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LEONARDO C. LANDAYAN, COMPLAINANT, VS. JUDGE ROMEO A. QUILANTANG, PRESIDING JUDGE, MUNICIPAL TRIAL COURT, OBANDO, BULACAN, RESPONDENT.

A.M. NO. MTJ-06-1632 (FORMERLY OCA IPI NO. 04-1634-MTJ). May 04, 2006

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

Judge Romeo A. Quilantang, Municipal Trial Court (MTC), Obando, Bulacan, stands charged with gross ignorance of the law, grave misconduct (violation of Republic Act No. 3019), and falsification of public document under Article 171 of the Revised Penal Code, relative to Criminal Case No. 6763 for grave threats; Criminal Case No. 6764 for grave coercion; and Criminal Case No. 6765 for serious illegal detention.

In his Complaint-Affidavit[1] dated October 18, 2004, Leonardo C. Landayan narrated that he was the General Manager and Head of Office of the Obando Water District. He instituted administrative proceedings against Albert M. Cawili, a Water Maintenance Man, for grave misconduct, gross insubordination, and neglect in the performance of duty.[2] Cawili later filed fabricated charges of grave threats, grave coercion, and serious illegal detention against him before the sala of respondent Judge. Complainant further alleged that the criminal complaints were subscribed before respondent Judge on the following dates: grave threats on July 5, 2004;[3] grave coercion on July 8, 2004;[4] and serious illegal detention on July 18, 2004.[5] Thus, when respondent Judge issued the Order[6] dated July 8, 2004 admitting the complaint and directing the complainant (accused therein) to file his affidavit, the sworn complaint for illegal detention could not have yet been instituted by Cawili. Complainant further alleged that, in so doing, respondent Judge violated Rule 110 of the Revised Rules on Criminal Procedure, particularly Sections 1 and 3 thereof. Furthermore, in causing to make it appear that Cawili participated in the July 8, 2004 proceedings, respondent Judge also committed falsification of public document under Article 171 of the Revised Penal Code. He further accused respondent Judge of displaying manifest bias against him for ignoring the allegations in his counter-affidavit.

Complainant also alleged that respondent Judge issued his Joint Resolution[7] on September 23, 2004 without submitting it to the Provincial Prosecutor for review and affirmation, and set the case for trial on November 25, 2004. The Clerk of Court also issued the Notice of Hearing on even date. All these, according to complainant, show respondent's manifest bias in favor of Cawili.

In his Comment, respondent Judge denied the allegations against him; contrary to the complainant's claim, all the criminal complaints were subscribed before him on the same day, that is, July 8, 2004. As proof, respondent Judge submitted certified true copies[8] of the complaints. He further alleged that complainant filed the administrative charge and supported them with falsified documents due to dissatisfaction over the outcome of the resolution of the case. He further alleged, thus:

> - Relative to [the] alleged violation of Rule 112, Complainant, in Par. 17 of his complaint, and in making it appear the respondent deviated and violated the Rules of Court with intention to [mislead] this Honorable

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> Office deliberately and unfaithfully cited section 6(b) of Rule 112, to wit:
>
> x x x When the preliminary investigation is conducted by the Judge himself, HIS FINDINGS AND RECOMMENDATIONS ARE SUBJECT TO REVIEW BY THE PROVINCIAL PROSECUTOR.
>
> Under the said rule, the phrase in bold letters are not a part thereof, the intention of the complainant is to make it appear [that] the respondent deviated from the rule, when the latter didn't forward the result of the preliminary determination of probable cause to the Provincial Prosecutor's Office.
>
> - But under Rule 122, section 1 thereof, it is provided that the conduct of preliminary investigation is mandatory only if the offense charged carries a penalty of four (4) years, two (2) months and one (1) day, without regard to the fine, and not to all criminal cases with a penalty not exceeding six (6) years, therefore falling within the jurisdiction of the Municipal Trial Court, as claimed by the complainant in his citation of Section 1, Rule 112 under par. 16 of his complaint.
>
> - The rule and jurisprudence (People v. Magallanes, 249 SCRA 212) are one in recognizing that the allegations in the complaint determine the crime charged and the jurisdiction of the court and not the title of the offense.
>
> - Since the respondent determined in the allegations of the complaints for Grave Threat, Grave Coercion and Serious Illegal Detention, that the offense is light in character, the penalty therefore is way below the one prescribed for the conduct of mandatory preliminary investigation. Hence, the respondent, in lieu of forwarding to the Provincial Prosecutor's Office the result of the preliminary investigation, set the case for arraignment only for Grave Threat and Grave Coercion, and dismissed the case for Serious Illegal Detention because of only one element present in the latter, which the restraint of liberty, which is in common with the element of Coercion. The complainant misconstrued the joint resolution by claiming [that] the element of Serious Illegal Detention cannot be absorbed by the less grave offense of Coercion. He may be talking of an absorption of a crime in this case.
>
> - The complainant's contention that since the Serious Illegal Detention was dismissed, his counter-charged (sic) for Perjury/Malicious Prosecution (Serious Illegal Detention) shall have been admitted cannot hold water, because the former was dismissed not because it was [a] fabricated charge or non-existent, but due to the insufficiency in the required elements of the offense for his indictment.
>
> - In light of the foregoing, the respondent did not violate any Rule on Criminal Procedure particularly section 3, Rule 112 thereof.[9]

In its Report[10] dated January 31, 2006, the Office of the Court Administrator (OCA) found merit in the complaint. It opined that since the complainant was charged with three crimes in three separate Informations - grave threats, grave coercion and serious illegal detention - it was the duty of respondent Judge to forward the records of the case, together with his Resolution, to the Provincial or City Prosecutor, in accordance with Section 5, Rule 112 of the Revised Rules on Criminal Procedure. It pointed out that serious illegal detention cases are within the jurisdiction of the RTC and the respondent Judge cannot pretend that he did not conduct a preliminary investigation in the case. However, considering that "errors in the application of procedural rules are possible, x x x without malicious intent on the part of the judge and without causing any harm to any litigant," the OCA opined that respondent Judge be reprimanded for failure to comply with Section 5, Rule 112 of the Revised Rules on Criminal Procedure. As to the other issues raised in the complaint, the OCA opined that they were purely judicial matters.[11]

The Court agrees that respondent Judge is administratively liable. It is clear from Section 5, Rule 112[12] of the Revised Rules on Criminal Procedure[13] that a municipal trial court judge tasked with conducting a preliminary investigation is required to forward to the provincial or city prosecutor the entire records of the case.[14] The importance of transmitting the records to the prosecutor was explained by the Court in Manalastas v. Flores,[15]

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and later reiterated in Castro v. Bartolome:[16]

> A preliminary investigation is an inquiry or proceeding to determine whether there is sufficient ground to engender a well-founded belief that a crime has been committed and that the respondent is probably guilty thereof, and should be held for trial. It is an executive, not a judicial function. It falls under the authority of the prosecutor who is given by law the power to direct and control all criminal actions. However, since there are not enough fiscals and prosecutors to investigate the crimes committed in all the municipalities all over the country, the government was constrained to assign this function to judges of Municipal Trial Courts and Municipal Circuit Trial Courts. Thus, when a municipal judge conducts preliminary investigation, he performs a non-judicial function as an exception to his usual duties. His findings, therefore, are subject to review by the provincial or city prosecutor whose findings, in turn, may be reviewed by the Secretary of Justice in appropriate cases. Hence, the investigating judge, after conducting a preliminary investigation, must perform his ministerial duty to transmit within ten (10) days the resolution of the case together with the entire records to the provincial or city prosecutor. The performance of this non-judicial or executive function, however, does not place judges beyond the disciplinary power of this Court for any act or omission in relation to or as an incident to their task, which is only in addition to their judicial functions. Thus, the Court has imposed disciplinary sanctions on judges for their ignorance or deliberate disregard of the laws on preliminary investigation.

Thus, an MTC judge's failure to transmit the resolution and records as mandated by the Revised Rules of Criminal Procedure renders him or her administratively liable.[17]

Gross ignorance of the law, incompetence, and inefficiency are characteristics impermissible in a judge. Failure to observe the basic laws and rules is not only inexcusable, but also renders a judge susceptible to administrative sanction for gross ignorance of the law.[18] There will be great faith in the administration of justice if the party litigants believe that the occupants of the bench cannot justly be accused of apparent deficiency in their grasp of legal principles.[19]

The Code of Judicial Conduct provides that a judge should be the embodiment of competence, integrity and independence,[20] and should be faithful to the law and maintain professional competence.[21] When a judge displays an utter unfamiliarity with the law and the rules, he erodes the confidence of the public in the courts. Thus, he or she must be proficient in the law, and is expected to keep abreast of laws and prevailing jurisprudence, considering that ignorance thereof can easily be the mainspring of injustice.[22]

WHEREFORE, for failing to transmit the records to the City or Provincial Prosecutor, which amounts to gross ignorance of the law and neglect of duty, [23] respondent Judge Romeo A. Quilantang is meted a FINE of Two Thousand Pesos (P2,000.00). He is STERNLY WARNED that a repetition of the same or similar act shall be dealt with more severely.
SO ORDERED.

Panganiban, C. J., (Chairperson), Ynares-Santiago, Austria-Martinez, and Chico-Nazario, JJ., concur.

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[1] Rollo, pp. 1-6.

[2] Id. at 28-29.

[3] Id. at 30.

[4] Id. at 31.

[5] Id. at 32.

[6] Id. at 33.

[7] Id. at 35-41.

[8] Id. at 81-83 (Annexes "1" to "3").

[9] Id. at 78-79.

[10] Id. at 86-89.

[11] Id. at 88-89.

[12] The provision reads:

SEC. 5. Resolution of investigating judge and its review. - Within ten (10) days after the preliminary investigation, the investigating judge shall transmit the resolution of the case to the provincial or city prosecutor, or to the Ombudsman or his deputy in cases of offenses cognizable by the Sandiganbayan in the exercise of its original jurisdiction, for appropriate action. The resolution shall state the findings of facts and the law supporting his action, together with the record of the case which shall include: (a) the warrant, if the arrest is by virtue of a warrant; (b) the affidavits, counter-affidavits and other supporting evidence of the parties; (c) the undertaking or bail of the accused and the order for his release; (d) the transcripts of the proceedings during the preliminary investigation; and (e) the order of cancellation of his bail bond, if the resolution is for the dismissal of the complaint.
Within thirty (30) days from receipt of the records, the provincial or city prosecutor, or the Ombudsman or his deputy, as the case may be, shall review the resolution of the investigating judge on the existence of probable cause. Their ruling shall expressly and clearly state the facts and the law on which it is based and the parties shall be furnished with copies thereof. They shall order the release of an accused who is detained if no probable cause is found against him.

[13] Judges of first level courts are now no longer authorized to conduct preliminary investigation (effective October 3, 2005 per Resolution dated August 30, 2005 in A.M. No. 05-8-26-SC Re: Amendment of Rules 112 and 114 of the Revised Rules on Criminal Procedure by Removing the Conduct of Preliminary Investigation from Judges of the First Level Courts).

[14] Padua v. Molina, A.M. No. MTJ-00-1248, December 1, 2000, 346 SCRA 592, 599.

[15] A.M. No. MTJ-04-1523, February 6, 2004, 422 SCRA 298, 306-307.

[16] A.M. No. MTJ-05-1589, April 26, 2005, 457 SCRA 13, 19-20.

[17] Manalastas v. Flores, supra, at 306.

[18] Prosecutor Contreras v. Judge Monserate, 456 Phil. 655, 664 (2003).

[19] Supena v. De la Rosa, 334 Phil. 671, 682 (1997), citing Mamolo, Sr. v. Narisma, 252 SCRA 613, 618-619 (1996).

[20] Rule 1.01, code of judicial conduct.

[21] Rule 3.01, code of judicial conduct.

[22] Grageda v. Tresvalles, A.M. No. MTJ-04-1526, February 2, 2004, 421 SCRA 500, 509, citing Corpuz v. Judge Siapno, 452 Phil. 104, 113 (2003).

[23] Prosecutor Contreras v. Judge Monserate, supra, at 665.

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