

JUDGE SEGUNDO B. PAZ, COMPLAINANT, VS. JUDGE ANTONIO V. TIONG, RESPONDENT.

Adm. Matter No. MTJ-94-998. February 09, 1996

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/ff2290af8c5a/>

MELO, J:

The instant administrative case was initiated by Judge Segundo B. Paz, Presiding Judge of Branch 54 of the Regional Trial Court, of the First Judicial Region stationed in Alaminos, Pangasinan, when he sent the following letter dated August 18, 1994, to the Court Administrator:

August 18, 1994

THE HON. ERNANI CRUZ PAÑO
COURT ADMINISTRATOR
SUPREME COURT
MANILA

S i r:

The undersigned, who is the Presiding Judge of Branch 54 of the Regional Trial Court in Alaminos, Pangasinan, respectfully informed your good office about the action of Honorable Antonio V. Tiong, the Presiding Judge of the Municipal Trial Court of Bolinao, Pangasinan, in connection with a case which is pending before the sala of the undersigned.

Criminal Case No. 2859-A which is for Aggravated Illegal Possession of Firearm and Ammunitions wherein the accused is Ernesto Tugade, was raffled to the sala of the undersigned. A Motion for Bail was filed on August 10, 1994 and the same was set for hearing on August 16, 1994. At the hearing, no objection was made to the Motion by the Government Prosecutor. The undersigned granted the said motion for bail and set the amount of P50,000.00 as his bond. A copy of the said Order is hereto attached as Annex "A".

That same afternoon, the wife of the accused presented a bailbond of the accused and an Order of Release issued by Judge Tiong. The bailbond of Ernesto Tugade and the Order of Release are hereto attached as Annexes "B" and "C"

Upon examination of the bond papers and the Order of Release submitted to the undersigned, the dates thereon is August 15, 1994 or a day before hearing of the Motion for Bail. In other words, even before the Motion for Bail was resolved, Judge Tiong has already issued an Order for the release of the accused.

Moreover, when the undersigned showed Annexes "B" and "C" to the Executive Judge, Hon. Vivencio A. Bantugan of Branch 55 of this Court, the latter stated that Judge Tiong filed a one day leave for August 15, 1994 and that the leave was favorably endorsed to your office by Judge Bantugan on the same date.

In view of the foregoing, the undersigned respectfully brings this matter to your attention for whatever action your office deems fit to undertake.

Thank you very much.

(p. 2, Rollo.)

Required, to comment, respondent averred:

That the days prior to August 15, 1994, the undersigned experienced gastro abdominal pain and aching of both his lower ribs;

That on the 15th day of August 1994, despite the pain and aching, reported to the Court in the early office hour in the morning in view of the desire of the undersigned to attend to some paper works for and over view of the Court cases set for hearing for the day, Criminal Case No. 762, entitled People of the Philippines vs. Domingo Caacbay and Civil Case No. 782, entitled Spouses Edeluisa P. Peralta, et al. vs. Braulio Jacalan, et al., both set in the afternoon Court Calendar, xerox copies hereto attached as Annexes "A" and "B", respectively;

That notwithstanding the increasing pain and aching, undersigned managed to withstand and at this juncture, a person representing to act in behalf of accused Ernesto Tugade, for bail purposes, in Criminal Case no. 2859-A, for Aggravated Illegal Possession of Firearms before the Regional Trial Court of Alaminos, Pangasinan, appeared before this Court with information of the grant of right to bail of by the accused by the Regional Trial Court carrying a blank bailbond form and some pertinent papers relative thereto;

That as an Office Standing Operating Procedure (SOP), the undersigned instructed the person to consult and refer the matter to Clerk of Court of this office for verification and for proper affixation of their initial as an indication of the completeness of the corresponding pertinent papers and documents of the said bailbond, some few samples of the abundant Orders of Release bearing their initials of personnel of this office as evidence of the Standing Operating Procedure long been existing, are submitted by the undersigned for ready perusal and consideration, xerox copies hereto attached as Annexes, "C", "D" & "E", respectively;

That undersigned was disturbed by the intermittent pain and aching, but forced himself to ignore it, on the belief that it will subside, as in the previous days after taking palliative pills;

That it was the time when the above mentioned person returned inside the Court's chamber with the prepared Order of the Release bearing the corresponding initial by one of the personnel of this Court, and as above stated is safe indication of the completeness of the required supporting pertinent papers, the undersigned nonetheless went on to examine the documents and the bailbond while in the state of laboring in pain and aching of the ribs, xerox copy of the initiated Order of Release hereto attached as Annex "F";

That to the vivid recollection of the undersigned, there was at the time, a purported order issued by the Regional Trial Court, Alaminos, Pangasinan, granting the accused Ernesto Tugade the right to bail, a bond fixed by the said Court in the amount of P50,000.00, otherwise the undersigned have not acted on the matter in the absence of that basic important essential requirement, affidavit of Romulo C. Villareal hereto attached as Annex "G";

That a bond in the amount of P50,000.00 as set in the Order of the Regional Trial Court, a property bail-bond was on the basis thereof accordingly accomplished, duly initialed, so that have there been indeed no Order, the undersigned has no basis as to how much was the bond of the accused Ernesto Tugade, which was really the amount fixed by the Regional Trial Court, xerox copy hereto attached as Annex "H";

That viewed from the circumstance above-stated no room for doubt was entertained by the undersigned, but to find legality and propriety for the issuance of the said Order of Release of the accused Ernesto Tugade, hence the signing;

That after the undersigned have signed the bailbond and the Order of Release, of to be exact at 11:30 o'clock in the morning of the same day of August 15, 1994, the pain and aching turned worst, severe and continuous, and it was upon the brotherly advice of Atty. Efren Peralta who was then in the Court house, to appear in the hearing of his two cases, for the undersigned to file sick leave of absence for immediate medical check-up and

treatment, thus explaining the circumstance of having signed the Order of Release although on sick leave of absence on said day, that it was performed before undersigned finally decided to go on sick leave when the pains and aching was beyond the point of human endurance following the cancellation of the hearing of the two scheduled cases, affidavit of Atty. Efren Peralta, Sick Leave of Absence and Order of cancellation of hearing hereto attached as Annexes "I", "J" & "K", respectively;

That undersigned immediately proceeded to the nearest resident physician of Bolinao, Pangasinan. in the person of Doctor Miguel R. de Perio, who is now abroad up to the present in the United States of America, for medical check-up and treatment;

That the records of the undersigned can readily attest to the fact that on subsequent dates after August 15, 1994, several sick leaves of absence were further file by him due to his lingering ailment, who was finally constrained to undergo executive medical check-up and as recommended to be by means of ultrasound and nine X-ray shots, and as concrete proof and evidence thereof, are xerox copies of the result of the medical check-up, hereto attached as Annexes "L" and "M", respectively;

That after consultation with the records of the case at the Regional Trial Court, Alaminos, Pangasinan, it consisted of forty seven (47) folios and it appears that the said order of release issued by the undersigned did not form part of the official records of the case, neither has it been utilized in the release of the accused nor serve any purpose whatsoever in connection with the case, xerox copy hereto attached is Annex "N";

That the undersigned acted favorably on the bailbond and Order of Release only after finding the supporting pertinent documents complete especially and Order of the Regional Trial Court, Alaminos, Pangasinan, granting the right to bail of the accused Ernesto Tugade, such fault duly corroborated by Atty. Efren P. Peralta and Romulo C. Villareal, in their affidavits already marked as Annexes "G" and "I", which were nevertheless did not form part of the officials Records of the case, affidavit of undersigned hereto attached as Annex "O";

(pp. 16-21, Rollo.)

A reading of Judge Tiong's comment clearly shows that there is no factual issue involved. He admits that on August 15, 1994 he signed the bailbond and the Order of Release of Ernesto Tugade, the accused in Criminal Case No. 2859-A, pending before the Regional Trial Court, Branch 54, Alaminos, Pangasinan and presided over by Judge Paz.

Respondent had absolutely no authority to approve the bailbond and issue the order of release. He totally ignored or disregarded Section 14 of Rule 114, which reads:

Sec. 14. Bail, where filed. - (a) Bail in the amount fixed may be filed with the court where the 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. 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.

As afore-stated, Criminal Case No. 2859-A was pending before Branch 54 of the Regional Trial Court stationed in Alaminos, Pangasinan, and only said Regional Trial Court may approve the bailbond and issue the order of release. The record is devoid of any showing ,that no RTC judge was available to act on the bailbond. Neither does the record show that the accused was arrested in another province, city, or municipality. Repondent judge, therefore, had no reason or authority to act as he did.

The defense interposed by respondent that "it appears that the said Order of Release issued by the undersigned did not form part of the official records of the case, neither has it been utilized in the release of the accused nor served any purpose whatsoever in connection with the case" is unavailing. It is immaterial whether or not the order of

release issued by him was used by the accused in obtaining his release. Respondent judge is charged with approving the bailbond and issuing the order of release.

His further defense that at the time he approved the bailbond he had a "vivid recollection" of an order of the Regional Trial Court of Alaminos, Pangasinan, "granting the accused Ernesto Tugade the right to bail, a bond fixed by the said court in the amount of P50,000.00" is obviously a figment of his imagination. According to Judge Paz, a motion for bail was filed on August 10, 1994 and set for hearing on August 16, 1994. However, respondent approved the bail bond and issued the order of release on August 15, 1994, or one day before the motion for bail was heard by Judge Paz.

Respondent's other excuse that he was on leave of absence on August 15, 1994, is likewise immaterial. As a matter of fact, it would make matters worse for him if he were on leave of absence on August 15, 1994 for then he would have absolutely no authority to discharge the duties or exercise the powers of a judge.

A judge's conduct should be above reproach, and in the discharge of his judicial duties he should be conscientious, studious, thorough, courteous, patient, punctual, just, impartial x x x (paragraph 31, Code of Judicial Ethics). It is patent that respondent Judge Tiong was remiss in observing the conduct expected of a member of the judiciary. He failed to exert such conscientiousness, studiousness, and thoroughness expected and demanded of a judge.

WHEREFORE, respondent Judge Antonio V. Tiong is hereby found guilty of abuse of authority and ordered to pay a fine in the amount of Three Thousand (P3,000.00) Pesos.

SO ORDERED.

Narvasa, C.J. (Chairman), Davide, Jr., Francisco, and Panganiban, JJ., concur.

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.