

VICTORINO CRUZ, COMPLAINANT, VS. JUDGE REYNOLD Q. YANEZA, METC, BRANCH 54, NAVOTAS, METRO MANILA, RESPONDENT.*A.M. No. MTJ-99-1175. March 09, 1999*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a8c48d521a43/>**PER CURIAM:**

RAFFY TULFO of Radio DZXL furnished the Office of the Court Administrator (OCA) with a copy of the unsworn letter-complaint of a certain Victorino Cruz, complainant herein, dated 13 March 1998 against respondent JUDGE REYNOLD Q. YANEZA of MeTC-Br. 54, Navotas, Metro Manila. Cruz complained of the alleged irregular approval of bail bonds and issuance of release orders by Judge Yaneza in violation of Sec. 17, Rule 114, of the Rules on Criminal Procedure.

On 17 June 1998 the OCA referred the letter-complaint to Executive Judge Benjamin M. Aquino Jr. of RTC-Br. 72, Malabon, Metro Manila, with instructions to conduct a discreet investigation.

In a Report dated 27 July 1998 Judge Aquino confirmed that Judge Yaneza had been improperly approving bail bonds and irregularly issuing release orders for accused whose cases were pending outside of his jurisdiction, to wit:

- At 5:25 p.m. on 25 August 1997 Judge Yaneza issued a release order for Dario Daquilog y Mabalacad who was detained at the DILG-PARAC Detention Center in connection with Crim. Case No. Q-97-72204 pending before RTC-Br. 218, Quezon City.
- On 11 February 1998 Judge Yaneza issued a consolidated order in Crim. Cases Nos. 7992-AF, 7994-AF, 7995-AF of RTC-Brs. 26, 24, 28 and 86, Cabanatuan City, commanding the release of the accused Consolacion F. de la Cruz, detained at the PNP-CIG Detention Center, Camp Crame, Quezon City. In Crim. Case No. 7995-AF no bail was recommended for the provisional liberty of de la Cruz. Also, the bail bonds were presented to respondent Judge in his office at 7:00 p.m.
- At 1:30 p.m. on 28 February 1998, a Saturday, Judge Yaneza issued a release order relative to Crim. Cases Nos. 28102-22 pending before MeTC-Br. 34, Quezon City. The accused was detained at PNP-BDO, Camp Karingal, Sikatuna, Quezon City.
- On 21 March 1998, a Saturday, Judge Yaneza issued a release order for Henry Lasay who was detained at the PNP-WPD, U.N. Avenue, Manila, in connection with Crim. Case Nos. 14111-14116 pending before RTC-Br. 48, Puerto Princesa City, Palawan.
- On 5 April 1998, a Saturday, Judge Yaneza issued a release order relative to Crim. Case No. 2618 pending before RTC-Br. 34, Balaoan, La Union.
- On 8 April 1998 Judge Yaneza issued a release order relative to Crim. Case Nos. 080-98 to 099-98 pending before MTC-Balagtas, Bulacan.
- On 16 June 1998 Judge Yaneza issued a release order relative to Crim. Case No. 41-98 pending before RTC-Br. 5, Lemery, Batangas while the corresponding JDF fees were not paid. The accused was detained at PNP-WPD, U.N. Avenue, Manila.

- On 23 June 1998 Judge Yaneza also approved the bail bond for Julieta Sta. Maria y Moya who is charged in Crim. Case No. 90381 pending before MeTC-Br. 41, Quezon City, while the accused was detained at the Quezon City Jail-Station 7, Araneta Center, Cubao, Quezon City.
- On 23 June 1998 Judge Yaneza approved the bail bond of Melissa Laurente Manlangit who was charged with Crim. Case No. Q-98-77419 before the RTC-Br. 87, Quezon City. Laurente at that time was detained at the Quezon City Jail-Araneta Police Station, Cubao, Quezon City.
- On 2 July 1998 Judge Yaneza approved the bail bond of Hassan Hussin y Sabdani who was accused in Crim. Case No. Q-98-77567 pending before RTC-Br. 107, Quezon City, and issued a release order although the accused was detained at the PNP-CPDO, Camp Karingal, Quezon City. The release order was issued at 7:40 p.m.
- On 3 July 1998 Judge Yaneza approved the bail bond of Librada Natividad who was accused in Crim. Case nos. (30)50301-20 pending before MeTC-Br. 39, Quezon City, and correspondingly issued a release order therefor although accused was detained at the DILG-BJMP, NCR, Valenzuela Municipal Jail. The release order was issued at 7:15 p.m.
- At 7:25 p.m. on 3 July 1998 Judge Yaneza approved two (2) bail bonds and issued the release order of Carlito Baydo y Cabiong who was detained at the Baler Police Station, Quezon City in connection with Crim. Cases Nos. Q-98-77603-04 pending before RTC-Br. 80, Quezon City.
- At 5:45 p.m. on 15 July 1998 Judge Yaneza approved the bail and issued the release order of Elenita Bacares y Lambino in connection with Crim. Cases Nos. 2072-2087 pending before RTC-Br. 34, Gapan, Nueva Ecija. The accused was detained at the PNP-CPD CID, Camp Karingal, Sikatuna, Quezon City.
- On 17 July 1998 Judge Yaneza issued a release order for Adriano Dizon y Santos who was detained at the PNP-CPDO, Quezon City in connection with Crim. Cases No. 98-90795 pending before MeTC-Br. 41, Quezon City.
- On 17 July 1998 Judge Yaneza issued a release order for Adonis Malacora who was detained at the PNP-NPDO, Malabon Police Station, Malabon, Metro Manila, in connection with Crim. Case No. 89005 pending before MeTC-Br. 41, Quezon City.
- On 17 July 1998 Judge Yaneza approved the bail bond of Manuel E. Fabros y Deliquiado, then detained at the Central Police District Police Station No. 7, Araneta Center, Cubao, Quezon City, in connection with Crim. Case No. 98-90729 pending before MeTC-Br. 41, Quezon City.
- On 19 July 1998, a Sunday, Judge Yaneza issued a release order to Teresita Agayatin y Ayuntan who was detained at the PNP-WPD Warrant Section, U.N. Avenue, Manila, in connection with Crim. Case No. 98-0714 pending before RTC-Br. 118, Pasay City.
- On 21 July 1998 Judge Yaneza issued a release order for Maria Luz Catindig y Gamboa, then detained at the PNP-CIDG, NCR, Camp Crame, Quezon City, in connection with Crim. Case No. 98-086 pending before RTC-Pasay City.
- On 21 July 1998, at 6:05 p.m. Judge Yaneza issued a release order for Jerry Chan y Victoriano who was detained at the PNP-NPD, Malabon Police Station, Malabon, Metro Manila, in connection with Crim. Case No. 7656-98 pending before MeTC-Br. 56, Malabon.
- On 25 August 1998 Judge Yaneza approved the bail bond relative to Crim. Case No. RC-0135-Cr. Pending before his sala despite non-payment of JDF fees.
- On 23 September 1998 a release order was issued relative to Crim. Case No. 98-0045-CR pending before the sala of Judge Yaneza despite non-payment of JDF fees.

- At 6:05 p.m. on 7 October 1998 Judge Yaneza issued a release order relative to Crim. Case No. 9947 pending before the RTC of Malabon while the corresponding JDF fees were not paid.

The accused had already been convicted in Crim. Cases Nos. 18045-46 pending before Executive Judge Aquino but because of the bail bond approved and the order issued by Judge Yaneza, the accused was released.

- On 18 October 1998 Judge Yaneza issued a release order relative to Crim. Case No. 20933 pending before the RTC of Malabon while the corresponding JDF fees were not paid.

- On 19 October 1998 and relative to Crim. Cases Nos. 189164-66 pending before MeTC-Br. 50, Caloocan City, Judge Yaneza issued a release order while the corresponding JDF fees were not paid.

- On 9 November 1998 at 6:10 p.m. Judge Yaneza issued a release order relative to Crim. Cases Nos. 7751-98 pending before MeTC-Br. 55, Malabon.

In his answer dated 13 August 1998 Judge Yaneza admits having approved bail bonds posted by the accused who were detained outside of Navotas and whose cases were pending in courts outside of his jurisdiction. Nevertheless, according to him, he approved the bail bonds and issued corresponding release orders in good faith and not for any pecuniary consideration. He maintains that there is nothing irregular in his conduct as it did not in any way prejudice the rights of the other litigants. Furthermore, he claims that he only approved the bail bonds and issued release orders for personal fulfillment and spiritual satisfaction in extending expeditious assistance to the hapless and pitiful detention prisoners. He condemns the filing of the instant letter-complaint, with complainant hiding behind the anonymity of a fictitious name and intended merely to embarrass and malign respondent's integrity.

Moreover, Judge Yaneza alleges that he is constrained to work overtime, sometimes even Saturdays and Sundays, because he has lost trust and confidence in his clerk of court who is allegedly incompetent and lacks dedication to his work. He avers that it is during his overtime work that requests for action on bail bonds are normally presented. In the questioned bail bonds he issued, he was almost overwhelmed with pity as the accused were usually poor, oppressed and beleaguered, hence, he approved their bail bonds.

Notwithstanding the letter-complaint of Victorino Cruz, and in stubborn defiance of this Court's directive for him to explain his anomalous approval of bail bonds and consequent issuance of release orders, Judge Yaneza continued with his misconduct and wrongdoing. On 27 August 1998 Executive Judge Benjamin M. Aquino, Jr. reported that Judge Yaneza approved the bail bonds and issued release orders in the following cases in various courts outside his jurisdiction, to wit:

- Crim. Cases Nos. 7-835 to 7-837-98 for BP 22 pending before the MTC of Sta. Maria, Bulacan;
- Crim. Cases Nos. 7-838 to 7-843-98 for BP 22 also pending before the MTC of Sta. Maria, Bulacan; and
- Crim. Case No. 7528 for falsification of public documents pending before the MCTC, Nabua, Camarines Sur.

Perhaps due to the brewing antagonism which further strained the relationship between respondent Judge and his branch clerk of court, the former issued Office Order No. 04-98 authorizing four (4) of his court personnel, aside from the clerk of court and cash clerk, to receive payments and issue official receipts relative to docket and other fees paid by litigants. Because the personnel thus designated by respondent Judge were not bonded, hence not authorized by law to receive payments, the OCA on 31 August 1998 directed respondent Judge to desist and refrain from implementing his Office Order No. 04-98.

Thereafter, on 15 September 1998, respondent Judge's Clerk of Court Roman M. Gatbalite submitted copies of bail bonds approved and release orders issued by respondent Judge for cases pending in courts outside his

jurisdiction -

- Crim. Case No. 90-591 pending before MTC-Br. II, Angeles City;
- Crim. Case No. 98-2419 pending before RTC-Br. 273, Marikina City; and
- Crim. Cases Nos. 14111-14116 pending before RTC-Br. 48, Puerto Princesa, Palawan.

Notably, in addition to the instant case, respondent Judge Yaneza along with his Staff Clerk Bethsaida Miranda is confronted with another administrative complaint docketed as OCA IPI No. 98-586 filed by spouses Rogelio and Elvira Conje for extorting money from complainant-spouses in consideration of the approval of their application for bail in Crim. Cases Nos. RC-0058-71 pending before his sala. The complaint has yet to be resolved.

After a thorough evaluation, together with the independent investigation and report of Executive Judge Aquino, the OCA found -

The records of the instant administrative case sufficiently provide a conclusive basis for respondent judge's administrative liability. His unlawful act of approving the bail bond and ordering the release of an accused charged with an explicitly non-bailable offense pending in another court far away from his station is an anomaly so glaring on a matter so basic that to suggest that the act was done in gross ignorance is to insult even the most naïve. To offer as an excuse to this Court that he did so, not out of ignorance, but in good faith is to administer a double insult to common sense x x x x

Clearly, respondent judge cannot justify his actions of approving bail bonds and issuing release orders of accused persons detained outside of his territorial jurisdiction and who have pending cases in other courts on the pretext of a feigned authority under the rules. For the rule is clear and does not permit the liberal interpretation that respondent judge claims he is entitled to apply to the rules. The unjustified and unlawful acts of respondent judge in the premises constitute grave misconduct amounting to corruption. The acts complained of were in persistent and patent disregard of the well-known legal rules that compassion and pity which purportedly motivated him to approve the bail bonds and to release the accused in illegal circumstances will not serve to exonerate him from administrative liability. Respondent judge's actions were corrupt and were indeed motivated by an intention to violate the law. The issuance of the questioned release orders after office hours, during Saturdays or Sundays and at the residence of respondent judge is indisputably irregular, unlawful and anomalous and is totally inconsistent with any claim of good faith in the performance of his judicial functions.

Despite the filing of this administrative complaint and even after his attention was called to the matter, respondent judge has continued approving bail bonds and issuing release orders for cases outside of his jurisdiction. These willful transgressions of the law are absolutely reprehensible and definitely inexcusable x x x

The OCA then recommended that an investigation on the bonding companies that usually flocked the sala of respondent Judge be conducted and Judge Yaneza be immediately dismissed from the service with forfeiture of all leave and retirement benefits and privileges with prejudice to reinstatement or re-employment in any branch, agency or instrumentality of the government, including government-owned and controlled corporations.

Section 17, par. (a), of Rule 114, as amended by Administrative Circular No. 12-94, provides:

(a) Bail in the amount fixed may be filed with the court where the case is pending, or, in the absence or unavailability of the judge thereof, with another branch of the same court within the province or city. If the accused is arrested in a province, city or municipality other than where the case is pending, bail may be filed also with any regional trial court of said place, or, if no judge thereof is available, with any metropolitan trial judge, municipal trial judge or municipal circuit trial judge therein.

The foregoing provision anticipates two (2) situations. First, the accused is arrested in the same province, city or municipality where his case is pending. Second, the accused is arrested in the province, city or municipality other than where his case is pending. In the first situation, the accused may file bail in the court where his case is pending or, in the absence or unavailability of the judge thereof, with another branch of the same court within the province or city. In the second situation, the accused has two (2) options. First, he may file bail in the court where his case is pending or, second, he may file bail with any regional trial court in the province, city or municipality where he was arrested. When no regional trial court judge is available, he may file bail with any metropolitan trial judge, municipal trial judge or municipal circuit trial judge therein.

Interestingly, almost all the cases wherein respondent Judge approved bail bonds and issued release orders were not pending before his sala. To complicate matters, the accused were neither arrested nor detained within the territorial jurisdiction of respondent Judge's court -

- (1) Crim. Cases Nos. 7992-AF, 7994-AF, 7995-AF are pending in RTC-Brs. 24, 26, 28 and 86 of Cabanatuan City while the accused was detained at the PNP-CIG Detention Center, Camp Crame, Quezon City. Significantly, no bail was recommended in these cases.
- (2) Crim. Cases Nos. 28102-22 are pending before MeTC-Br. 34 of Quezon City while the accused was detained at PNP-BDO, Camp Karingal, Quezon City.
- (3) Crim. Cases Nos. 14111-14116 are pending before RTC-Br. 48, Puerto Princesa City, Palawan while the accused was detained at WPD, U.N. Avenue, Manila.
- (4) Crim. Case no. 41-98 is pending before RTC-Br. 5, Lemery, Batangas while the accused was detained at PNP-WPD, U.N. Avenue, Manila.
- (5) Crim. Case No. 90381 is pending before MeTC-Br. 41, Quezon City while accused was detained at the Quezon City Jail, Station 7, Araneta Center, Cubao, Quezon City.
- (6) Crim. Case No. Q-98-77419 is pending before RTC-Br. 87, Quezon City while accused was detained at the Quezon City Jail, Araneta Police Station, Cubao, Quezon City.
- (7) Crim. Case No. Q-98-77567 is pending before RTC-Br. 107, Quezon City while accused was detained at PNP-CPDO, Camp Karingal, Quezon City.
- (8) Crim. Cases Nos. (30)50301-20 are pending before MeTC-Br. 39, Quezon City while accused was detained at DILG-BJMP, NCR, Valenzuela Municipal Jail.
- (9) Crim. Cases Nos. Q-98-77603-04 are pending before RTC-Br. 80, Quezon City while accused was detained at Baler Police Station, Quezon City.
- (10) Crim. Cases Nos. 2072-2087 are pending before RTC-Br. 34, Gapan, Nueva Ecija, while accused was detained at the PNP-CPD CID, Camp Karingal, Sikatuna, Quezon City.
- (11) Crim. Case No. 98-90795 is pending before MeTC-Br. 41, Quezon City while accused was detained at the PNP-CPDO, Quezon City.
- (12) Crim. Case No. 89005 is pending before MeTC-Br. 41, Quezon City while accused was detained at the PNP-NPDO, Malabon Police Station, Malabon.
- (13) Crim. Case No. 98-90729 is pending before MeTC-Br. 41, Quezon City while accused was detained at the CPD, Station 7, Araneta Center, Cubao, Quezon City.
- (14) Crim. Case No. 98-0714 is pending before RTC-Br. 118 of Pasay City while accused was detained at the PNP-WPD Warrant Section, U.N. Avenue, Manila.

(15) Crim. Case No. 98-086 is pending before RTC-Pasay City while accused was detained at the PNP-CIDG, NCR, Camp Crame, Quezon City.

(16) Crim. Case No. 7656-98 is pending before MeTC-Br. 56 in Malabon while accused was detained at the PNP-NPD, Malabon Police Station, Malabon.

There were also cases pending before the courts in La Union, Bulacan and Caloocan. Unfortunately, it cannot be determined from available records whether the accused in the aforementioned cases were arrested in a place within respondent Judge's territorial jurisdiction.

In any case, respondent Judge claims in his Supplemental Explanation that he approved the bail bonds mainly in good faith interpretation and application of Section 17 in relation to Section 19, Rule 114 of the Rules on Criminal Procedure, and that it was never his intention to disregard the right accorded to the State and the private complainant to be given the opportunity to oppose the grant of bail to the accused in some instances. On the same note, he attempts to impress upon this Court that, in all instances that (he) was asked to approve bail x x x (he) conscientiously and carefully examined the documents thus presented xxx for xxx evaluation to ascertain compliance with the said Rule (114).

We believe otherwise. Judge Yaneza cannot shield himself from the consequences of his persistent deviant activities by the simple invocation of good faith and the supplication that he was only moved by pity for the poor and forsaken accused. The numerous cases and series of events previously adverted to manifest without any modicum of doubt the gravity of his incompetence and arbitrariness. As a judge, respondent must have the basic rules at the palm of his hands as he is expected to maintain professional competence at all times.[1] Since Judge Yaneza presides over MeTC-Br. 54 in Navotas, Metro Manila, his territorial jurisdiction is confined therein. Therefore, to approve bail applications and issue corresponding release orders in cases pending in courts outside his territorial jurisdiction, some even in courts as far as Nueva Ecija and Palawan, particularly so where the accused are detained thereat and not in his jurisdiction and therefore cannot personally appear before him as required, constitute ignorance of the law so gross as to amount to incompetence and even corruption.

Respondent Judge argues in his Supplemental Explanation that it is his honest belief and interpretation that his single-sala MeTC in Navotas, being part of the Metropolitan Trial Court salas spread out in Metro Manila, has the lawful authority to act on bail bonds posted by accused in criminal cases lodged in other courts salas, within Metro Manila or otherwise detained within Metro Manila which (he) honestly deems a contiguous area, in situations or occasions that the handling trial court judge is absent or not available.

We remain unconvinced. The above commentary is not only tiresome; it is futile. This Court has the duty and prerogative to define the territorial jurisdiction of each branch of court. Thus, in Sec. 18 of BP Blg. 129 it is stated

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Sec. 18. Authority to define territory appurtenant to each branch. - The Supreme Court shall define the territory over which a branch of the Regional Trial Court shall exercise its authority. The territory thus defined shall be deemed to be the territorial area of the branch concerned for purposes of determining the venue of all suits, proceedings or actions, whether civil or criminal, as well as determining the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts over which the said branch may exercise appellate jurisdiction. The power herein granted shall be exercised with a view to making the courts readily accessible to the people of the different parts of the region and making the attendance of litigants and witnesses as inexpensive as possible (emphasis supplied).

Such prerogative was exercised by this Court when it issued Administrative Order No. 3 defining the territorial jurisdiction of the Regional Trial Courts in the National Capital Region[2] thus -

- Branches I to LXXXII, inclusive, with seats at Manila - over the City of Manila only.
- Branches LXXXIII to CVII, inclusive, with seats Quezon City - over Quezon City only.
- Branches CVIII to CXIX, inclusive, with seats at Pasay City - over Pasay City only.
- Branches CXX to CXXXI, inclusive, with seats at Caloocan City - over Caloocan City only.
- Branches CXXXII to CL, inclusive, with seats at Makati - over the Municipalities of Las Piñas, Makati, Muntinlupa, and Parañaque.
- Branches CLI to CLXVIII, inclusive, with seats at Pasig - comprising the municipalities of Mandaluyong, Marikina, Pasig, Pateros, San Juan, and Taguig.
- Branches CLXIX to CLXX, inclusive, with seats at Malabon - over the municipalities of Malabon and Navotas.
- Branches CLXXI to CLXXII, inclusive, with seats at Valenzuela - over the municipality of Valenzuela - over the municipality of Valenzuela only (emphasis supplied).

The Regional Trial Courts with seats in Malabon exercise appellate jurisdiction over cases decided by the Metropolitan Trial Courts located in Malabon and Navotas. It is thus clear that the territorial jurisdiction of the Regional Trial Courts stationed in Malabon is limited to the municipalities of Malabon and Navotas. By necessity, the Metropolitan Trial Courts with seats in Malabon and Navotas have, likewise, limited jurisdiction therein.

Judge Yaneza cannot seek refuge in Sec. 35 of BP Blg. 129 which grants authority to any Metropolitan Trial Judge, Municipal Trial Judge and Municipal Circuit Trial Judge to hear and decide applications for bail in criminal cases in the province or city where the absent Regional Trial Judge sits. Neither can he take shelter under the provisions of Sec. 19 of Rule 114.[3]

Section 35 of BP Blg. 129 and Secs. 17 and 19 of Rule 114 are to be construed and applied in conjunction with each other. The abovesited rules do not give the Metropolitan Trial Judge blanket authority to grant applications for bail. There are prerequisites to be complied with. First, the application for bail must be filed in the court where the case is pending. In the absence or unavailability of the judge thereof, the application for bail may be filed with another branch of the same court within the province or city. Second, if the accused is arrested in a province, city or municipality other than where the case is pending, bail may be filed with any regional trial court of the place. If no judge thereof is available, then with any metropolitan trial judge, municipal trial judge or municipal circuit trial judge therein.

The documents presented before this Court in the instant administrative case are manifest testimonies of the glaring errors committed by respondent Judge. He approved bail applications for cases not pending before his sala. The accused were not arrested in places within his territorial jurisdiction. Neither did he attempt to show the unavailability of the other regional trial court judges who have the priority in terms of hearing the bail applications. Sadly, respondent judge did not only commit this error once or twice or thrice, but several times. Considering the frequency by which he committed this egregious error, we are perplexed and at the same time alarmed, that this has become a pernicious habit on his part. We therefore seriously doubt his protestations that he approved bail bonds and issued release orders for the poor, helpless and beleaguered accused out of pity and not for any monetary consideration. We simply cannot accept his justification that he was never impelled by any bad motive or malevolent intent, bad faith, fraud, dishonesty, corruption and immorality.

Neither are we moved by respondent Judge's asseverations that in all instances that (he) was asked to approve bail xxx (he) conscientiously and carefully examined the documents thus presented xxx for prior evaluation to

ascertain compliance with Rule 114. If this were true, he would not have succumbed to his apparent predilection to approve bail bonds and issue release orders considering that a mere passing glance by a seasoned and conscientious judge of the documents thus presented before him would reveal his lack of authority to act on them. He would have been basically guided by the wordings of a warrant of arrest -

To Any Officer of the Law:

GREETING:

You are hereby commanded to arrest _____ who is said to be at _____ and who is charged before me with the crime of _____ and to bring him before me as soon as possible to be dealt with according to law.

The bail for his temporary liberty is hereby fixed at P_____ each, which may be furnished by him either (a) by depositing the amount of the bond in the office of the municipal/city treasurer of the municipality/city where the accused is arrested, and the receipt therefor forwarded to this Court, or (b) by purchasing the proper money order made payable to the order of this Court and sent to the same Court, or (c) by personal bail bond for double the amount therein fixed executed by two or more solvent bondsmen who are either freeholders or householders and residents in the Philippines to be determined either by the Judge of the Regional Trial Court of the Judicial Region or by the Judge of MeTC/MuTC/MCTC of the municipality/city where the accused may be arrested, who are hereby authorized to approve either one of said bonds, and to order the provisional liberty of the accused, immediately thereafter, and who shall forward to this Court all the papers of the proceedings (emphasis supplied)

It is futile for respondent Judge to cite *Paz v. Tiong*[4] as it only confirms his practice of approving bail bonds in cases pending outside of his territorial jurisdiction and where the accused were arrested likewise in places outside of his territorial jurisdiction, which is not in consonance with the rules duly promulgated by this Court. We reiterate what we have said in *Paz v. Tiong* -

Respondent had absolutely no authority to approve the bailbond and issue the orders of release. He totally ignored and disregarded Section 14 of Rule 114 x x x x As afore-stated, Criminal Case No. 2859-A was pending before Branch 54 of the Regional Trial Court stationed in Alaminos, Pangasinan, and only said Regional Trial Court may approve the bailbond and issue the release order. The record is devoid of any showing that no RTC judge was available to act on the bail bond. Neither does the record show that the accused was arrested in another province, city, or municipality. Respondent judge, therefore, had no reason or authority to act as he did (emphasis supplied).[5]

In *Adapon v. Domagtoy*[6] we also stated -

But even assuming that bail could be granted in this case, it was not within the jurisdiction of the respondent judge to grant the same. Bail may be granted by the court in which it is properly filed x x x x

The criminal cases are pending before the Municipal Circuit Trial Court of Dapa, Surigao del Norte. The order of release should have been issued if at all, by that court, or in the absence or unavailability of Judge Jose Comon who hears the cases in the MCTC of Dapa, Surigao del Norte, then by another branch of an MCTC within Surigao del Norte. However, there is no proof that Judge Comon was absent or unavailable on 5 May 1995 to grant the bail x x x x If judge Comon was indeed absent or unavailable, there is no evidence on record that respondent judge tried to ascertain or confirms this fact.

Furthermore, there is no evidence presented that the accused Bondoc was arrested in the municipality of Sta. Monica, Burgos, to clothe respondent judge with authority to grant the bail and issue the order of release in the absence of any RTC judge. Respondent judge avers that accused was arrested in the house of Arsenio Mindaña

in Dapa, which statement makes his order of release all the more untenable because the arrest was allegedly made in Dapa while the order of release issued by respondent judge in his capacity as presiding judge of the 11[th] MCTC of Santa Monica-Burgos. Respondent judge, therefore, granted bail and issued the order of release without jurisdiction.

In another case,[7] Judge Yaneza acknowledged receipt of P160,000.00 cash bond in violation of Sec. 14, Rule 114 which provides:

Sec. 14. Deposit of cash as bail. - The accuse or any person acting in his behalf may deposit in cash with the nearest collector of internal revenue, or provincial, city or municipal treasurer the amount fixed by the court or recommended by the fiscal who investigated or filed the case, and upon submission of a proper certificate of deposit and of a written undertaking showing compliance with the requirements of Section 2 hereof, the accused shall be discharged from custody. Money thus deposited shall be considered as bail and applied to the payment of any fine and costs and the excess, if any, shall be returned to the accused or to whoever made the deposit (emphasis supplied).

This rule is uniformly embodied in every warrant of arrest which respondent, as a trial judge, should be familiar with. Unfortunately, he blatantly disregarded this basic and elementary rule.

Respondent Judge aggravated his improprieties and misconduct when he summarily granted bail on 11 February 1998 to accused Consolacion F. dela Cruz charged with illegal recruitment in large scale punishable with life imprisonment and a fine of P100,000.00. In such case, bail is not a matter of right and the grant of bails falls within the sound discretion of the judge. And in order for the judge to properly exercise his discretion, he must first conduct a hearing to determine whether the evidence of guilt is strong. As decreed in *Almeron v. Sardido*[8] -

In exercising such judicial discretion, however, a judge is required to conduct a hearing wherein both the prosecution and the defense present evidence that would point to the strength or weakness of the evidence of guilt. The discretion of the judge lies solely in the appreciation and evaluation of the weight of the evidence presented during the hearing and not in the determination of whether or not the hearing and itself should be held for such a hearing is considered mandatory and absolutely indispensable before a judge can aptly be said to be in a position to determine whether the evidence for the prosecution is weak or strong.

Thus, when a judge grants bail to a person charged with a capital offense, or an offense punishable by reclusion perpetua or life imprisonment without conducting the required hearing, he is considered guilty of ignorance or incompetence the gravity of which cannot be excused by a claim of good faith or excusable negligence.

Further, in *Basco v. Rapatalo*[9] we said -

Since the determination of whether or not the evidence of guilt of the accused is a matter of judicial discretion, the judge is mandated to conduct a hearing even in cases where the prosecution chooses to just file a comment or leave the application for bail to the discretion of the court.

Judge Yaneza, in granting bail to accused dela Cruz without any hearing, deprived the prosecution of the opportunity to contest her application for bail, thus denying the People due process.[10] Worse, the case was pending not in respondent's sala in Navotas but in RTC-Br. 86, Cabanatuan City. Neither was dela Cruz detained in Navotas which is the limit of respondent judge's territorial jurisdiction but at the PNP-CIG Detention Center, Camp Crame, Quezon City. We cannot therefore concede to respondent's argument that he had not injured anybody, neither the handling trial court judge, the government, the private complainant nor the accused.

Likewise, we cannot accept respondent Judge's ratiocination that he only approved the bail application of dela Cruz upon being unduly swayed by the personal representations and formal sworn asseverations of her (the

accused's) nephew Henry G. Fernandez and servicing bonding agent Jocelyn S. Florido that the accused's motion to post bail has been heard and granted by the handling court sala as of 10 February 1988 upon recommendation of the trial court prosecutor. Had he verified the facts for himself before eagerly granting bail he would have discovered that the motion to set bail had only been submitted for resolution before the handling court sala and there was as yet no positive action on the matter.

We are not the least impressed with the haste with which respondent Judge would approve bail bonds and applications for bail. On the contrary, we are appalled. Utmost diligence is required of trial judges in granting bail, especially in cases where bail is not a matter of right. Certain procedures must be followed in order to be assured that the accused would be present during trial. As a responsible judge respondent must not be swayed by the mere representations of the parties; instead, he should look into the real and hard facts of the case. He must be impartial not only in appearance but also in fact.

Respondent Judge avers that requests or applications for bail were usually made during his overtime work as he was constrained to work beyond regular office hours because he no longer trusted his hostile, unwieldy, uncooperative and charlatan clerk of court who refuses to work. This argument is so tenuous that it should not even be considered at all. Being the judge, he exercises administrative authority over his court personnel, including his clerk of court. As part of his professional competence, respondent Judge is expected to possess management skills which he must put to good use for the efficient functioning of his sala.

While complaints against judges should be sworn to, we did not hesitate to take cognizance of the instant unsworn letter-complaint for the following reasons: First, the allegations against respondent Judge were supported by documents which could be readily verified. Second, Executive Judge Aquino confirmed the infractions committed by respondent Judge. Third, the Office of the Court Administrator found the allegations to be true. Fourth, respondent Judge practically admitted all pertinent allegations. As we stated in *Macalintal v. Teh*[11] -

Under the doctrine of *res ipsa loquitur*, the Court may impose its authority upon erring judges whose actuations, on their face, would show gross incompetence, ignorance of the law or misconduct.

When the inefficiency springs from a failure to consider so basic and elemental a rule, a law or a principle in the discharge of his duties, a judge is either too incompetent and undeserving of the position and title he holds or he is too vicious that the oversight or omission was deliberately done in bad faith and in grave abuse of judicial authority. In both instances, the judge's dismissal is in order. After all, faith in the administration of justice exists only if every party-litigant is assured that occupants of the bench cannot justly be accused of deficiency in their grasp of legal principles.

While the practice of granting bail (initial) not strictly in conformity with Rule 114 has been tolerated to a certain extent for the sake of securing the prompt release of the detained accused charged with bailable offenses, the regularity with which Judge Yaneza has resorted to this *modus operandi* and the zeal with which he has applied himself to the task is nothing short of remarkable. On the banal pretext that the bonding company "lacked material time to catch up" with the handling judge or the latter was no longer available since it was past office hours, respondent Judge would issue release orders without due regard for the rules.

Indeed, we cannot help perceiving a pattern here where the judge, in connivance with certain bonding firms, attempts to corner the very lucrative "business" of granting bail by ensuring that he is always accessible, even on Sundays, in his office or at home and regardless of the time. And there is that serious concern that in all these, respondent Judge has acted - not out of feigned ignorance or a heightened sense of compassion for the hapless accused - but out of a desire to materially benefit from his endeavors. In other words, with respondent Judge we are no longer speaking of ignorance of the law - for that would be too simplistic - but of corruption which if left unchecked will further erode public confidence in the judiciary. If judges wantonly misuse the powers vested in

them by law, there will not only be confusion in the administration of justice but even oppressive disregard of the basic requirements of due process.[12]

Respondent Judge cites a litany of cases to justify his mistakes and to mitigate whatever penalty may be imposed on him. He stresses that, if ever, this would be his first offense and that, upon receipt of the memorandum from the OCA, he has "contritely stopped absolutely from acting on bail bonds in criminal cases lodged in other court salas." He likewise claims a "considerably long and exemplary service in the judiciary, with an above-average rate of disposition," and adding for good measure that "generally no real party in interest has been materially injured nor prejudiced by the acts complained of."

In vain. As found by the OCA, a clearer case than this for the imperative application of the doctrine of *res ipsa loquitor* can hardly be found. Respondent Judge's flagrant flaunting of fundamental rules and his persistent and deliberate heedlessness thereof is palpable. Having been a judge for some time, as he claims, respondent should know that no position in the government service exacts a greater demand on honesty and integrity of the individual than a seat in the judiciary.

WHEREFORE, the Court finds respondent JUDGE REYNOLD Q. YANEZA of MeTC-Br. 54, Navotas, Metro Manila, to have grossly abused his authority in irregularly approving bail bonds and issuing release orders. Consequently, he is ordered DISMISSED from the service effective immediately with forfeiture of his retirement benefits and with prejudice to re-employment in any branch or instrumentality of the government, including government-owned or controlled corporations. He is further ordered to IMMEDIATELY CEASE AND DESIST from discharging the functions of the office from which he is removed.

The Office of the Court Administrator is DIRECTED to look into the involvement of FIRST QUEZON CITY INSURANCE CO., INC., MEGA PACIFIC INSURANCE CORPORATION and ZENITH INSURANCE CORPORATION, the bonding companies which reportedly provided most of the bail bonds approved by respondent Judge, to determine their culpability, if any, in connection therewith. In this regard, the Office of the Court Administrator is directed to enlist, if need be, the assistance of the National Bureau of Investigation to ensure the success of the investigation and to submit its report and recommendation within ninety (90) days from receipt hereof.

SO ORDERED.

Davide, Jr., C.J., Romero, Bellosillo, Melo, Puno, Kapunan, Mendoza, Quisumbing, Purisima, Pardo, Buena, and Gonzaga-Reyes, JJ., concur.

Vitug, and Panganiban, JJ., on leave.

[1] Rule 3.01, Code of Judicial Conduct.

[2] Took effect on 19 January 1983.

[3] Sec. 19. Release on bail. - The accused must be discharged upon the approval of the bail by the judge with whom it was filed in accordance with Section 17 hereof.

Whenever bail is filed with a court other than where the case is pending, the judge accepting the bail shall forward the bail, the order of release and other supporting papers to the court where the case is pending, which may, for good reason, require a different one to be filed.

[4] A.M. No. MTJ-94-998, 9 February 1996, 253 SCRA 364.

- [5] Id., p. 369.
- [6] A.M. No. MTJ-96-1112, 27 December 1996, 265 SCRA 830, 831.
- [7] I.S. No. 98-633.
- [8] A.M. No. MTJ-97-1142, 6 November 1997, 281 SCRA 419, 420.
- [9] A.M. No. RTJ-96-1335, 5 March 1997, 269 SCRA 222.
- [10] Sec. 18, Rule 114, Rules of Court; *Espiritu v. Jovellanos*, A.M. No. MTJ-97-1139, 16 October 1997, 280 SCRA 581.
- [11] A.M. No. RTJ-97-1375, 16 October 1997, 280 SCRA 623-625.
- [12] *Wingarts v. Judge Servillano M. Mejia*, A.M. No. MTJ-94-1012, 20 March 1995, 242 SCRA 436.

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