

JESUSA M. SANTIAGO, COMPLAINANT, VS. JUDGE EDUARDO U. JOVELLANOS, MCTC ALCALA-BAUTISTA, PANGASINAN; ADORACION R. MARCOS, CLERK OF COURT, MCTC ALCALA-BAUTISTA, PANGASINAN; AND CE...

A.M. No. MTJ-00-1289 (Formerly A.M. No. OCA-IPI-96-216-MTJ). August 01, 2000

Ponente: DE LEON, JR., J.

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DE LEON, JR., J.:

For resolution are (1) the verified complaint dated September 9, 1996, earlier docketed as A.M. OCA IPI No. 96-216-MTJ, against Judge Eduardo U. Jovellanos, presiding judge of the Municipal Circuit Trial Court (MCTC) of Alcala-Bautista, Pangasinan, Adoracion R. Marcos, clerk of court of said MCTC, and Celestina Corpuz, clerk of court of the Municipal Trial Court (MTC) of Urdaneta, Pangasinan for “ignorance or blatant defiance of the law, grave abuse of authority/discretion, gross misrepresentation/falsification and/or acts inimical to the service,” and (2) the verified complaint dated January 9, 1997, earlier docketed as A.M. No. OCA IPI 97-262-MTJ, against Judge Edgardo U. Jovellanos for violation of the second paragraph of Section 19, Administrative Circular No. 12-94.

These two (2) verified complaints were consolidated into one (1) administrative case docketed as Adm. Matter No. MTJ-00-1289. In her verified complaint, complainant Jesusa M. Santiago alleges that she is the private complainant in Criminal Cases Nos. 6333-6336, 6360-6362 and 6663, all entitled: “People of the Philippines vs. Violeta Madera,” pending before the sala of Judge Henry L. Domingo of the MTC of San Ildefonso, Bulacan. On March 26, 1996, Madera failed to appear at the scheduled hearing of Criminal Cases Nos. 6333-6336 and 6360-6362, prompting Judge Domingo to issue a bench warrant against her. Madera was arrested on July 2, 1996 and detained at the municipal jail of San Ildefonso, Bulacan. She was released the following day pursuant to the Order of Release dated April 3, 1996 issued by respondent Judge Jovellanos.

Complainant Santiago questions the propriety of the said Order of Release on two (2) grounds: first, the authority of Judge Jovellanos to issue the said Order of Release and, second, the date of issuance thereof. Santiago points out that Madera was arrested and detained in San Ildefonso, Bulacan and her cases were pending before the MTC of said municipality but it was respondent judge from the MCTC of Alcala-Bautista, Pangasinan which issued the Order of Release. Also, while Madera was arrested on July 2, 1996, the Order of Release was dated April 3, 1996.

Santiago further alleges that the MCTC of Alcala-Bautista, Pangasinan failed to forward to the MTC of San Ildefonso, Bulacan the bail bond allegedly posted by Madera despite the letter dated August 8, 1996 of the clerk of court of the MTC of San Ildefonso, Bulacan and the Order dated August 23, 1996 of Judge Domingo. Instead, the MTC of San Ildefonso, Bulacan received from Clerk of Court Adoracion R. Marcos a letter dated September 3, 1996 stating that the Order dated August 23, 1996 could not be complied with due to the cancellation of Madera’s bail bond. Attached to the letter was the Order dated August 28, 1996 of Judge Jovellanos stating that:

For failure of the accused Violeta Madera to register her bailbond in accordance with Section 14, Rule 114 of

the 1985 Rules of Criminal Procedure, this Court hereby orders the cancellation of the order of release previously issued for her provisional liberty.[1]

Santiago likewise assails the authority of Judge Jovellanos to issue the Order of Release dated July 3, 1996 in connection with Criminal Case No. 6663. She avers that a warrant of arrest was issued against Madera on July 1, 1996. On July 2, 1996, Madera was arrested and detained in San Ildefonso, Bulacan but was released from custody on the basis of said Order of Release.

On July 29, 1996, Judge Domingo issued an Order directing the clerk of court of the MCTC of Alcala-Bautista, Pangasinan to forward Madera's bail bond to the MTC of San Ildefonso, Bulacan. Upon receipt thereof, Judge Domingo noted that:

On August 6, 1996, this court received the Bail Bond posted by the accused with the MCTC of Alcala-Bautista, Alcala, Pangasinan, together with the original of the Order of Release dated August 5, 1996.

The Court notes that the subject Bail Bond and the Order of Release are dated August 5, 1996, whereas the Order of Release signed by the same Judge which was the basis for the release of the accused from detention is dated July 3, 1996.[2]

In his Answer/Comment dated August 5, 1997, Judge Jovellanos cites Section 19, Rule 114 of the 1985 Rules of Criminal Procedure and argues that an accused must be released upon approval of the bail by any judge, who shall forward the release papers to the court where the case is pending. He further explained that:

x x x Since the accused is from Pangasinan, she can go to any available Judge especially so that it was nighttime when her bailbond was presented to said respondent judge.

x x x [S]ince the warrant of arrest against the accused as claimed by the complainant was issued on March 26, 1996, it is very highly probable that accused was already aware of its existence and she was able to secure her bailbond. Thus, the release order dated April 3, 1996 was chronologically correct.

x x x [T]he failure to send the bailbond on time to the MTC San Ildefonso was due to the fact that the accused failed to register her bailbond within ten (10) days from the date the order of release was issued by the respondent. Non-compliance with the order to register the bailbond shall be sufficient cause for the cancellation of the property bond (Sec. 14, Rule 114, 1985 Rules on Criminal Procedure). It is the policy of herein respondent not to send the bailbond to the Court where the case or cases are pending unless and until the bailbond is registered within ten (10) days from the time the order of release was issued.

x x x

Approval of bailbonds is a ministerial duty for any judge as long as the requirements are fully satisfied. When the said bailbond was presented to herein respondent, he examined it carefully and he saw no reason why the same should not be approved taking into account that it was sufficient in form and in substance.

When the herein respondent approved the subject bailbond, he was desirous not only to perform a judicial function required of his office but also moved by humanitarian considerations thinking that cases involving detention should be acted upon with dispatch.[3]

Meanwhile, Marcos avers:

2) It is a vital matter that she wishes to make emphasis that one of the duties of her office is ministerial in nature. Thus, she transmits records, processes, and other vital court documents with dispatch and with proper authority emanating only from the Court. This stress aims to establish that she was not in a position to perform her duty of transmitting the questioned bailbond of the accused after its approval by the Court to the MTC, San Ildefonso, Bulacan because of the following:

a) That she has no knowledge of the bailbond alluded to, much less to its appendages, i.e. release order, receipts, tax declarations, etc., and that she never saw the bailbond presented to her nor to the Judge in the 8th MCTC, Alcala-Bautista, Pangasinan, during the required office hours that it should have been presented. This fact can be proven by the answer/comment of her co-respondent Clerk of Court of MTC, Urdaneta, Pangasinan.

b) That she only learned of the existence of such bailbond when she received the letter dated August 8, 1996, Annex "B," of the Clerk of Court of MTC, San Ildefonso, Bulacan, requesting for the transmittal of the bailbond being referred to. She replied to the request through her letter dated August 15, 1996, Annex "C," explaining therein that she was not aware of the presentation and approval of said bailbond.

x x x

d) Annex "F" which is an order of the Court dated August 28, 1996 cancelled the release order and the bailbond for that matter, due to the failure of the accused to register her bailbond. As ordered by the Court, the undersigned respondent transmitted the same, 'WITH DISPATCH,' to the Clerk of Court, MTC, San Ildefonso, Bulacan x x x.[4]

For her part, respondent Corpuz, Clerk of Court, Municipal Trial Court of Urdaneta, denies having facilitated the approval of Madera's bail bond. She adds that:

The truth of the matter was that as far as her recollection, when the bail bond alluded to was presented to Respondent Judge Eduardo Jovellanos, all the documents as well as the order for the Release of the accused were all prepared and since it was already nighttime, the family of the accused begged that they be accompanied [to] the house of Respondent Judge so that the said Order maybe signed and since herein Respondent knew personally the accused and her family being townmates and knowing that Respondent Judge Eduardo Jovellanos certainly would be of help and nothing is wrong if said bailbond would be approved and the subsequent Order of Release be issued, the herein Respondent obliged thereby she accompanied the family of the accused [to] the residence of the Judge for the approval of the said bailbond.[5]

She also complied with the instructions of respondent Judge Jovellanos that the original copy of the Order of Release dated April 3, 1996 and its attachments be sent to the MTC of San Ildefonso. With respect to Criminal Case No. 6663, she did not give any comment since there was no mention of her participation therein.

In her verified complaint, complainant Margarita Sanchez alleges that she is the private complainant in Criminal Case No. 3712 entitled "People of the Philippines vs. James H. Orallo" pending before Branch 53 of the Regional Trial Court (RTC) of Rosales, Pangasinan. Orallo was arrested and detained at Rosales, Pangasinan and later transferred to the Balungao District Jail in Balungao, Pangasinan. Despite the pendency of said case before the RTC of Rosales, Pangasinan, Orallo posted a property bond with the MCTC of Alcala-Bautista, and thus, released from custody by virtue of an Order of Release dated December 6, 1996 issued by respondent Judge Jovellanos.

On December 9, 1996, complainant Sanchez, accompanied by her lawyer, Atty. Dominador B. Fernando, and Mrs. Fely Pulido who is a neighbor of the accused in that case proceeded to the office of Judge Jovellanos and requested permission to read and examine the records relating to Orallo's bail bond. Judge Jovellanos replied that the records were in the possession of Atty. Isaias Asuncion. Atty. Fernando politely told Judge Jovellanos that he should have refrained from acting on Orallo's bail bond as the presiding judge of Branch 53 of the RTC of Rosales, Pangasinan was not unavailable. Atty. Fernando further suggested that Judge Jovellanos take necessary action on the matter. Judge Jovellanos assured Sanchez and Atty. Fernando that he will issue an order and that a copy thereof shall be available the following day.

On December 10, 1996, Judge Jovellanos issued the following order:

In view of the failure of the accused James Orallo to register his bailbond in accordance with Section 14, Rule 114 of the 1985 Rules of Criminal Procedure, this Court hereby orders the cancellation of the Order of Release and the bailbond previously issued for his provisional liberty.[6]

Having secured a copy of the foregoing Order, Sanchez and Mrs. Pulido proceeded to Branch 53 of the RTC of Rosales, Pangasinan and gave a copy of the same to its staff for comment. However, the staff explained that they could not act on the Order because they do not have the records. Sanchez, Mrs. Pulido and Atty. Fernando again contacted Judge Jovellanos, who informed them that the records of Orallo's bail bond were not yet in the possession of Branch 53. He then assured them that if Atty. Asuncion will not forward the records of the bail bond, he or his representative will do so. Notwithstanding these assurances, Sanchez, Mrs. Pulido and Atty. Fernando learned that, as of January 7, 1997, the records of the bail bond have not yet been transmitted to the RTC of Rosales, Pangasinan.

In response to Sanchez' complaint, Judge Jovellanos alleged that:

x x x when the bailbond was presented to the undersigned respondent, he was told by the father of the accused that his son, has been languishing in the jail for sometime because the RTC Judge Sergio Garcia could not be contacted as he was preparing to retire; and so the father of the accused was asking the favor of the undersigned respondent in order to save his son from further discomforts [sic] and inconvenience, that his property bond be approved and the undersigned respondent Judge, for humanitarian reasons and considering that upon a thorough examination, the property bond is proper and in order, proceeded to approve his property bond and issued the corresponding Order of Release in accordance with the Provisions of Section 14, Rule 114 of the 1985 Rules of Criminal Procedure.

x x x respondent judge was not in possession of said property bond because it was given to the accused to be registered with the Office of the Register of Deeds in accordance with the Provision of Section 8, Rule 114 of the 1985 Rules in Criminal Procedure x x x.

Finally, when respondent Judge found out that the RTC Presiding Judge Sergio Garcia was still holding sessions although he was already about to retire, undersigned respondent Judge immediately issued an Order cancelling his previous Order of Release (Annex 'G' Complaint) which he issued to the accused James Orallo on December 6, 1997 in Criminal case No. 3712, pending before the Regional Trial Court, Branch 53, Rosales, Pangasinan.[7]

On July 8, 1998, upon recommendation of the Office of the Court Administrator (OCA), the Third Division of this Court resolved to consolidate A.M. OCA IPI No. 96-216-MTJ with OCA IPI No. 97-262-MTJ and to refer the cases to Hon. Alicia B. Gonzales-Decano, Executive Judge of the RTC of Urdaneta, Pangasinan, for investigation, report and recommendation. Surprisingly, on October 29, 1998, and subsequently on November 11, 1998, Judge Decano dismissed both cases due to complainants' alleged lack of interest to prosecute the same. In a Resolution dated March 24, 1999, the Third Division required Judge Decano to explain why she ordered the dismissal of the cases without any authority from this Court[8] and simultaneously directed Vice Executive Judge Modesto C. Juanson of the RTC of Dagupan City to conduct a thorough investigation of the complaints and to submit a report and recommendation thereon.

In his report dated September 8, 1999, the investigating judge, Judge Modesto C. Juanson, concluded that, with respect to A.M. OCA IPI 96-216-MTJ, Judge Jovellanos failed to observe the procedure for the release of an accused on bail. He also found that:

x x x It is also the conclusion of this Court that the "Order of Release" dated April 3, 1996, was issued without any approved property bond. Judge Jovellanos deliberately lied when he said he cancelled the property bond posted by the accused for her failure to register the property within ten (10) days to the proper office. No

property bond had reached the Court [that] issued the warrant of arrest. Judge Jovellanos had taken advantage of his position as Presiding Judge, MCTC, Alcala-Bautista, Pangasinan, knowing fully well that he issued an order for the release of a detained person, ordered the release of Violeta Madera under “Order of Release dated April 3, 1996” even without the approved property bond. Judge Jovellanos deliberately lied again when he issued an Order of Recall of Order dated April 3, 1996 for failure of accused Madera to register the bailbond in accordance with Sec. 14, Rule 114 of the 1985 Rules on Criminal Procedure. Recall order dated August 28, 1996 is another instance of dishonesty. When unable to produce the property bond, He (Jovellanos) thought of another lies by issuing said Order dated August 28, 1996. The fact that the record of Criminal Case No. 6663 was forwarded from MTC San Ildefonso, Bulacan to RTC, Bulacan does not render the propriety of issuing the Order of Release without property bond, moot and academic. The Order of Release on the basis of property bond is valid unless revoked by the Appellate Court.

The Court likewise found Celestina Corpuz having conspired and confabulated with Judge Jovellanos in the issuance of the Order of Release dated April 3, 1996. Corpuz averred that upon instruction of Judge Jovellanos, she sent by registered mail [a] copy of the bailbond and other pertinent documents together with the original of the Order of Release dated April 3, 1996 as evidenced by the registry receipt attached to the letter of Adoracion Marcos. As clerk of Court, Corpuz knows that sending an important document to MTC San Ildefonso, it must require a registry return card or in the absence thereof, she must produce [a] certification from the post office concerned evidencing the sending of the letter. Besides, the Court is certain that the letter will reach the addressee if really mailed. The truth is that, in order to cover up and protect themselves (Judge Jovellanos and Corpuz) she concocted the idea that she sent the copy of the property bond together with the Order of Release to MTC, San Ildefonso by registered mail. The actuation of Judge Jovellanos and Corpuz pretending to have mailed the property bond together with the Order of Release may be described as pure and simple dishonesty in the performance of their duties. Corpuz facilitated the “Order of Release dated April 3, 1996” even without [a] covering property bond. Judge Jovellanos cooperated for reasons known only to him. Both (Jovellanos and Corpuz) have violated their “Oath of Office.” Corpuz facilitated the Order of Release dated April 3, 1996 as evidenced by the reply letter of Adoracion Marcos dated August 15, 1996.

x x x

Adoracion Marcos did not facilitate, participate or have any knowledge about the property bond and Order of Release dated April 3, 1996.

x x x

As to the second Order of release dated July 3, 1996, in Criminal Case No. 6663 where Violeta Madera was ordered arrested on July 1, 1996. x x x Again, Judge Jovellanos failed to indorse and deliver the property bond to MTC San Ildefonso, Bulacan. The truth is that the questioned “Order of Release dated July 3, 1996” was issued without approved property bond.[9]

The investigating judge recommended that Judge Jovellanos and Corpuz be dismissed from the service without forfeiture of their retirement benefits and leave credits considering that Judge Jovellanos was already 67 years old, half of whose body was paralyzed due to a stroke, and Corpuz’ years of service in the judiciary. Insofar as respondent Adoracion R. Marcos is concerned, the investigating judge recommended the dismissal of the complaint for lack of substantial evidence.

In OCA IPI No. 97-262-MTJ, the investigating judge reported that:

Judge Jovellanos’ assertion that he had cancelled the bailbond posted by James Orallo when the latter failed to register said bond in accordance with law is another pure and simple [lie], insulting to the intelligence of the Court. It is the duty of the respondent Judge that before he issues and releases the questioned Order of Release dated December 6, 1996 x x x he must require the accused to register first the property bond [with] the Local

Register of Deeds (for registered property) or Local Assessor's Office (for unregistered property). x x x

Besides, the records of either the instant administrative case or Regional Trial Court, Branch 53, Rosales, Pangasinan (Pp vs. James Orallo, Criminal Case No. 3712-R) nor the MCTC, Alcala-Bautista, Pangasinan, do not show the existence of the approved property bond which was the basis of the "release order dated December 6, 1996." The Order of Cancellation of the bond of James Orallo issued by Judge Jovellanos dated December 10, 1996 was done in order to appease Mrs. Margarita Sanchez and her lawyer Atty. Fernando who has been searching the records in Criminal Case No. 3712-R, RTC, Branch 53, Rosales, Pangasinan and that of the MCTC, Alcala-Bautista for the copy of the property bond. When Judge Jovellanos could not produce a copy of the approved property bond, thus, he issued an order of cancellation, dated December 10, 1996.[10]

The investigating judge likewise recommended that respondent Judge Jovellanos be dismissed from the service without forfeiture of his retirement benefits and leave credits.

The OCA upheld the findings of the investigating judge in both cases but recommends the forfeiture of the retirement pay and leave credits of respondent Judge Jovellanos and respondent Corpuz.

This Court agrees with the factual findings of the investigating judge and the OCA. In *Victorino Cruz v. Judge Reynold Q. Yaneza*, [11] this Court held that:

Section 17, par. (a), of Rule 114, as amended by Administrative Circular No. 12-94, provides:

(a)Bail in the amount fixed may be filed with the court where the case is pending, or, in the absence of unavailability of the judge thereof, with another branch of the same court within the province or city. If the accused is arrested in a province, city or municipality other than where the case is pending, bail may be filed also with any regional trial court of said place, or if no judge thereof is available, with any metropolitan trial judge, municipal trial judge or municipal circuit trial judge therein.

The foregoing provision anticipates two (2) situations. First, the accused is arrested in the same province, city or municipality where his case is pending. Second, the accused is arrested in the province, city or municipality other than where his case is pending. In the first situation, the accused may file bail in the court where his case is pending, or in the absence or unavailability of the judge thereof, with another branch of the same court within the province or city. In the second situation, the accused has two (2) options. First, he may file bail in the court where his case is pending or, second, he may file bail with any regional trial court in the province, city, municipality where he was arrested. When no regional trial judge is available, he may file bail with any metropolitan trial judge, municipal trial judge or municipal circuit trial judge therein.

Interestingly, almost all the cases wherein respondent Judge approved bail bonds and issued release orders were not pending before his sala. To complicate matters, the accused were neither arrested nor detained within the territorial jurisdiction of respondent Judge's court.

x x x

xxx Since Judge Yaneza presides over MeTC-Branch 54 in Navotas, Metro Manila, his territorial jurisdiction is confined therein. Therefore, to approve bail applications and issue corresponding release orders in cases pending in courts outside his territorial jurisdiction, some even in courts as far as Nueva Ecija and Palawan, particularly so where the accused are detained thereat and not in his jurisdiction and therefore cannot personally appear before him as required, constitute ignorance of the law so gross as to amount to incompetence and even corruption.

x x x

Section 35 of BP Blg. 129 and Sections 17 and 19 of Rule 114 are to be construed and applied in conjunction with each other. The abovesited rules do not give the Metropolitan Trial Judge blanket authority to grant applications

for bail. There are prerequisites to be complied with. First, the application for bail must be filed in the court where the case is pending. In the absence or unavailability of the judge thereof, the application for bail may be filed with another branch of the same court within the province or city. Second, if the accused is arrested in a province, city or municipality other than where the case is pending, bail may be filed with any regional trial court of the place. If no judge thereof is available, then with any metropolitan trial judge or municipal circuit trial judge therein.[12]

It is clear from this Court's disquisition in Yaneza that Judge Jovellanos' reliance on Section 19, Rule 114 of the 1985 Rules of Criminal Procedure is misplaced. Yaneza, in fact, only highlights that Judge Jovellanos, contrary to prescribed procedures, approved the applications for bail of accused whose cases were not only pending in other courts but who were likewise arrested and detained outside his territorial jurisdiction. It also does not appear from the records of these cases that the judges having jurisdiction over the accused were absent or otherwise unavailable to act upon their applications for bail. Worse, in A.M. OCA IPI 96-216-MTJ, Judge Jovellanos ordered the release of Madera without the corresponding bail bond being posted.

Judge Jovellanos' invocation of good faith and his plea that he was only moved by humanitarian considerations cannot excuse his conduct. We have often stressed that "as an advocate of justice and a visible representation of the law, a judge is expected to keep abreast with and be proficient in the interpretation of our laws. A judge should be acquainted with legal norms and precepts as well as with statutes and procedural rules. Unfamiliarity with the Rules of Court is a sign of incompetence which goes against Canon 3, specifically Rule 3.01, of the Code of Judicial Conduct." [13] Having accepted the exalted position of a judge, Judge Jovellanos owes the public and the court he sits in proficiency in the law. He must have the basic rules at the palm of his hands as he is expected to maintain professional competence at all times.[14]

Insofar as respondent Corpuz is concerned, she has evidently been remiss in the performance of her duties. Although she claims that she followed the instructions of respondent Judge Jovellanos and transmitted the records of Madera's bail bond to the MTC of San Ildefonso, Bulacan by registered mail, the MTC of San Ildefonso, Bulacan has yet to receive the same. As pointed out by the investigating judge, respondent Corpuz failed to secure a registry return card or, in the absence thereof, a certification from the post office to show that said records were mailed. Indeed, even in the absence of a registry return card or certification, "the Court is certain that the [documents] will reach the addressee if really mailed." [15] This circumstance leads us to doubt whether respondent Corpuz actually transmitted the records to the MTC of San Ildefonso, Bulacan, and more importantly, whether Madera indeed posted a bail bond for her temporary liberty in Criminal Case Nos. 6333-6336 and 6360-6362. We have consistently held that the conduct required of court personnel must always be beyond reproach and is circumscribed with a heavy burden of responsibility.[16] This Court cannot countenance any act or omission on the part of those involved in the administration of justice which would violate the norm of public accountability and diminish, or even just tend to diminish, the faith of the people in the judiciary.[17]

As to the penalty that should be imposed on respondents Judge Jovellanos and Corpuz, we find the recommended penalty of dismissal too harsh. In Yaneza, we meted upon respondent judge therein the penalty of dismissal considering the number of times he exceeded his authority in approving applications for bail outside his territorial jurisdiction and his persistence in doing so despite the pendency of the administrative complaint against him. This was further aggravated by his summary approval of an application for bail in a case where the penalty imposable was life imprisonment. However, in the case at bar, similar circumstances are wanting.

For similar conduct, less severe penalties were imposed upon two (2) erring judges, thus -

1. In Paz v. Tiong,[18] we imposed upon respondent therein, a judge of the MTC of Bolinao, Pangasinan, a fine of P3,000.00 for signing the bail bond and the order of release of an accused whose case was pending before the

RTC of Alaminos, Pangasinan absent any showing that the judge having jurisdiction over the same was unavailable.

2. In *Adapon v. Domagtoy*,^[19] we fined respondent judge of the MCTC of Santa Monica-Burgos, Surigao del Norte in the amount of P10,000.00 for ordering the release of an accused whose cases were pending before the MCTC of Dapa, Surigao del Norte notwithstanding the fact that the accused was neither arrested nor did he surrender to the authorities before the order of release was issued, and that the judge having jurisdiction over the cases was likewise unavailable.

Considering the advanced age and poor health of respondent Judge Jovellanos and the long years of service in the judiciary of respondent Corpuz, we find that suspension from the service will be sufficient punishment for their acts complained of.

WHEREFORE, the complaint against Adoracion Marcos is DISMISSED for lack of merit. Respondent Judge Eduardo U. Jovellanos is hereby SUSPENDED, without pay, for a period of one (1) year while respondent Celestina Corpuz is likewise SUSPENDED, without pay, for a period of four (4) months, with the WARNING that a repetition of the same or similar acts in the future shall be dealt with more severely.

SO ORDERED.

Mendoza, (Acting Chairman), Quisumbing, and Buena JJ., concur.
Bellosillo, (Chairman), J., on official leave.

[1] Annex “F” of the Complaint, Rollo for A.M. OCA IPI No. 96-216-MTJ, p. 10.

[2] Annex “J” of the Complaint, Rollo for A.M. OCA IPI No. 96-216-MTJ, p. 15.

[3] Rollo for A.M. OCA IPI No. 96-216-MTJ, pp. 31-33.

[4] Rollo for A.M. OCA IPI No. 96-216-MTJ, pp. 36-37.

[5] Rollo for A.M. OCA IPI No. 96-216-MTJ, p. 25-26.

[6] Annex “G” of the Complaint, Rollo for A.M. OCA IPI No. 97-262-MTJ, p. 10.

[7] Rollo for A.M. OCA IPI No. 97-262-MTJ, p. 13-14.

[8] In a Resolution dated November 22, 1999, the Second Division of this Court, acting on the explanation of Judge Decano, reminded Judge Decano to be more circumspect in the performance of her duties.

[9] Investigation Report, pp. 6-7.

[10] Investigation Report, p. 3.

[11] A.M. No. MTJ-99-1175, March 9, 1999.

[12] *Id.* at 8-13.

[13] *Northcastle Properties & Estate Corporation v. Paas*, A.M. No. MTJ-99-1206, October 22, 1999, p. 7.

[14] *Ibid.*

[15] Investigation Report, p. 7.

[16] Biag v. Gubatanga, A.M. No. 99-1341, November 22, 1999, p. 5.

[17] Ibid.

[18] 253 SCRA 364 (1994)

[19] 265 SCRA 824 (1996)

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