BERNADETTE MONDEJAR, COMPLAINANT, VS. JUDGE MARINO S. BUBAN, MTCC, TACLOBAN CITY BRANCH 1, RESPONDENT.

A.M. No. MTJ-01-1349. July 12, 2001

Ponente: KAPUNAN, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/ec57722acac4/

KAPUNAN, J.:

In a sworn letter complaint dated May 31, 1999, complainant Bernadette Mondejar charged Judge Marino S. Buban, MTCC, Tacloban City, Branch 1, with gross ignorance of the law, partiality, serious irregularity and grave misconduct relative to Criminal Case No. 98-07-CR-133 entitled "People of the Philippines v. Bernadette Mondejar and Arlette Mondejar" for violation of Batas Pambansa Blg. 22. She alleged that respondent judge issued a "hold departure order" against her on October 23, 1998 in violation of Supreme Court Circular No. 39-97 which provides that "hold departure orders" shall be issued only in criminal cases within the exclusive jurisdiction of the Regional Trial Courts. She further alleged that respondent judge did not give her an opportunity to be heard before issuing the questioned order.

When required to comment on the matter, respondent judge admitted having issued said order because he was not aware of the Supreme Court Circular No. 39-97. He alleged that he was not furnished a copy of the circular and managed to secure a copy only after he instructed his legal researcher to get one from the Executive Judge of the Regional Trial Court of Tacloban City. Accordingly, on April 14, 1997, he issued an order lifting and setting aside the hold departure order dated October 23, 1998. As regards the issue of denial of due process, respondent judge averred that complainant and her counsel were duly notified of the scheduled hearing but neither appeared on said date.

The Court Administrator after finding that respondent judge erred in issuing the assailed "hold departure order," recommended that he be severely reprimanded with a stern warning that a repetition of the same or similar act in the future shall be dealt with more severely.

The recommendation of the Court Administrator is well-taken.

Circular No. 39-97 limits the authority to issue hold-departure orders to criminal cases within the jurisdiction of second level courts. Paragraph No. 1 of the said circular specifically provides that "hold-departure orders shall be issued only in criminal cases within the exclusive jurisdiction of the regional trial courts." Clearly then, criminal cases within the exclusive jurisdiction of first level courts do not fall within the ambit of the circular, and it was an error on the part of respondent judge to have issued one in the instant case.

Canon 3, Rule 3.01 of the Code of Judicial Conduct exhorts judges to be "faithful to the law and maintain professional competence." The Court, in exercising administrative supervision of all lower courts, has not been remised in reminding the members of the bench to exert due diligence in keeping abreast with the development in law and jurisprudence. Besides, Circular No. 39-97 is not a new circular. It was circularized in 1997 and violation of which has been accordingly dealt with in numerous cases before the Court. Herein judge, therefore, cannot be excused for his infraction. Judges should always be vigilant in their quest for new developments in the law so they

could discharge their duties and functions with zeal and fervor.

In recent cases,[1] involving similar violations, this Court imposed the penalty of reprimand on erring judges. Hence, the same penalty should be imposed on respondent judge.

WHEREFORE, Judge Marino S. Buban is hereby REPRIMANDED with the warning that a repetition of the same and similar acts in the future will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Pardo, and Ynares-Santiago, JJ., concur.

---

[1]Office of the Court Administrator v. Judge Salvador B. Mendoza, A.M. No. 00-1281-MTJ, September 14, 2000; Issuance of Hold Departure Order of Judge Luisito T. Adaoag, MTC, Camiling, Tarclac, A.M. No. 98-8-126-MTC, September 22, 1999; Hold Departure Order issued by Judge Eusebio M. Barot, MCTC, Branch 2, Aparri, Calayan, Cagayan, A.M. No. 98-8-108-MTC, August 25, 1999; Re: Hold Departure Order dated April 13, 1998 issued by Judge Juan C. Nartatez, Municipal Trial Court, Branch 3, Davao City, 298 SCRA 710 (1998).

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

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.