PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLANT, VS. DANILO F. SERRANO, SR., ACCUSED-APPELLEE. IN RE: JUDGE PEPE P. DOMAEL, PRESIDING JUDGE, BRANCH 37, REGIONAL TRIAL COURT, NAV...

G.R. No. 135451. September 30, 1999

Ponente: PARDO, J.

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PARDO, J.:

The Court, in the exercise of supervision over judges and court employees, has initiated this action in consequence of the palpably erroneous ruling of Judge Pepe P. Domael of the Regional Trial Court, Naval, Biliran, in Criminal Case No. N-1648, entitled "People of the Philippines vs. Danilo F. Serrano, Sr.", allowing an appeal filed by the prosecution from a decision of acquittal.

On August 1, 1993, Maribel D. Visbal filed with the Regional Trial Court, Naval, Biliran, a sworn complaint charging Danilo F. Serrano, Sr., with rape.[1]

At the arraignment on January 14, 1994, accused Serrano pleaded not guilty.[2] Trial ensued.

After due trial, on March 6, 1998, the Regional Trial Court, Branch 16, Naval, Biliran, rendered decision acquitting the accused on the ground that the prosecution failed to prove his guilt beyond reasonable doubt. The decision was promulgated on July 28, 1998.[3]

On August 11, 1998, Assistant Public Prosecutor Federico R. Huñamayor filed a notice of appeal to the Supreme Court from the decision acquitting the accused for being "contrary to the facts and the law".[4]

On August 24, 1998, Judge Pepe P. Domael, presiding judge of Branch 37, Regional Trial Court, Naval, Biliran, issued an order[5] giving due course to the appeal filed by the Provincial Prosecutor.

Consequently, Clerk III Rey S. Morillo of Branch 37, Regional Trial Court, Naval, Biliran, forwarded the original record of the case to this Court.

In a resolution dated March 15, 1999,[6] we dismissed the appeal for violation of the rule on double jeopardy and required Judge Pepe P. Domael to explain why he should not be dismissed from office for gross ignorance of the law.

On March 29, 1999, Judge Pepe P. Domael submitted an explanation,[7] stating that he gave due course to the appeal because the prosecution cited Memorandum Circular No. 3 dated April 1, 1997 of the Department of Justice pertaining to appeals of decisions of acquittal by the trial court.

Judge Domael further admitted that he was "caught off-handed" by the "novel action taken by the prosecution in appealing a decision of acquittal in a criminal case."[8] After noting that the accused did not file any opposition to the manifestation of the prosecution, Judge Domael assumed such inaction to be a waiver of any objection to such appeal.

We find explanation unacceptable.

The Code of Judicial Conduct requires that a magistrate be the embodiment of judicial competence. As a judge, Judge Domael must have the basic rules at the palm of his hands as he is expected to maintain professional competence at all times.[9]

It is elementary that the rule against double jeopardy proscribes an appeal from a judgment of acquittal on the merits.[10] A verdict of acquittal is immediately final and a re-examination of the merits of such acquittal, even in an appellate court, will put him a second time in jeopardy for the same offense.[11]

The Constitution itself provides that no person shall be twice put in jeopardy of punishment for the same offense.[12] Such a constitutional guarantee prohibits an appeal from a judgment of acquittal, and the law does not provide for exceptions other than deprivation of due process or grave abuse of discretion under exceptional circumstances.[13]

It is true that the Department of Justice in Memorandum Circular No. 3 dated April 1, 1997, enunciated the proposition that acquittals may be appealed as long as a second trial will not be required and will not place the accused in second jeopardy, in the event the appeal succeeds.

However, such rule is not shown to be applicable to the case at bar. To use the Memorandum Circular of the Department of Justice to overthrow a constitutional guarantee deeply ingrained to protect the rights of an accused would require more than just a mere statement that the decision was “contrary to the facts and to the law”, as stated by the prosecution in its notice of appeal.

The preclusion against appeal by the government from judgments of acquittal applies even though the accused did not raise the question of double jeopardy.[14] Although the accused Danilo F. Serrano, Sr. did not object to the appeal interposed by the prosecution, Judge Domael should have known that granting such appeal would constitute double jeopardy. Fundamental knowledge of the law and jurisprudence must alert him against any misinterpretation or misuse of doctrines by any party in the case before him.

It is imperative that judges be studious of and conversant with basic legal principles.[15] When the law is so elementary, not to be aware of it constitutes ignorance of the law.[16] In granting the appeal filed by the prosecution despite the acquittal of the accused, respondent judge exhibited ignorance of the law.

Judge Domael’s claim that he was led to believe that he had taken a correct course of action[17] only reinforced the fact that he did not know the fundamental doctrines of the law, and evinced his weakness and his lack of knowledge of the basic precepts of the law.

However, the acts in question were not shown to be tainted with bad faith, fraud, or malice on the part of Judge Pepe P. Domael. Thus, although the error committed constitutes ignorance of the law, such is not so gross as to warrant the dismissal of the judge from service.[18]

IN VIEW WHEREOF, the Court finds Judge Pepe P. Domael, Regional Trial Court, Naval, Biliran, guilty of ignorance of the law and is hereby SUSPENDED from office for two (2) months without pay, to be served during the court’s vacation period in April and May, 2000, with WARNING that repetition of the same or similar acts would be dealt with more severely.

The Court further requires Judge Pepe P. Domael to acquaint himself with the basic rules on Criminal Procedure.

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SO ORDERED.

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

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[1] Rollo, p. 4.

[2] Original Record, p. 47.

[3] Rollo, pp. 28-38.

[4] Rollo, p. 39.

[5] Rollo, p. 40.

[6] Rollo, pp. 41-42.

[7] Rollo, pp. 43-45.

[8] Comment, Rollo, p 43.

[9] Rule 3.01, Code of Judicial Conduct; Cruz vs. Yaneza, A.M. No. MTJ-99-1175, March 9, 1999.

[10] People vs. Court of Appeals, G.R. No. 128986, June 21, 1999; People vs. Ang Cho Kio, 95 Phil. 475 [1954].

[11] Central Bank of the Philippines vs. Court of Appeals, 171 SCRA 49 [1989]; People vs. Laggui, 171 SCRA 305 [1989].

[12] Section 21, Article III, 1987 Constitution of the Philippines.

[13] People vs. Gomez, 126 Phil. 640 [1967]; People vs. Bocar, 138 SCRA 166 [1985]; People vs. Navarro, 63 SCRA 264 [1975]; People vs. Court of Appeals, 101 SCRA 450 [1980]; Aquino vs. Sison, 179 SCRA 648 [1989]; Gorion vs. RTC Cebu, 213 SCRA 138 [1992]; Galman vs. Sandiganbayan, 144 SCRA 43 [1986]; People vs. Court of Appeals, supra.

[14] People vs. Balisacan, 17 SCRA 1119 [1966], citing People vs. Ferrer, 100 Phil. 124 [1956]; People vs. Bao, 106 Phil. 243 [1959]; People vs. Golez, 108 Phil. 855 [1960].

[15] Canon 4, Canons of Judicial Ethics; Bernabe vs. Memoracion, 277 SCRA 1 [1997], citing Ajeno vs. Inserto, 71 SCRA 166 [1967], Ubongen vs. Mayo, 99 SCRA 30 [1980], Lim vs. Domagas, 227 SCRA 258 [1993].

[16] Cortes vs. Agcaoili, 294 SCRA 423 [1998], citing Agcaoili vs. Ramos, 229 SCRA 705 [1994].

[17] Comment, Rollo, pp. 44-45.

[18] Domingo vs. Reyes, A.M. No. MTJ-98-1165, June 21, 1999.

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