

**ATTY. NORITO E. TORRES, ATTY. EPIFANIO G. BOLANDO,
GERONIMO MEJIAS, OSMUNDO FLORES, AMADOR LABASTIDA,
ELENA ANASCO, ROSABELLA GUDES, ALEJANDRO PAJULERAS,
CELSO PETALCORIN, CARLI...**

A.M. No. RTJ-07-2037 (Formerly OCA IPI No. 07-2540-RTJ). June 30, 2008

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

For resolution is a letter-complaint with Joint Affidavit[1] dated August 28, 2006 by the complainants, charging respondent Judge Irma Zita V. Masamayor with grave abuse of authority, gross ignorance of the law, grave misconduct, obvious bias and partiality, and gross violation of Republic Act No. 3019, or the Anti-Graft and Corrupt Practices Act.

The pertinent facts in this case are as follows:

Complainants were among those charged with sedition in Criminal Case No. 04-1368[2] before the Regional Trial Court (RTC) of Talibon, Bohol, Branch 52, presided by respondent judge.

On July 10, 2006, complainants' lawyer, Atty. Rolindo A. Navarro, informed the branch clerk of court, Atty. Maria Cristina P. Tecson, that he will immediately file an urgent motion for judicial determination of probable cause and to hold in abeyance the issuance or service of warrant of arrest. The motion was filed on July 11, 2006 at 8:10 a.m.[3] When complainant Atty. Epifanio Bolando appeared before the RTC on July 14, 2006 to argue the motion, respondent informed him that an order finding probable cause and the corresponding warrant of arrest had already been issued. Thus, Atty. Bolando obtained from the court a copy of the warrant of arrest. The copy he obtained showed that the warrant was issued on July 5, 2006,[4] but the Order finding probable cause was dated July 10, 2006.[5]

Aggrieved, complainants filed this complaint. Complainants argue that respondent's issuance of the warrant for their arrest five days before she found probable cause constitutes grave abuse of authority and gross ignorance of the law, and shows respondent's bias and bad faith. They also allege that respondent acted with questionable haste in finding probable cause on July 10, 2006 although she knew that Atty. Navarro would file a motion to seek judicial determination of probable cause. Complainants point out that respondent released the order finding probable cause at 4:00 p.m. on July 11, 2006 even though the motion was already filed as of 8:10 a.m.

In her comment,[6] respondent avers that the clerk of court informed Atty. Navarro that respondent had already rendered an order finding probable cause when Atty. Navarro intimated that he will file a motion seeking judicial determination of probable cause. Nonetheless, Atty. Navarro said that he will still file the motion.[7]

Respondent maintains that the warrant of arrest was prepared on July 10, 2006. In fact, the Philippine National Police (PNP) of Inabanga, Bohol and Tagbilaran City certified[8] that they received the warrant of arrest dated July 10, 2006. She explains that the erroneously dated warrant came about because the clerk/typist "forgot to

change the date of the format-warrant earlier entered into the word processor." Upon discovery of the error, the erroneous warrant was "relegated to the scratch paper bin." The clerk/typist, unfortunately, gave it to Atty. Bolando thinking that it was an extra copy since it was already signed.

Upon evaluation of the case, the Office of the Court Administrator (OCA) found respondent liable for violation of Rule 3.09,[9] Canon 3 of the Code of Judicial Conduct which requires judges to organize and supervise court personnel for prompt and efficient dispatch of business. The OCA said that respondent failed to perform her duties when she merely relied on the document prepared by her personnel. Respondent could have checked the details of the warrant of arrest, particularly the date, knowing that dates are always material in legal procedure. The laxity and inefficiency of respondent's court personnel reflect her lack of management skills. The OCA added that respondent was not meticulous and thorough in organizing and supervising the work of her subordinates whose mistakes are her responsibility. Thus, the OCA recommended that respondent be fined P2,000 with a stern warning that repetition of the same offense shall be dealt with more severely.[10]

On April 18, 2007 and September 14, 2007, respondent and complainants, respectively, filed their manifestations expressing their willingness to submit the case for resolution based on the pleadings filed.

We find respondent administratively liable.

We note the OCA's implied finding that respondent is not guilty of grave abuse of authority, gross ignorance of the law, grave misconduct, obvious bias and partiality, and gross violation of Rep. Act No. 3019. We expressly rule that indeed respondent did not commit these serious accusations.

We recall that the charges arose from the erroneously dated warrant of arrest which made complainants suspect that it was issued before respondent found probable cause. The facts would show, however, that such suspicion is not true. Respondent adequately explained the circumstances surrounding the issuance of the erroneous warrant. The clerk/typist failed to change the date of a previous warrant of arrest saved as a soft copy in the computer. Upon discovery, the erroneous warrant was considered a scratch paper and this fact is supported by the affidavit[11] of Cesar A. Garcia, Jr., the criminal cases docket clerk and typist who prepared it and later mistook it as an extra copy when he gave it to complainant Atty. Bolando. Moreover, the PNP received the correct warrant of arrest dated July 10, 2006. Such receipt proves that it was not issued before respondent's July 10, 2006 Order finding probable cause.

Accordingly, the charges of grave abuse of authority, gross ignorance of the law, grave misconduct, obvious bias and partiality, and gross violation of Rep. Act No. 3019 against respondent are dismissed for lack of factual and legal basis. We fail to see any grave abuse of authority under the circumstances. Nor is respondent grossly ignorant of the law for she did not commit a patent, deliberate and malicious error. There is also no showing that she is unaware of a basic law.[12]

Neither did respondent commit grave misconduct. She did not commit an unlawful conduct motivated by a premeditated or intentional purpose.[13] Moreover, nothing supports the accusation of obvious bias and partiality there being no proof of respondent's specific acts indicating prejudice or arbitrariness.[14] And, we find that respondent did not commit any corrupt practice of a public officer, even as we note that the corrupt practices defined under Section 3(a) to (k) of Rep. Act No. 3019 are criminal offenses.

In addition, complainants were less than candid to this Court when they stated that the clerk of court informed their lawyer Atty. Navarro on July 10, 2006 that there was no order yet finding probable cause.[15] Notably, Atty. Navarro gave no statement to this effect. The clerk of court furthermore executed an affidavit[16] that after verification she informed Atty. Navarro that an order finding probable cause had already been issued. Still, Atty.

Navarro insisted that he will file a motion for judicial determination of probable cause. Complainants are thus reminded that their statements in their joint affidavit[17] are under oath.

Likewise, without merit is complainants' allegation that the respondent hastily issued her order after learning that complainants would file a motion for judicial determination of probable cause. When Atty. Navarro said that he will immediately file the motion and before the motion was actually filed on July 11, 2006, respondent had already issued her order finding probable cause on July 10, 2006. Complainants' allegation fails even more when it is considered that several days had passed since the Information was filed on June 23, 2006, and that it is not unlikely that respondent has already reviewed the case.

The above notwithstanding, however, we affirm the OCA that respondent failed to properly observe Rule 3.09, Canon 3 of the Code of Judicial Conduct. The rule provides that "a judge should organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity." Efficient court management is a judge's responsibility.[18] A judge is ultimately responsible for ensuring that court personnel perform their tasks and that the parties are promptly notified of his orders and decisions.[19]

In this particular instance, respondent was wanting in her duty to supervise properly her personnel. She likewise failed to ensure that her court personnel perform their tasks as they should. And she was not careful at all in signing the erroneously dated warrant of arrest. Worse, upon the discovery of the erroneous but signed warrant, no sufficient precautionary measure was adopted to prevent its issuance to one of those sought to be arrested, Atty. Bolando. While we see nothing wrong in treating it as a scratch paper, it was definitely improper to issue it since it was not obtained from the case records, but from the clerk's drawer. In fact, the warrant was not even verified from the records.

That the error was not respondent's direct error but of the clerk/typist cannot exculpate respondent from a finding of an administrative lapse on her part. Respondent judge cannot take refuge behind the mistakes and inefficiency of her court personnel.[20]

In addition, even if the PNP was furnished the correct warrant of arrest, which shows the RTC's immediate correction of the error, we must emphasize that because of the incident, complainants harbored the notion that an injustice was done against them, ironically, by a court.

However, we find that in lieu of the fine recommended, an admonition to respondent to be careful in signing orders, to be more efficient in the performance of duty, and to closely supervise her personnel will suffice.

In *Joaquin Vda. de Agregado v. Bellosillo*,[21] we admonished the respondent therein for failure to observe the care and diligence required of him in the performance of his duties as a judge. Considering that respondent is similarly liable merely for inadvertence, and considering further that respondent acted without any intent to do wrong, this Court finds a similar admonition appropriate.

WHEREFORE, the complaint is DISMISSED for lack of sufficient basis. However, respondent Judge Irma Zita V. Masamayor, presiding judge of the Regional Trial Court of Talibon, Bohol, Branch 52, is ADMONISHED to be careful in signing orders, to be more efficient in the performance of her duty, and to closely supervise her personnel. Repetition of the same or similar incidents shall merit a more severe penalty.

Complainants are also reminded of possible adverse consequences of false statements made under oath, hence the need for candor, accuracy and truthfulness in sworn statements.

SO ORDERED.

Carpio Morales, (Chairperson), Tinga, Velasco, Jr., and Brion, JJ., concur.

[*] Ricardo Lapeña, Larry Sadorra and Amelita Espinoza, although named as complainants, did not sign the complaint and the attached joint affidavit. They are excluded as complainants.

[1] Rollo, pp. 4-14.

[2] Id. at 102-104.

The accused were Atty. Norito Torres, Atty. Epifanio Bolando G., Geronimo Mejias, Osmundo Flores, Amador Labastida a.k.a. Dominador Labastida, Ricardo Lapena, Elena Anasco, Ros[a]bella Gudes, Larry Ladosa y Eberias a.k.a. Candelario Sadorra and Larry Sadorra, Alejandro Pajuleras y Aparicio, Celso Petalcorin y Cenita, Carlito [Loberternos] y Pajuleras, Dolores Estrada y Jimenez a.k.a. Dolor Estrada, Pelar Dupa y Mejias and Amelita Lim y Espinoza. (Emphasis supplied for the names of the complainants herein.)

The accusatory portion of the Information reads:

x x x x

That on or about the 17[th] day of May and days prior thereto during the May 10, 2004 elections, in the Municipality of Inabanga, Province of Bohol, ... the above-named accused LEADERS, conspiring, confederating and mutually helping each other, by means of force, intimidation and other means outside of the legal methods and the rest of the accused MEMBERS/PARTICIPANTS, did then and there wilfully, unlawfully and feloniously rise publicly and tumultuously by causing and creating serious trouble and disturbances in front of the municipal building ... in order to inflict an act of hate or revenge upon the person of JOSEPHINE SOCORRO JUMAMOY, the incumbent municipal mayor of Inabanga, Bohol, the members of the police force of the municipality, and the members of the Municipal Board of Canvassers through their acts of attacking the municipal building, stoning and destroying parts of said building while openly declaring their hatred and contempt against the above-named public official and authorities ... to prevent the officials and employees of the municipal government of Inabanga and the Municipal Board of Canvassers from freely exercising their duties and functions as these acts did, in fact, disrupted and prevented the normal functioning of various government offices and agencies in the municipality of Inabanga, Bohol including the canvassing of votes by the Municipal Board of Canvassers which was transferred to Tagbilaran City; to the damage and prejudice of the Republic of the Philippines and of the local government of Inabanga and its public officials particularly Mayor Josephine Socorro Jumamoy.

x x x x

[3] Id. at 44-47.

[4] Id. at 49-50.

[5] Id. at 51-52.

[6] Id. at 55-62.

[7] Id. at 72.

[8] Id. at 80, 84.

[9] Rule 3.09. - A judge should organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity.

[10] Rollo, pp. 3-4.

[11] Id. at 88-89.

[12] See *Bellena v. Perello*, A.M. No. RTJ-04-1846, January 31, 2005, 450 SCRA 122, 129.

[13] Id. at 130.

[14] Id. at 131.

[15] Rollo, p. 8.

[16] Id. at 72-74.

[17] Id. at 7-14.

[18] *Aguilar v. How*, A.M. No. RTJ-03-1783, July 31, 2003, 407 SCRA 482, 488.

[19] *Visbal v. Buban*, A.M. No. MTJ-02-1432, September 3, 2004, 437 SCRA 520, 524.

[20] Id. at 523; *Aguilar v. How*, supra at 487; *Lagatic v. Peñas, Jr.*, A.M. No. RTJ-97-1383, July 24, 1997, 276 SCRA 46, 53.

[21] A.M. No. MTJ-05-1600, August 9, 2005, 466 SCRA 29.

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