Supreme Court E-Library

SO ORDERED.

Davide, Jr., C.J., Melo, Puno, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago, and *De Leon, Jr., JJ.*, concur.

Bellosillo, J., on leave.

Vitug, J., no part; close relationship with a party.

Kapunan, J., no part in view of relations with parties.

FIRST DIVISION

[A.M. No. MTJ-00-1259. August 4, 2000]

ALFONSO C. ORTIZ, *complainant, vs.* **JUDGE ALEX L. QUIROZ,** *respondent.*

SYNOPSIS

For having applied the ordinary rules of procedure in conducting trial to two criminal cases which were subject to the rules of summary procedure, Judge Alex L. Quiros of the Metropolitan Trial Court in Pasig City was charged with an administrative complaint for patent disregard of the Rules on Summary Procedure, gross ignorance of the law, and knowingly rendering an unjust judgment. In a report dated February 3, 2000, the Office of the Court Administrator recommended that respondent judge be fined and warned for the said act.

Considering that the subject criminal cases were penalized with imprisonment not exceeding six months or a fine not exceeding ₱1,000.00 or both, irrespective of other imposable penalties, it should have been tried under the Revised Rule on Summary Procedure. Respondent judge, therefore, committed an error in applying the ordinary rules of procedure to said cases and must be sternly warned for it. A judge has a duty to

Supreme Court E-Library

exhibit more than just a cursory acquaintance with the statutes and procedural rules. Nevertheless, there is no adequate evidence to show that the judgment is unjust and that it was made with conscious and deliberate intent to do an unjustice. A judge will be held administratively liable for rendering an unjust judgment when he acts in bad faith, malice, revenge or some other similar motive.

SYLLABUS

1. **CRIMINAL LAW; GRAVE THREATS AND MALICIOUS MISCHIEF PUNISHABLE BY IMPRISONMENT NOT EXCEEDING SIX MONTHS OR A FINE NOT EXCEEDING ₱1,000.00 OR BOTH, COVERED BY THE RULES ON SUMMARY PROCEDURE.**— Under the Revised Penal Code, grave threats is penalized with imprisonment of one (1) month and one (1) day to six (6) months (*arresto mayor*) and a fine not exceeding ₱500.00, if the threat is not subject to a condition. Malicious mischief, on the other hand, is penalized with imprisonment of two (2) months and one (1) day to six (6) months (*arresto mayor* in its medium and maximum periods) if the value of the damage caused exceeds ₱1,000.00. In this case, the alleged damage to complainant was estimated to be ₱50,000.00. Thus, the subject criminal cases should have been tried under the Revised Rule on Summary Procedure, considering that such rule is applicable to criminal cases where the penalty prescribed by law for the offense charged is imprisonment not exceeding six (6) months or a fine not exceeding ₱1,000.00 or both, irrespective of other imposable penalties, accessory or otherwise or of the civil liability arising therefrom.

2. **JUDICIAL ETHICS; JUDGES; UNJUST JUDGMENT; ADMINISTRATIVE LIABILITY THEREFOR MUST BY SUPPORTED BY ADEQUATE EVIDENCE THAT THE JUDGMENT IS UNJUST AND MADE WITH CONSCIOUS AND DELIBERATE INTENT TO DO AN INJUSTICE; CASE AT BAR.**— Regarding the allegation that respondent judge knowingly rendered an unjust judgment, we find no adequate evidence to show that the judgment is unjust and that it was made with conscious and deliberate intent to do an injustice. A judge will be held administratively liable for rendering an unjust judgment — one which is contrary to law

Supreme Court E-Library

or jurisprudence or is not supported by evidence — when he acts in bad faith, malice, revenge or some other similar motive. In this case, complainant failed to prove that respondent judge was moved by ill-motive in issuing his decision. Complainant merely alleged generalities regarding respondent's evaluation of evidence. However, the records indicate that respondent judge made sure that the prosecution had its day in court. He proceeded with the reception of other testimonial and documentary evidence of the prosecution and complainant. Also, respondent judge, in deciding the case, took into consideration the allegations stated in complainant's sworn statement. The mere fact that the decision rendered by respondent judge was unfavorable to complainant did not mean that such decision was unjust.

RESOLUTION

PARDO, *J.*:

The case under consideration is an administrative complaint against Judge Alex L. Quiroz, Metropolitan Trial Court, Pasig City, Branch 69 for patent disregard of the Rule on Summary Procedure, gross ignorance of the law, and knowingly rendering an unjust judgment.

The antecedent facts show that on February 17, 1997, Alfonso Ortiz initiated a criminal complaint against Inocencio Hernando for malicious mischief and grave threats. The City Prosecutor of Pasig City filed the corresponding criminal cases with the Pasig Metropolitan Trial Court which were raffled to the sala of respondent Judge Alex L. Quiroz. The two cases were tried jointly.

On March 17, 1997, respondent judge, after noticing the absence of a *barangay* certification in the record of attachments, ordered the prosecution to explain why the cases should not be dismissed for failure to refer the case to the Lupong Tagapamayapa, pursuant to Section 18, Revised Rule on Summary Procedure.[1]

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[1] Sec. 18. *Referral to Lupon.* — Cases requiring referral to the Lupon for conciliation under the provisions of Presidential Decree No. 1508 where

Supreme Court E-Library

However, on April 21, 1997, respondent judge issued an order, stating in part as follows:

"Since these cases fall under the exceptions embodied in Section 2 of Presidential Decree 1508, let these cases be tried under ordinary procedure, in effect, amending the Order dated March 17, 1997."[2]

At the hearing on September 19, 1997, respondent judge made it of record that the cases would be tried under ordinary rules of procedure, instead of the provisions on summary procedure. Thereafter, complainant testified in court and submitted his affidavit. The prosecution, however, failed to make a formal offer of testimonial evidence. Thus, respondent judge ruled that complainant's testimony was inadmissible. After the prosecution presented other testimonial and documentary evidence, the defense filed a demurrer to evidence. Respondent judge denied the demurrer and considered the cases submitted for decision.

On March 6, 1998, respondent judge rendered a decision acquitting accused of both charges.[3]

On August 4, 1998, Alfonso Ortiz filed with this Court an administrative complaint against respondent Judge Alex L. Quiroz.

Complainant alleged that respondent judge was ignorant of the law for erroneously applying the ordinary rules of procedure in conducting trial of the two criminal cases which were subject to the rules of summary procedure. As a result of respondent's error, the testimony of complainant was found inadmissible for not having been formally offered in evidence. This crippled complainant's supportive evidence against accused.

On March 8, 1999, respondent judge filed his comment, alleging that the charges were unfounded. Complainant failed

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there is no showing of compliance with such requirement, shall be dismissed without prejudice, and may be revived only after such requirement shall have been complied with. This provision shall not apply to criminal cases where the accused was arrested without a warrant.

[2] Joint Order, *Rollo*, p. 22.

[3] Joint Decision, *Rollo*, pp. 17-21.

Supreme Court E-Library

to object to the conduct of the trial under the ordinary rules of procedure, and waited until the issuance of a decision before making an objection. Such objection, therefore, was deemed waived for not having been seasonably raised. Respondent judge also emphasized that the prosecution and the defense were given the opportunity to present evidence during the trial. The evaluation of evidence was within the competence of the trial court, not the prosecution or the defense.

In a report dated February 3, 2000, Court Administrator Alfredo L. Benipayo recommended that respondent judge be fined in the amount of five thousand (₱5,000.00) pesos for gross ignorance of the procedures with a warning that repetition of the same or similar act shall merit a stiffer penalty.

Under the Revised Penal Code, grave threats is penalized with imprisonment of one (1) month and one (1) day to six (6) months (*arresto mayor*) and a fine not exceeding ₱500.00, if the threat is not subject to a condition.[4] Malicious mischief, on the other hand, is penalized with imprisonment of two (2) months and one (1) day to six (6) months (*arresto mayor* in its medium and maximum periods) if the value of that damage caused exceeds ₱1,000.00.[5] In this case, the alleged damage to complainant was estimated to be ₱50,000.00. Thus, the subject criminal cases should have been tried under the Revised Rule on Summary Procedure, considering that such rule is applicable to criminal cases where the penalty prescribed by law for the offense charged is imprisonment not exceeding six (6) months or a fine not exceeding ₱1,000.00 or both, irrespective of other imposable penalties, accessory or otherwise or of the civil liability arising therefrom.[6]

Respondent judge, therefore, erred in applying the ordinary rules of procedure instead of the rules of summary procedure.

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[4] Article 282 (2).

[5] Article 329 (1).

[6] Section 1 B(4), Revised Rule on Summary Procedure.

Supreme Court E-Library

Regarding the allegation that respondent judge knowingly rendered an unjust judgment, we find no adequate evidence to show that the judgment is unjust and that it was made with conscious and deliberate intent to do an injustice.[7] A judge will be held administratively liable for rendering an unjust judgment -- one which is contrary to law or jurisprudence or is not supported by evidence — when he acts in bad faith, malice, revenge or some other similar motive.[8]

In this case, complainant failed to prove that respondent judge was moved by ill-motive in issuing his decision. Complainant merely alleged generalities regarding respondent's evaluation of evidence. However, the records indicate that respondent judge made sure that the prosecution had its day in court. He proceeded with the reception of other testimonial and documentary evidence of the prosecution and complainant. Also, respondent judge, in deciding the case, took into consideration the allegations stated in complainant's sworn statement. The mere fact that the decision rendered by respondent judge was unfavorable to complainant did not mean that such decision was unjust.

However, despite the absence of showing of bad faith, the fact remains that respondent judge erred in not applying the proper rule in the conduct of trial in Criminal Case Nos. 26991 and 26992 pending before his sala. A judge has a duty to exhibit more than just a cursory acquaintance with the statutes and procedural rules.[9] In fact, the Code of Judicial Conduct mandates that judges must be faithful to the law and maintain professional competence. He must have the basic rules at the palm of his hand and be proficient in the interpretation of laws and procedural rules.[10]

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[7] *Gonzales vs. Bersamin,* 254 SCRA 652, 657 (1996), citing *In Re: Climaco,* 55 SCRA 107 (1974).

[8] *Guerrero vs. Villamor,* A.M. RTJ-90-483, 296 SCRA 88 (1998).

[9] *De Vera vs. Dames II,* 310 SCRA 213 (1999).

[10] *Northcastle Properties and Estate Corporation vs. Paas,* A.M. No. MTJ-99-1206, October 22, 1999.

Supreme Court E-Library

WHEREFORE, respondent Judge Alex L. Quiroz is hereby *REPRIMANDED*, with a stern warning that a repetition of the same or similar act would be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., Puno, Kapunan, and *Ynares-Santiago, JJ.*, concur.

FIRST DIVISION

[A.M. No. RTJ-00-1543. August 4, 2000]

(formerly OCA IPI No. 98-543-RTJ)

TERESITA JASON, *complainant, vs.* **JUDGE BRICCIO C. YGAÑA, Branch Clerk of Court, LEILANI M. RODRIGUEZ, and Sheriff MARIO S. PANGILINAN,** *respondents.*

SYNOPSIS

For the issuance and implementation of a writ of execution in an appealed ejectment case, the decision on which has been rendered final, Judge Briccio C. Ygaña, Clerk of Court Leilani M. Rodriguez and Sheriff Mario S. Pangilinan of the Regional Trial Court of Pasig City, Branch 153, were charged with ignorance, negligence, incompetence, grave abuse of duty and improvident issuance and implementation of a writ of execution before the Office of the Court Administrator (OCA). According to complainant, the implementation or execution of the final decision must come from the court of origin and not the appellate court. After an evaluation, the OCA recommended that Judge Ygaña be fined and warned for gross ignorance of the law. Meantime, the complaint against Rodriguez and Pangilinan were recommended to be dismissed for lack of merit.