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This decision is immediately executory and respondent judge is directed to cease and desist from performing the functions of his office.

SO ORDERED.

Narvasa, C.J., Regalado, Davide, Jr., Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Martinez, Quisumbing, and *Purisima, JJ.,* concur.

EN BANC

[A.M. No. RTJ-97-1390. August 5, 1998]

CESAR B. MERIS, *complainant, vs.* **JUDGE CARLOS C. OFILADA,** *respondent.*

[A.M. No. RTJ-98-1411. August 5, 1998]

FRANCISCO R. HERNANDEZ, *complainant, vs.* **JUDGE CARLOS C. OFILADA,** *respondent.*

SYNOPSIS

Respondent judge was charged with various administrative offenses contained in two separate complaints, in addition to several others previously filed against him. The unseemingly haste with which respondent granted the motions filed by the accused (a) to quash search warrant *ex parte* and (b) for bail is indicative of his patent injustice and partiality bordering on incompetence. The respondent judge was previously charged with eight (8) other administrative cases ranging from gross ignorance of the law, grave abuse of authority and discretion, incompetence, dishonesty, dereliction of duty, misconduct, conduct unbecoming of a judge, oppression and direct bribery.

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Although seven of the eight cases were dismissed without hearing for various reasons, one case found the respondent judge to have whimsically and arbitrarily granted bail in a criminal case for murder and for illegal possession of firearms without notice to the prosecution in both cases, for which he was fined ₱20,000.00 and sternly warned that a repetition of the same or similar acts would warrant a more severe sanction. Aside from these decided cases, there are still other administrative complaints filed against the respondent judge where he has not filed his comment yet.

The Supreme Court found that the Respondent Judge has failed to conduct himself in a manner that will justify his continued stay in the judiciary. The Code of Judicial Conduct enjoins a judge to perform his official duties competently, honestly, with diligence and impartiality. Regretfully respondent Judge was found miserably short of the standards set for appropriate judicial conduct. The Court found respondent Judge guilty of the charges against him. These being the second and third offenses against him, he was ordered dismissed immediately from the service with forfeiture of all his retirement benefits and leave credits with prejudice to his reemployment in any public office including any government owned or controlled corporation.

SYLLABUS

1. REMEDIAL LAW; MOTIONS; PROPER NOTICE AND PROOF OF SERVICE OF THE NOTICE ON THE ADVERSE PARTY, REQUIRED; EFFECT OF FAILURE TO COMPLY; CASE AT BAR. — A perusal of the request for advanced resetting of the motion to quash search warrant would show that although it stated the time and date of hearing, it failed to comply with Sec. 5 of Rule 15 as the notice was addressed only to the *clerk of court* and *not to the parties concerned* as required. Neither was there proof of service of the motion on the adverse party despite the undertaking of counsel for movant to notify the public prosecutor of the request as required by Sec. 6 of Rule 15 . In *Manakil vs. Revilla* (42 Phil. 81 [1921]) we held that the court will not act on the motion if there is no proper notice and/or proof of service of the notice on the adverse party. It

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is nothing but a useless piece of paper filed with the court. It is not a motion. It presents no question which the court could decide. The court has no reason to consider it and the clerk has no right to receive it without that compliance with the rules. Harsh as they may seem, these rules were introduced to avoid a capricious change of mind in order to provide due process to both parties and ensure impartiality in the trial.

2. **ID.; ID.; ID.; DUE PROCESS DEMANDS OBEDIENCE TO PROCEDURAL RULES ESPECIALLY WHEN THE SUBJECT MATTER OF THE MOTION TO QUASH IS A SEARCH WARRANT.** — Due process demands proper obedience to procedural rules, especially when the subject matter of the motion to quash is a search warrant. Since searches are in derogation of the inviolable right of the people to be secure in their persons, houses, papers and effects, it necessarily follows that the applicant should rely on the strength of his evidence to support the application or the subsequent legal custody of the seized articles. Otherwise, upon *prima facie* proof that the movant for the quashal of the warrant was the owner of the seized lumber and that he lawfully acquired them, he is entitled to the quashal of the search warrant and the restoration to him of the seized articles. It is clear therefore that the exception in Sec. 6, Rule 15, of the Rules of Court cannot apply in a motion to quash search warrant. For without the proper notice of hearing and proof of service thereof, the rights of either party will be adversely affected. Moreover, the ground invoked by movant was that the warrant charged no offense. The fundamental test in considering a motion to quash on this ground is whether the facts alleged, if hypothetically admitted, will establish the essential elements of the offense as defined by the law. A cursory examination of the search warrant will disclose that the essential elements of the offense charged are sufficiently alleged. It is not right, therefore, to resolve the charges at the very outset without any notice of hearing, or to hear the motion *ex parte*.

3. **ADMINISTRATIVE LAW; JUDGES; UTTER DISREGARD OF THE RULES AND SETTLED JURISPRUDENCE CONSTITUTE GROSS IGNORANCE OF THE LAW; CASE AT BAR.** — The issues require a fuller examination especially since a criminal complaint had already been filed in court. The prosecution, too,

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must be given its day in court — the burden of proof thereof being placed squarely on its shoulders. A prudent judge would, in the absence of the opposing party in the hearing of a motion as pivotal as a motion to quash, inquire from the other party or verify from the records the proof of service of notice rather than proceed with the hearing. This is but an elementary notion of fair play. He should not rely on a party's undertaking to notify the adverse party of a scheduled hearing. The judge must demand what the rule requires, i.e., proof of such notice on the adverse party, otherwise, a contentious motion, as the motion to quash in the case before respondent Judge, should be considered a mere scrap of paper which should not have even been received for filing. The actuations of respondent Judge in Crim. Case No. 1441-M-94 showed his utter disregard of the rules and settled jurisprudence thus constituting gross ignorance of the law. In granting the motion for application of bail which did not contain a notice of hearing directed to the parties and where the accused had never been placed under the custody of the court, respondent Judge again demonstrated his lack of knowledge and understanding of the basic principles of law and procedures. A perusal of the *"Motion to Voluntary Surrender the Acussed with Motion to Bail"* shows that the notice of hearing was directed solely to the clerk of court and did not contain a place and time of hearing. A motion that does not meet the requirements of Secs. 4 and 5 of Rule 15 of the Rules of Court, particularly that the notice be directed to the parties concerned and stating the time and place for the hearing of the motion, is a worthless piece of paper which the clerk of court has no right to receive and the court has no authority to act upon.

4. ID.; ID.; ID.; PENALTY; CASE AT BAR. — This Court finds that respondent Judge has failed to conduct himself in a manner that will justify his continued stay in the judiciary. The Code of Judicial Conduct enjoins a judge to perform his official duties competently, honestly, with diligence and impartiality. Regretfully, respondent Judge is found miserably short of the standards set for appropriate judicial conduct, which leaves the Court no choice but to cut short his membership in and terminate his official relations with the judiciary. ACCORDINGLY, the Court finds respondent JUDGE CARLOS C. OFILADA of the Regional Trial Court, Branch 15, Malolos, Bulacan, GUILTY

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in A.M. No. RTJ-97-1390 for grave abuse of authority and evident partiality, and in A.M. No. RTJ-98-1411, for gross incompetence, ignorance of the law and evident partiality, all prejudicial to the interest of the Government and the judicial service. These being his second and third offenses, respondent is ordered *DISMISSED* immediately from the service with forfeiture of all his retirement benefits and leave credits with prejudice to his reemployment in any public office including any government owned or controlled corporation.

D E C I S I O N

***PER CURIAM*:**

JUDGE CARLOS C. OFILADA of the Regional Trial Court, Branch 15, Malolos, Bulacan, was charged with various administrative offenses contained in two (2) separate complaints, in addition to several others previously filed against him, as will be discussed hereunder.

A.M. No. RTJ-1390

On 16 May 1996, respondent Judge issued Search Warrant No. 20-M-96 against a certain Thomas Jay of Lalakhan, Sta. Maria, Bulacan, for illegal possession of 3,000 board feet of narra lumber valued more or less at ₱360,000.00 in violation of Sec. 68, PD 705, as amended by EO 277, otherwise known as the *Revised Forestry Code of the Philippines*. The warrant was served immediately the following day. On 20 May 1996, EIIB Operation Officer Baltazar B. Dulalia filed a *Return, Compliance and Inventory* (re: search warrant).

On 21 May 1996, Thomas Jay filed a *Motion to Quash Search Warrant* No. 20-M-96 on the ground that the facts charged did not constitute an offense and that the warrant contained averments which if true would make up legal excuses or justifications. Appended to the motion were photocopies of the following documents: (a) *Certificate of Transport Agreement* issued by CENRO, Bayombong, Nueva Vizcaya, dated 22 January 1996, re conveyance of the narra lumber

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(Annex "4");[1] (b) *Certificate of Lumber Origin* issued by CENRO, Bayombong, Nueva Vizcaya, in favor of Remitans Enterprises, 12 Agueda St., Project 8, Q.C., for 11,754 bd. ft. = 27.71 cu. m. under Auxiliary Invoice No. 180795 and Official Receipt No. 4529171 dated 22 January 1996 issued by DENR-CENRO, Bayombong, Nueva Viscaya (Annexes "5" and "5-1");[2] (c) *Certificate of Registration of Business Name* No. 0298450 issued by the Department of Trade and Industry, NCR, on 26 September 1955, for TJ Furniture owned by Thomas Jay (Annex "1");[3] (d) *Mayor's Permit* No. 16840 issued by the Office of the City Mayor of Manila on 18 January 1996 (Annex "2");[4] (e) *Delivery Receipt* for narra lumber dated 21 March 1996 issued by Remitans Enterprises to TJ Furniture (Annex "3");[5] and, (f) *Tally Sheets* of narra lumber (Annexes "7", "7-1", "7-2", and "7-3").[6]

The motion to quash was set for hearing on 31 May 1996 at 8:30 in the morning. However, on 21 May 1996 Jay, through his counsel, Atty. Romeo Y. De Jesus, moved to have the hearing advanced to 28 May 1996 on the ground that, according to him, he was informed that "the calendar of the Court is not available;" consequently, he requested for 28 May 1996 at 8:30 in the morning, undertaking at the same time to "notify the parties concerned." But counsel for the respondent, despite his undertaking, failed to notify complainant Cesar B. Meris, Regional Director, EIIB, who as a result failed to appear on 28 May 1996.

On 27 May 1996, Atty. Salome T. Cansino, Special Counsel of the Department of Justice, filed an opposition to the motion to quash the search warrant contending that (a) the pieces of

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[1] *Rollo*, p. 36.

[2] *Id.*, pp. 37-38.

[3] *Id.*, p. 33.

[4] *Id.*, p. 34.

[5] *Id.*, p. 35.

[6] *Id.*, pp. 40-43.

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narra lumber seized were not covered by any legal documents required by the *Revised Forestry Code of the Philippines*; (b) the documents submitted by Jay did not cover the lumber seized; and, (c) a criminal complaint had already been filed against Jay by the DENR for Illegal Possession of Forest Products in violation of Sec. 68, PD 705, as amended by EO 277.

On 28 May 1996, despite the opposition of the special counsel of the Department of Justice, respondent Judge granted the motion to quash and ordered the immediate release of the narra lumber seized from Thomas Jay. The explanation of respondent was that the pieces of lumber seized were owned by a legitimate enterprise and covered by proper documents, emphasizing that he took into consideration not only the opposition of the Department of Justice but also the deteriorating condition of the pieces of lumber which were already long exposed to the elements.

On 5 June 1996, complainant, in his capacity as Regional Director for Region III of EIIB, wrote a letter to Chief Justice Andres R. Narvasa which is textually quoted hereunder —

THE HONORABLE ANDRES R. NARVASA
Chief Justice
Supreme Court

Sir:

I wish to report to HIS HONOR about the actuation of Honorable Judge Carlos Ofilada, Regional Trial Court, Branch 15, Malolos, Bulacan which is prejudicial to the interest of the government by issuing an Order of Release of Seized/Confiscated Narra Lumber with a commercial value of ₱150,000.00 by virtue of Search Warrant No. 20-M-96 for violation of Section 68, PD 705 as amended by Executive Order No. 277 without hearing of the case on the merits.

Records show that respondent/owner of seized narra lumber thru Counsel filed a Motion to Quash Search Warrant before the Court and set the case for hearing on May 31, 1996 at 8:30 in the morning.

It is sad to note, however, Honorable Judge Carlos Ofilada quashed the Search Warrant on May 28, 1996 *motu propio* and ordered the

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release of seized narra lumber to the respondent herein, which is two (2) days prior to the scheduled hearing, May 31, 1996.

That Economic Intelligence and Investigation Bureau (EIIB) Region III represented by the Regional Director ATTY. CESAR B. MERIS as Counsel attended the scheduled hearing of the Motion to Quash on May 31, 1996 but sad to note Judge Ofilada already quashed the Search Warrant No. 20-M-96 on May 28, 1996 without affording a day in Court on the part of the Government. Attached hereto are xerox copies of Search Warrant No. 20-M-96, application for Search Warrant, marked as ANNEXES "A" and "B", Motion to Quash filed by respondent thru counsel marked as ANNEX "C", Court Order Quashing Search Warrant No. 20-M-96 dated May 28, 1996 marked as ANNEX "D", Motion for Reconsideration marked as ANNEX "E."

May I request your Honor to look into the matter with the aim in view to enhance the good image of the Judiciary. Likewise, to encourage the public to report erring Judges to the Supreme Court and not to the media xxx.

Very respectfully yours,

ATTY. CESAR B. MERIS
Regional Director, Counsel for EIIB3
Cabanatuan City

On 3 July 1996, Regional Director Cesar B. Meris, who was also acting as counsel for EIIB, filed an *Answer* (actually an opposition to the motion to quash search warrant). On 10 July 1996, he filed his motion for reconsideration (of the order quashing the search warrant) where he claimed that he attended the hearing on the motion to quash previously scheduled on 31 May 1996 only to be informed that respondent Judge had already quashed the search warrant on 28 May 1996 even without the presence of either the complainant EIIB Regional Director or the Special Counsel representing the Government. His motion for reconsideration and that of Special Counsel Salome T. Cansino, who protested the hearing of the motion without proper service and notice, were denied by respondent Judge.

Complainant claims that by ordering the release of the confiscated narra lumber without hearing the case on the merits

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and without affording the prosecution a day in court, respondent Judge committed grave abuse of authority prejudicial to the interest of the Government. Section 5, Rule 15, of the Rules of Court states —

Sec. 5. *Contents of notice. — The notice shall be directed to the parties concerned, and shall state the time and place for the hearing of the motion.*[7]

A perusal of the request for advanced resetting of the motion to quash search warrant would show that although it stated the time and date of hearing, it failed to comply with Sec. 5 of Rule 15 as the notice was addressed only to the *clerk of court* and *not to the parties concerned* as required.[8] Neither was there proof of service of the motion on the adverse party despite the undertaking of counsel for movant to notify the public prosecutor of the request as required by Sec. 6 of Rule 15 —

Sec. 6. *Proof of service, to be filed with motion. — No motion shall be acted upon by the court, without proof of service of the notice thereof, except when the court is satisfied that the rights of the adverse party or parties are not affected.*[9]

In *Manakil v. Revilla*[10] we held that the court will not act on the motion if there is no proper notice and/or proof of service of the notice on the adverse party. It is nothing but a useless piece of paper filed with the court. It is not a motion. It presents no question which the court could decide. The court has no

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[7] Sec. 5, Rule 15, has been revised effective 1 July 1997 to read:

Sec. 5. *Notice of Hearing.* — The notice of hearing shall be addressed to all parties concerned, and shall specify the time and place of the hearing which must not be later than ten (10) days after the filing of the motion.

[8] *Rollo*, p. 29.

[9] Sec. 6, Rule 15, has been revised effective 1 July 1997 to read:

Sec. 6 *Proof of service necessary* — No written motion set for hearing shall be acted upon by the court without proof of service thereof.

[10] 42 Phil. 81 (1921).

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reason to consider it and the clerk has no right to receive it without that compliance with the rules. Harsh as they may seem, these rules were introduced to avoid a capricious change of mind in order to provide due process to both parties and ensure impartiality in the trial.

Due process demands proper obedience to procedural rules, especially when the subject matter of the motion to quash is a search warrant. Since searches are in derogation of the inviolable right of the people to be secure in their persons, houses, papers and effects,[11] it necessarily follows that the applicant should rely on the strength of his evidence to support the application or the subsequent legal custody of the seized articles. Otherwise, upon *prima facie* proof that the movant for the quashal of the warrant was the owner of the seized lumber and that he lawfully acquired them, he is entitled to the quashal of the search warrant and the restoration to him of the seized articles.[12] It is clear therefore that the exception in Sec. 6, Rule 15, of the Rules of Court cannot apply in a motion to quash search warrant. For without the proper notice of hearing and proof of service thereof, the rights of either party will be adversely affected. Moreover, the ground invoked by movant was that the warrant charged no offense. The fundamental test in considering a motion to quash on this ground is whether the facts alleged, if hypothetically admitted, will establish the essential elements of the offense as defined by the law.[13]

A cursory examination of the search warrant will disclose that the essential elements of the offense charged are sufficiently alleged. It is not right, therefore, to resolve the charges at the very outset without any notice of hearing, or to hear the motion *ex parte*. The issues require a fuller examination especially since a criminal complaint had already been filed in court. The

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[11] Sec. 2, Art. III, 1987 Constitution.

[12] *People v. Court of Appeals*, G.R. No. 93076, 23 July 1991, 199 SCRA 539.

[13] *Cruz v. Court of Appeals*, G.R. No. 83754, 18 February 1991, 194 SCRA 145.

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prosecution, too, must be given its day in court — the burden of proof thereof being placed squarely on its shoulders. A prudent judge would, in the absence of the opposing party in the hearing of a motion as pivotal as a motion to quash, inquire from the other party or verify from the records the proof of service of notice rather than proceed with the hearing. This is but an elementary notion of fair play. He should not rely on a party's undertaking to notify the adverse party of a scheduled hearing. The judge must demand what the rule requires, *i.e.*, proof of such notice on the adverse party, otherwise, a contentious motion, as the motion to quash in the case before respondent Judge, should be considered a mere scrap of paper which should not have even been received for filing.

Respondent's culpability is further compounded by his misrepresentation in the order he issued on 14 August 1996 (denying the motion of the public prosecutor for reconsideration) that he was on extended leave of absence from 29 May 1996 to 22 July 1996 when the records show that he actually applied for leave only from 29 May 1996 to 3 July 1996 (not up to 22 July 1996).

A.M. No. RTJ-98-1411

On 18 April 1994, an Information for murder was filed with the Regional Trial Court of Bulacan against four (4) accused, namely, Rolando Garcia, Lopito Gumasing, Eric Gumasing, and Eduardo Gumasing. The Information stated that all the accused were at large. No bail was recommended. On 22 April 1994 warrants of arrest were issued against the four (4) accused.

On 7 June 1995, or more than one (1) year that the accused remained at large, Atty. Eufrocio Marquez appeared before the trial court as counsel for the accused and submitted a "*Motion to Voluntarily Surrender the Accused with Motion to Bail*" praying that the accused be allowed to post bail in the amount of ₱10,000.00 each in cash. At the bottom of page 2 of the motion, the public prosecutor manifested in writing that he was submitting the matter to the sound discretion of the court provided that the bail be increased to ₱15,000 in cash for each accused.

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On 16 June 1995, respondent Judge granted the motion and allowed the four (4) accused to post bail in the amount of ₱10,000.00 each. After the accused had posted bail, respondent Judge lifted the warrant of arrest and set the arraignment on 16 August 1995.

At the hearing of 17 July 1995, which does not appear on record to have been previously scheduled, respondent Judge issued an order citing as grounds for the grant of bail (a) voluntary surrender of the accused; (b) no evidence was presented by the public prosecutor that the evidence of guilt was strong; (c) the public prosecutor did not object to the granting of bail; and, (d) the complainant, wife of the victim, had submitted an affidavit of desistance. The four (4) accused were later arraigned, and the affidavit of desistance executed by the complainant was marked during the pre-trial.

After the prosecution rested, the defense manifested its intention to file demurrer to evidence. In an order dated 20 January 1997, respondent Judge gave the accused five (5) days within which to file the intended demurrer and the prosecution the same period to comment thereon.

In an order dated 30 January 1997, respondent Judge admitted the demurrer filed by the accused and submitted the same for resolution there being no comment from the public prosecutor.

On 20 February 1997, respondent Judge granted the demurrer to evidence and acquitted all four (4) accused for failure of the prosecution to establish their guilt beyond reasonable doubt. Consequently, on 19 March 1997, respondent Judge ordered the release of the cash bond posted by the accused for their provisional liberty.

Francisco R. Hernandez, uncle of the deceased victim, filed a complaint-affidavit before this Court charging respondent Judge with knowingly rendering unjust orders and for improperly granting bail, manifest bias and partiality in favor of the accused in the conduct of the proceedings. After respondent Judge filed his comment to the complaint, we referred the case to Associate

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Justice Fermin A. Martin, Jr. of the Court of Appeals for investigation, report and recommendation.

In his Report dated 1 June 1998, Justice Martin found respondent Judge guilty of gross incompetence and recommended that he be meted the penalty of suspension for six (6) months with stern warning that commission of a similar offense in the future would be dealt with more severely.

The actuations of respondent Judge in Crim. Case No. 1441-M-94 showed his utter disregard of the rules and settled jurisprudence thus constituting gross ignorance of the law. In granting the motion for application of bail which did not contain a notice of hearing directed to the parties and where the accused had never been placed under the custody of the court, respondent Judge again demonstrated his lack of knowledge and understanding of the basic principles of law and procedures. A perusal of the "*Motion to Voluntarily Surrender the Accused with Motion to Bail*" shows that the notice of hearing was directed solely to the clerk of court and did not contain a place and time of hearing. A motion that does not meet the requirements of Secs. 4 and 5 of Rule 15 of the Rules of Court, particularly that the notice be directed to the parties concerned and stating the time and place for the hearing of the motion, is a worthless piece of paper which the clerk of court has no right to receive and the court has no authority to act upon.[14]

The records show that respondent Judge had not been as zealous as he should have been in observing the standard and fundamental procedure mandated by the Rules of Court in criminal cases. In granting bail to the four (4) accused who were at large, respondent Judge violated the rule that bail is unavailing to the accused who has not voluntarily surrendered or to one who has yet to be placed under legal custody.[15]

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[14] *Manila Electric Company v. La Campana*, G.R. No. 97535. 4 August 1995, 247 SCRA 77.

[15] *Guillermo v. Reyes Jr.*, A.M. No. RTJ-93-1088, 18 January 1995, 240 SCRA 154.

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The refusal of the prosecution to adduce evidence that the guilt of the accused was strong or its failure to interpose an objection to the motion for bail was not a justifiable reason for respondent Judge to grant bail. It is still mandatory for the court to conduct a hearing and ask searching and clarificatory questions[16] for the purpose of determining the existence of a strong evidence against the accused.[17] On the face of his orders dated 16 June 1995[18] and 17 July 1995[19] which granted bail to the accused, respondent Judge did not make any finding that the evidence against the accused was not strong as to warrant the grant of bail. Hence, the orders should not be sustained or given any semblance of validity.[20]

Conclusion

The unseemly haste with which respondent Judge granted the motions filed by the accused (a) to quash search warrant *ex parte* in A.M. No. RTJ-97-1390 and (b) for bail in A.M. No. RTJ-98-1411 is indicative of his patent injustice, partiality, nay, his gross ignorance of the law bordering on incompetence. It should be mentioned that respondent Judge was previously charged with eight (8) other administrative cases ranging from gross ignorance of the law, grave abuse of authority and discretion, incompetence, dishonesty, dereliction of duty, misconduct, conduct unbecoming of a judge, oppression and direct bribery. Although seven (7) of the eight (8) cases were dismissed without hearing for various reasons, in *Santos v. Ofilada*,[21] the Court through Senior Associate Justice Florenz D. Regalado found the same respondent Judge to have whimsically and arbitrarily

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[16] *Baylon v. Sison,* A.M. No. 92-7-360-0, 6 April 1995, 243 SCRA 283.

[17] *Concerned Citizens v. Elma*, A.M. No. RTJ-94-1183, 6 February 1995, 241 SCRA 84.

[18] *Rollo*, p. 217.

[19] *Id.*, p. 220.

[20] *People v. Casingal*, G.R. No. 87163, 29 March 1995, 243 SCRA 37.

[21] RTJ-94-1217, 16 June 1995, 245 SCRA 56.

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granted bail in Crim. Case No. 1433-M-94 for murder and in Crim. Case No. 1434-M-94 for illegal possession of firearm without notice to the prosecution in both cases, for which he was fined ₱20,000.00 and sternly warned that a repetition of the same or similar acts in the future would definitely warrant a more severe sanction. Those administrative cases are also enumerated in the *Report and Recommendation* of the Office of the Court Administrator dated 15 July 1996 thus —

> It is also worthy to inform the Honorable Court that there are at least eight (8) administrative complaints filed against herein respondent Judge charging him with gross ignorance of the law, grave abuse of authority and discretion, incompetence, dishonesty, dereliction of duty, misconduct, conduct unbecoming (of a Judge), oppression and direct bribery (RTJ-90-588, RTJ-91-639, RTJ-92-882, RTJ-93-1040, RTJ-94-1219, RTJ-94-1250, RTJ-94-1267 and RTJ-94-1281). However, these complaints were subsequently dismissed by this Court. But in RTJ-94-1217, respondent Judge was charged with incompetence, gross ignorance of the law, oppression and grave misconduct relative to criminal cases filed before this Court wherein he granted bail to the accused without hearing. In the Resolution of the Court *En Banc* dated June 16, 1995, the Court imposed on Judge Carlos C. Ofilada a FINE of ₱20,000.00 with a STERN WARNING that a repetition of the same or similar acts in the future shall be dealt with more seriously.

It may also be worth to mention that on 17 March 1998, another sworn administrative complaint was filed before this Court against respondent Judge for gross ignorance of the law and conduct unbecoming of a member of the bench.[22] Thereafter, in an indorsement dated 14 April 1998 by Deputy Ombudsman for Luzon Jesus P. Guerrero, another complaint which was filed with the Ombudsman against respondent Judge for violation of the Anti-Graft and Corrupt Practices Act and Art. 315 of the Revised Penal Code was referred to this Court for appropriate action.[23] Respondent has yet to submit his comments on both charges against him.

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[22] OCA IPI No. 98-525-RTJ.

[23] OCA IPI No. 98-553-RTJ.

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Be that as it may, this Court finds that respondent Judge has failed to conduct himself in a manner that will justify his continued stay in the judiciary. The Code of Judicial Conduct enjoins a judge to perform his official duties competently, honestly, with diligence and impartiality. Regretfully, respondent Judge is found miserably short of the standards set for appropriate judicial conduct, which leaves the Court no choice but to cut short his membership in and terminate his official relations with the judiciary.

ACCORDINGLY, the Court finds respondents JUDGE CARLOS C. OFILADA of the Regional Trial Court, Branch 15, Malolos, Bulacan, GUILTY in A.M. No. RTJ-97-1390 for grave abuse of authority and evident partiality, and in A.M. No. RTJ-98-1411, for gross incompetence, ignorance of the law and evident partiality, all prejudicial to the interest of the Government and the judicial service. These being his second and third offenses, respondent is ordered *DISMISSED* immediately from the service with forfeiture of all his retirement benefits and leave credits with prejudice to his reemployment in any public office including any government-owned or controlled corporation.

JUDGE CARLOS C. OFILADA is directed to immediately cease and desist from performing the functions of the Office of Regional Trial Court Judge of Malolos, Bulacan, and to turn over all records and property responsibilities to the Clerk of Court of that court who shall issue the corresponding receipt therefore.

SO ORDERED.

Narvasa, C.J., Regalado, Davide, Jr., Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Martinez, Quisumbing, and *Purisima, JJ.*, concur.