

HEIRS OF THE LATE NASSER D. YASIN, REPRESENTED BY ATTY. NASIB D. YASIN, COMPLAINANTS, VS. JUDGE AUGUSTO N. FELIX, RESPONDENT.

A.M. No. RTJ-94-1167. December 04, 1995

Ponente: KAPUNAN, J.

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KAPUNAN, J.:

In a sworn letter-complaint dated March 28, 1994, the heirs of the late Nasser D. Yasin, represented by Atty. Nasib D. Yasin charged Judge Augusto N. Felix of the Regional Trial Court of Tarlac, Branch 63, with gross ignorance of the law, manifest partiality and/or knowingly rendering an unjust judgment in granting the petition for habeas corpus and ordering the release of one Sonny Sapad who was indicted for the murder of Nasser D. Yasin before the Regional Trial Court of Tarlac.

The relevant antecedents are as follows:

It appears that at about 1:30 in the afternoon of February 1, 1994, Nasser D. Yasin was fatally shot in the back with a .38 caliber revolver by an unknown assailant in Tarlac, Tarlac.

In the evening of the same day, Jesus de Vera Duquesa and Abelardo Calbang executed sworn statements[1] to the police. They stated therein that at the time, and in the place, of the above-mentioned incident, they saw Sonny Sapad, a security guard, running after somebody. They saw Sapad shoot at the person he was pursuing but they did not see whether the person was hit or not.

On the basis of these sworn statements, Sonny Sapad was arrested without a warrant on February 2, 1994.

On February 3, 1994, a criminal complaint for the murder of Nasser D. Yasin was filed against Sonny Sapad[2] before the Municipal Trial Court of Tarlac, Tarlac by the Chief of the Investigation Division of the Tarlac Police Station.

On February 4, 1994, the Municipal Trial Court of Tarlac, Tarlac issued the ensuing order,[3] viz:

It appearing that the accused was lawfully arrested without a warrant for an offense cognizable by the Regional Trial Court and considering the inaction of the accused to ask for a preliminary investigation, let the records of this case be forwarded to the Provincial Prosecutor's Office, Tarlac, Tarlac, for the immediate filing of the necessary information on the basis of sworn statements/affidavits attached hereto.

Meantime, let a commitment order be issued against the accused for his detention at the Tarlac Penal Colony, Tarlac, Tarlac.

SO ORDERED.[4]

On February 8, 1994, the provincial prosecutor of Tarlac filed an information[5] for murder against Sonny Sapad before the Regional Trial Court of Tarlac. No bail was recommended. In the said information docketed as Criminal Case No. 8304, it was certified that the accused opted not to avail of his right to preliminary investigation.

On the same date, respondent judge, as executive judge of the RTC of Tarlac, issued an order[6] for the arrest of the accused, wherefrom an order of arrest signed by him[7] was released likewise on the same day.

On February 14, 1994, Sonny Sapad, through counsel, filed a petition for habeas corpus[8] which was docketed as Special Proceedings No. 2152. He alleged that he was arrested without a warrant; that his arrest was illegal because he was deprived of his substantial right to a preliminary investigation; that the subsequent filing of the complaint and information against him did not cure his continued detention; and that he was entitled to be released from custody.

On February 16, 1994, respondent judge issued an order directing the issuance of a writ of habeas corpus.[9] Pursuant thereto, a writ of habeas corpus was issued,[10] the same was addressed to the provincial warden of the Tarlac Penal Colony ordering him to produce the body of Sonny Sapad before the court and to show cause for his detention.

On February 21, 1994, respondent judge granted the petition for habeas corpus in an order which reads:

Considering that there is no opposition to the petition for Habeas Corpus the same is hereby granted.

As prayed for, the Provincial Warden is hereby directed to release the accused Sonny Sapad from custody pending the conduct of a preliminary investigation against his person.

SO ORDERED.[11]

On March 1, 1994, the provincial prosecutor filed a motion to set aside the above-quoted order[12] on the ground that the accused had been arrested pursuant to a Warrant of Arrest issued by respondent judge himself on February 8, 1994.

Said motion was opposed by the counsel for the accused on the ground that the illegal warrantless arrest was not legitimized and justified by the warrant of arrest subsequently issued by respondent judge.[13]

On March 7, 1994, respondent judge denied said motion.[14] A motion for reconsideration of the same was likewise denied on March 22, 1994.[15]

On April 5, 1994, as aforestated, the instant administrative complaint was lodged before this Court.

Complainants contend that respondent judge's order granting the petition for habeas corpus is a flagrant violation of Section 4, Rule 102 of the Revised Rules of Court.[16] Thus, it is alleged that the respondent judge is grossly ignorant of the law and/or has knowingly rendered an unjust judgment. Respondent judge is likewise accused of being negligent in failing to notify the Office of the Provincial Prosecutor of the hearing on the petition for habeas corpus.

On his part, respondent judge maintains that the questioned order was correct because the accused, Sonny Sapad, was arrested without a warrant and was charged in court without the requisite preliminary investigation. He further contends that the provincial prosecutor was verbally notified of the hearing on the petition for habeas corpus.

By resolution of the Court dated August 24, 1994, the matter was referred to Justice Hector Hofileña, Associate Justice of the Court of Appeals, for investigation, report and recommendation.[17] On March 22, 1995, the investigating justice submitted his report with the following findings:

The complainants contend that the order of the respondent Judge in the habeas corpus case directing the release of Sonny Sapad who was charged with Murder in Criminal Case No. 8403, is a flagrant violation of Section 4, Rule 102 of the Revised Rules of Court, thereby indicating that the respondent Judge is grossly ignorant of the law or has knowingly rendered an unjust judgment. They also charge that the respondent Judge failed to notify the office of the Provincial Prosecutor of the hearing on the petition for habeas corpus.

On the other hand, the respondent contends that his aforesaid order was correct because the petitioner, Sonny Sapad, was unlawfully arrested without a warrant and charged in court without a preliminary investigation. Hence, his substantive and constitutional right to liberty has been violated. He insists that the Provincial Prosecutor was notified of the hearing of the petition for habeas corpus. His position is best summed up in his Order of March 22, 1994 (Exh. "G") where he wrote:

In the first place, the petition for habeas corpus was unopposed. In the second place, it appears that the accused was arrested without a warrant, therefore Section 7 of Rule 112 is inapplicable. Therefore, the warrant of arrest issued by this court on February 8, 1994 cannot cure the defects vitiating the proceedings. It is apparent that the petitioner Sonny Sapad was being restrained of his liberty in violation of his constitutional rights.

Thereby, the respondent Judge stresses the unlawfulness of the warrantless arrest of Sonny Sapad. Indeed, the warrantless arrest of Sonny Sapad appears to be unlawful, for the arresting officers were not personally present when the crime was committed, and they had no personal knowledge of facts indicating that a crime had just been committed and the person to be arrested has committed it. In stating that Section 7 of Rule 112 is inapplicable since the petitioner was unlawfully arrested without a warrant, the respondent Judge echoes the ruling of this Honorable Court in *Go vs. Court of Appeals*, 206 SCRA 138, that where there is no lawful warrantless arrest within the meaning of Section 5 of Rule 113, Section 7 of Rule 112 is also not applicable, for the prosecutor to have proceeded with the filing of an Information was a substantive error, for the petitioner was entitled to a preliminary investigation.

Whether such unlawful warrantless arrest was cured by the warrant of arrest subsequently issued by the respondent Judge (Exh. "G") is something which could be argued about. In *People vs. Briones*, 202 SCRA 708, the Supreme Court ruled that an unlawful warrantless arrest cannot render all other proceedings void. On the other hand, *Go vs. Court of Appeals*, supra, would indicate otherwise. But such debatable point does not indicate gross ignorance of the law or knowingly rendering an unjust judgment.

Similarly, the unlawfulness of the arrest would render the applicability of Sec. 4, Rule 102 debatable.

A judge is not assumed to be entirely immune to error. As basis for disciplinary action, the error or mistake of a judge must be gross or patent, malicious, deliberate or in bad faith (*Agpalo*, *Legal Ethics*, 5th Edition, p. 463).

As for the charge of partiality, no evidence has been presented to support the same.

However, the respondent Judge appears to have been negligent in not notifying the Provincial Prosecutor of the hearing of the petition for Habeas Corpus, or, at least, seeing to it that receipt of such notice was made of record. The writ itself is addressed only to the Provincial Warden (Exh. 'B-Investigator'). There is no indication that a copy was to be furnished to the Provincial Prosecutor, in spite of the fact that the Petition for habeas corpus contains statements showing that the detention of the petitioner was due to a criminal case against him. Moreover, the Provincial Prosecutor was allegedly informed of the hearing only verbally, through the Prosecutor assigned to

Branch 63. This is apparent from the affidavit and testimony of Mrs. Lolita P. Inalvez.

In her affidavit (Exh `2'), she alleged that `I personally informed the Public Prosecutor assigned to Branch 63 of the petition.'

On the witness stand, she testified as follows:

J. HOFILÉÑA:

Upon receipt of the petition for habeas corpus, do you remember what the Presiding Judge did with regard to that petition.

A.

He ordered an order to be prepared, Your Honor and at the same time issuing a writ of habeas corpus and setting the same for hearing.

J. HOFILÉÑA:

Was there only one order or two orders?

A.

There was on order for the issuance of a writ of habeas corpus, Sir, and there is a writ of habeas corpus.

Q.

Now, the order for the issuance of a writ of habeas corpus also contains a date for the hearing of the petition?

A.

Yes, Your Honor.

Q.

And who were to be notified of that order?

A.

The warden. I sent a copy to the warden and together with the writ of habeas corpus.

Q.

Is that all?

A.

Yes, Your Honor but I informed the prosecutor assigned in our sala about the habeas corpus.

Q.

In other words, you did not send a copy of the order in (sic) the Office of the Provincial Prosecutor?

A.

No, Sir.

Q.

Did you furnish the prosecutor assigned in your sala with a copy of the order setting the case for hearing?

A.

Suppose to be, Your Honor but there was no one to receive the order because he, I forgot the name of the secretary, who was not present then.

Q.

What was the name of this prosecutor assigned to your sala?

A.

Nardo Capulong, Your Honor.

Q.

When did you verbally inform him that there will be a hearing on the habeas corpus?

A.

On the day that he took his copy of the calendar and also the following morning, on the day of the hearing, Your Honor.

Q.

What calendar are you referring to?

A.

The calendar of hearing for the day, Your Honor. We furnished him a copy.

Q.

For that day?

A.

Yes, Your Honor. A day before. The hearing for tomorrow. I furnish him today.

Q.

So the petition for habeas corpus was set by the Presiding Judge for hearing on a certain date?

A.

Together with other criminal cases, it was calendared together with other criminal cases, Your Honor.

Q.

Do I understand from you that you informed the Fiscal assigned to your branch on February 20, the day before?

A.

And also the following morning, Your Honor.

Q.

And also the following morning. You did not furnish him a copy anymore?

A.

I showed him the records, Sir.

Q.

You did not require him to sign?

A.

No, Your Honor." (pp. 18-20, tsn, Dec. 1, 1994)

Moreover, she testified that the giving of a verbal notice is 'the usual practice' (idem, p. 17).

It would, therefore appear that the respondent judge was lax in the management of his office. As head of a court of record, he should have seen to it that the office of the Provincial Prosecutor be furnished with a copy of the petition and the notice of hearing. More so, since there was no indication in the Petition of either the title or case number of the criminal case which was filed against the petitioner, or the branch of the court where it was pending. How could the respondent judge be certain that the assistant prosecutor assigned to his branch was the one concerned with the petition? As it was, Criminal Case No. 8403 was not raffled to his court, for which reason he probably did not remember the warrant of arrest he himself issued in the said case.[18]

Considering that this is the respondent judge's first infraction, the investigating justice recommended that the former be only reprimanded and that he be warned to be more diligent in the management of his office.[19]

The Court agrees with the above findings of the investigating justice but we believe that the respondent judge's neglect of duty merits the imposition of a fine.

The charge of gross ignorance of the law and/or knowingly rendering an unjust judgment has no factual basis. If ever respondent judge committed any error at all, it was an error of judgment and not every error of judgment can be attributable to a judge's ignorance of the law. Neither can it be said that he knowingly rendered an unjust judgment given the antecedents of the instant case. Moreover, it must be remembered that there is a firmly established principle in our jurisprudence that a judge may not be administratively charged for mere errors of judgment in the absence of a showing of any bad faith, malice or corrupt purpose on his part. In *In re Judge Silverio S. Tayao*, RTC, Branch 143, Makati[20] we held that:

A judge cannot be held to account or answer, criminally, civilly, or administratively, for an erroneous decision rendered by him in good faith. (In re: Petition for the Dismissal from Service and/or Disbarment of Judge Baltazar R. Dizon, 173 SCRA 719 [1989]).

As a matter of public policy, in the absence of fraud, dishonesty, or corruption, the acts of a judge in his judicial capacity are not subject to disciplinary action, even though such acts are erroneous. (*Revita vs. Rimando*, 98 SCRA 619 [1980]; *Ubongon vs. Mayo*, 99 SCRA 30 [1980]; *Ramirez vs. Corpuz-Macandog*, 144 SCRA 462 [1986]; *Abad vs. Bleza*, 145 SCRA 1 [1986]; *Heirs of Julio Rosas vs. Reyes*, 188 SCRA 236 [1990]; *Pilipinas Bank vs. Tirona--Liwag*, 190 SCRA 834 [1990]).

Mere errors in the application of such evidence, unless so gross and patent as to produce an inference of ignorance or bad faith, or that the Judge knowingly rendered an unjust decision, are irrelevant and immaterial in an administrative proceedings against him. No one, called upon to try facts or interpret the law in the process of administering justice, can be infallible in his judgment. All that is expected of him is that he follow the rules prescribed to ensure a fair and impartial hearing, assess the different factors that emerge therefrom and bear on the issues presented, and on the basis of the conclusions he finds established, with only his conscience, and knowledge of the law to guide him, adjudicate the case accordingly. (*Vda de Zabala vs. Pamaran*, 39 SCRA 430 [1971].)[21] (Emphasis ours)

For if every error of a judge should be punished, then perhaps no judge, however good, competent, honest and dedicated he may be, can ever hope to retire from the judiciary without a blemished record and a tarnished image.[22]

In *Dela Cruz v. Concepcion*,[23] later reiterated in *Wingarts v. Judge Servillano M. Mejia*,[24] this Court had the occasion to expound on the nature and the wisdom behind the twin charges of gross ignorance of the law and/or knowingly rendering an unjust judgment. There we declared thus:

To constitute gross ignorance of the law, the subject decision, order or actuation of the judge in the performance of his official duties must not only be contrary to existing law and jurisprudence but, most importantly, he must be moved by bad faith, fraud, dishonesty or corruption. In the case before us, the administrative complaint does not even allege that the erroneous decision of respondent was thus motivated.

Knowingly, rendering an unjust judgment is both a criminal and an administrative charge. As a crime, it is punished under Art. 204 of the Revised Penal Code the elements of which are: (a) the offender is a judge; (b) he renders a judgment in a case submitted to him for decision; (c) the judgment is unjust; and, (d) the judge knows that his judgment is unjust. The gist of the offense therefore is that an unjust judgment be rendered maliciously or in bad faith, that is, knowing it to be unjust.

An unjust judgment is one which is contrary to law or is not supported by the evidence, or both. The source of an unjust judgment may be error or ill-will. There is no liability at all for a mere error. It is well settled that a judicial officer, when required to exercise his judgment or discretion, is not liable criminally for any error which he commits, provided he acts in good faith. Bad faith is therefore the ground of liability. If in rendering judgment the judge fully knew that the same was unjust in the sense aforesaid, then he acted maliciously and must have been actuated and prevailed upon by hatred, envy, revenge, greed, or some other similar motive. As interpreted by Spanish courts, the term 'knowingly' means sure knowledge, conscious and deliberate intention to do an injustice. Mere error therefore in the interpretation or application of the law does not constitute the crime.

The nature of the administrative charge of knowingly rendering an unjust judgment is the same as the criminal charge. Thus, in this particular administrative charge, it must be established that respondent Judge rendered a judgment or decision not supported by law and/or evidence and that he must be actuated by hatred, envy, revenge, greed, or some other similar motive.

In the case at bench, complainants simply failed to convince us that respondent judge was grossly ignorant of the law and that he knowingly rendered an unjust judgment.

In any event, respondent judge deserves to be appropriately penalized for his negligence in the management of his office. Regrettably, as borne by the records of the case, the Office of the Provincial Prosecutor was not properly notified of the hearing on the petition for habeas corpus filed by Sonny Sapad. The testimony of Mrs. Lolita P. Inalvez, officer-in-charge of the Office of the Branch Clerk of Court, Branch 63 of the RTC of Tarlac, that the giving of verbal notice is a usual practice in their office is indeed a cause for serious concern. Not only does said practice undermine established procedures of law but it verily slaps on the respondent judge's ability and competence to manage his office. Respondent judge cannot solely attribute such failure of notice to his staff. It is his obligation to diligently discharge administrative responsibilities and maintain professional competence in court management. It is likewise his bounden duty to organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity.[25]

WHEREFORE, we find respondent Judge Augusto N. Felix guilty of negligence in the management of his office

and he is hereby ordered to pay a fine of TWO THOUSAND PESOS (P2,000.00) with a stern warning that the commission of the same or similar offense will be dealt with more severely.

SO ORDERED.

Padilla, (Chairman), and Bellosillo, JJ., concur.

Davide, Jr., J., vote to admonish respondent.

Hermosisima, Jr., J., see separate concurring and dissenting opinion.

[1] Exhibits "A" and "B"; Rollo, p. 7 and 8.

[2] Exhibit "C"; Id., at 9.

[3] Exhibit "D"; Id., at 10.

[4] Ibid.

[5] Exhibit "F"; Id., at 12.

[6] Exhibit "G"; Id., at 13.

[7] Exhibit "H"; Id., at 14.

[8] Exhibit "I"; Id., at 15-18.

[9] Exhibit "A" - Investigator; Id., at 122.

[10] Exhibit "B" - Investigator; Id., at 123.

[11] Exhibit "J"; Id., at 19.

[12] Exhibit "K"; Id., at 20.

[13] Exhibit "L"; Id., at 22.

[14] Exhibit "O"; Id., at 91-A.

[15] Exhibit "Q"; Id., at 98.

[16] SEC. 4. When writ not allowed or discharge authorized. - If it appears that the person alleged to be restrained of his liberty is in the custody of an officer under process issued by a court or judge or by virtue of a judgment or order of a court of record, and that the court or judge had jurisdiction to issue the process, render the judgment, or make the order, the writ shall not be allowed; or if the jurisdiction appears after the writ is allowed, the person shall not be discharged by reason of any informality or defect in the process, judgment, or order. Nor shall anything in this rule be held to authorize the discharge of a person charged with or convicted of an offense in the Philippines, or of a person suffering imprisonment under lawful judgment.

[17] Rollo, p. 71.

[18] Report and Recommendation, pp. 8-12; Rollo, pp. 203-207.

[19] Id., at 13; Id., at 208.

[20] 229 SCRA 723 [1994].

[21] *Id.*, at 733-734.

[22] *Dela Cruz v. Concepcion*, 235 SCRA 597, 605 [1994].

[23] *Ibid.*

[24] A.M. No. MTJ-94-1012, March 20, 1995.

[25] Rules 3.08 and 3.09, Code of Judicial Conduct; *Celino v. Judge Zeus C. Abrogar*, A.M. No. RTJ-95-1317, June 27, 1995; *Arvisu v. Judge Augusto O. Sumilang*, A.M. No. MTJ-94-922, February 23, 1995; *Tan v. Madayag*, 231 SCRA 62 [1994].

SEPARATE OPINION**HERMOSISIMA, JR., J.:**

While I concur with the ponencia of my distinguished colleague in exonerating the respondent, Judge Augusto N. Felix, of the charge of gross ignorance of the law and/or knowingly rendering an unjust judgment, I have grave doubts and certain misgivings insofar as penalizing the respondent judge for his negligence on account of the failure to cause the proper notice to the Office of the Provincial Prosecutor of Tarlac as regards the hearing on the petition for habeas corpus filed by one Sonny Sapad, a detention prisoner in a case for murder.

Although this Court has spoken time and again that the administration of courts is a judge's sole and primary responsibility and the court personnel are under his direct supervision and control,[1] I strongly believe that with respect to the issuance of notices of court hearings to the parties concerned, the responsibility is strictly within the ambit of the duties and functions assigned to the Branch Clerk of Court, in case of multi-sala courts or the Clerk of Court, in case of single sala courts. Hence, to punish a judge for the inadvertence or negligence of a court personnel upon whom the task complained of devolves is clearly unjust and unfair especially when a judge has briefed the members of his staff of their work assignments in order to maintain an efficient and systematic machinery of the administration of justice.

The time is ripe for this Court to lay emphasis on the gargantuan role that Branch Clerks of Court are expected to play. According to the Manual for Clerks of Court,[2]

"For administrative purposes, the Branch Clerk of Court is the extension of the Clerk of Court, and performs some of the functions and duties of the Clerk of Court but only within said Branch in the interest of the service and subject to the supervision and control of the Presiding Judge.

In addition to these duties, a Branch Clerk of Court attends all the sessions of the Court; supervises the withdrawal of all records of cases to be heard and the preparation of the notices of hearing, Court's calendar, reports, minutes, monthly reports, inventory of cases, index of exhibits and paging of records of cases; sees to it that all returns of notices are attached to the corresponding records and that the documentary evidence properly marked during the hearing are collected in an Exhibit Folder; signs notices of orders and decisions for service to the parties, release papers of detained prisoners who are acquitted and/or who filed their corresponding bail bonds duly approved by the Presiding Judge; keeps tab of the attendance and whereabouts of Court personnel during office hours; and performs such other functions as may be delegated by the Clerk of Court and/or assigned by the Presiding Judge.

When so directed by the Judge, the Branch Clerk of Court receives evidence ex-parte, in petitions for appointment

of administrators and/or executors, receivers, guardians, accounting reports and similar incidents. Said official, upon designation by the Presiding Judge, also represents the latter in ocular inspections and acts as hearing officer in the taking of depositions.

No Branch of Clerk of Court shall demand and/or receive commissioner's fees for reception of evidence ex-parte.[3] (*Italics supplied*)

It is evident from the afore-quoted specification of the duties and functions of a Branch of Clerk of Court that certain details like the preparation of the court's calendar, the methodical arrangement of expedientes and folders of exhibits and the proper notification of scheduled hearings to the appropriate parties involved in a court litigation or proceeding clearly pertain to the Office of the Branch Clerk of Court. To expect presiding judges to attend to these details will surely hamper their efforts to unclog the court's dockets and to dispose of cases diligently and promptly. Thus, to my mind, it is enough that a judge orients his Clerk of Court or Branch Clerk of Court, as the case maybe, of what functions and responsibilities he has, so that, in case of lapses attributable to his Clerk of Court, the latter becomes answerable directly to the judge. It is in this light that those appointed as Acting Clerks of Court or Officers-in-Charge must be strictly advised to be fully conversant with the duties and functions of a Clerk of Court.

In one case,[4] an Acting Branch Clerk of Court was fined for negligence in the issuance of a Certificate of Finality in relation to a land registration case. Thus, this Court in the said case had expected the Acting Branch Clerk of Court to have carefully scrutinized the records of the case so that he could have realized that the issuance of the certification applied for was not proper.

In another case,[5] a legal researcher temporarily designated as Branch Clerk of Court was suspended for two months without pay for having failed to observe the standard of "utmost care" in the processing and approval of property bonds.

In yet another case,[6] a Deputy Clerk of Court was reprimanded for having failed to make a thorough examination of the records of a certain case thereby resulting to the non-transmittal of vital transcripts of stenographic notes to the prejudice of some party-litigants.

In the case at bench, I am inclined to dissent insofar as the respondent judge is being faulted for the failure to notify the Office of the Provincial Prosecutor of the scheduled hearing on the habeas corpus petition considering that the negligence was attributable to the officer-in-charge of the Office of the Branch Clerk of Court of RTC, Tarlac, Branch 63 who, as discussed earlier, has the primary responsibility of effecting the proper service of notices of court hearings on the parties entitled thereto. I view this case as an occasion to reiterate our ruling that:

"Branch Clerks of Court must realize that their administrative functions are just as vital to the prompt and proper administration of justice. They are charged with the efficient recording, filing and management of court records, besides having administrative supervision over court personnel. They play a key role in the complement of the Court and cannot be permitted to slacken on their jobs under one pretext or another."[7] (*Underscoring supplied*)

With the bulk of caseloads to attend to with professional competence and the more important administrative functions to accomplish with utmost efficiency, every judge deserves to wake up each morning all-set for the day's court hearing with the assurance that proper notices have been furnished to all the parties concerned.

WHEREFORE, in view of the foregoing, the instant complaint is hereby DISMISSED for LACK OF SUBSTANTIAL PROOF. I, therefore, VOTE for the EXONERATION of Judge Augusto N. Felix.

[1] Atty. Bernardo Q. Cuaresma v. Judge Alfredo R. Enriquez, A.M. No. MTJ-91-608, September 20, 1995 citing Nidua v. Lazaro, 174 SCRA 581 [1989]; Dalmacio Celino v. Judge Zeus C. Abrogar, Regional Trial Court of Makati (Branch 150), A.M. No. RTJ-95-1317, June 27, 1995; Agcaoili v. Ramos, 229 SCRA 705 [1994].

[2] Prepared by a Committee under the chairmanship of retired Supreme Court Justice Ameurfina A. Melencio-Herrera pursuant to Administrative Order No. 32-90 issued by then Chief Justice Marcelo B. Fernan on March 16, 1990; Printed by the Supreme Court Press in July 1991.

[3] At pp. 35-36.

[4] Angeles v. Bantug, 209 SCRA 413 [1992]; A.M. No. P-89-295.

[5] "Re: Report of Judge Enrique T. Jocson regarding Defective Property Bonds: Ramiro J. Mendoza, legal researcher, RTC, Br. 47, Bacolod City, respondent", 227 SCRA 756 [1993]; A.M. No. P-92-1-029.

[6] Francisco, Jr. v. Bosa, 205 SCRA 722 [1992]; A.M. No. 2925.

[7] Callejo, Jr. v. Garcia, 206 SCRA 491 [1992]; A.M. No. P-88-198 citing Nidua v. Lazaro, 174 SCRA 581 [1989]; see also Victor Basco v. Atty. Damaso Gregorio, A.M. No. P-94-1026, July 6, 1995.

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