

RICHARD SI Y TIAN, COMPLAINANT, VS. JUDGE ELPIDIO R. CALIS, RESPONDENT.

A.M. No. MTJ-03-1483. December 28, 2007

Ponente: AZCUNA, J.

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AZCUNA, J.:

This is an administrative complaint against a Municipal Trial Court Judge.

On July 26, 2002, Richard Si y Tian filed a Complaint against Judge Elpidio R. Calis, Municipal Trial Court Judge of Sta. Cruz, Laguna, for alleged ignorance of the law and manifest bias and partiality relative to Criminal Case No. 30851 entitled "People of the Philippines v. Richard Si y Tian," for Reckless Imprudence Resulting in Damage to Property.

Stating that he is the accused in the aforementioned criminal case, complainant alleged that on March 26, 2002 at around 3:45 p.m., an accident occurred in front of the Landbank of the Philippines Building in Sta. Cruz, Laguna, when the car he was driving, a Toyota Corolla Model 1992 with Plate No. TEM-216, bumped the back of a Nissan Sentra car Model 1998 with Plate No. PRX-231 being rented by the complaining witness Atty. Ceriaco A. Sumaya, a close friend of respondent Judge. Atty. Sumaya, complainant further alleged, jacked up the minimal damage to his car by adding a charge for the repair/replacement of the damaged front windshield.

Notwithstanding the fact that the offense charged carried only the penalty of a fine, respondent Judge issued a warrant for complainant's arrest and fixed the bail for his provisional liberty at P21,200. Complainant invokes Sec. 6 (c), Rule 112 of the Revised Rules of Criminal Procedure which states:

(c) When warrant of arrest not necessary. – A warrant of arrest shall not issue if the accused is already under detention pursuant to a warrant issued by the Municipal Trial Court in accordance with paragraph (b) of this section, or if the complaint or information was filed pursuant to Section 7 of this Rule or is for an offense penalized by fine only. The court then shall proceed in the exercise of its original jurisdiction.

Respondent Judge filed his Comment dated September 5, 2002, denying that Atty. Sumaya was his friend and stating that he knew him only as an old practitioner who used to appear in the courts of Sta. Cruz, Laguna. He cited a criminal case he decided against a relative of said lawyer.

On the issuance of the warrant of arrest, respondent Judge maintained that it was in accordance with law and jurisprudence. He added that the matter was merely an oversight on his part and complainant should have raised an objection through a motion to quash and having failed to do so is deemed to have waived the same.

The Court Administrator^[1] found the complaint meritorious with respect to the issuance of the warrant of arrest for an offense that is punishable with a fine only, contrary to Sec. 6 (c), Rule 112 of the Revised Rules of Criminal Procedure.

The Court agrees with the finding of the Court Administrator. Respondent Judge in fact admitted in his Comment that he "might have overlooked" the pertinent rule.

The Code of Judicial Conduct provides:

Rule 1.01 - A Judge should be the embodiment of competence, integrity and independence.

Rule 3.01 - A Judge shall be faithful to the law and maintain professional competence.

It is the duty of judges to keep themselves abreast of the law and the rules of court and the latest jurisprudence, for ignorance of the law on their part is the mainspring of injustice. Respondent Judge failed to fulfill this duty. An oversight of a new provision of the law or the rules is not a valid excuse from performing this bounden duty.

WHEREFORE, respondent Judge Elpidio R. Calis is hereby found GUILTY of ignorance of the law and meted a FINE of Five Thousand Pesos (P5,000.00) with a STERN WARNING that a repetition thereof will be more severely dealt with.

No costs.

SO ORDERED.

Puno, C.J., (Chairperson), Sandoval-Gutierrez, Corona, and Leonardo De Castro, JJ., concur.

[1] The Honorable Presbitero J. Velasco, Jr., now a Member of this Court. See Reports and Recommendations dated February 13, 2003 and July 5, 2004.

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