

FLAVIANO B. CORTES, COMPLAINANT, VS. JUDGE EMERITO M. AGCAOILI, REGIONAL TRIAL COURT, BRANCH 9, APPARI, CAGAYAN, RESPONDENT.

A.M. No. RTJ-98-1414. August 20, 1998

Ponente: PANGANIBAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c31abd5b0285/>

PANGANIBAN, J.:

A member of the judiciary must be a person of proven competence, integrity, probity and independence.[1] Any deviation from these exacting standards warrants reproof and sanction.

The Case

On August 14, 1996, the Office of the Court Administrator received from Flaviano B. Cortes a sworn letter-complaint[2] addressed to Chief Justice Andres R. Narvasa, accusing Judge Emerito M. Agcaoili of corruption, abuse of authority and ignorance of the law. Complainant Cortes alleged:

“1. Judge Emerito M. Agcaoili is irregular in attending his responsibilities in his office. He is not observing his office hours exactly from Monday to Friday. The Supreme Court prescribes that [j]udges should be in their respective salas from Monday to Friday. In his schedule it appears:

- a) He arrives Monday afternoon or early Tuesday morning.
- b) He goes to court Tuesday to Thursday.
- c) He goes home Thursday afternoon.
- d) No more session during Friday.

2. P.P. vs. Efren Chua[,] Criminal Case No. 09-805 for Violation of P.D. 705:

- a) Dismissed by Judge Emerito M. Agcaoili on the ground that the prosecution has not proved [the] corpus delicti.
- b) [There are r]umors in Aparri that Judge Agcaoili was given a brand new car after the dismissal of the case.
- c) Attached is the certified xerox copy of the delivery receipt of the 242 narra flitches to the court coming from the DENR.

3. P.P. vs. Jimmy Siriban, Criminal Case No. 09-755 for Falsification of Public Documents:

- a) Judge Emerito M. Agcaoili, in connivance with Fiscal Bienvenido R. Miguel dismissed the case. Mr. Reynaldo Mecate, the Civil Registrar of Camalaniugan, Cagayan not placed on the witness stand. According to Mr. Mecate, he is always present during the trial. The complaining witness was also present.
- b) Rumors in Aparri, Cagayan Judge Emerito M. Agcaoili was given a brand new car by Jimmy Siriban.
- c) Fiscal Bienvenido R. Miguel on his part was given [a] large amount of cash by Mr. Jimmy Siriban who is

spreading such fact.

d) Attached are the Information and the Order of the Dismissal of the Case.

4. P.P. vs. F. Roldan[,] Criminal Case No. _____ for [m]urder:

a) Judge Emerito M. Agcaoili granted bail for humanitarian reason.

b) Prosecution [has] a very strong evidence and the case is considered a heinous crime and should have been unbailable.

5. Judge Emerito M. Agcaoili is a corrupt judge[;] almost all cases of Chinese were tried in his sala.

6. All forestry (DENR) cases of illegal logging and smuggling of lumber were tried in his sala. Forestry (DENR) cases were all lost.

7. Judge Emerito M. Agcaoili entertained his visitors in his cottage at the Cagayan State University Aparri, Cagayan knowing fully well that they have pending cases in his sala. To name some are Mr. Wilfred 'Bobot' Chua and Jimmy Abad, the winning bidder of the narra flitches.

8. He is capitalizing on his position as a [j]udge to solicit every year during Christmas. He is soliciting from lawyers, the district hospital, Bumatay Hardware, Wilfred 'Bobot' Chua's store etc. There was a time that he was able to solicit eight (8) roasted pigs (Litchon). He only served two (2) pieces during the party. He brought home the remaining six. Another time, he was able to collect jumbo shrimps, crabs and fishes of more or less 40 kilos. He brought most of it and [froze] it in his boarding house at the Cagayan State University at Aparri. There were only few of the shrimps, crabs and fishes which were offered and served to his colleagues in the Hall of Justice during [the] Christmas Party. Another time he was able to solicit four (4) gallons of paint and a number of spare parts of vehicles from Wilfred 'Bobot' Chua, who has a pending case of legal separation of marriage in his sala. [According to r]umors in Aparri, Judge Agcaoili was given a free pass for riding EMC Transportation owned by Ernesto M. Chua [and] managed by Mr. Wilfred 'Bobot' Chua."

In a Resolution dated November 18, 1996, this Court required respondent judge to comment on the Complaint.[3]

On March 17, 1997, Judge Agcaoili controverted the accusations against him in the following manner:

"Re: No. 1

"It is not true that I am irregular in attending to my duties as [j]udge. Proof of this is that among the five branches of the Regional Trial Court at Aparri, Cagayan, I have the lowest case load despite my previous assignment as assisting [j]udge at the Regional Trial Court, Branch 15, Naic, Cavite from October 1993 to October 1996. As of 31 January 1997, I had 148 cases pending for determination.

"Aparri, Cagayan is peculiar in the sense that there are less than ten (10) private law practitioners attending to five (5) Regional Trial Court branches and two (2) Municipal Trial Court branches at Aparri, Cagayan and nine (9) in the outlying municipalities. Private practitioners have to apportion and allocate their time to the different courts. For my part, I have to content myself with having to hold sessions 3 days of the week only, from Tuesday to Thursday.

"It is not true that I go home on Thursdays, nor that I report on Tuesdays. It may be that complainant refers to the time when I served as [a]ssisting [j]udge of the Regional [T]rial Court, Branch 15, Naic, Cavite. In addition to my regular duties, during my assignment thereat, I only reported to Aparri, Cagayan during the first 15 days of the month. This was from October 1993 to October 1996. It may be also that I had been on leave of absence, as I was on the following dates: 4 January 1996; 13-14 February 1996; 8-9, 14-15 May 1996; 13, 24-28 June 1996; 2-3 July 1996; 6-8, 13-14 August 1996; 5, 10-12 September 1996; 17-22, 25, 31 October 1996; 5-8, 15-29 November 1996, as certified by the Leave Section, Administrative Services, Supreme Court; or, I could

have been before the Office of the Court Administrator, as I was on 22-24 April 1996; 29-31 July 1996; 19-20 September 1996; 23-24 October 1996; 28-30 October 1996; 11-14 November 1996. The Certification by the Chief Administrative Officer and the Certificates of Appearance by the Office of the Court Administrator are hereto attached.

“Re: No. 2, People vs. Efren Chua; Criminal Case No. 09-805; For Illegal Logging [in] Violation of P.D. 705

“Administrative Order No. 150-93 designated my Branch of the Court, [a] Special Court to try violations of Forestry Laws (P.D. 705). It may not be amiss to state in this connection that while two other judges of the Regional Trial Court stationed at Aparri, Cagayan were sent to attend a Seminar in Baguio City on forestry laws and regulations, my Branch was instead designated [a] special court to try violations of said forestry laws.

“In regard to the dismissal of the Information, the criminal complaint was based on evidence seized pursuant to a search warrant. The search warrant was however, set aside for violation of constitutional and statutory [requisites]. The prosecution was required to adduce other evidence but had none other than the seized goods. On accused’s motion following the declaration of nullity of the search warrant, the seized [pieces of] evidence were excluded, declared inadmissible. Perforce, the case had to be dismissed.

“Attached are all the pertinent orders and pleadings filed.

“Re: No. 3, People vs. Jimmy Siriban; Criminal Case No. 09-755; For Falsification of Public Documents in Violation of Article 172, par. 1 of the Revised Penal Code.

“I deny having been given a brand new car or anything for that matter, by Mr. Jimmy Siriban.

“Regarding the dismissal of the Information, I attach a certified true copy of the Order which is self-explanatory.

“Re: No. 4, People vs. F. Roldan.

“There is no criminal case for [m]urder filed against one F. Roldan pending before this branch of the Regional Trial Court.

“Re: No. 5

“Out of a total of 148 cases as of last count, there are four (4) cases involving parties with Chinese-sounding surnames pending in my sala. All are Filipinos. There are two (2) civil cases, namely:

- Ernesto M. Chua vs. National Food Authority, for Mandamus and Damages, docketed as Civil Case No. 09-351 involving a ricemill license;
- Antonio Uy vs. Harvest International Film Corporation, for Damages and Breach of Contract, docketed as Civil Case No. 09-381;
- One (1) Land Registration Case for Reconstitution of Lost Original Certificate of Title, entitled Issuance of Another Owner’s Duplicate Copy of Original Certificate of Title No. 16837, Amparo Castro-Dy, petitioner, docketed as L.R.C. No. 09-426; and
- One (1) Criminal Case entitled People vs. Benjamin Chua, docketed as 09-917 for Violation of Forestry Laws and Violation of P.D. 705. Let this Honorable Court be the [j]udge whether almost all cases of Chinese are assigned to my sala.

“Re: No. 6

“Being the special court designated under Administrative Order No. 150-93, all criminal cases for Violation of Forestry Laws, Rules and Regulations are assigned to my sala.

“Re: No. 7

“I do not entertain anybody having pending cases before me whether in my chambers or in my boarding house. Mr. Wilfred (‘Bobot’) Chua does not have any case pending in my sala, neither Mr. Jimmy Abad. I have not bidden out any narra flitches whether to Mr. Abad or to anybody. I have no authority to do so.

“Re: No. 8

“I have never solicited any contribution from any lawyer, from the District Hospital, from the Bumatay Hardware, nor from Bobot Chua Store anytime whether on Christmas or on any occasion. During Christmas time, some lawyers volunteer to donate something for the Christmas party celebration.

“In regard to ‘jumbo shrimps, crabs and fishes’, I did not solicit any, muchless [sic] forty (40) kilos of these. During my Branch’s [C]hristmas party celebration, I have asked my employees to buy shrimps, crabs and fishes. But I pay for these. As for the four (4) gallons of paint and [a] number of spare parts from Wilfred (Bobot) Chua, this is not true. It also not true that I have [a] free pass for the EMC Transportation owned by Mr. Ernesto M. Chua. During those rare occasions that I ride on said bus company, I insist on paying.”[4]

After receipt of the foregoing Comment, this Court issued another Resolution dated July 30, 1997, referring the case to Justice Alicia Austria-Martinez of the Court of Appeals for investigation, report and recommendation.[5]

Pretrial Conference

At the instance of Justice Martinez, a pretrial conference was held on September 26, 1997.[6] Subsequently, the investigating justice issued an Order[7] stating that the parties agreed to exclude the following from the investigation:

“x x x x x x x x

1. Paragraph 2 (b) -

‘(b) [There are r]umors in Aparri that Judge Agcaoili was given a brand new car after the dismissal of the case.’

2. Paragraphs 3 (b) and (c) -

‘(b) [Accoring to r]umors in Aparri, Cagayan Judge Emerito M. Agcaoili was given a brand new car by Jimmy Siriban.

‘(c) Fiscal Bienvenido R. Miguel on his part was given [a] large amount of cash by Mr. Jimmy Siriban who [was] spreading such fact.’

3. Paragraphs 5 and 6 -

‘5. Judge Emerito M. Agcaoili is a corrupt judge[;] almost all cases of Chinese were tried in his sala.

‘6. All forestry (DENR) cases of illegal logging and smuggling of lumber were tried in his sala. Forestry (DENR) cases were all lost.’”

Arguments for the Complainant

In pleading for sanctions against respondent, the complainant contended before Justice Martinez:

“1. That the order of respondent [j]udge of 11 August 1995 nullifying the search warrant issued by Judge Ernesto Talamayan is manifestly erroneous, his grounds in so doing having been shown to be totally belied by the records. While he said the record of the proceeding of the application for the search warrant was not attached to the record of the criminal case, he however admitted that they were eventually brought to court

with the expediente pursuant to a subpoena duces tecum. Likewise, when he said the testimonies of the deponents [were] hearsay, he himself quoted in his order those testimonies containing their categorical statements that they saw the narra lumber and flitches. Judge Talamayan, being the issuing judge, was as much empowered by law and the Constitution to determine probable cause since he did it after personally examining the witnesses with searching questions and thereafter certified that probable cause existed. Respondent had absolutely no power to reverse such determination upon his general claim, not supported by the evidence, that the proceeding thereof was irregular. His unwarranted order to set aside Judge Talamayan's finding is so patently wrong that it was intentionally done as his means to acquit Efren Chua, and in the end to release the valuable forest products. This is an act of dishonesty of a public official, pure and simple, and we submit he should not be entrusted with that awesome responsibility as a superior judge a minute longer.

2. That he illegally granted bail to a person charged [with] a capital offense in violation of law and jurisprudence. The grant or denial of petition for bail involves the determination of whether or not the evidence of guilt is strong and, therefore, the need [of] the court for such a categorical determination [is] supported by the summary of the evidence. Respondent was not the assigned judge for the case as he, admittedly, was only the pairing judge. Yet, not only did he arrogate [to] himself the power to make the determination but he granted the bail without making the determination justified by the evidence. Again, we submit respondent judge could not have just been mistaken. He knowingly issued that unjust order. His awkward presentation of the very recent order (respondent's Exh. '38' dated January 6, 1998) of Judge Antonio Laggui, the present presiding judge of Branch 10, that 'This [p]residing [j]udge considers the reason given by the Hon. [p]airing [j]udge in granting bail to the accused justified' is, of course, not binding to the Investigating Justice and to the Supreme Court. Its value, at best, is the assurance of the good relation and camaraderie among the presiding judges in that court.

3. The other specifications which relate to the manipulated dismissal by respondent of the criminal case of Jimmy Siriban in Criminal Case No. 09-755 for Falsification of Public Documents was told by Reynaldo Mecate, the Civil Registrar of Camalaniugan, Cagayan, who testified he was always present in court to present the records of his office which was the vital evidence for the prosecution. But the order of dismissal nevertheless states that this witness was always absent when needed. Jimmy Siriban is of course the Jimmy Siriban seen with respondent at the CSU canteen during that feasting and drinking and one of those delivering the Styrofoam box." [8]

Arguments for the Respondent

In praying for the dismissal of the case against him, respondent argued before the investigating justice:

"Re: Charge No. 1 - 'Judge Emerito M. Agcaoili is irregular in attending [to] his responsibilities in his office. He is not observing his office hours exactly from Monday to Friday x x x'

In all proceedings, be it criminal, civil, administrative, or even in discussions or debates, it is axiomatic that the burden of proof is always on the affirmative side. Complainant has not adduced any single piece of evidence.

Notwithstanding the foregoing, he presented Exhibits '1' to '5', including their submarkings to prove that on the dates mentioned therein, your [r]espondent was either in Cavite attending to his duties as [a]ssisting [j]udge of the RTC Branch 15 pursuant to Supreme Court Administrative Order No. 162-93 (Exh. '1') at the Office of the Court Administrator (see Exhs. '5', '5-A' to '5-1', inclusive) or on leave (See Exhs. '2' to '4', inclusive).

Re: Charge No. 2 - People vs. Efren Chua , Crim. Case No. 09-805, '(D)ismissed by Judge Emerito M. Agcaoili on the ground that the prosecution has not proved [the] corpus delicti.'

The principal evidence for the prosecution was the narra lumber and flitches seized pursuant to a search warrant (Exh. '9'). The validity of this search warrant was assailed by accused in a motion (Exh. 8). The

prosecution filed two (2) pleadings opposing the Motion (Exhs. '10' and '11'). Accused submitted supplemental arguments supporting his motion (Exh. '16').

On 11 August 1995, a resolution was issued declaring null and void the search warrant (Exh. '17'). Three (3) months later, the prosecution[,] failing to move forward with its evidence, was directed on 08 November 1995 to show cause why the case should not be dismissed (Exh. '18').

"Following the aftermath of the resolution declaring null and void the search warrant (Exh. '17') and the Order dated 08 Nov. 1995 (Exh. '18'), accused moved to exclude the evidence seized pursuant to the search warrant (Exh. '20'). In an Order dated 09 January 1996, the prosecution was directed to adduce evidence in support of the Information (Exh. '21') and the case was set for this purpose on 06 February 1996. On said date, the prosecution did not adduce any evidence. It was directed to reevaluate its evidence and comment on accused's motion to exclude evidence. On 07 March 1996, an Order was issued resolving accused's Motion to Exclude Evidence and the trial prosecutor's comment. The case was ordered dismissed (Exh. '22').

"Re: Charge No. 3 - People vs. Jimmy Siriban, Crim. Case No. 09-755 for Falsification of Public Documents.

'a) Judge Emerito M. Agcaoili, in connivance with Fiscal Bienvenido R. Miguel dismissed the case. Mr. Reynaldo Mecate, the Civil Registrar of Camalaniugan, Cagayan [was] not placed on the witness stand. According to Mr. Mecate, he [was] always present during the trial. The complaining witness was also present.'

"To refute this charge, your [r]espondent hereby calls the attention of the [h]onorable [i]nvestigator and this Honorable Court to the Order of dismissal dated 01 March 1994 (Exh. '23').

"Re: Charge No. 4 - People v. F. Roldan.

'a) Judge Emerito M. Agcaoili granted bail for humanitarian reason.

'b) Prosecution [has] a very strong evidence and the case is considered a heinous crime and should have been unailable.'

"To be truthful, there is no case pending before any of the Branches at the Regional Trial Court at Aparri, Cagayan against F. Roldan. There is one pending before Branch 10 entitled People vs. Eddie Roldan, Jr. docketed as Crim. Case No. 10-381 for [m]urder. Your [r]espondent is charged with gross ignorance of law for granting bail to the accused in People vs. F. Roldan, a non-existent case. Your [r]espondent is being investigated for issuing an order granting bail in People vs. Eddie Roldan, Jr. Crim. Case No. 10-381, certainly very much different from that mentioned in the letter-complaint. However, if only to show his goodfaith [sic], firm in the belief that justice will ultimately triumph, your [r]espondent answered the charge.

"Now to the merits -

"The criminal complaint for [m]urder docketed as Criminal Case No. 1003-B was filed on 20 February 1991 before the Municipal Trial Court of Buguey, Cagayan (copy attached as Annex 'H'). In the warrant of arrest (copy of which is attached as Annex 'I') issued on 05 June 1991 by the Inquest Judge Designate Briccio B. Aquino[,] bail was set at P50,000.00 in an Order dated 26 June 1991 (copy of which is hereto attached as Annex 'J').

"On 03 September 1991, the Information for [m]urder was filed (copy of which is hereto attached as Annex 'K'). No mention therein was made on the matter of bail. Subsequently, on 20 December 1991, the [p]rovincial [p]rosecutor moved that bail be increased to P200,000.00, copy of said motion is attached as Annex 'L'. Until his retirement in July 1993, Hon. Ernesto Talamayan, [a]cting [p]residing [j]udge of Branch 10 of the Court did not act on the [p]rovincial [p]rosecutor's motion. At no instance during this time while the accused was on a P30,000.00 bail did complainant [or] his counsel who was then [p]rivate [p]rosecutor in said case, move that bail be cancelled or that the [j]udge act on the pending motion (Annex 'L'). In fact

complainant's counsel and private prosecutor therein [--] in a letter dated 09 October 1991 now part of the record of Crim. Case No. 10-381 as pp. 301-302, addressed to this Honorable Court [--] intimated his acquiescence to the accused being set free at P200,000.00 bail (Annex 'M').

It further bears mentioning that of the six judges before whom the issue of bail was presented, namely - Judge Briccio Aquino of the Metropolitan Trial Court of Buguey, Cagayan, Judge Ernesto Talamayan then regular [p]residing [j]udge of Branch 8 and [a]cting [j]udge of Branch 10 now retired, your [r]espondent, Judge Antonino Aquilizan regular [p]residing [j]udge of Branch 7 and [a]cting [j]udge of Branch 10, Judge Benedicto A. Paz regular [p]residing [j]udge of Branch 6 and [a]cting [j]udge of Branch 10, and Judge Antonio Laggui, regular [p]residing [j]udge of Branch 10, only Judge Aquilizan cancelled and refused bail. The fact is, Judge Laggui who is now conducting trial only recently issued an Order confirming accused's right to bail after hearing the prosecution's evidence (Exh. '38'), altho [sic], increasing it to P100,000.00.

Re: Charge No. 7 - 'Judge Emerito M. Agcaoili entertained his visitors in his cottage at the Cagayan State University...' etc., etc.

Complainant's evidence consists of his testimony and that of his witness Antonio Liquigan. Your [r]espondent in turn presented himself denying ever entertaining Wilfred Chua and Jimmy Abad in his boarding house or any where else. He likewise took the deposition of witnesses Francisco U. Bulseco, Jr., Wilfred Chua, Jimmy Abad and Jimmy Siriban before Hon. Benedicto A. Paz, [e]xecutive and regular [p]residing [j]udge of Branch 6 of the Regional Trial Court, Aparri, Cagayan on 27 November 1997 marked in evidence as Exhibits '39' and '40' and its submarkings, '41'. '42'. '43' and '44', all to refute the testimony of complainant and his witness.

In his affidavit, complainant's witness Antonio Liquigan alleged '(T)hat on or about the first half of the month of April 1996 x x x I saw Judge Emerito Agcaoili, Wilfred ['Bobot'] Chua, Jimmy Abad, Jimmy Siriban and others drinking and eating before a table where a roasted pig and plenty of food were set.'

On the witness box, said witness varied the data when he allegedly saw your [r]espondent in the company of the gentlemen mentioned. He said 'between the second and third week' of April 1996. Certainly 'on or about the first half of the month of April 1996' can not be the same as 'between the second and third week' of April 1996. Furthermore, it must be noted - and this is admitted by complainant - that at the time[,] that is from October 1993 to October 1996, your [r]espondent served at Naic, Cavite as [a]ssisting [j]udge of the Regional Trial, Branch 15. His duty thereat was from the 16th to 30th of every month (Exh. '1', Supreme Court Adm. Order No. 162-93). It should be noted that at the time, witness who claims to be a faculty member, the whole CSU was on summer vacation. [sic] He claims that he was doing a special project for the University. But no evidence was presented showing that indeed there was a special project by the witness. An administrative proceeding is very much akin to a criminal prosecution. Certainly your [r]espondent is entitled to the presumption of innocence till sufficiently overcome. It is respectfully submitted that a naked assertion cannot prevail over the constitutional presumption of innocence.

Moreover, your [r]espondent taking the witness box denied ever having lunch in his boarding house with the gentlemen mentioned, whether together or singly. This was corroborated by the deposition of [M]essrs. Wilfred Chua, Jimmy Abad and Jimmy Siriban (Exhs. '41', '42' and '43').

Re: Charge No. 8 - 'He is capitalizing on his position as [j]udge to solicit every year during Christmas x x x'.

Complainant has not introduced any single piece of evidence to support this charge. Your [r]espondent on the other hand denied all allegations in charge No. 8."[9]

Report and Recommendation of the Investigating Justice

In a very thorough and well-written Report to the Court, Justice Martinez carefully dissected the evidence presented before her and recommended the following:

“Charge No. 1 - Judge Emerito M. Agcaoili is irregular in attending his responsibilities in his office. He is not observing his office hours exactly from Monday to Friday.

“Private complainant Cortes did not present any evidence, oral or documentary to prove this charge. While respondent [j]udge admits in his answer that he holds sessions three (3) days of the week only, that is, from Tuesday to Thursday, due to the fact that Aparri, Cagayan has less than ten (10) private law practitioners attending in five (5) Regional Trial Courts, there is no evidence that he did not go to office on Mondays and Fridays. Thus, the presumption that respondent [j]udge performs his regular duties applies in his favor. Consequently, your [i]nvestigator recommends the dismissal of Charge No. 1

“Charge No. 2 - Dismissal by respondent [j]udge of Criminal Case No. 09-805 for violation of P.D. 705 on the ground that the prosecution has not established the corpus delicti.

“The Information filed in Criminal Case No. 09-805 charges Efren Chua of violation of Section 68 of P.D. No. 705, as amended, committed as follows:

‘That on or about July 28, 1993, in the municipality of Aparri, province of Cagayan and within the jurisdiction of this Honorable Court, the said accused, Efren Chua, did then and there willfully, unlawfully, and feloniously have in his possession, control and custody Two Hundred Eighty Five (285) pieces of Narra flitches and lumbers of different sizes with an aggregate volume of Twelve point thirty four (12.34) cubic meters with an estimated value of P130,804.00, [with] the accused knowing fully well that it is prohibited to cut, gather, collect, remove or possess forest products and/or timber from alienable or disposable land, or from private land, unless authorized by law, and the accused had no authority, permit or license from the proper government authorities concerned, to the damage and prejudice of the Government of the Republic of the Philippines in the total amount of ONE HUNDRED THIRTY THOUSAND EIGHT HUNDRED FOUR (P130,804.00) PESOS, Philippine Currency.

‘CONTRARY TO LAW.’ (Exhibit ‘D’, p. 282, Rollo)

The 285 pieces of Narra flitches and lumber of different sizes adverted to in the Information were seized from the accused on the basis of a search warrant issued by virtue of an Order of Judge Ernesto A. Talamayan, [p]residing [j]udge of Branch 08, RTC of Aparri, Cagayan which is hereby quoted in full:

‘TO ANY OFFICER OF THE LAW:

‘It appearing to the undersigned after examining under oath the applicant and his witnesses that there is a probable cause to believe that violation of P.D. No. 705 has been committed and that there are good and sufficient reasons to believe that Efren Chua of Ponce Enrile St., Centro, Aparri, Cagayan has in his possession and control the following items:

‘1. different sizes of Narra flitches

‘2. different sizes of Narra lumbers

‘WHEREFORE, you are hereby commanded to make an immediate search at any time of the day at the residence of Efren Chua at Ponce Enrile St., Centro, Aparri, Cagayan and immediately seize and take possession of the above-described articles and bring them to the undersigned to be dealt with in accordance with law.

‘SO ORDERED.’ (Exhibits ‘E’ and ‘9’, pp. 283 and 422, respectively, id.)

The seized narra flitches and lumber were delivered to the CENRO of DENR (Exhibit ‘E-1’, p. 284, id.).

“The Information filed against Efren Chua was assigned by raffle to Branch 09 of Aparri, Cagayan, presided over by herein respondent [j]udge.

“Accused filed a ‘Motion to Declare the Search Warrant Issued by the Hon. Ernesto A. Talamayan on July 28, 1993 to be Illegally Issued and to Order the Return of the Flitches and Lumber [Seized] by the Raiding Officers’ (Exhibits ‘H’, ‘H-1’ to ‘H-4’ and ‘7’, pp. 303 to 307 and p. 415, respectively, id.). The DOJ Special Counsel filed an Opposition to said motion (Exhibits ‘I’, ‘I-1’ to ‘I-6’ and ‘10’, pp. 308-314, id.). The [a]ssistant [p]rovincial [p]rosecutor filed a Supplemental Opposition (Exhibits ‘I-7’ and ‘11’, pp. 315 to 316 and p. 430, id.). In his Order dated August 4, 1994, respondent [j]udge deferred the resolution of the motion to declare void the search warrant until the prosecution shall have completed the presentation of its evidence (Exhibit ‘12’, p. 432, id.).

“On August 10, 1994, respondent [j]udge gave [the] prosecution a last chance to present its evidence over the vigorous objection of the accused who was invoking his right to speedy trial (Exhibit ‘13’, p. 433, id.).

“A year later, or on August 11, 1995, respondent [j]udge issued the assailed Resolution declaring the search warrant issued by Judge Talamayan as null and void on the following grounds:

‘From the foregoing disputation, it is clear that the search warrant in question suffers not only from illegal infirmities but from fatal defects as well. These are:

‘1. The record of the proceedings taken before the issuing judge was not attach[ed] to the record as required by Sec. 4, Rule 126 of the Rules of Court: it was brought to this Branch of the Court only by virtue of a subpoena duces tecum.

‘2. There was no probable cause in contravention [of] Sec. 2, Art III of the Constitution; and

‘3. The warrant is general.

‘WHEREFORE, Search Warrant No. 02-93, issued by the Honorable Ernesto A. Talamayan is hereby declared null and void.

‘SO ORDERED.’ (Exhibits ‘J’, ‘J-1’ to ‘J-11’ and ‘17’, pp. 317 to 328 and p. 446, id.).

“On November 8, 1995, respondent [j]udge issued an Order directing the prosecution to show cause why the Information should not be dismissed (Exhibit ‘18’, p. 457, id.).

In compliance therewith, the Special Counsel representing the People of the Philippines, filed a ‘Comment and/or Opposition (with Motion for Reconsideration)’ (Exhibit ‘19’, p. 458, id.)

“On December 28, 1995, accused filed a motion to exclude as evidence the flitches and lumber which were confiscated on the basis of a void search warrant and therefore inadmissible for any purpose in any proceeding under Section 3(2), Article III of the Constitution (Exhibit ‘20’, p. 469, id.)

“On January 9, 1996, respondent [j]udge issued an Order denying the prosecution’s motion for reconsideration of the order declaring the search warrant null and void; and, directing the prosecution to adduce evidence in support of the Information, setting the case for hearing on February 6, 1996 (Exhibit ‘21’, p. 473, id.).

“On March 7, 1996, respondent [j]udge issued herein assailed Order, to wit:

‘This resolves the Motion to Exclude Evidence together with the trial prosecutor’s Comment thereon made in compliance with the Order dated 06 February 1996. Accused’s motion is granted. The Constitution mandates that any evidence obtained in violation of Sec. 2, Art. III [is] inadmissible.

‘WHEREFORE, after due consideration of the prosecution’s evidence, the Court believes and so holds that the prosecution cannot establish the corpus delicti in order to warrant continued trial of the case. This case is DISMISSED.

‘SO ORDERED.’ (Exhibits ‘K’ and ‘22’, pp. 329 and 474, id.).

“A month later, or on April 10, 1996, a certain Jimmy Abad filed in Branch 09 a Motion for Release [of] Forest Products, attaching thereto a Waiver and Release of Claim signed by accused Efren Chua (Exhibits ‘L’, ‘L-2’ and ‘L-3’, pp. 330-332, id.). The [t]rial [p]rosecutor filed his Opposition on the following grounds:

- ‘1. The Court cannot make further disposition of the case because it has already lost jurisdiction;
- ‘2. The Forest Products subject of the above entitled case, are not covered by legal documents that made the possession of Efren Chua illegal;
- ‘3. The possession of Chua being illegal, the waiver is, therefore, void;
- ‘4. The forest products must be forfeited in favor of the government;’ (Exhibit ‘M’, p. 333, id.).

On June 4, 1996, respondent [j]udge issued an Order, to wit:

‘Upon payment of the forest and other charges as prescribed by law, let the property subject of this case be released.

‘SO ORDERED.’ (Exhibit ‘A’, p. 277, id.).

“Complainant Cortes claims in his Memorandum that the acquittal of accused Efren Chua is anomalous considering that the Order dated August 11, 1995 (declaring the search warrant as null and void), the Order dated November 7, 1996 (dismissing the case for failure to establish the corpus delicti) and the Order dated June 4, 1996 (ordering the release of the confiscated narra flitches and lumber of different sizes) are absolutely baseless and unjustified; that -

‘From the clear and positive statements in the affidavits of the witnesses and their testimonies in response to the personal clarificatory questions of the examining [j]udge, as well as the latter’s certification of[f] the existence of a probable cause, there should be no doubt at all that the search warrant was overwhelmingly supported by direct, positive and straightforward evidence. The records of the search warrant proceedings are part of the expediente and, certainly, respondent [j]udge could not have missed noticing them, so that for him now to say that they were not attached to the records is a stark falsehood. Likewise, for him to say that the testimonies supporting the finding of probable cause, after quoting in his own order the positive statements of the deponents that they personally saw the narra lumber in the premises of Chua, is a clear case of misrepresentation. We strongly assert that the manifestly erroneous order was not a result of an honest misappreciation of the evidence but, rather, a deliberate, malicious and dishonest judgment to justify his illegal order declaring the search warrant null and void, which became his basis in acquitting Chua. We submit that respondent [j]udge knowingly rendered an unjust order and a decision, an act constituting grave misconduct in office.’ (Complainant’s Memorandum, pp. 6-7).

“Respondent [j]udge points to his Orders, marked as Exhibits ‘12’, ‘13’, ‘18’, and ‘21’, as herein earlier mentioned, to show that he had observed due process before finally dismissing the case; that he ordered the release of the subject forest products to Jimmy Abad only upon payment of proper forest fees and other charges as provided by law.

“Herein [i]nvestigator will not delve into the correctness of the Order declaring the search warrant null and void and of the Order dismissing the case on [the] ground of failure of the prosecution to establish the corpus delicti for the reason that the proper venue for their review would be through the usual judicial process of review by appellate courts. There is no showing that proper judicial steps were taken by the People, the aggrieved party.

“Guided by the following principles enunciated by the Honorable Supreme Court, to wit:

‘Generally, a judge cannot be held liable to account or answer criminally, civilly or administratively, for an

erroneous judgment or order rendered by him in good faith. However, good faith may be negated by the circumstances on record.

‘In the absence of fraud, dishonesty or corruption, the acts of a judge done in his judicial capacity are not subject to disciplinary action, even though such acts may be erroneous. But, while judges should not be disciplined for inefficiency on account merely of occasional mistakes or errors of judgment, yet, it is highly imperative that they should be conversant with basic legal principles.

‘In every case, a judge should endeavor diligently to ascertain the facts and the applicable law unswayed by partisan or personal interests, public opinion or fear of criticism.’ (Libarios vs. Dabalos, 199 SCRA 48; 55).

herein [i]nvestigator submits that even if the declaration of nullity of the search warrant and the dismissal of the case may be considered as erroneous exercise of judgment by the respondent [j]udge, in the absence of competent evidence that at the time the Orders dated August 11, 1995 and November 7, 1996 were rendered, there was an ulterior personal motive on the part of respondent [j]udge to favor the accused, herein [i]nvestigator could not conclude that respondent was gravely ignorant of the law or that he knowingly rendered an unjust order. The [i]nvestigator would be harboring speculation and suspicion against respondent were she to hold otherwise. To constitute gross ignorance of the law, the acts complained of must not only be contrary to existing law and jurisprudence, but [must be] motivated by bad faith, dishonesty and corruption (Alvarado vs. Laquindanum, 245SCRA 501, 504).

“However, in the light of the established doctrine expounded by the Supreme Court in Castro vs. Pabalan (70 SCRA 477, 484) that the illegality of the search warrant does not call for the return of the things seized, the possession of which is prohibited by law, herein [i]nvestigator finds that the order of respondent [j]udge in releasing the narra flitches despite the vehement opposition filed by the trial prosecutor, Exhibit ‘M’ (p. 333, Rollo), is patently erroneous [and amounts] to whimsical exercise of discretion. Judges are expected to keep abreast of and be conversant with existing jurisprudence on the subject (Bayog vs. Natino, 258 SCRA 378, 393).

“Moreover, found on page 16 of the original records of Criminal Case No. 09-805 (personally brought by respondent judge at the hearing conducted by the [i]nvestigator on October 30, 1997) is the Certificate issued by the Community Environment and Natural Resources Office (CENRO) of the Department of Environment and Natural Resources (DENR), to wit:

‘TO WHOM IT MAY CONCERN:

‘THIS IS TO CERTIFY that, as per records of this office, Mr. Efren Chua of Aparri, Cagayan [has] not [held] or xxx been issued xxx a license or permit to cut/gather and/or remove timber or any forest products nor [is] his possession thereof xxx covered [by] legal supporting documents.

‘This certification is issued for whatever legal purposes it may serve.

‘Issued this 29th day of July 1993 at DENR, CENRO, Aparri, Cagayan.’ (Exhibit ‘E-4’, p. 287, Rollo)

Given the existence of said certification in the records of the case simple common sense or exercise of ordinary degree of prudence on the part of respondent [j]udge dictates that the Motion to Release Forest Products filed by a certain Jimmy Abad (Exhibits ‘L’, ‘L-1’ to ‘L-3’, pp. 330-332, Rollo) should not have been granted by him. Attached to the motion is a Waiver and Release of Claim executed by accused Chua in favor of movant Abad (Exhibit ‘L-3’, p. 332, id.); but, the [w]aiver does not show that Chua is a holder of a DENR permit or license to justify his possession of the subject narra flitches and lumber and the execution of said [w]aiver. Consequently, without any proof to countervail the above-quoted DENR Certification, respondent [j]udge should have realized that Chua had no right over said forest products that he could waive in favor of Jimmy Abad.

“The fact that respondent [j]udge predicated the release of the subject items upon payment of the proper fees and charges prescribed by law is not a sufficient defense to exonerate him.

“Herein [i]nvestigator notes that the value of the confiscated forest products, as alleged in the Information, is P130,804.00 (Exhibit ‘D’, p. 282, id.) while the same forest products were released to movant Jimmy Abad by Rolando L. Pascua, [o]fficer-[i]n-[c]harge of the Office of the Branch Clerk of Court, Branch 09, presided over by respondent [j]udge (Exhibit ‘A-3’, p. 281, id.) for only P60,120.00 per [a]ssessment made by a certain Domingo Z. de la Cruz, OIC [f]orestry [s]pecialist (Exhibit ‘A-1’, pp. 278 and 279, id.).

“Confiscation and forfeiture of forest products are governed by DENR Memorandum Order Nos. 36 and 10, Series of 1998 and DENR Memorandum Order Nos. 12, Series of 1990 in relation to Sections 68 and 69 of R.A. 705, revising Presidential Decree No. 389, otherwise known as the Forestry Reform Code of the Philippines whereby confiscated forest products shall be disposed of only by public auction through the proper Committee on Bids and Awards of the DENR, upon order of release by the proper court where the case is pending. Thus, the forest products should not have been directly released to movant Jimmy Abad but it should have been addressed to the proper Committee of the PENRO or RED/RTD, as the case may be, pursuant to paragraph 5, subparagraphs a and b of DENR Memorandum Order No. 36.

“While judges should not be disciplined for inefficiency on account merely of occasional mistakes or errors of judgment, it is imperative that they be conversant with basic legal principles (Lim vs. Domagas, 227 SCRA 258, 263). Lack of familiarity with our laws, rules and regulations undermine the public confidence in the integrity of our courts (Cuaresma vs. Aguilar, 226 SCRA 73, 75-76).

“A judge disregarding the rules and settled jurisprudence shows gross ignorance, albeit without any malice or corrupt motive (San Manuel Wood Products, Inc. vs. Tupas, 249 SCRA 466, 476). The error committed by respondent [j]udge is so gross and so patent as to produce an inference of ignorance or bad faith or that the judge knowingly rendered an unjust order (Bengzon vs. Adaoag, 250 SCRA 344, 348).

“Consequently, herein [i]nvestigator submits that respondent [j]udge should be subject to administrative sanction for gross ignorance of the law or rendering an unjust order.

“Charge No. 3 - Respondent [j]udge, in connivance with Fiscal Bienvenido R. Miguel dismissed Criminal Case No. 09-755, entitled, ‘People of the Philippines vs. Jimmy Siriban.

“Prosecution witness Reynaldo Mecate was presented before this [i]nvestigator. He merely testified that he had repeatedly appeared in the sala of respondent [j]udge but he was never called to the witness stand (TSN, Hearing of December 1, 1997, pp. 202-205, Folder of TSN).

“The assailed Order of respondent [j]udge, to wit:

‘Since the hearing of 07 December 1993, when the propriety of the continued appearance of the private prosecutor was put in issue, hearing had been successively set on 05 and 06 January 1994; on 01, 02 and 03, then on 08 and 09 February 1994 and finally on 01, 02 and 03 March 1994. In all of these settings, although the private complainant and the representative of the [l]ocal [c]ivil [r]egistrar of Camalaniugan, Cagayan were sometimes present, the prosecution did not adduce any shard of evidence. Again, this morning, the prosecution is requesting for another resetting. It is to be noted further, that in all of the settings, the accused vigorously objected [to] postponement claiming his right to speedy trial. The Court can not close its eyes nor remain deaf to accused’s prayers.

‘WHEREFORE, for failure of the prosecution to adduce any evidence, this case is dismissed.

‘SO ORDERED.’ (p. 475, Rollo)

is self-explanatory. In the absence of adequate evidence to show that respondent [j]udge manipulated the

dismissal of said criminal case in connivance with the trial prosecutor, herein [i]nvestigator recommends the dismissal of said charge.

“Charge No. 4 - Respondent [j]udge granted bail for humanitarian reason to Eddie Roldan, Jr. who is accused of the crime of [m]urder in Criminal Case No. II-5347.

“The case was allegedly committed by accused on February 22, 1998 (Exhibit ‘O’, p. 336, Rollo). The Information was filed with the Regional Trial Court of Aparri, Cagayan and raffled to Branch 10 (Exhibit ‘O’, p. 336, Rollo). Complainant’s evidence show[s] that Acting Presiding Judge Antonio A. Aquiliza of said Branch issued an order dated November 17, 1993 nullifying the orders of the Municipal [j]udge granting bail to said accused in the amount of P50,000.00 later on reduced to P30,000.00, in both instances, without any hearing (Exhibit ‘O-8’, p. 346, Rollo).

“On August 9, 1994, after the prosecution filed its Offer of Prosecution’s Evidence dated September 23, 1993 (Exhibit ‘29’, p. 485, id.), accused Roldan filed with said Branch 10 a Petition to Bail on the ground that the prosecution evidence is not strong and that accused is suffering from brain injuries that he sustained in a vehicular accident requiring medical attention (Exhibit ‘31’, p. 489, id.). Acting as the [p]airing [j]udge, respondent [j]udge issued the Order in question, to wit:

‘This refers to the motion for bail filed by the accused dated 09 August 1994 and the opposition thereto filed by Trial Prosecutor Melencio Unciano.

‘Considering the evidence adduced by the prosecution and in the interest of [C]hristian charity, the accused being in need of constant medical attention, the motion to bail is hereby granted.

‘The accused may post a bail of P30,000.00.

‘SO ORDERED.

‘Aparri, Cagayan, 13 October 1994.’ (Exhibits ‘O-9’ and ‘35’, pp. 348 and 499, id.).

“The [t]rial [p]rosecutor filed a motion for reconsideration of said order and the accused, his opposition. On January 6, 1998, the regular [p]residing [j]udge of Branch 10 issued an Order portions of which read:

‘This [p]residing [j]udge considers the reason given by the [p]airing [j]udge in granting bail to the accused justified, but, with due respect to [h]is [h]onor, the amount granted by him in the amount of P30,000.00 is not sufficient considering that the imposable penalty for the crime with which the accused has been charged is reclusion perpetua. However, considering that the defense is about to terminate the presentation of its evidence, the Court, instead of cancelling the bail bond posted by the accused as prayed for by the prosecution, hereby increases it to P100,000.00.

‘WHEREFORE, the accused is hereby directed to post an additional bond in the amount of SEVENTY THOUSAND PESOS (P70,000.00) within ten (10) days from receipt hereof, otherwise a warrant of arrest shall be issued for his apprehension and [he shall] be detained until he shall have posted said additional amount.

‘SO ORDERED.’ (Exhibit ‘38’, p. 504, id.).

“Complainant points out that respondent [j]udge usurped the prerogative belonging to the assigned/regular presiding judge as he (respondent judge) resolved a substantial issue that goes into the merits of the case, that is, whether or not the prosecution evidence or the guilt of the accused is strong; that the order of respondent [j]udge violated the well-settled rule that the court’s order granting or refusing bail must contain [a] summary of the evidence for the prosecution followed by its conclusion [on] whether or not the evidence of guilt is strong, citing *People vs. San Diego*, 26 SCRA 522; that respondent [j]udge failed to cite the factual basis for

extending '[C]hristian charity'; that the unwarranted act of respondent in granting bail to the accused could not have arisen out of sheer ignorance of the law but a willful violation of the law.

"The questioned Order granting bail did not contain a summary of the evidence presented. Thus, the said Order is defective and therefore voidable (*Carpio vs. Maglalang*, 196 SCRA 41, 50 [1991] , citing the *San Diego* case, *supra*). The subsequent order of the regular presiding judge declaring that the granting of the bail is justified could not rectify said error.

"However, as earlier stated, not every error or mistake of a judge in the performance of his duties make[s] him administratively liable (*Arcenio vs. Pagorogon*, 224 SCRA 246, 252).

"But, was there usurpation of authority committed by respondent [j]udge? There is no showing as to why respondent [j]udge acted as pairing [j]udge. When the [t]rial [p]rosecutor filed a motion on November 27, 1997 praying that the bail bond posted by the accused be [cancelled] on the ground that the evidence for the prosecution is very strong (Exhibit '36', p. 500, *id.*), the movant did not complain about the respondent [j]udge usurping the prerogative of the regular presiding [j]udge of Branch 10. Considering that the petition to bail involves the provisional liberty of the accused, and absent any showing of the availability of the regular presiding judge, herein respondent [j]udge, the pairing [j]udge of Branch 10 is justified in acting thereon.

"Does the ground of '[C]hristian charity' excuse or justify respondent [j]udge in granting the petition to bail of accused without summarizing the evidence of the prosecution in said order, without specifying in his order that the prosecution evidence on the guilt of the accused is not strong, and without stating the factual basis for extending to the accused '[C]hristian charity'?

"It is reasonable to believe that respondent [j]udge could have been motivated by the fact that accused is suffering from brain injuries that need constant medical attention. However, this fact does not appear in the order itself. There is likewise no justification appearing in the order granting bail to the accused charged of a non-bailable offense, thus creating the impression to the public that he [acted] whimsically and capriciously and exhibited some degree of incompetence.

"While judges should not be disciplined for inefficiency on account merely of occasional mistakes or errors of judgment, yet, it is highly imperative that they should be conversant with basic legal principles (*Muñez vs. Ariño*, 241 SCRA 478, 485).

'Judges are required to observe due care in the performance of their official duties. They are likewise charged with the knowledge of internal rules and procedures, especially those which relate to the scope of their authority. They are duty bound to observe and abide by these rules and procedures, designed as they are, primarily to ensure the orderly administration of justice.' (*Cuaresma vs. Aguilar*, 226 SCRA 73, 75; *Ramirez vs. Corpuz-Macandog*, 144 SCRA 462).

Respondent [j]udge is negligent in complying with Canon 1, Rule 1.01 of the Code of Judicial Conduct, to wit:

'A JUDGE SHOULD UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY.

'RULE 1.01. -- A judge should be the embodiment of competence, integrity, and independence.'

Absent any competent proof of fraud, dishonesty or corruption on the part of respondent [j]udge, herein [i]nvestigator recommends that respondent [j]udge should be sanctioned administratively only [for] his negligence in the observance of the rules governing the granting of bail involving non-bailable offenses.

"Charges Nos. 5 and 6 are paragraphs 5 and 6 of the letter-complaint which were excluded from herein investigation upon agreement of the parties for being too general (TSN, Hearing of September 26, 1997, p. 46).

"Charge No. 7 - Respondent [j]udge entertained Wilfred 'Bobot' Chua and Jimmy Abad in his cottage at the

Cagayan State University, Aparri, Cagayan knowing fully well that they have pending cases in his sala.

“Complainant Flaviano Cortes affirmed before this [i]nvestigator the contents of the Joint Affidavit dated June 28, 1996 he executed together with a certain Jose [‘Bobot’] Alias. The latter was not presented. Complainant Cortes testified that on or about the first half of March, 1996, at around 6:00 in the morning, he saw Jimmy Abad open the backdoor of the green vehicle owned by Jimmy Siriban with plate No. BBS-247 parked in front of the CSU Canteen; that he saw Abad and Wilfred ‘Bobot’ Chua taking the styrofoam toward the CSU canteen where respondent [j]udge [was] waiting; that after giving the styrofoam to respondent [j]udge, they had coffee with him and then left leaving behind the styrofoam; that they came to know later on that Jimmy Abad won the bidding held at the Hall of Justice in Aparri, Cagayan conducted by respondent [j]udge and the financier was Wilfred ‘Bobot’ Chua (TSN, Hearing of October 30, 1997; Joint Affidavit, p. 9, Rollo).

“Complainant further testified that he [was] a co-accused in a criminal case initiated by Wilfred Chua against his wife, Merlyn Chua, for adultery upon advise of respondent [j]udge (TSN, id., pp. 51 and 59)

“Witness Antonio Liquigan, an [a]ssistant [p]rofessor of the Cagayan State University (CSU) testified that sometime in the second and third week of April, 1996, he saw respondent [j]udge together with Wilfred ‘Bobot’ Chua, Jimmy Abad and Jimmy Siriban and others drinking and eating before a table where a roasted pig and plenty of food were set (TSN, Hearing of October 15, 1997; Exhibit ‘C’, p. 8, Rollo).

“Respondent [j]udge denied having entertained Chua, Abad and Siriban in his boarding house or that Wilfred Chua and Jimmy Abad had any case pending in his sala (Answer, p. 21, Rollo). Respondent [j]udge testified that he knew all of them only slightly[;] they [were] not close acquaintances (TSN, Hearing of December 2, 1997, p. 275, Folder of TSN).

“In their respective deposit[i]ons taken on November 27, 1997 before Executive Judge Benedicto A. Paz of the RTC of Aparri, Cagayan (Exhibit ‘39’, p. 505, Rollo), Wilfred Chua, Jimmy Abad and Jimmy Siriban denied having been together with respondent [j]udge in ‘the first half of March 1996 at around 12:45 P.M.’ and ‘at about 6:00 A.M. during the first half of March, 1996’ (Exhibit ‘41’, pp. 523-525, Rollo; Exhibit ‘42’, pp. 526-529, id.) Exhibit ‘43’, pp. 529-531, id.)

“Considering that Jimmy Abad benefited from the release of the narra flitches and lumber per respondent [j]udge’s Order dated June 4, 1996 (Exhibit ‘A’); Jimmy Siriban likewise benefited from the dismissal of the criminal case against him on March 1, 1994 (Exhibit ‘23’, p. 475, Rollo); and, Wilfred Chua still had a pending legal separation case in the sala of respondent [j]udge (Exhibits ‘P’, ‘P-1’ to ‘P-8’, supra), it is not remote that they agreed to testify in favor of respondent [j]udge.

“Your [i]nvestigator notes that the incident that transpired in the second or third week of April, 1996 at 12:45 in the afternoon as testified to by witness Liquigan was not sufficiently refuted by respondent’s witnesses.

“While complainant Cortes may have been motivated in testifying against respondent [j]udge for believing that it was per advi[c]e of the latter that an adultery case was filed against him (Cortes) together with the wife of Wilfredo Chua and therefore the testimony of Cortes is not entitled to full credence, we cannot disregard the positive testimony of Liquigan who is a professor of the CSU. The fact that he is a professor in the university where the brother of complainant is the [p]resident does not negate the credibility of the testimony of witness Liquigan against the respondent [j]udge. Herein [i]nvestigator finds no ulterior motive on the part of Liquigan to come forward and boldly against a regional trial court judge.

“Consequently, your [i]nvestigator believes and so submits that respondent [j]udge had clearly fraternized sometime in April, 1996 with litigants and with a person who was about to acquire a favorable order from him. It is [a] clear violation of Canon 2, Rule 2.01 of the Code of Judicial Conduct to wit:

‘A JUDGE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES.

‘RULE 2.01. -- A judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary.’

elucidated further by [the] Honorable Supreme Court in *Association of Court Employees of Panabo, Davao vs. Tupas*, thus:

‘This Court has, time and again, reminded members of the Judiciary to so conduct themselves as to be beyond reproach and suspicion, and be free from any appearance of impropriety in their personal behavior, not only in the discharge of their official duties but also in their everyday life, for as we have earlier stressed, ‘no position exacts a greater demand on moral righteousness and uprightness of an individual than a seat in the Judiciary’ so that ‘(a) magistrate of the law must comport himself at all times in such a manner that his conduct, official or otherwise, can bear the most searching scrutiny of the public that looks up to him as the epitome of integrity and justice.’ (175 SCRA 292, 296).

“That act of respondent [j]udge in eating and drinking with Jimmy Abad, Jimmy Siriban and Wilfred Chua at the canteen of the CSU where his boarding house is located, sometime in the second or third week of April, 1996 unnecessarily corroded public confidence in the judiciary considering that Jimmy Abad had filed his motion to release the narra flitches and lumber on April 10, 1996 and obtained the questioned Order granting the [release of the] forest products xxx on June 4, 1996 (Exhibit ‘A’); Jimmy Siriban obtained a dismissal of his case for falsification of public document on March 1, 1994; and Wilfred Chua ha[d] a pending legal separation case in his sala since October 10, 1995 (Exhibit ‘P’, p. 251, Rollo) up to September 4, 1996 and December 3, 1996 when he voluntarily inhibited himself from acting in said case (Exhibits ‘P-7’ and ‘P-8’, pp. 365 and 366, id.) upon motion of Merlyn Chua, the wife of Wilfred Chua and co-accused of complainant Cortes in the adultery case (Exhibit ‘P-5’, p. 362, id.).

“The Supreme Court has consistently stressed, to wit:

‘A judge should behave at all times as to inspire public confidence in the integrity and impartiality of the judiciary. The prestige of judicial office shall not be used or lent to advance the private interests of others, nor convey or permit others to convey the impression that they are in a special position to influence the judge.

‘Once again, we find this case an occasion to remind members of the Judiciary:

x x x x x x x x

‘Public confidence in the Judiciary is eroded by [the] irresponsible or improper conduct of judges. A judge must avoid all impropriety and the appearance thereof. Being the subject of constant public scrutiny, a judge should freely and willingly accept restrictions on conduct that might be viewed as burdensome by the ordinary citizen.’ (*Padilla vs. Zantua, Jr.*, 237 SCRA 670, 675-676).

“However, herein [i]nvestigator can not agree with the complainant that there [was] connivance among accused Efren Chua, the trial prosecutor, Jimmy Abad and the respondent [j]udge to effect the dismissal of the criminal case and the consequent release of the confiscated narra flitches and lumber in favor of Jimmy Abad. Complainant has not presented any competent evidence to establish conspiracy. Mere suspicion without proof cannot be a basis for conviction of respondent [j]udge on this matter (*Balayan, Jr. vs. Ocampo*, 218 SCRA 13, 17).

“The violation of Canon 2 by respondent [j]udge is aggravated by the fact that he allowed the release of the forest products to Jimmy Abad without observing the existing rules and regulations under P.D. 705 and the corresponding memorandum circulars issued by the DENR in pursuance thereof.

“Herein [i]nvestigator recommends that respondent [j]udge be sanctioned for violation of Canon 2, Rule 2.01 of the Code of Judicial Conduct.

“Charge No. 8 -- Respondent [j]udge capitalizes on his position as a [j]udge to solicit fund, paint, spare parts of vehicles, and free transportation pass.

“No evidence whatsoever [was] presented by complainant to prove this charge. Necessarily, herein [i]nvestigator submits that said charge be dismissed.”[10]

Recommendations of the Investigating Justice

On the basis of the foregoing, Justice Martinez submitted the following specific recommendations and sanctions:

“I. The following charges against respondent [j]udge, to wit:

- Irregular attendance in respondent’s office;
- Anomalous dismissal of Criminal Case No. 09-805, entitled, ‘People of the Philippines vs. Efren Chua’;
- Irregular Dismissal of Criminal Case No. 09-755, entitled, ‘People of the Philippines vs. Jimmy Siriban’;
- Solicitation of fund, paint, spare parts of vehicles and free transportation pass

be dismissed for lack of competent evidence in support of said charges.

“II. Respondent [j]udge be found guilty of violation of Canon 1, Rule 1.01 and Canon 2, Rule 2.01 of the Code of Judicial Conduct and imposed a fine of P50,000.00 for failure to comply with the rulings of the Supreme Court in the issuance of the order granting bail to accused Eddie Roldan, Jr. charged [with] murder; for ordering the release of the confiscated narra flitches and lumber to Jimmy Abad, contrary to the rulings of the Supreme Court and applicable laws; and, for eating and drinking with litigants and a person who expected to secure a favorable order from him, with a stern warning that respondent [j]udge will be dealt with more severely upon repetition of similar acts.”[11]

This Court’s Ruling

We agree with the findings of Justice Martinez. In determining the administrative liability of respondent, the Court takes into account the following provisions of the Code of Judicial Conduct:[12]

“CANON 1 -- A JUDGE SHOULD UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY.

“RULE 1.01 -- A judge should be the embodiment of competence, integrity and independence.

x x x x x x x x

“CANON 2 -- A JUDGE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES.

“RULE 2.01 -- A judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary.

x x x x x x x x

“RULE 2.03 -- A judge shall not allow family, social, or other relationships to influence judicial conduct or judgment. The prestige of judicial office shall not be used or lent to advance the private interests of others, nor convey or permit others to convey the impression that they are in a special position to influence the judge.

x x x x x x x x

“CANON 3 -- A JUDGE SHOULD PERFORM OFFICIAL DUTIES HONESTLY, AND WITH IMPARTIALITY AND DILIGENCE.

“RULE 3.01 -- A judge shall be faithful to the law and maintain professional competence.

RULE 3.02 -- In every case, a judge shall endeavor diligently to ascertain the facts and the applicable law unswayed by partisan interests, public opinion or fear of criticism.

x x x x x x x x

“CANON 5. -- A JUDGE SHOULD REGULATE EXTRA-JUDICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH JUDICIAL DUTIES.

x x x x x x x x

“RULE 5.04 -- A judge or any immediate member of the family shall not accept a gift, bequest, favor or loan from anyone except as may be allowed by law.”

In administrative proceedings, the complainant has the burden of proving, by substantial evidence, the allegations in his or her complaint.[13] As correctly observed by the investigating justice, herein complainant failed to prove that respondent judge was guilty of any of the following: (1) not regularly reporting for work; (2) grave misconduct in acquitting a certain Efren Chua in Criminal Case No. 09-805; (3) conniving with Prosecutor Bienvenido R. Miguel in the acquittal of Jimmy Siriban, the accused in Criminal Case No. 09-755; or (4) soliciting funds, paint, vehicle spare parts and a transportation pass. We therefore dismiss the foregoing charges.

We now go to portions of the Report recommending sanctions.

First Count:

Ignorance of the Law

To be able to render substantial justice and to maintain public confidence in the legal system, judges are expected to keep abreast of all laws and prevailing jurisprudence,[14] consistent with the standard that magistrates must be the embodiments of competence, integrity and independence.[15]

In this case, it was established that respondent judge failed to epitomize competence. In Crim. Case No. 09-805 (People vs. Efren Chua), respondent issued an Order dated June 4, 1996, directing the release of confiscated narra flitches and lumber to Jimmy Abad.[16] Earlier, Efren Chua, the accused in the said case, had “waived” his rights over such materials to Abad.[17] Chua, however, had no authority to possess the narra flitches. According to the Certification of Community Environment and Natural Resources Officer Santos Vallangca, Chua was neither a holder of a “license or permit to cut/gather and/or remove timber or any forest products, nor [is] his possession thereof covered [by] legal supporting documents.”[18] Thus, having no right to have custody of such materials, Chua could not have lawfully executed a waiver in favor of Abad. It follows that the respondent judge had no authority to order the release of the confiscated forest products to a person who had derived his title from another who had no license, permit or authority to possess the same. Clearly, respondent’s Order disregarded, and was oblivious to, an elementary provision of the Revised Forestry Code[19] which, in part, reads:

“SEC. 78. Cutting, Gathering and/or Collecting Timber or Other Forest Products Without License. — Any person who shall cut, gather, collect, remove timber or other forest products from any forest land, or timber from alienable or disposable public land, or from private land, without any authority, or possess timber or other forest products without the legal documents as required under existing forest laws and regulations, shall be punished with the penalties imposed under Articles 309 and 310 of the Revised Penal Code: x x x.

The Court shall further order the confiscation in favor of the government of the timber or any forest products cut, gathered, collected, removed, or possessed, as well as the machinery, equipment, implements and tools illegally used in the area where the timber or forest products are found.”[20]

As aptly stated by this Court in *Borromeo v. Mariano*:^[21] “Our conception of good judges has been, and is, of men who have a mastery of the principles of law, who discharge their duties in accordance with law x x x.” This is especially true in the case of respondent who, as presiding judge of a court designated to try and decide violations of the forestry law,^[22] is expected to know the said statute.

Indeed, everyone, especially a judge, is presumed to know the law. When the law is so elementary, not to be aware of it constitutes gross ignorance of the law.^[23] Judges are expected to exhibit more than just cursory acquaintance with statutes and procedural rules. They must know the laws and apply them properly in all good faith. Judicial competence requires no less.^[24]

In *Cortes v. Judge Catral*,^[25] this Court found the respondent judge therein guilty of gross ignorance of the law for granting bail to the accused without conducting the requisite hearing. The respondent judge was ordered to pay a fine of P20,000 with the warning that a repetition of the same or similar acts in the future would be dealt with more severely.

In *Mamolo, Sr. v. Narisma*,^[26] the Court held respondent judge guilty of gross ignorance of the law and penalized him with a fine of P20,000.

The same penalty was imposed by this Court on the respondent judge in *Buzon, Jr. v. Velasco*,^[27] who was found to have fallen short of the standard set forth in Rule 1.01, Canon 1 of the Code of Judicial Conduct, thereby eroding the litigants’ confidence in his competence and knowledge.

Therefore, we impose a fine of P20,000 to respondent for gross ignorance of the law.

Second Count:

Improper Grant of Bail

Accused Eddie Roldan was charged with murder in Criminal Case No. 10-91-381. As the impossible penalty for the offense was reclusion temporal in its maximum period to death,^[28] bail could be granted only in the absence of strong evidence of guilt.^[29] In cases like these, a judge is required not only to conduct a hearing, whether summary or otherwise according to his discretion, in order to determine whether the evidence of guilt against the accused is strong;^[30] he is also mandated to state in his order granting or refusing bail a summary of the evidence offered by the prosecution.^[31] Such summary is an essential aspect of procedural due process for both the prosecution and the defense.^[32]

The Order^[33] issued by Judge Agcaoili, granting bail in the amount of P30,000, could not be given any semblance of validity. Said Order was defective in form and substance, as it had no recital of any evidence presented by the prosecution.^[34] Neither was the grant justified. The petition for bail alleged that the accused was ill and suffered brain injuries which he had sustained in a vehicular accident on April 20, 1993. Yet, no supporting document or medical examination was submitted to prove said contention.

In a similar situation, we ruled:

“Admission to bail as a matter of discretion presupposes the exercise thereof in accordance with law and guided by the applicable legal principles. x x x. In other words, discretion must be exercised regularly, legally and within the confines of procedural due process, i.e., after evaluation of the evidence submitted by the prosecution. Any order issued in the absence thereof is not a product of sound judicial discretion but of whim and caprice and outright arbitrariness.”^[35]

In *Sinal Bantuas v. Judge Pangadapun*,^[36] *Depamaylo v. Brotarlo*,^[37] *Baylon v. Sison*,^[38] and *Borinaga v. Tamin*,^[39] we imposed a P20,000 fine on the judge for his failure to observe the basic rules for granting, denying

or reducing bail. But this is not the first infraction of this kind committed by Judge Agcaoili. In *Chan v. Agcaoili*,^[40] he was found guilty of simple negligence for reducing the amount of bail bond and failing to promptly issue a warrant of arrest, for which he was duly reprimanded. Because his present infraction is his second of this nature, it warrants an additional penalty. We therefore impose on him the usual fine of P20,000, plus suspension without pay for ten days.

Third Count:

Impropriety

We held in *Dia-Añonuevo v. Bercacio*^[41] that “no position exacts a greater demand on [the] moral righteousness and uprightness of an individual than a seat in the judiciary. A magistrate of the law must comport himself at all times in such a manner that his conduct, official or otherwise, can bear the most searching scrutiny of the public that looks up to him as the epitome of integrity and justice.” For this reason, we cannot overemphasize the edicts of the Code of Judicial Conduct, particularly Canon 2 thereof, which was quoted earlier.

The investigating justice found respondent judge guilty of violating the aforementioned canon. Upon review of the records of the case, especially the stenographic notes^[42] and the depositions,^[43] we find no reason to disagree with Justice Martinez that the conduct of the Judge Agcaoili fell short of this standard.

We have no reason to doubt the veracity of Antonio Laquigan’s testimony. There was no shred of evidence of any ill motive that might have impelled him to testify falsely against the respondent.

Judges need not live in solitude.^[44] As a matter of fact, the Canons of Judicial Ethics quite pointedly states: “It is not necessary to the proper performance of judicial duty that judges should live in retirement or seclusion; it is desirable that, so far as the reasonable attention to the completion of their work will permit, they continue to mingle in social intercourse, and they should not discontinue their interests in or appearance at meetings of members of the bar. A judge should, however, in pending or prospective litigation before him be scrupulously careful to avoid such action as may reasonably tend to waken the suspicion that his social or business relations or friendships constitute an element in determining his judicial course.”^[45] A judge is not only required to be impartial; he must appear to be impartial.^[46] Fraternizing with litigants tarnishes this appearance.

WHEREFORE, Judge Emerito M. Agcaoili is hereby FINED the total amount of P40,000 – P20,000 for gross ignorance of the law and P20,000 for the improper grant of bail. He is also SUSPENDED for a period of ten days, this being his second infraction of the rules on bail. He is further REPRIMANDED for fraternizing with litigants. Finally, he is sternly WARNED that a repetition of the foregoing or similar transgressions shall be penalized much more severely.

SO ORDERED.

Narvasa, CJ., Davide, Jr., Romero, Melo, Puno, Vitug, Kapunan, Mendoza, Martinez, Quisumbing and Purisima, JJ., concur.

Regalado, J., on official leave.

Bellosillo, J., no part due to relation to party.

[1] § 7(3), Article III of the 1987 Constitution.

[2] Dated July 29, 1996; Rollo, pp. 1-3.

[3] Rollo, p. 15.

- [4] Comment, pp. 1-4; Rollo, pp. 18-21.
- [5] Rollo, p. 67.
- [6] Complainant Cortes was represented by Atty. Manuel Molina. Respondent Judge Agcaoili was represented by Counsels Jorge Contreras and Romeo Capulong
- [7] Dated October 6, 1997; Rollo, p. 168.
- [8] Memorandum for the Complainant, pp. 13-14; Rollo, pp. 575-576.
- [9] Memorandum for the Respondent, pp. 3-7; Rollo, pp. 541-545.
- [10] Report, pp. 4-21; Rollo, pp. 600-616.
- [11] See Report, pp. 21-22.
- [12] Promulgated on September 5, 1989, the Code took effect on October 20, 1989.
- [13] *Lachica v. Flordeliza*, 254 SCRA 278, 284, March 5, 1996.
- [14] *Carpio v. De Guzman*, 262 SCRA 615, 622, October 2, 1996.
- [15] Rule 1.01, Canon 1 of the Code of Judicial Conduct. See also *Buzon, Jr. v. Velasco*, 253 SCRA 601, 611, February 13, 1996; *Galan Realty Co., Inc. v. Arranz*, 237 SCRA 770, 774, October 27, 1994.
- [16] Order dated June 4, 1996; Rollo, p. 277. See also Abad's "Motion to Release Forest Products," Rollo, p. 330.
- [17] Waiver and Release of Claim, Rollo, p. 332.
- [18] Certification dated July 29, 1993; Rollo, p. 287.
- [19] PD 705, as amended.
- [20] As amended by PD 1559 and EO 277.
- [21] 41 Phil. 322, 333, January 3, 1921, per Malcolm, J.
- [22] Administrative Order 150-93 issued on August 19, 1993 by Chief Justice Andres R. Narvasa. (See Exhibit 7); Rollo, pp. 412-A-414.
- [23] *Agcaoili v. Ramos*, 229 SCRA 705, 710, February 7, 1994 citing *Santos v. Judge Isidro*, 200 SCRA 597, August 16, 1991.
- [24] *Cortes v. Judge Catral*, *supra.*, and *Cui v. Madayag*, 245 SCRA 1, 11, June 5, 1995.
- [25] AM RTJ-97-1387, September 10, 1997.
- [26] 252 SCRA 613, January 31, 1996.
- [27] 253 SCRA 601, February 13, 1996.
- [28] Death penalty cannot be imposed by virtue of § 19 (1), Article III of the 1987 Constitution, as the crime was allegedly committed on February 22, 1988 (see Information, Rollo, p. 336).
- [29] § 3 of Rule 114 of the Rules of Court. (See Administrative Circular 12-94 for new rules on bail.)
- [30] *Cortes v. Judge Catral*, *supra.*

- [31] *People v. Nano*, 205 SCRA 155, 161, January 13, 1992.
- [32] *Baylon v. Sison*, 243 SCRA 284, 296, April 6, 1995.
- [33] Order dated October 13, 1994; Rollo, p. 499.
- [34] *People v. Casingal*, 243 SCRA 37, 43, March 29, 1990.
- [35] *Borinaga v. Tamin*, 226 SCRA 206, 217, September 10, 1993, per Regalado, J. See also *Sinal Bantuas v. Judge Pangadapun*, RTJ-98-1407, July 20, 1998.
- [36] RTJ-98-1407, July 20, 1998.
- [37] 265 SCRA 151, November 29, 1996.
- [38] 243 SCRA 284, 297, April 6, 1995.
- [39] 226 SCRA 206, 219, September 10, 1993.
- [40] 233 SCRA 331, June 27, 1994.
- [41] 69 SCRA 81, 89, November 27, 1975, per Muñoz Palma, J.
- [42] TSN, October 15 and 30, 1997.
- [43] Marked as “Exhibit 40” for the respondent; Rollo, pp. 507-532.
- [44] See Canon 5 of the Code of Judicial Conduct.
- [45] Canon 30, Canons of Judicial Ethics.
- [46] Canon 3, Code of Judicial Conduct.

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.