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THIRD DIVISION

[A.M. No. MTJ-99-1234. October 16, 2000]

(Formerly OCA IPI No. 97-349-MTJ)

ATTY. JESUS G. CHAVEZ, *complainant, vs.* **JUDGE PANCRACIO N. ESCAÑAN,** *respondent.*

SYNOPSIS

Administrative charges were filed against the respondent judge for issuing various orders in several cases in the performance of his functions, which allegedly were erroneous or improper. The Supreme Court ruled that a judge cannot be subjected to liability — civil or criminal or administrative — for his official acts, no matter how erroneous, so long as he acted in good faith. The Supreme Court, however, found respondent Judge ignorant of the law and jurisprudence in requiring an owner of a motor vehicle to be impleaded as an accused in a reckless imprudence case because the liability of the owner is purely civil in nature. Respondent judge was fined Five Thousand (₱5,000.00) and warned that a repetition of the same act will be dealt with more severely.

SYLLABUS

1. **LEGAL AND JUDICIAL ETHICS; JUDGES; ADMINISTRATIVE COMPLAINT AGAINST JUDGES; JUDGE ACTING IN GOOD FAITH IS NOT LIABLE FOR OFFICIAL ACTS; CASE AT BAR.** — Time and again, this Court has ruled that a judge cannot be subjected to liability — civil, criminal or administrative — for any of his official acts, no matter how erroneous, so long as he has acted in good faith.

2. **ID.; ID.; ID.; IGNORANCE OF THE LAW; IMPLEADING OWNER OF MOTOR VEHICLE AS AN ACCUSED IN A CRIMINAL CASE FOR RECKLESS IMPRUDENCE, A CASE OF.** — However, despite the absence of any showing of bad faith in the case under consideration, the facts indicate that respondent Judge is ignorant of the law and jurisprudence

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that the owner of a motor vehicle may not be impleaded as an accused in the criminal case for reckless imprudence instituted as a result of a vehicular accident involving the said motor vehicle. A judge has the duty to exhibit more than just a cursory acquaintance with the laws and rules of procedure. The Code of Judicial Conduct mandates that judges must be faithful to the law and maintain professional competence. He must have the basic rules on the palm of his hand and be proficient in the interpretation of laws and procedural rules.

DECISION

PURISIMA, *J.*:

In a sworn-letter complaint, dated April 8, 1997, complainant Jesus G. Chavez, who is one of the lawyers of the Public Attorney's Office in Butuan City, charged respondent Pancracio N. Escañan, Municipal Trial Court Judge of Buenavista, Agusan del Norte, with Gross Ignorance of the Law allegedly committed as follows:

1. In Criminal Case No. 3128, entitled *"People vs. Dexton Umpad"* for Homicide resulting to Reckless Imprudence, respondent Judge allegedly issued several Orders (dated August 12, 1996 and August 19, 1996) to implead the owner of the vehicle as an accused in the aforesaid criminal case;

2. In Criminal Case No. 7074, entitled *"People vs. Ramil Alcover, et al."* for Frustrated Homicide, respondent Judge issued a warrant of arrest for Ramil Alcover based on the lone hearsay testimony of the victim's wife during the preliminary examination; and

3. In Civil Case No. 557 entitled *"Umbelina dela Serna vs. Mr. & Mrs. Josito Mahubay"* for Recovery of Possession, *etc.*, respondent Judge denied in open court the motion to dismiss filed by complainant on the very day the Opposition was received despite complainant's Request for Time to File a Reply.

Further, on the scheduled pre-trial on March 31, 1997, the defendant was declared as in default because he and his counsel (herein complainant) arrived almost one (1) hour late. Complainant's Motion for Reconsideration filed immediately thereafter was denied by

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respondent judge on the very same day. While on an earlier date, respondent refused to declare plaintiff non-suited when his counsel failed to appear.

In his Comment dated August 20, 1997, respondent Judge denied the accusation, explaining thus:

1. In Criminal Case No. 3128, entitled *"People vs. Dexton Umpad"* for Homicide resulting to Reckless Imprudence, it was the provincial prosecutor who manifested in open court that he will file an Amended Complaint. It was because of this manifestation that the court issued the Omnibus Order dated August 19, 1996.

2. In Criminal Case No. 7074, entitled *"People vs. Ramil Alcover, et al."* for Frustrated Homicide, the records will show that the case had already been forwarded to the Provincial Prosecutor's Office. Complainant was probably not aware that "probable cause may be decided in the light of the conditions obtaining in given situations and its existence depends to a large degree upon the finding or opinion of the Judge conducting the examination — *Ortiz vs. Palaypayon*, 234 SCRA 391." Moreover, he recalls that the victim was hovering between life and death at that time and he believed that there is necessity of placing the accused under immediate custody in order not to frustrate the ends of justice.

3. In Civil Case No. 557, entitled *"Umbelina dela Serna vs. Mr. & Mrs. Josito Mahubay"* for Recovery of Possession, *etc.*, it was actually complainant himself as counsel for the defendant, who caused the delay due to his numerous postponements. Respondent Judge admits that he denied complainant's motion to dismiss and required him to answer the complaint instead. On March 31, 1997, defendant was declared in default for his and his counsel's (herein complainant) failure to appear in court despite notice. Complainant's motion for reconsideration, filed on the same day, was denied for lack of merit. The order of default was, however, subsequently lifted on April 22, 1997 after the defendant and the counsel for the plaintiff appeared before the court asking for its lifting.

As regards complainant's request for investigation on respondent Judge's legitimacy as a lawyer, the latter pointed out that he was recommended to the Judicial and Bar Council by the IBP Manila II Chapter which paved the way for his appointment.

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In Reply, complainant admitted that respondent Judge unilaterally recalled the order of default in Civil Case No. 557, entitled *"Umbelina dela Serna vs. Mahubay,"* but ordered the inclusion of the owner of the vehicle as an accused in Criminal Case No. 3180, entitled *"People of the Philippines vs. Nilo Bermudez, et al."* for Homicide, Multiple Injuries and Damage to Property through Reckless Imprudence despite the ruling in the case cited[1] by respondent Judge himself, that the liability of the owner of the vehicle is purely civil in nature.

In compliance with the Court's Resolution, dated September 22, 1999, requiring respondent Judge to manifest whether he is submitting the case for decision, the latter sent a letter dated October 29, 1999, informing the Court that complainant is notorious in their area for indiscriminately filing cases and for threatening judges whenever a ruling appears not acceptable to him. According to respondent Judge his actuations were not motivated by fraud, dishonesty or corruption.

On October 12, 1999, complainant submitted a Supplemental Comment, also accusing respondent Judge as follows:

1. In Criminal Case No. 3342, entitled *"People of the Philippines vs. Restituto Mapute, Jr., et al.,"* for Illegal Possession of Firearm and Ammunition, respondent Judge falsified the Order dated September 29, 1999, making it appear that the case was reset upon request of the public prosecutor when in truth and in fact, respondent Judge failed to attend the hearing as he was in Nasipit attending the town fiesta;

2. In Civil Case No. 572, entitled *"Candida Vda. de Sarsada vs. Concepcion Vda. de Maligmat,"* for Unlawful Detainer, respondent Judge dismissed the complaint for mere failure of plaintiff to move for setting of pre-trial under Section 1, Rule 18 of the Rules of Court;

3. In Criminal Case No. 3330, entitled *"People of the Philippines vs. Segundo Espina,"* for Illegal Possession of Firearm and Ammunition, respondent Judge issued an Order instead of Decision

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[1] *Ortiz vs. Judge Palaypayon*, 234 SCRA 391.

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or Judgment and reduced the penalty one (1) degree even if there was only one (1) mitigating circumstance of plea of guilty;

4. In *"People of the Philippines vs. Sonia Palomado"* for Violation of B.P. 22 filed by the Rural Bank of Buenavista, respondent Judge dismissed the case after his wife tried to borrow money from the said bank but failed to get the proceeds therefrom on the same day;

5. In Criminal Case No. 3204 entitled *"People of the Philippines vs. SPO4 Mario Hidalgo"* for Unlawful Arrest, respondent Judge dismissed the case outright on the presumption that official duties were regularly performed;

6. In Civil Case No. 557, entitled *"Dela Serna vs. Mahubay"*, for Recovery of Possession, *etc.*, respondent Judge ruled that the court has no power or authority to change or modify the official stenographer's notes nor correct her work. Further, he denied the Demurrer to Evidence on the ground that the complaint clearly defined plaintiff's right to a relief. Admittedly, however, said Order was the subject of a petition for *certiorari* before the Regional Trial Court (SP Civil Case No. 875) but the same was denied. The subsequent Motion for Reconsideration was likewise denied by the same Court.

As Comment to subject Supplemental Complaint, respondent Judge pointed out that the complainant has a behavioral problem and has even directed his ire to the wife of respondent, who is not connected with the court and whose business activities he (respondent Judge) does not interfere with. Respondent theorizes that the complainant is determined to intrude into the exercise of his (respondent's) judicial prerogative even though the parties involved have not questioned his (respondent's) actuations.

Respondent Judge will be compulsorily retired on May 12, 2003, at the age of seventy (70).

The Office of the Court Administrator, to whom the matter was referred, found that most of the charges against the respondent Judge are purely judicial matters, which involve the exercise of judicial function. However, OCA recommended that respondent Judge be fined Five Thousand (₱5,000.00) Pesos for gross ignorance of the law, particularly concerning the liability of an owner of a motor vehicle which figured in a vehicular accident, which is purely civil in nature.

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Pertinent portions of the Report of OCA dated February 14, 2000, read:

"We agree with the contention of respondent Judge that most of the charges being imputed against him are on matters involving the exercise of his judicial function. In Criminal Case No. 7074, he allegedly issued a warrant of arrest based on the lone hearsay testimony of the victim's wife; in Civil Case No. 557, he allegedly denied the motion to dismiss despite request for time to file a reply and subsequently declared defendant in default when they arrived late on a scheduled pre-trial; in Civil Case No. 572, he allegedly dismissed the complaint for mere failure of plaintiff to move for setting of pre-trial; in Criminal Case No. 3330, he allegedly issued an Order instead of Decision or Judgment and reduced the penalty to one (1) degree even if there was only one (1) mitigating circumstance of plea of guilty; and in Criminal Case No. 3204, he alleged dismissed the case outright on the presumption that official duties were regularly performed. Apparently, all the foregoing are purely judicial matters, and any question on respondent's actuations should be raised before the regular court of competent jurisdiction.

And even assuming that there was error on the part of respondent in applying the law applicable to the case, he should not be held administratively accountable for his ratiocination, unless he acted in bad faith and knowingly rendered an unjust judgment.

In *Dizon vs. Borja,* (37 SCRA 46, 52) the Supreme Court ruled:

> 'To hold a judge administratively accountable for every erroneous ruling or decision he renders, assuming that he has erred, would be nothing short of harassment and would make his position unbearable.'

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However, with respect to Criminal Case No. 3128, entitled *"People of the Philippines vs. Umpad"* for Reckless Imprudence, we cannot close our eyes to the fact that respondent issued orders to implead the owner of the motor vehicle. Said orders are hereinafter quoted, to wit:

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On his part, respondent explains that said Orders were not issued *motu proprio* but rather upon the manifestation of the provincial

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prosecutor that he will file an amended complaint. Yet, in a similar case, Criminal Case No. 3180, entitled *'People of the Philippines vs. Nilo Bermudez and Sergio Pascual'* for Reckless Imprudence, respondent issued an Order dated June 26, 1996 finding both the driver Bermudez and the vehicle owner Pascual 'probably guilty' and ordered the arrest of both; . . .

x x x x x x x x x

It is quite elementary that in criminal cases for reckless imprudence only the driver should be impleaded or charged as the liability of the owner or operator of the vehicle, if any, is purely civil in nature. As held in '*Lontoc vs. MD Transit & Taxi Co., Inc.,*' 160 SCRA 367:

> 'A criminal case based on the accused driver's violation of Article 365 of the Revised Penal Code is different from the complaint for damages based on *quasi*-delict where both driver and bus owner are defendants.'

Evidently, respondent Judge is ignorant of this very basic principle. And although a judge may not always be subjected to disciplinary action for an error of judgment or unawareness of other appropriate legal rules, the error of respondent Judge in including the owners of vehicle as accused in criminal cases for reckless imprudence is so gross and patent as to warrant a finding of Ignorance of the Law. x x x

x x x x x x x x x

Anent the charge that respondent Judge falsified the Order dated September 29, 1999 in Criminal Case No. 3342, as well as the charge that he dismissed the case filed by Rural Bank of Buenavista against Sonia Palomado for Violation of B.P. 22 for failure of said bank to award the loan applied for by his wife, complainant failed to present even an iota of evidence to prove the same.

Finally, relative to the insinuation in the complaint that respondent is not a member of the Bar and, therefore, not qualified for the office he holds, we consulted in the law list published by the Supreme Court and it appears therein that respondent was admitted to the Bar on February 13, 1961 (p. 299 of the Law List).

WHEREFORE, all the foregoing considered, it is respectfully recommended that respondent Judge Pancracio N. Escañan, MTC Buenavista, Agusan del Norte be FINED in the amount of Five

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Thousand Pesos (₱5,000 00) for Gross Ignorance of the Law for including the owners of the vehicle in criminal cases for reckless imprudence."[2]

The Court finds the aforesaid Report of the Office of the Court Administrator sustainable.

Time and again, this Court has ruled that a judge cannot be subjected to liability — civil, criminal or administrative — for any of his official acts, no matter how erroneous, so long as he has acted in good faith.[3]

However, despite the absence of any showing of bad faith in the case under consideration, the facts indicate that respondent Judge is ignorant of the law and jurisprudence that the owner of a motor vehicle may not be impleaded as an accused in the criminal case for reckless imprudence instituted as a result of a vehicular accident involving the said motor vehicle.

A judge has the duty to exhibit more than just a cursory acquaintance with the laws and rules of procedure. The Code of Judicial Conduct mandates that judges must be faithful to the law and maintain professional competence. He must have the basic rules on the palm of his hand and be proficient in the interpretation of laws and procedural rules.[4]

WHEREFORE, respondent Judge Pancracio N. Escañan is hereby *FINED FIVE THOUSAND (₱5,000.00) PESOS* and *WARNED* that a repetition of the same act or omission will be dealt with more severely.

SO ORDERED.

Melo (Chairman), Vitug, Panganiban, and *Gonzaga-Reyes, JJ.*, concur.

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[2] OCAD Report, pp. 5-8.

[3] *State Prosecutors vs. Muro,* 251 SCRA 111, 121.

[4] *Alfonso C. Ortiz vs. Judge Alex L. Quiroz,* AM-MTJ-00-1259, August 4, 2000.