

ROBERTO ‘AMANG’ CARPIO, ANGEL REYES AND ERLINDA LATA SALONGA, COMPLAINANTS, VS. JUDGE RODOLFO R. DE GUZMAN, REMEDIOS VIESCA AND JAIME DELA CRUZ, RESPONDENTS.*A.M. No. MTJ-93-850. October 02, 1996*

Ponente: TORRES, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/dd3a5bd62681/>**TORRES, JR., J.:**

In a complaint-affidavit filed with this Court dated June 30, 1993,[1] complainants Erlinda Lata Salonga, Angel Reyes and Roberto ‘Amang’ Carpio charged respondents Rodolfo R. De Guzman who was the Municipal Trial Court Judge of San Antonio, Nueva Ecija, Clerk of Court Remedios Viesca, Process Server Jaime dela Cruz, Major Aniceto Frany who was the Police Chief Inspector of San Antonio and Roberto Zapata for abuse of authority, grave misconduct and oppression in connection with Criminal Case No. 46-93 which was pending before the sala of the respondent Judge. Complainant Salonga then sent to this Court a letter dated September 16, 1993[2] attaching to it a complaint[3] against respondents Judge de Guzman, Clerk of Court dela Cruz and Process Server Viesca dated September 15, 1993 which was written in English and signed by the three complainants. In this Complaint dated September 15, 1993, the complainants who were then the accused in a suit for malicious mischief, docketed as Criminal Case No.46-93,[4] alleged inter alia, that the "respondent judge in complete disregard of the Rules of Court and our rights under the Constitution, used with abuse the strong arm of the law by facilitating the immediate service of a Warrant of Arrest even without giving us the chance to know the accusations or complaint/s against us, most particularly the chance for us to meet and be confronted personally by the complainant and his witnesses";[5] that "both the respondents Judge and his Clerk of Court, despite our repeated REQUESTS arrogantly and openly refused to issue and give us copies of the pertinent records of Crim. Case No. 46(93) xxx";[6] "that the antagonism of the Respondent against herein Complainants was heightened by his audacity to go to the extent of more serious unlawful act when he ordered his Clerk of Court not to release or furnish us any record of Crim. Case No. 46 (93) xxx.."[7]

On September 13, 1993, the Third Division of this Court issued a Resolution[8] requiring respondents Judge de Guzman, Clerk of Court Viesca and Process Server dela Cruz to file their comments and referring to the National Police Commission the charges against Major Frany and Roberto Zapata. In a Resolution dated May 23, 1994,[9] this Court, considering the memorandum of the Office of the Court Administrator, referred the case to the Executive Judge of the Regional Trial Court of Gapan, Nueva Ecija for investigation and report. In view of this development, Executive Judge Pedro T. Lagman of Gapan conducted a series of hearings and subsequently submitted a Report[10] dated September 1, 1994 with the following recommendation:

"With the above findings, it is respectfully recommended that the corresponding penalty be imposed upon the respondent Judge Rodolfo R. De Guzman and, for lack of evidence, the charge against the respondents Remedios Viesca and Amado dela Cruz, dismissed."[11]

By virtue of the Resolution dated September 19, 1994,[12] the Third Division of this Court referred the instant case to the Office of the Court Administrator for evaluation. The recommendation of the Court Administrator

reads as follows:

"Accordingly, in view of the foregoing, we respectfully recommend unto this Honorable Court (a)that respondent Judge Rodolfo R. de Guzman be FINED in the sum equivalent to one-half of his monthly salary payable to this Court within thirty(30) days from notice, with a WARNING that commission of other or similar offense will be dealt with more severely; and (b)the charges against respondents Clerk of Court Remedios Viesca and Process Server Jaime dela Cruz be DISMISSED for lack of evidence."

Culled from the oral and documentary evidences offered during the investigation of Executive Judge Lagman, it was established that a case of malicious mischief was filed against the complainants on May 31, 1993 (Criminal Case No. 46-93) with the Municipal Trial Court of San Antonio which was presided by the respondent Judge. Contrary to the provisions of the Revised Rules on Summary Procedure, respondent Judge did not issue an order requiring the complainants to submit their counter-affidavits nor serve them a copy of the complaint and affidavits of the prosecution, instead he issued on the same day (May 31, 1993) a warrant of arrest[13] and fixed the bail bond of P1,200.00[14] for each accused upon the justification that 'the accused might evade arrest and the ends of justice will be defeated'[15] if no warrant would be issued. Compounding this error, he issued an Order dated July 21, 1993[16] wherein he required the complainants to submit their affidavits of recognizance in lieu of the bail bond which he ordered withdrawn. Furthermore, he admitted that he did not make a preliminary finding of whether the case is governed by the summary rules. The relevant testimony of the respondent Judge manifestly shows his culpability in violating the Rules on Summary Procedure, thus:

"q

In this case of Mrs. Salonga in Crim. Case No. 46-93, did you issue any summon or subpoena for her to appear?

a

I did not issue, sir, because I erred in the appreciation of evidence at that time, sir. I considered it as malicious mischief and I see to it that the penalty there is 6 months, one day to 2 years and four months. xxx

q

In other words, you admitted that you erroneously issued a warrant of arrest against Erlinda Lata?

a

Yes, sir. What I erroneously done is that I required them to post a bail bond."

xxx

"q

I want to make it clear. You erred in issuing warrant of arrest?

a

Yes, sir."[17]

xxx

"q

Judge de Guzman, upon receiving that complaint of this complaint [sic] in Criminal Case no. 46-93, for malicious mischief, together with the attached sworn statements of the witnesses of the prosecution, did you make a determination whether this complaint for malicious mischief falls under the rules of summary [sic]

procedure or falling under your regular procedure?

a

No, sir.

q

You did not make determination whether this case falls under the Rules of Summary Procedure or other decision?

a

No, sir.

q

Now, you are aware of Section 12 of the Rule on Summary Procedure, letter b thereof?

a

Yes, sir.

q

Under this letter B of Section 12 of the rule of summary procedure where the case is commenced by complainant [sic] or information if the case is not dismissed under letter A of said rule, the Court shall issue an Order together with copies of the affidavits and other evidence submitted by the prosecution shall require the accused to submit their counter affidavits and affidavits of witnesses, as well as evidence serving copy thereof to the complainant or to prosecution not later than ten days from receipt of the Order, the prosecution may file reply affidavit within ten (10) days from receipt of the counter affidavits of the defendants, you are aware of this?

a

Yes, your honor.

q

Did you comply with this rule, Section A and B of Rule 12 of the Rules of summary procedure upon receipt of this complaint and affidavits of witnesses?

a

Yes, your honor, that is where I erred."^[18]

As appearing on record, Criminal Case No. 46-93 is clearly a suit for malicious mischief under Article 329^[19] of the Revised Penal Code. It is totally surprising then for a judge who has twenty years of service as a magistrate to be completely nescient of the basic rule that the subject suit for malicious mischief is covered by the Revised Rules on Summary Procedure. The series of patent errors committed by the respondent Judge in immediately issuing a warrant of arrest on the same day the complaint for malicious mischief was filed, thereby completely disregarding the provisions of Section 12 (b)^[20] and Section 16^[21] of the Revised Rules on Summary Procedure, and in not making a determination of whether or not the case is governed by the summary rules which clearly violates the provision of Section 2,^[22] can not be countenanced by this Court. In disregarding the rules and settled jurisprudence, the respondent judge showed gross ignorance, albeit without any malice or corrupt motive.^[23] The lack of malicious intent however can not completely free respondent Judge from liability. When

the law is elementary, so elementary not to know it constitutes gross ignorance of the law.[24]

We, likewise, reiterate the pressing responsibility of judges to keep abreast with the law and changes therein, as well as with latest decisions of the Supreme Court.[25] Ignorance of the law, which everyone is bound to know, excuses no one-not even judges. Ignorantia juris quod quisque scire tenetur non excusat.[26] Moreover, the role of justices and judges in the administration of justice requires a continuous study of the law and jurisprudence[27] lest public confidence in the judiciary would be eroded by the incompetent and irresponsible conduct of judges. A judge in accordance with sworn duties should be faithful to the law and maintain professional competence in it.[28] Weighed by the evidence and attendant circumstances prevailing in the instant case, the respondent judge lamentably falls short of this required judicial standard.

WHEREFORE, judgment is hereby rendered:

1. Finding respondent Judge Rodolfo R. de Guzman guilty of gross ignorance of the law. Accordingly, he is ordered to pay a fine of P7,500.00 with a STERN WARNING that a commission of the same or similar acts will be dealt with more SEVERELY.
2. Dismissing the charges against respondents Remedios Viesca and Jaime dela Cruz for insufficiency of evidence, admonishing however, said respondents to be more circumspect and proper in their actuations in the performance of their duties.

SO ORDERED.

Regalado, (Chairman), Romero, and Puno, JJ., concur.
Mendoza, J., on leave.

[1] Rollo pp. 4-9; written in Filipino.

[2] Rollo p. 20.

[3] Rollo pp. 22-24.

[4] Rollo p. 167.

[5] Rollo p. 23; Complaint par. 5, p. 2.

[6] Ibid., Complaint par. 7, p. 2.

[7] Ibid., Complaint par. 9, p. 3.

[8] Rollo p. 18.

[9] Rollo p. 146.

[10] Rollo pp. 265-274.

[11] Rollo p. 274; Report p. 10.

[12] Rollo p. 289.

[13] Rollo p. 168.

[14] Ibid.

[15] Rollo p. 137.

[16] Rollo p. 138.

[17] Rollo pp. 256-257; tsn dated August 19, 1994, pp. 10-11.

[18] Rollo p. 260; tsn dated August 19, 1994, p. 14.

[19] Article 329 provides that:

Other mischiefs. -The mischiefs not included in the next preceeding article shall be punished:

1] By arresto mayor in its medium and maximum periods, if the value of the damage caused exceeds P 1,000;

2] By arresto mayor in its minimum and medium periods, if such value is over P200 but does not exceed P1,000:

3] By arresto menor or fine of not less than the value of the damage caused and not more than P200, if the amount involved does not exceed P200 or can not be estimated.

[20] Section 12 (b) of the Revised Rules on Summary Procedure provides that:

If commenced by information. -When the case is commenced by information, or is not dismissed pursuant to the next preceeding paragraph, the court shall issue an order which, together with copies of the affidavits and other evidence submitted by the prosecution, shall require the accused to submit his counter affidavit and the affidavits of his witnesses as well as any evidence in his behalf, serving copies thereof on the complainant or prosecutor not later than ten (10) days from receipt of said order. The prosecution may file a reply affidavits within ten (10) days after receipt of the counter affidavits of the defense.

[21] Section 16 provides that:

Arrest of accused. -The court shall not order the arrest of the accused except for failure to appear whenever required. Release of the person arrested shall either be on bail or on recognizance by a responsible citizen acceptable to the court.

[22] Section 2 provides that:

Determination of applicability. Upon the filing of a civil or criminal action, the court shall issue an order declaring whether or not the case shall be governed by this Rule.

A patently erroneous determination to avoid the application of the Rule on Summary Procedure is a ground for disciplinary action.

[23] San Manuel Wood Products, Inc. vs. Tupas; A.M. No. MTJ-93-892; October 25, 1995.

[24] Agcaoili vs. Ramos; A.M. No. MTJ-92-6-251; February 7, 1994.

[25] Aurillo vs. Francisco; A.M. No. RTJ-93-1097; August 12, 1994.

[26] Ibid.

[27] Ting vs. Atal; A.M. No. MTJ-93-877; March 11, 1994.

[28] Canon 3, Rule 3.1, Code of Judicial Conduct.

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