

CHIEF INSPECTOR ALFONSO H. MARDOQUIO, COMPLAINANT, VS. JUDGE EVELIO ILANGA, RESPONDENT.

A.M. MTJ-93-855. August 10, 1994

Ponente: VITUG, J.

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VITUG, J.:

On 17 August 1993, PNP Chief Inspector Alfonso H. Mardoquio filed with this Court an administrative complaint against Judge Evelio Ilanga of the Municipal Trial Court, Dumangas, Iloilo, ascribing to the latter ignorance of the law by issuing an illegal and unlawful order.

The complainant averred that, on 25 June 1993, some members of the Philippine National Police ("PNP") stationed in Calinog, Iloilo, went to the PNP Dumangas Station to ask for the latter's assistance in following up a missing motorcycle suspected to be in the custody of one Nerio Arboleda. The police officers from both stations proceeded to the Dumangas Polytechnic College where Arboleda was teaching. The group found the missing motor vehicle in Arboleda's possession. Since the engine number of the motorcycle was evidently tampered with, the vehicle was brought to the PNP Dumangas Station for examination. Arboleda did not object to have the motor vehicle examined. On the evening of the same day, respondent Judge, allegedly under the influence of liquor, went to the PNP Dumangas Station and interceded for the release of the motor vehicle. He also issued a handwritten order for its release.

For his part, respondent Judge, when required to comment, denied the accusation of the complainant and contended that on the evening of 25 June 1993, Nerio Arboleda and the latter's father-in-law, Daniel Delariarte, Jr., came to see him at home and pleaded for help in securing the release of the impounded vehicle which he badly needed, during emergencies, for his sickly wife. He was informed by Arboleda that the motorcycle was donated by his aunt, Editha Celajes De Asis, in 1988, and that it could not possibly be the missing motor vehicle the police were looking for. Respondent Judge accompanied Arboleda and Delariarte, Jr., to the police station. Since complainant Chief Inspector Mardoquio was not there at the time, respondent Judge made a handwritten "order" for the immediate release of the motorcycle. The Judge then handed over to a police officer the "order" and instructed the latter to enter it in the police blotter. He assured the officer that he would discuss the matter with complainant the following day, which he did. He explained to the complainant that he ordered the release of the motor vehicle being the only "stand-in means of transportation of Arboleda for the sickly members of his family." He, however, assured the complainant that he could have the vehicle promptly returned by Arboleda if evidence against the latter's claim of ownership would warrant. Judge Ilanga added that the motor vehicle was taken without a search warrant or lawful order and without giving any receipt for the impounded vehicle.

The Office of the Court Administrator, after an evaluation of the respective allegations of the parties, submitted its recommendation, thus:

"PREMISES CONSIDERED, the abovementioned administrative case is respectfully submitted for the consideration of the Honorable Court, with the recommendation that Judge Evelio Ilanga, MTC, Dumangas, Iloilo, be fined equivalent to one (1) month's salary, with a stern WARNING that a repetition of the same or

similar acts in the future will be dealt with more severely."

In the Court's resolution, dated 18 May 1994, the parties were required to manifest whether they would agree to submit the case on the basis of the pleadings already on record. Complainant filed his compliance, dated on 08 June 1994, while respondent Judge submitted his manifestation, dated 20 June 1994, in response to our resolution. The parties both expressed their consent to the submission of the case for decision on the basis of the pleadings heretofore on file with the Court.

Admittedly, the impounding of the motor vehicle was not the subject matter of any case pending before respondent Judge. He thus acted possessing neither the authority nor the jurisdiction to issue the release order. It was not for him to decide at that juncture whether or not the police officers failed to observe the proper procedures in the confiscation of the motor vehicle.

A judge, in and outside of court, is expected to act with circumspection and to always bear in mind that his actuations are reflective not only of his own reputation but so of the dignity of the entire judiciary as well. A tarnish to that image deserves a rebuke not only on himself alone but so also, ultimately, on the entity to which he belongs. Repeatedly, we have said, a municipal trial judge occupies the forefront of the judicial arm that is closest in reach to the public he serves, and he must accordingly act at all times with great constancy and utmost probity. In this grave responsibility, he has failed.

WHEREFORE, finding respondent Judge guilty of gross misconduct, this Court imposes on him a fine in the amount of P2,000.00. He is further WARNED against committing similar infractions in the future, which will be severely penalized.

SO ORDERED.

Feliciano, (Chairman), Bidin, Romero, and Melo, JJ., concur.

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