3, p. 539, records);

(c) Civil Case No. 2449, *Rolly C. Mijares vs. Hon. Efren Esclavilla et al.*, where after finding petitioner entitled to the relief demanded imposed upon him a fine of P1,000 for the closure order he has issued without regard to due process (Exhibit L-4, p. 545, record);

(d) Civil Case No. 2501, *Ireneo Febrero vs. Leonardo Tarroja, Jr.*, where defendant's motion for extension of time to file answer was denied on the ground that it was but a mere scrap of paper because it was not signed by a lawyer (Exhibit L-5, p. 548, record);

(e) Criminal Case No. 2408, *People vs. Benhur Barayoga*, where without promulgating the decision in the case which was with the Branch Clerk of Court who was on leave of absence, respondent Judge after telling the accused in open court of his acquittal considered the decision already promulgated (Exhibits L-6 and L-7, pp. 549, 550, record);

(f) Civil Case No. 2448, *Lino Bandoja et al. vs. Spouses Victoriano Balanon et al.* and Civil Case No. 2472, *Mayor Ramon Bangcaya vs. Felipe Pagunsan*, where separate appeals of the losing parties were denied on the ground that they were not a matter of right but subject to the Judge's sound discretion (Exhibits 8 and 9, pp. 556, 557, record);

(g) Civil Case No. 2008, *Juanito Dionisio vs. Soledad Necer*, where a colleague was declared to have acted in 'an underhanded manner' in a deceitful way in transferring to her a case, knowing that she was assigned to two branches of the court (Exhibit 10, p. 558, record);

(h) Criminal Case No. 2444, *People vs. Dimas Draper et al.* where after finding accused guilty of homicide sentenced them to suffer six (6) years and one (1) day to eight (8) years of prision mayor, as minimum, to twelve (12) years and one (1) day to fourteen (14) years and eight (8) months of reclusion temporal, as maximum (Exhibit L-12, p. 560, record); and Criminal Case No. 4266, *People vs. Tirso Noble*, where after finding the

accused guilty of homicide, sentenced him to suffer six (6) years and one (1) day to eight (8) years as minimum to ten (10) years and one (1) day to twelve (12) years as maximum (Exhibit L-13, p. 572, record).

6. Atty. Napoleon A. Abiera of the Public Attorney's Office swore in his affidavit that on two occasions respondent Judge drove him out from court without him being able to say anything; that in three cases decided by her she imposed the wrong penalty; that in one case she denied an accused's appeal because the penalty imposed was not life imprisonment; and that in other cases she did not allow the prosecution to conduct the direct examination of the witnesses but instead ordered that affidavits of witnesses found in the record be deemed as their testimony on direct examination (Exhibit M, p. 584, record).

7. Robert N. Minguez, Chief of the Probation and Parole Office, swore in his affidavit that she treats the court personnel, lawyers and litigants in a tyrannical manner without respect for their rights; and that she is a slave driver; and that she has an erratic mind (Exhibit N, p. 586, record).

8. Assistant Regional State Prosecutor John I.C. Turalba swore in his affidavit that respondent Judge lacks the necessary experience required of one to become a judge as shown by her actuation in the cases assigned to her; and that it was one Atty. Reyes who acted in her behalf in the cases pending before her court (Exhibit O, p. 587, record).

9. Atty. Roy P. Murallon, Clerk of Court, swore in his affidavit that respondent Judge 'has been terrorizing the personnel of the Regional Trial Court of Antique and the avalanche of complaint had been lodged against her not only by the court personnel but as well as the practicing lawyers and the general public' (sic; Exhibit P, p. 28, rollo)."

Justice Ramirez made the following findings:

"Findings:

Respondent Judge did not testify at all to deny the truth of the testimony and sworn statements of the witnesses against her, much less prove the falsity thereof. Neither did she adduce evidence in support of her defenses invoked in her answer.

Upon the evidence on record, it may be concluded that respondent Judge lacks the temperament required of a Judge, as demonstrated by complainants Susan D. Macabuag, Fe M. Autajay and Caridad M. Jubilan in their testimony. Her actuations toward them reflect tyranny in her dealings with her subordinate employees to cover up her inadequacy. And her acts are not mere admonitions to correct the employees' wrong doings.

The decisions rendered and orders issued by respondent Judge speak of her ignorance of basic laws.

The penalties imposed by her in Criminal Case No. 3221, *People vs. Dungganon* (Exhibit L-1, p. 520, record); Criminal Case No. 2444, *People vs. Dimas Draper et al.* (Exhibit L-12, p. 560, record); and Criminal Case No. 4266, *People vs. Tirso Noble* (Exhibit L-13, p. 572, record) are without fixed periods and, therefore incorrect, reflective of her poor knowledge of elementary law.

So is her act of releasing an accused from confinement without first promulgating the decisions that she has earlier prepared in Criminal Case No. 4078, *People vs. Basilio Resuma* (Exhibit L-2, p. 538, record) and Criminal Case No. 2408, *People vs. Benhur Barayoga* (Exhibits L-6 and L-7, pp. 549, 550, record) proof of her disregard of the procedure provided for in the Rules of Court in such situations.

The imposition of a fine upon the petitioner in Civil Case No. 2449, *Rolly C. Mijares vs. Hon. Efren Esclavilla et al.* despite the judgment that he was entitled to relief prayed for; denial of defendant's motion for extension of time to file an answer in Civil Case No. 2501, *Ireneo Febrero vs. Leonardo Barroja, Jr.*, treating it as a mere scrap of paper because it was not signed by a lawyer (Exhibit L-5, p. 548, record); and dismissing the losing parties' appeal in Civil Case No. 2448, *Lino Bandoja et al. vs. Spouses Victoriano Balonon et al.* and Civil

Case No. 2472, Mayor Ramon Bangcaya vs. Felipe Pagunsan, on the ground that such appeals were dependent upon the Court's sound discretion (Exhibits 8 and 9, pp. 556, 557, record) evince disregard of the law that as a judge is expected to know.

As admitted by her when interviewed by Deputy Court Administrator Juanito A. Bernad on May 21, 1992, pursuant to Supreme Court Resolution dated March 21, 1992 (p. 80, rollo), after being admitted to the bar in 1973, she practiced law in Iloilo City until November 1975. She then became employed in a bank as a documentation attorney and house counsel until March 1986 (pp. 2, 3, t.s.n., May 21, 1992, pp. 120-122, rollo). She never had any experience working in a court before her appointment as a judge in 1990 (pp. 16, 19, supra). Her previous employment was in the family trucking service, in the Department of Social Welfare, as a deputy sheriff and later coordinator of a nursing recruitment for abroad (p. 36, supra). That must be the reason she is not prepared for the work of a judge."

Justice Ramirez concludes that the respondent's "continuance in office is unmerited" and recommends that she "be considered resigned from office."

The findings of Justice Ramirez are fully supported by the evidence adduced by the complainants which the respondent did not refute for reasons only known to her and which she wished to keep to herself. Confronted as she was with testimonies which could not be simply brushed aside as incredible and by her own orders and decisions which were offered as proof of her gross ignorance of law and incompetence, we find it strange why the respondent, who had insisted that there be a hearing or investigation so that the parties could present their respective evidence, opted at the end not to rebut the complainants' evidence and to prove her defenses. She knows or ought to know that in administrative cases only substantial evidence -- not proof beyond reasonable doubt or preponderance of evidence -- is needed to support a judgment.[12]

Considering its gravity, we shall first address the issue of gross ignorance of law or gross incompetence. Inevitably, this issue must be resolved against the respondent because the evidence discloses not just isolated instances of errors of judgment, but overwhelming proof of gross incompetence and gross ignorance of law, attributable to unawareness of or sheer inability to comprehend the law, as demonstrated thus:

1. She considered unlawful, aggression as a mitigating circumstance under paragraph (1), Article 13 of the Revised Penal Code in *People vs. Agustin, et al.* (Criminal Case No. 3523)[13] Any first year law student knows that unlawful aggression is not a mitigating circumstance.

2. Applying the Indeterminate Sentence Law, she imposed sentences with indeterminate minimum and maximum limits, such as, (a) "from Six (6) Years and One (1) Day to Eight (8) Years of prision mayor as minimum to Twelve (12) Years and One (1) Day to Fourteen (14) Years and Eight (8) months of reclusion temporal as maximum" in a conviction for homicide in *People vs. Draper* (Criminal Case No. 2444);[14] (b) "Prision mayor in its maximum period to reclusion temporal in its medium period, or Ten (10) Years and One (1) Day to Twelve (12) years in its minimum to Fourteen (14) Years, Eight (8) months and One (1) day to Seventeen (17) Years and Four (4) months in its maximum" in a conviction for murder in *People vs. Dunganon, et al.* (Criminal Case No. 3221);[15] (c) "prision mayor of six (6) years and one (1) day to eight (8) years minimum to ten (10) years and one (1) day to twelve (12) years maximum" in a conviction for homicide in *People vs. Agustin, et al.* (Criminal Case No. 3523);[16] and (d) "six (6) years and one (1) day to eight (8) years as minimum to ten (10) years and one (1) day to twelve (12) years as maximum" in a conviction for homicide in *People vs. Noble* (Criminal Case No. 4266).[17] Every judge is expected to know that in applying the Indeterminate Sentence Law for offenses penalized under the Revised Penal Code, the indeterminate sentence should have a fixed minimum and maximum. In *In Re: Jose G. Paulin*,[18] this Court censured and reprimanded a judge for his unfamiliarity with the Indeterminate Sentence Law. The respondent should have learned something from that case.

3. She (a) promulgated on 19 December 1991 an order acquitting the accused in *People vs. Resuma* (Criminal Case No. 4078)[19] although "the decision made in [said] case has not yet been completed, as to the discussion portion and final typing," giving as justification for such promulgation the "Christmas season and ... humanitarian reasons," and releasing later the decision which was made to appear as having been prepared and signed on 10 December 1991;[20] and (b) informed on 17 July 1991 in open court the accused in *People vs. Barayoga* (Criminal Case No. 2408) that "judgment in this case is acquittal for failure of the prosecution to prove the guilt of the accused beyond reasonable doubt in the face of retraction of the prosecution witness Ramon Mondejar," which pronouncement she considered as the promulgation of the judgment. She then dictated an order[21] the third paragraph of which reads:

"In view of the acquittal of the accused, the decision is deemed promulgated today without resetting the reading of the decision in open Court which in our judgment there is no need to reset promulgation, to avoid wasting the time of all concerned especially this Presiding Judge who is handling two branches of this Court. The Branch Clerk of Court is hereby ordered to mail copies each of the decision to the Public Prosecutor, the accused and the counsel."

She later antedated the judgment to 8 May 1991.[22] Every judge knows or ought to know that the Constitution mandates that no decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based,[23] and that under the Rules of Court, a judgment must be written in the official language, personally and directly prepared by the judge and signed by him, shall contain clearly and distinctly a statement of the facts proved as admitted by the accused and the law upon which the judgment is based,[24] and must be filed with the Clerk of Court. The filing is the rendition of the judgment,[25] as distinguished from the promulgation thereof. As of the respective dates of promulgation as aforementioned, the respondent had not yet rendered her decision; there was then nothing yet to promulgate. Compounding the irregularity was the antedating of the decision subsequently rendered.

4. She denied a defendant's motion for extension of time to file an answer in *Febrero vs. Tarroja* (Civil Case No. 2501) on the ground that the motion, not being signed by a lawyer, is a mere scrap of paper.[26] It is elementary that a party may sue or defend an action pro se. Section 5, Rule 7 of the Rules of Court provides:

"SEC. 5. Signature and address. -- Every pleading of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign his pleading and state his address. x x x" (Emphasis supplied)

5. She denied due course to the notice of appeal filed by the aggrieved parties in *Bandoja vs. Balonon* (Civil Case No. 2448)[27] and *Mayor Bangcaya vs. Pagunsan* (Civil Case No. 2472)[28] because according to her "appeal is not a matter of right in civil cases but subject to the sound discretion of the Court, and denial may be had when applying the law or when it is worthwhile, so as not to clog the docket of the appellate court," which is not so, for while the right to appeal is statutory and not constitutional, once it is granted by statute, its denial would be a violation of the due process clause of the Constitution.[29]

6. In an injunction case, entitled *Mijares vs. Hon. Esclavilla, et al.* (Civil Case No. 2449), to enjoin respondents Mayor and the Station Commander of the INP of San Jose, Antique, from enforcing an order for the closure of the Punay Pension House because, it is claimed, its permit was only for a refreshment parlor but it was used as a night club, although in her decision[30] granting the injunction she found that the petitioner was entitled to the relief demanded because the respondents committed a violation of due process since no warning was given to the petitioner and the closure order "was coercive and tantamounts [sic] to non-observance of due process x x x," she, nevertheless, ordered the petitioner to pay a fine of P1,000.00 for the reason that in addition to operating a refreshment parlor, the petitioner allowed "model dancing" or "disco dancing" in the premises. She also ordered

him to stop immediately the model dancing, and suggested instead that he "institute other attractions like dart games, table tennis, billiard and other non-controversial attractions so as not to bother the sensibilities of the other citizens of [the] small municipality." Why she imposed the fine is beyond us. The petitioner was not prosecuted for the violation of any ordinance punishable by imprisonment or fine. Thus, while with one hand she issued the injunction to prevent the enforcement of the closure order because the petitioner had been deprived of due process, thereby manifesting her fealty to Section 1, Article III of the Constitution, with the other hand she flagrantly violated the selfsame right when she imposed the fine.

7. As further disclosed by the records, on 18 June 1991, she granted an application for bail filed by accused Felix Martinicio and Danilo Berdin who had been charged with murder in Criminal Case No. 4454 and fixed the amount of bail at P20,000.00 each. The grant was made over the objection of the prosecution which insisted that the evidence of guilt was strong and without allowing the prosecution to present evidence in this regard.

In a proceeding for certiorari brought before it by the People, the Court of Appeals (CA-G.R. SP No. 26200), in a decision promulgated on 20 December 1991,[31] set aside and annulled, on the ground of violation of due process, the order admitting the accused to bail and directed the trial court to set the application for bail for hearing to enable the prosecution to adduce evidence to support its claim that the evidence of guilt was strong.

The Constitution provides that all persons, except those charged with an offense punishable by reclusion perpetua when the evidence of guilt is strong, shall, before conviction, be bailable by sufficient sureties or be released on recognizance as may be provided by law. Murder is punishable by reclusion perpetua. Accordingly, no bail could be granted if the evidence of guilt was strong. And since no bail was recommended by the prosecution and it objected to the application for bail, the respondent should have allowed the prosecution to present its evidence.

In immediately granting bail and fixing it at only P20,000.00 for each of the accused without allowing the prosecution to present its evidence, the respondent denied the prosecution due process. This Court had said so in many cases[32] and had imposed sanctions on judges who granted applications for bail in capital offenses and in offenses punishable by reclusion perpetua without giving the prosecution the opportunity to prove that the evidence of guilt is strong.[33]

The respondent's unfamiliarity with the constitutional principles and the substantive and procedural laws involved in the aforementioned cases evinces ignorance or incompetence whose grossness cannot be excused by a claim of good faith or excusable negligence.

The respondent committed, as well, grave misconduct when she antedated her decisions in Criminal Cases Nos. 2408 and 4078 which she rendered long after she "promulgated" the acquittal of the accused.

The respondent's unfitness and unworthiness to hold her office a moment longer is thus manifest. Gross ignorance of law and incompetence are characteristics and quirks impermissible in a judge.[34] A judge is called upon to exhibit more than just a cursory acquaintance with statutes and procedural rules;[35] it is imperative that he be conversant with basic legal principles.[36] Canon 4 of the Canons of Judicial Ethics requires that the judge should be "studious of the principles of law"; and Canon 18 mandates that he "should administer his office with a due regard to the integrity of the system of the law itself, remembering that he is not a depository of arbitrary power, but a judge under the sanction of law."

In *Aducayen vs. Flores*,[37] this Court observed that judges of lower courts

"are called upon to exhibit more than just a cursory acquaintance with statutes and procedural rules.... [W]hile it becomes hourly difficult to keep abreast of our ever-increasing decisions, a modicum of effort should be exerted by them not to lag too far behind. Nor is it too much to expect that they betray awareness of

well-settled and authoritative doctrines. If such were the case, then resort to us would be less frequent. That way our time could be devoted to questions of greater significance. Not only that, there would be on the part of party litigants less expense and greater faith in the administration of justice if there be a belief on their part that the occupants of the bench cannot justly be accused of an apparent deficiency in their grasp of legal principles."

Elsewise stated, a judge should be "industriously devoted to the study of law [for] [h]aving accepted his position ... [he] owes it to the dignity of the court he sits in, to the legal profession he belongs and to the public who depends on him, to know the law which he is called upon to interpret and apply." [38] It is, indeed, demanded that a judge strive for excellence. His pursuit of excellence, exceeded only by his passion for truth, would assure him quintessence of success in his sacred duty to promote justice; he shall be looked upon as the "personification of justice and the Rule of Law." [39] To keep the idealism alive and the passion burning, a judge need only remind himself of this stirring message on who is fit to be a judge:

"A man of learning who spends tirelessly the weary hours after midnight acquainting himself with the great body of traditions and the learning of the law.

A man who bears himself in his community with friends but without familiars; almost lonely, devoting himself exclusively to the most exacting mistress that man ever had, the law as a profession in its highest reaches where he not only interprets the law but applies it, fearing neither friend nor foe, fearing only one thing in the world -- that in a moment of abstraction, or due to human weakness, he may in fact commit some error and fail to do justice. That is the judge." [40]

Having earlier reached the conclusion that the respondent must be dismissed from the service for gross ignorance of law, gross incompetence, and grave misconduct, it may no longer appear necessary to discuss her treatment of the court employees. Nevertheless, this is a matter of far-reaching importance as any discussion thereon will serve as a guide for other judges.

The duties and responsibilities of a judge are not strictly confined to judicial functions. In multi-sala trial courts, he should be ever aware of the fact that he has to deal with his fellow judges. He and the others are looked upon as the living symbols of justice in their territorial jurisdiction. Therefore, they owe each other utmost respect; anything less than that would diminish the public's confidence in the ability of the court to administer justice. With respect to his own sala, he is the head of the office tasked with supervising employees who by their functions are to assist him in the performance of his judicial duties. As to his employees, he should be a good manager. Recognizing such role, Canon 8 of the Canons of Judicial Ethics provides that a judge "should organize his court with a view to prompt and convenient dispatch of its business and he should not tolerate abuses and neglect by clerks, sheriffs and other assistants who are sometimes prone to presume too much upon his good-natured acquiescence by reason of friendly association with him."

To be a good manager, one must be a good leader. One cannot be a good leader unless, among other things, he knows himself and his objectives, ever cognizant of the fact that he is dealing with beings endowed by God with human dignity and self-respect, each of whom is different from the other, is able to earn the trust and confidence of his subordinates and motivate them toward creativity, achievement, and success, and is able to marshal their potentials and the resources of his office for the effective performance of its functions and duties. His conduct and example must create an atmosphere of cordiality conducive to industry, dedication, and commitment to excellence.

The evidence adduced in this case convinces us that even with her fellow judges she could not exercise the restraint needed of a judge. In *Dionisio vs. Nacer* (Agrarian Case No. 2008) on the simple matter of which branch should take cognizance thereof, she accused a colleague of having acted in "an underhanded manner" and of being

"deceitful." [41] She does not, as well, possess the virtues, qualities, temperament, aptitude, and skill of a good manager of court employees. As aptly described by Justice Ramirez, she is "tyrannical." It is no surprise then that most of the court employees were constrained to file this complaint because they could no longer bear the indignities they were suffering. In the end, the reputation of and the respect due the court were placed in serious jeopardy.

WHEREFORE, respondent Judge MARVIE R. ABRAHAM SINGSON is hereby DISMISSED from the service with forfeiture of all leave and retirement benefits and with prejudice to re-appointment in any branch, instrumentality, or agency of the Government, including government-owned or controlled corporations. This dismissal is effective upon her receipt of a copy of this decision.

SO ORDERED.

Narvasa, C.J., Cruz, Feliciano, Regalado, Davide, Jr., Romero, Melo, Quiason, Puno, Vitug, Kapunan, and Mendoza, JJ., concur.

Padilla, and Bidin, JJ., on leave.

Bellosillo, J., no part.

[1] Atty. Ernesto Estoya, Branch Clerk of Court, Branch 10; Atty. Roy Murallon, Clerk of Court, Branch 13; Atty. Deogracias del Rosario, Clerk of Court; Mr. Robert Minguez, Provincial Probation and Parole Officer; Assistant Public Prosecutors Salvador Pe, Jr. and Juan Mission; Atty. Napoleon Abiera, Citizens District Attorney (PAO); and Citizens Attorneys Juan Baldestamon and Rolando Vedeja.

[2] Legal Researchers, Court Interpreters, Stenographic Reporters, Staff Assistants (I and II), Deputy Sheriffs, Process Servers, and Clerical Aides.

[3] Rollo, 81-82.

[4] Id., 40-41.

[5] Rollo, 209-217.

[6] Rollo, 230-231, 256, 262-263.

[7] Resolution of 2 March 1993; Id; 228.

[8] Rollo, 229.

[9] Id., 352.

[10] Report, 3.

[11] Id., 5.

[12] Section 5, Rule 133, Rules of Court.

[13] Annex "F" of letter-complaint of 28 January 1992, Rollo, 53; paragraph (c), page 2 of Exhibit "L," Id., 511).

[14] Exhibit "L-12," Rollo, 560-571.

[15] Exhibit "L-1," Id., 520-537.

[16] See note 14.

[17] Exhibit "L-13," Rollo, 572-583.

[18] 101 SCRA 605 [1980].

[19] Exhibit "L-2," Rollo, 538.

[20] Exhibit "L-3," Id., 539-544.

[21] Exhibit "L-6," Id., 549.

[22] Exhibit "L-7," Id., 550-555.

[23] Section 14, Article VIII.

[24] Section 2, Rule 120, Rules of Court.

[25] FLORENZ D. REGALADO, Remedial Law Compendium, vol. II, Sixth Revised Ed. [1989], 368.

[26] Exhibit "L-5," Rollo, 548.

[27] Exhibit "L-8," Id., 556.

[28] Exhibit "L-9," Id., 557.

[29] Reyes vs. Court of Appeals, 80 SCRA 144 [1977].

[30] Exhibit "L-4," Rollo, 545-547.

[31] Rollo, 71-74.

[32] People vs. San Diego, 26 SCRA 522 [1968]; People vs. Bocar, 27 SCRA 512 [1969]; Mendoza vs. CFI of Quezon, 51 SCRA 369 [1973]; People vs. Sola, 103 SCRA 393 [1981]; People vs. Dacudao, 170 SCRA 489 [1989]; People vs. Calo, 186 SCRA 620 [1990]; Carpio vs. Maglalang, 196 SCRA 41 [1991]; Libarios vs. Dabalos, 199 SCRA 48 [1991]; also Pico vs. Combong, 215 SCRA 421 [1992].

[33] e.g., Libarios vs. Dabalos, supra note 32; Pico vs. Combong, supra note 32.

[34] Garganera vs. Jocson, 213 SCRA 149 [1992].

[35] Aducayen vs. Flores, 51 SCRA 78 [1973]; Libarios vs. Dabalos, supra note 32.

[36] Ajeno vs. Inserto, 71 SCRA 166 [1976]; Ubongen vs. Mayo, 99 SCRA 30 [1980]; Lim vs. Domagas, 227 SCRA 258 [1993].

[37] Supra note 35. See also Ubongen vs. Mayo, supra note 36.

[38] RUPERTO C. MARTIN, Legal and Judicial Ethics, Eighth ed. [1984], 322.

[39] Circular No. 13, 1 July 1987; Cuaresma vs. Aguilar, 226 SCRA 73 [1993].

[40] Newton D. Baker, Secretary of War of the United States of America during World War I, quoted in GEORGE A. MALCOLM, Legal and Judicial Ethics, 1949 ed., 200.

[41] Exhibit "L-10," Rollo, 558.

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