

ATTY. ANTONIO D. SELUDO, COMPLAINANT, VS. JUDGE ANTONIO J. FINEZA, RESPONDENT.*A.M. No. RTJ-03-1813 (Formerly OCA IPI No. 03-1640-RTJ). November 21, 2003*

Ponente: PUNO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/b9d9397e529c/>**PUNO, J.:**

The incident which gave rise to this administrative case occurred in the course of the proceedings of People of the Philippines vs. Alfonso De Villar, Errol De Villar and Rodeo Lerio, Criminal Case No. C-58093 for attempted murder, before respondent Judge Antonio J. Fineza, Branch 131 of the Regional Trial Court of Caloocan City.

The respondent judge was charged administratively by Atty. Antonio D. Seludo, counsel for the accused, before the Office of the Court Administrator of the Supreme Court, with the following offenses: (1) gross ignorance of the law, (2) oppression in office, (3) grave abuse of authority, and (4) conduct unbecoming of a judge.[1]

It was alleged that on November 27, 2002, respondent judge ordered the arrest of complainant "for the failure of accused, Errol De Villar and Rodeo Lerio, as well as their counsel, Atty. Antonio Seludo, to appear in today's promulgation of (the) decision despite due notice, x x x." [2] The Order of Arrest [3] commanded any officer of the law to arrest complainant and to keep him in jail until the decision in Criminal Case No. 58093 shall have been promulgated.

Complainant averred that he was the defense counsel in two separate Criminal Cases: (1) Nos. 178462-64 before Judge Edwin B. Ramizo and (2) No. C-58093 before respondent judge. On November 11, 2002, complainant received an order from respondent setting the promulgation of the decision in Criminal Case No. 58093 on November 18. The promulgation did not push through as respondent judge was confined in a hospital. On November 25, complainant received another order setting the promulgation at 8:30 a.m. of November 27. However, upon checking his calendar, complainant noticed that on the said date and time, he had a previously-set hearing of Criminal Case Nos. 178462-64 before Judge Ramizo. Due to the conflicting schedule, he instructed his secretary to inform the office of respondent judge that he could not attend the promulgation of his decision. He was thus surprised to receive on November 28, the aforementioned order directing his arrest and detention.

Upon his arrest, complainant requested permission to go to the court of respondent judge to ask for reconsideration. In court, respondent judge refused to see him. Complainant waited and was able to talk to respondent judge when the latter went out of his chambers and walked to his car. Complainant pleaded with respondent judge, who opened the windows of his car and, in the presence of the police officers, said, "kung gusto mo, pumunta ka sa harap ng kotse ko at sasagasaan na lang kita." [4]

Complainant spent the night in jail. The next day, he was brought to court for the promulgation of the decision. However, Prosecutor Eulogio Mananquil, Jr., the public prosecutor, came late and was improperly dressed. Respondent judge flared up, fined him and held the promulgation in abeyance until Prosecutor Mananquil paid the cashier the one thousand peso (P1,000.00)-fine meted on him. Atty. Eduardo Rodriguez, the lawyer assisting complainant, requested for a written order to be presented to the cashier as basis for the payment of the imposed

fine, but respondent merely told him, "If you want an order, I will sign that order on Monday." [5] Fortunately, Prosecutor Mananquil was able to pay the fine. The decision was promulgated on the same afternoon and complainant was released from jail.

Complainant claimed that he attended all scheduled hearings of Criminal Case No. 58093 before respondent judge, and that it was only the promulgation set on November 27 that he missed due to a conflict in schedule. He alleged that due to his incarceration, he failed to attend to the hearing of his cases involving six paying clients set in the morning of November 29.

In his comment, respondent judge denied the allegations of the complaint. He called the complainant a "fact fabricator," a "congenital liar," and an "Indian," meaning, he failed to comply with his commitment. [6] He averred that he ordered the incarceration of complainant to avoid delay in the promulgation of the decision in Criminal Case No. 58093. Allegedly, complainant failed to attend the first scheduled date of promulgation. He emphasized his fast disposal of cases such that for the years 1993, 1994, 1997, 1999, 2000 and 2002, his inventory of pending cases showed a zero balance. He likewise denied the car incident and alleged that he merely asked complainant, "umalis ka diyan at baka masagasaan iyong paa," [7] since complainant was leaning on the left side of his car.

Complainant replied stating that his secretary called respondent's office on November 18, and was told that all hearings scheduled for the day were cancelled due to respondent's hospitalization. He denied he was delaying the case.

The report of the Office of the Court Administrator is adverse to the respondent judge, viz:

x x x x x x x x

The arrest of the complainant was, therefore, not only illegal, but also oppressive, and it violated his constitutional right to due process. Complainant was arrested and detained without giving him the opportunity to be heard. In so doing, respondent judge, wittingly or unwittingly, committed arbitrary detention defined and penalized under Article 124 of the Revised Penal Code when the order of arrest was issued for complainant (who) was not committing a crime

x x x x x x x x

In his COMMENT, respondent judge used the words: fact fabricator, congenital liar, Indian who fails to comply with his commitment and dim-witted lawyer, as descriptive of the complainant. These words are inflammatory which should have been avoided. In explaining why he issued the order of arrest against the complainant, the use of intemperate and insulting rhetorics is not necessary, if only to maintain the dignity of, and respect for, the court as an institution. [8]

The OCA recommended that respondent judge "be penalized to pay a FINE in the amount of twenty thousand pesos (P20,000.00) for gross ignorance of the law, oppression, grave abuse of authority and violation of Rule 8.01, [9] Canon 8 and Rule 10.03, [10] Canon 10 of the Code of Professional Responsibility." [11]

We agree with modification.

In the case at bar, respondent based his authority in ordering complainant's incarceration on Section 14, Rule 119 of the Revised Rules of Court, which provides:

Sec. 14. Bail to secure appearance of material witness. - When the court is satisfied, upon proof or oath, that a material witness will not testify when required, it may, upon motion of either party, order the witness to post bail in such sum as may be deemed proper. Upon refusal to post bail, the court shall commit him to prison until he complies or is legally discharged after his testimony has been taken.

It does not need a keen intellect to hold that the rule relied upon by the respondent cannot be used as basis for the detention of complainant since he is a counsel and not a material witness to a case.

Section 6, Rule 120 of the Rules of Court is likewise of no help to the respondent. It does not require the presence of the counsel during the promulgation of a judgment, viz:

SEC. 6. Promulgation of judgment - The judgment is promulgated by reading it in the presence of the accused and any judge of the court in which it was rendered. However, if the conviction is for a light offense, the judgment may be pronounced in the presence of his counsel or representative. When the judge is absent or is outside the province or city, the judgment may be promulgated by the clerk of court.

If the accused is confined or detained in another province or city, the judgment may be promulgated by the executive judge of the Regional Trial Court having jurisdiction over the place of confinement or detention upon the request of the court which rendered the judgment. The court promulgating the judgment shall have authority to accept the notice of appeal and to prove the bail bond pending appeal; provided, that if the decision of the trial court convicting the accused changed the nature of the offense from non-bailable to bailable, the application for bail can only be filed and resolved by the appellate court.

The proper clerk of court shall give notice to the accused personally or through his bondsman or warden and counsel, requiring him to be present at the promulgation of the decision. If the accused was tried in absentia because he jumped bail or escaped from prison, the notice to him shall be served at his last known address.

In case the accused fails to appear at the scheduled date of promulgation of judgment despite notice, the promulgation shall be made by recording the judgment in the criminal docket and serving him a copy thereof at his last known address or thru his counsel.

If the judgment is for conviction and the failure of the accused to appear was without justifiable cause, he shall lose the remedies available in these Rules against the judgment and the court shall order his arrest. Within fifteen (15) days from promulgation of the judgment, however, the accused may surrender and file a motion for leave of court to avail of these remedies. He shall state the reasons for his absence at the scheduled promulgation and if he proves that his absence was for a justifiable cause, he shall be allowed to avail of these remedies within fifteen (15) days from notice.

We hold that respondent violated Rule 3.04, Canon 3 of the Code of Judicial Conduct, which states:

Rule 3.04. - A judge should be patient, attentive, and courteous to lawyers, especially the inexperienced, to litigants, witnesses, and others appearing before the court. A judge should avoid consciously falling into the attitude of mind that the litigants are made for the courts, instead of the courts for the litigants.

It is plain that respondent was impatient and discourteous in dealing with complainant. Judges should respect all people appearing before their courts, be they lawyers or litigants. Respondent ordered complainant's arrest without according him the elementary right to challenge the order. The violation of his right to due process cannot be denied. To be sure, complainant satisfactorily explained his absence in the November 18 scheduled promulgation. Before the promulgation, complainant's secretary called respondent's office to verify the schedule and was informed that all hearings for the day were cancelled due to respondent's confinement in the hospital. It is therefore inaccurate to contend that complainant was absent twice, and he has to be arrested to prevent delay in the promulgation of the decision. The Office of the Court Administrator correctly observed that the respondent should have followed the following procedure:

What respondent judge should have done under the circumstances obtaining at the time he issued the order of arrest of complainant was first to issue an order directing him (Seludo), within a reasonable time, to show cause why he should not be punished for indirect contempt of court and, reset the promulgation of the decision to some

other time at the convenience of the court. If the explanation is not satisfactory to the court, then and only then, that a penalty should be imposed upon the contemner.

It is likewise provided in A.M. No. 02-9-02-SC Re: Automatic Conversion of Some Administrative Cases Against Justices of the Court of Appeals and the Sandiganbayan; Judges of Regular and Special Courts; and Court Officials Who are Lawyers as Disciplinary Proceedings Against Them Both as Such Officials and as Members of the Philippine Bar, that administrative cases against judges of lower courts, who are likewise lawyers, are based on grounds which are also grounds for disciplinary action of members of the Bar, among others, for violation of the Code of Professional Responsibility.

We consider respondent judge to have violated: (1) Rule 8.01, Canon 8 of the Code of Professional Responsibility which prohibits the use of inappropriate language:

Rule 8.01. - A lawyer shall not, in his professional dealings, use language which is abusive, offensive or otherwise improper; and

(2) Rule 10.03, Canon 10, which mandates the proper observance of the rules of procedure:

Rule 10.03 - A lawyer shall observe the rules of procedure and shall not misuse them to defeat the ends of justice.

We are disappointed by respondent's penchant for improper words when he called the complainant a fact fabricator, a congenital liar, an "Indian" who fails to comply with his commitment and dim-witted. We had previously admonished respondent judge for using inappropriate language. In Judge Antonio J. Fineza vs. Romeo P. Aruelo,[12] respondent judge filed a complaint against Aruelo, a Clerk of Court of another branch for interfering with a case pending in his sala. He later withdrew his complaint on the ground that "x x x the Supreme Court and the OCAD did not take prompt action on (the) matter. It took for (sic) (them) two years and eight months without favorably giving due course to this administrative case which was filed by this representation against the respondent. I am downgraded (sic) not to say I am saddened by the inaction of the Supreme Court so I am withdrawing my complaint." He also added that "(he is) already demoralized and (has) lost faith in the system." In our decision, respondent judge was enjoined to be more circumspect in his language. He was likewise made to show cause why he should not be administratively sanctioned for casting the Court and the Judiciary in bad light.

In his explanation, respondent claimed that he had no intention to speak ill against the Court or the Judiciary and attributed his intemperate language to being human and "having his own share of human frailties." Nonetheless, we admonished him to exercise prudence and restraint in his language and sternly warned that a repetition of the same or similar offense will be dealt with more severely.[13]

In a more recent case decided by the Court En Banc, Lim vs. Judge Antonio J. Fineza,[14] respondent judge was also found guilty of gross misconduct for failing to execute a judgment which had become final, and was fined P30,000.00, with a stern warning that a repetition of the same act will be dealt with more severely.

We consider respondent's act of ordering the detention of complainant without just cause as gross ignorance of the law or procedure, and the improper use of words in his Comment as gross misconduct,[15] both under Section 8, Rule 140 of the Revised Rules of Court, [16] as amended, viz:

Sec. 8. Serious charges - Serious charges include:

x x x x x x x x

3. Gross misconduct constituting violations of the Code of Judicial Conduct;

x x x x x x x x

9. Gross ignorance of the law or procedure;

x x x x x x x x

Section 11 of the same Rule, provides the following penalty, viz:

SEC. 11. Sanctions - A. If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:

- Dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits;
- Suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or
- A fine of more than P20,000.00 but not exceeding P40,000.00.

x x x x x x x x

IN VIEW WHEREOF, we find respondent judge guilty of gross ignorance of procedure and impose on him a fine of P40,000.00, and gross misconduct and impose on him a fine of P40,000.00, considering his repetition of the offense.

SO ORDERED.

Quisumbing, Austria-Martinez, Callejo, Sr., and Tinga, JJ., concur.

[1] Rollo, p. 1.

[2] Id. at 7.

[3] Id. at 8.

[4] Id. at 2.

[5] Id. at 3.

[6] Id. at 23.

[7] Id. at 24.

[8] Id. at 49.

[9] Rule 8.01. - A lawyer shall not, in his professional dealings, use language which is abusive, offensive or otherwise improper.

[10] Rule 10.03 - A lawyer shall observe the rules of procedure and shall not misuse them to defeat the ends of justice.

[11] Rollo, p. 49.

[12] A.M. No. P-01-1522, November 29, 2001.

[13] Judge Antonio J. Fineza vs. Romeo P. Aruelo, A.M. No. P-01-1522, July 30, 2002.

[14] A.M. No. RTJ-02-1705, May 5, 2003.

[15] Prosecutor Ruiz v. Judge Bringas, A.M. No. MTJ-00-1266, April 6, 2000.

[16] A.M. No. 01-8-10-SC, Re Proposed Amendment to Rule 140 of the Rules of Court Re Discipline of Justices and Judges, October 1, 2001.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.