

IMELDA S. ENRIQUEZ, COMPLAINANT, VS. JUDGE ANACLETO L. CAMINADE, RESPONDENT*A.M. NO. RTJ-05-1966. March 21, 2006*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c267d4effa11/>**PANGANIBAN, CJ:**

Judges are expected to exhibit more than just cursory acquaintance with statutes and procedural laws. In all good faith, they must know the laws and apply them properly. Judicial competence requires no less. Where the legal principle involved is sufficiently basic and elementary, lack of conversance with it constitutes gross ignorance of the law.

The Case and the Facts

This administrative case stems from a verified Complaint^[1] filed with the Office of the Court Administrator (OCA) by Imelda S. Enriquez. In that case, Judge Anacleto Caminade was charged with gross misconduct, knowingly rendering an unjust judgment, and gross ignorance of the law. The material averments of the Complaint and respondent's Comment are summarized by the OCA as follows:

"x x x [Complainant] Imelda S. Enriquez charges [Respondent] Judge Anacleto Caminade with Gross Misconduct, Knowingly Rendering an Unjust Judgment and Gross Ignorance of the Law and Procedure relative [to] Criminal Case No. CBU-066703, entitled 'People of the Philippines versus Sherwin Que @ Bungol, Anthony John Apura,' for Murder. As mother of the victim in the criminal case, [complainant] alleges that respondent issued an order dated 31 March 2004, the decretal portion of which reads:

'WHEREFORE, the Court hereby denies the motion for the issuance of the warrant of arrest against the accused-movants; sets aside the assailed Resolution of the City Prosecutor on the basis of which the latest amended information was filed; quashes the latest amended information; and remands this case to the City Prosecutor for completion of the preliminary investigation.'

"Respondent so ruled because there was no preliminary investigation completed on accused Alvin Taggart Pimentel Alvez and Alvin John Apura [as] they were denied the opportunity to file a motion for reconsideration or a petition for review before the information was filed in court.

"Complainant claims that respondent was grossly mistaken when he ruled, in effect, that the investigating prosecutor cannot file a criminal information before the expiration of the 15-day period within which the accused are allowed by the Revised Rules of Court to move for reconsideration or petition for review of an adverse 'Resolution.' Respondent cited Sales versus Sandiganbayan (G.R. [No.] 143802, 16 November 2001) that 'the filing of motion for reconsideration is an integral part of the preliminary investigation proper' and that an [i]nformation 'filed without first affording x x x accused his right to file motion for reconsideration' is tantamount to a denial of the right itself to a preliminary investigation.

"Complainant contends that Sales is not applicable to the criminal case because of significant factual and procedural distinctions between the two cases: (1) the Sales case proceeded under the Rules of Procedure of the Ombudsman, while subject criminal case was conducted under the Rules of Court; (2) there was no completed

preliminary investigation in the Sales case but there was a completed full-blown panel preliminary investigation on the accused in the subject criminal case; and (3) it is only under the Rules of Procedure of the Ombudsman that the preliminary investigation is deemed completed and terminated upon the lapse of the period to file a motion for reconsideration from the resolution of the Ombudsman while there is nothing in the Rules of Court which states that a person investigated has the right to file a motion for reconsideration or reinvestigation before the [i]nformation can be filed in court.

"In his COMMENT, respondent explains that the panel of prosecutors conducting preliminary investigation filed in court their amended information without furnishing accused Apura and Alvez their copy of the resolution. He stresses that his challenged order is in accordance with law and jurisprudence, citing among others, the case of Sales. He claims his order was an honest response to the pending matters before him and [he] merely granted reliefs consistent with those granted by the Supreme Court in the Sales case.

"[Respondent judge asserts that] while the facts of Sales and the criminal case are different, the legal principle involved in the former case 'that a preliminary investigation is part of due process and a motion for reconsideration of the Resolution of the Prosecutor finding probable cause for the filing of information is part of a preliminary investigation and respondent who is not given the opportunity to file the same is in effect deprived of his right without due process of law' cannot be overlooked. Respondent points out that complainant, who was represented by two attorneys, should have resorted to judicial recourse such as an appeal of the order in question via a petition for certiorari to the Court of Appeals." [2]

Report and Recommendation of the OCA

In its Report, [3] the OCA finds respondent guilty of gross ignorance of the law. Thus, it recommends that respondent be penalized with the maximum imposable fine of P40,000, considering that he was earlier penalized with six months' suspension for another serious though unrelated offense.

According to the OCA, the issue raised by complainant does not pertain to an error of judgment or to one pertaining to the exercise of sound judicial discretion by respondent. Rather, the issue is whether respondent complied with procedural rules so elementary that to digress from them amounts to either ignorance or negligence. Since the procedure for the institution of criminal actions is basic and clearly expressed in the Rules of Court, respondent's Order is deemed to have been attended by gross ignorance of the law.

The Court's Ruling

The Court agrees with the findings of the OCA but reduces the penalty.

Administrative Liability of Respondent

This Court has consistently held that lack of conversance with legal principles sufficiently basic and elementary constitutes gross ignorance of the law. [4] As an advocate of justice and a visible representation of the law, a judge is expected to be proficient in the interpretation of our laws. [5]

A perusal of the Order issued by respondent on March 31, 2004, shows that he remanded Criminal Case No. CBU-066703 to the city prosecutor for the completion of the preliminary investigation based on this Court's ruling in Sales v. Sandiganbayan. [6] Clearly, respondent failed to read the case in its entirety, or he grossly misapprehended the doctrine it had laid down.

A careful study of Sales reveals that it applies specifically to preliminary investigations conducted before the Ombudsman. That case was decided in accordance with the Rules of Procedure of the Ombudsman, granting the

accused fifteen days to move for a reconsideration or a reinvestigation of an adverse resolution in a preliminary investigation.[7] Obviously, the criminal case filed before respondent's court was not covered by the Rules of Procedure of the Ombudsman but by the Rules of Court, which had no corresponding provision. Thus, Sales was not in point.

Diligence in keeping up-to-date with the decisions of this Court is a commendable virtue of judges and, of course, members of the bar. Comprehending the Court's decisions is a different matter, however, for it is in this area where one's competence may be tested and proven.[8]

As aptly pointed out by the OCA, the termination of a preliminary investigation upon the filing of an information in court is a well-established procedural rule under the Rules of Criminal Procedure. Respondent clearly strayed from the well-trodden path when he grossly misapplied the ruling of the Court in Sales. Since a preliminary investigation in Criminal Case No. CBU-066703 was held, that stage of the legal process was already completed.

The New Code of Judicial Conduct for the Philippine Judiciary requires judges to be embodiments of judicial competence and diligence.[9] Those who accept this exalted position owe the public and this Court the ability to be proficient in the law and the duty to maintain professional competence at all times.[10] Indeed, competence is a mark of a good judge. This exalted position entails a lot of responsibilities, foremost of which is proficiency in the law. One cannot seek refuge in a mere cursory knowledge of statutes and procedural rules.[11]

Respondent judge fell short of these standards when he failed in his duties to follow elementary law and to keep abreast with prevailing jurisprudence.[12] Service in the judiciary involves continuous study and research from beginning to end.[13]

Exacting as these standards may be, judges are expected to be personifications of justice and the rule of law and, as such, to have more than just a modicum acquaintance with statutes and procedural rules.[14] Essential to every one of them is faithfulness to the laws and maintenance of professional competence.

Judges are not common individuals whose gross errors "men forgive and time forgets." [15] For when they display an utter lack of familiarity with the rules, they erode the confidence of the public in the competence of our courts.[16] Such lack is gross ignorance of the law. Verily, failure to follow basic legal commands and rules constitutes gross ignorance of the law, of which no one is excused, and surely not a judge.[17]

Respondent contends that instead of filing the instant Administrative Complaint, complainant should have resorted to judicial recourse, like an appeal of the Order in question. It should be reiterated that the court's power of appellate review is distinct from an administrative matter, which involves the exercise of the court's power to discipline judges. An administrative matter is undertaken and prosecuted solely for the public welfare; that is, to maintain the faith and confidence of the people in the government.[18]

In sum, we reiterate our ruling in *Abbariao v. Beltran*, [19] as follows:

"We emphasize that ignorance of the law is the mainspring of injustice. For this reason, we always remind the members of the bench of their duty to be faithful to the law and to maintain professional competence. Judges are called upon to exhibit more than just cursory acquaintance with statutes and procedural rules. Basic rules must be at the palms of their hands. Their inexcusable failure to observe the basic laws and rules will render them administratively liable. 'Where the law involved — as in this case — is simple and elementary, lack of conversance therewith constitutes gross ignorance of the law.' "[20]

As to the charges of grave misconduct and knowingly rendering an unjust judgment, we agree with the findings of the OCA that there is no allegation or evidence on record to support these claims.

Regarding the penalty to be imposed on respondent, although gross ignorance of the law is classified as a serious charge, it has been sanctioned with a wide range of penalties.[21] The Court has to balance the recommended penalty. The OCA suggests the maximum fine of P40,000, because respondent was penalized earlier with six months' suspension for another serious though unrelated offense. Without minimizing the seriousness of the previous misconduct, the Court notes that the acts presently complained of are completely unrelated to and dissimilar from those in the prior case. The acts under consideration cannot be considered a repetition of the same or similar acts for which respondent was previously suspended. Neither is there any showing that he acted with malice or bad faith in issuing his Order in the present case. Under the present circumstances, this Court deems a fine of P20,000 to be appropriate.

Unrelated or not, both cases reflect poorly on respondent as a public officer. The Constitution expects judges to be embodiments of competence, integrity, probity and independence.[22] Indeed, magistrates should personify four Ins; namely, integrity, independence, industry and intelligence.[23]

WHEREFORE, Judge Anacleto L. Caminade is found guilty of gross ignorance of the law, for which he is FINED in the amount of twenty thousand pesos (P20,000). He is STERNLY WARNED that a repetition of the same or similar acts shall be dealt with more severely in the future.

SO ORDERED.

Ynares-Santiago, Austria-Martinez, Callejo, Sr., and Chico-Nazario, JJ., concur.

[1] Dated June 17, 2004; rollo, pp. 2-3.

[2] OCA Report, pp. 1-2; rollo, pp. 472-473.

[3] Dated August 28, 2005; id., pp. 472-475.

[4] Community Rural Bank of Guimba v. Talavera, 455 SCRA 34, April 6, 2005; Vicente v. Majaducon, 461 SCRA 12, June 23, 2005; Cortes v. Bangalan, 379 Phil. 251, January 19, 2000.

[5] Ricafort v. Gonzales, 437 SCRA 549, September 7, 2004.

[6] 421 Phil. 176, November 16, 2001.

[7] §7 of Administrative Order No. 7 of the Rules of Procedure of the Ombudsman.

[8] Conducto v. Judge Monzon, 353 Phil. 796, July 2, 1998.

[9] Canon 6 provides: Competence and diligence are prerequisites to the due performance of judicial office.

[10] Lim v. Dumlao, 454 SCRA 196, March 31, 2005; De Los Santos v. Mangino, 405 SCRA 521, July 10, 2003; Gozun v. Judge Liangco, 393 Phil. 669, August 30, 2000.

[11] Ualat v. Judge Ramos, 333 Phil. 175, December 6, 1996.

[12] Boiser v. Aguirre, Jr., 458 SCRA 430, May 16, 2005; Lim v. Dumlao, supra; Vileña v. Judge Mapaye, 431 Phil. 217, April 24, 2002.

[13] Grieve v. Jaca, 421 SCRA 117, January 27, 2004;

[14] Community Rural Bank of Guimba v. Talavera, supra at note 4; De Vera v. Judge Dames II, 369 Phil. 470,

July 13, 1999.

[15] *Community Rural Bank of Guimba v. Talavera*, supra at p. 39, per Panganiban, J. (now CJ). See also *Requierme v. Yuipco*, 399 Phil. 578, November 27, 2000; *Cui v. Madayag*, 314 Phil. 846, June 5, 1995.

[16] *Lim v. Dumlao*, supra at note 10; *Boiser v. Aguirre, Jr.*, supra at note 12.

[17] *Mina v. Vianzon*, 426 SCRA 56, March 23, 2004; *Domingo v. Pagayatan*, 451 Phil. 472, June 10, 2003.

[18] *Jamora v. Bersales*, 447 SCRA 20, December 16, 2004.

[19] 468 SCRA 419, August 31, 2005.

[20] *Id.*, pp. 426-427, per Panganiban, J. (now CJ).

[21] The range of fines imposed by the Court on gross ignorance of the law is as follows: P5,000 (*Dantes v. Caguioa*, 461 SCRA 236, June 27, 2005; *Boiser v. Aguirre, Jr.*, supra at note 12; *Ruiz v. Beldia, Jr.*, 451 SCRA 402, February 16, 2005), P10,000 (*Reyes v. Mangino*, 450 SCRA 27, January 31, 2005; *Grageda v. Tresvalles*, 421 SCRA 500, February 2, 2004; *Senson v. Pangilinan*, 410 SCRA 394, September 8, 2003), P20,000 (*Abbariao v. Beltran*, supra at note 19; *Bagano v. Hontanosas*, 458 SCRA 59, May 6, 2005), P21,000 (*Community Rural Bank of Guimba v. Talavera*, supra at note 4); P25,000 (*Lumabas v. Banzon*, 467 SCRA 257, August 18, 2005) and P40,000 (*Alconera v. Majaducon*, 457 SCRA 378, April 27, 2005; *Manalastas v. Flores*, 422 SCRA 298, February 6, 2004).

[22] § 7 of Art. VIII of the 1987 Constitution. See also *Community Rural Bank of Guimba v. Talavera*, supra at note 14.

[23] See Panganiban, "Judging the Judges," *Judicial Renaissance* (2005), pp. 167-184.

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