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Taking into account, however, the explanation of respondent judge for his failure to decide/dispose promptly the subject cases and his expeditious action on the resolution of this Court, which shows a determined effort on the part of respondent Judge Loja to attend to his duties with greater zeal, and in view of his past record showing that in 1998, he was number one in the Top 10 Judges of the RTC-Manila with respect to the disposal of cases and he was second in 1999, we find well-taken the recommendation of the Court Administrator to impose only a nominal fine, which we hereby reduce to two thousand (₱2,000.00) pesos.[7]

WHEREFORE, respondent Judge Guillermo Loja is hereby adjudged administratively liable for the delay in deciding the subject cases and is *FINED* in the amount of Two Thousand (₱2,000.00) Pesos to be deducted from the retirement benefits due him.

SO ORDERED.

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

Sandoval-Gutierrez, J., on leave.

SECOND DIVISION

[A.M. No. MTJ-01-1365. August 9, 2001]

CESINA EBALLA, *complainant, vs.* **JUDGE ESTRELLITA M. PAAS, Branch Clerk of Court PEDRO C. DOCTOLERO, and Interpreter II EVELYN DEPALOBOS, Metropolitan Trial Court, Branch 44, Pasay City,** *respondents.*

SYNOPSIS

Complainant Cesina Eballa was accused of trespass to dwelling and malicious mischief. The case is pending before the court of

[7] See also, *Re: Report on the Judicial Audit Conducted in the RTC, Br. 68, Camiling, Tarlac,* 305 SCRA 61 (*En Banc*); *Re: Cases Left Undecided by Judge Narciso M. Bumanglag, Jr.,* 306 SCRA 50.

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respondent Judge Estrella M. Paas. Complainant Eballa charged Judge Paas with ignorance of the law for having cited her in contempt and ordered her detention for three hours on June 1, 1999. Complainant also cited the failure of Judge Paas to issue a formal order in connection with complainant's motion for reduction of bail and for a re-raffle of the cases. Complainant also charged respondents Pedro C. Doctolero and Evelyn Depalobos with discourtesy. Doctolero is the Branch Clerk of Court while Depalobos is the Court Interpreter. She claimed that on June 1, 1999, the date set for her arraignment, she saw Doctolero to inquire about the time of the hearing and asked if she could absent herself from the same as she had a motion for reinvestigation which still had to be resolved. According to complainant, Doctolero replied in a brusque manner, *"Wala akong pakialam, basta bumalik ka mamaya."* ("I don't care if you have a pending motion, but you have to return later for the hearing.") During the arraignment, complainant requested Judge Paas for postponement of the hearing because her counsel was absent and she had a motion for reinvestigation which had yet to be resolved. Disregarding complainant's plea, Judge Paas allegedly directed Depalobos to read the informations over complainant's objections. Depalobos read the informations in a very loud voice with the intent of humiliating her as it was heard by everyone in the courtroom. Depalobos then asked complainant if the charges were true, and the latter answered in the negative. Complainant said she refused to sign the certificate of arraignment even when she was told that a plea of not guilty would be entered in her behalf since she denied the charges against her. She said that the people in the courtroom laughed when she told Depalobos, *"E, basa ka nang basa."* ("You insisted on reading the charges.") For this reason, Judge Paas cited complainant for contempt and ordered her incarcerated.

The Supreme Court affirmed the recommendations of the Office of the Court Administrator. The Court ruled that Judge Paas cannot be faulted for proceeding with the arraignment despite complainant's pending motion for reinvestigation with the Office of the City Prosecutor. According to the Court, upon the filing of a complaint or information in court, jurisdiction over the case is already vested with the trial court and the disposition of the case rests upon its sound discretion. Accordingly, complainant should have filed her motion for reinvestigation with the court rather than with the city prosecutor. The Court also ruled that Judge Paas cannot be administratively held liable for citing complainant in contempt and

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ordering her detention. Complainant refused to sign the certificate of arraignment and declared her refusal to do so in a loud voice while at the same time making faces, to the great embarrassment of the court. The Court, however, reprimanded respondent judge for inefficiency in failing to issue a formal written order denying complainant's motion for reduction of bail. The Court ruled that the practice of some lower court judges of merely noting their orders either granting or denying motions on the margin of the motions is inconsistent with the purpose of R.A. No. 6031, effective August 4, 1969, to make inferior courts also courts of record. In the case at bar, there is all the more reason, for insisting on the requirements of the law because respondent judge was resolving a motion for reduction of bail, which is a fundamental right of the accused in criminal cases. Respondent judge should have explained the reason for the denial of complainant's motion, instead of simply noting her action on the margin of such motion.

SYLLABUS

1. **REMEDIAL LAW; CRIMINAL PROCEDURE; UPON THE FILING OF A COMPLAINT OR INFORMATION IN COURT, JURISDICTION OVER THE CASE IS ALREADY VESTED WITH THE TRIAL COURT AND THE DISPOSITION OF THE CASE RESTS UPON ITS SOUND DISCRETION.**— As shown by the records of this case, complainant filed her motion for reinvestigation not with respondents' court but with the Office of the City Prosecutor of Pasay City on May 6, 1999. At that time, the MeTC of Pasay City already had acquired jurisdiction over the cases considering the informations for trespass to dwelling and malicious mischief had earlier been filed on April 8, 1999. The rule is settled that upon the filing of a complaint or information in court, jurisdiction over the case is already vested with the trial court and the disposition of the case rests upon its sound discretion. Accordingly, complainant should have filed her motion for reinvestigation with the court rather than with the city prosecutor's office. Judge Paas cannot be faulted for proceeding with complainant's arraignment.

2. **ID.; ID.; THE PRACTICE OF SOME LOWER COURT JUDGES OF MERELY NOTING THEIR ORDERS EITHER GRANTING OR DENYING MOTIONS ON THE MARGIN OF THE MOTIONS IS INCONSISTENT WITH THE PURPOSE OF R.A. NO. 6031 TO MAKE INFERIOR COURTS**

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ALSO COURTS OF RECORD.— The record shows that Judge Paas did not actually issue a formal order disposing of the motion for reduction of bail, but only noted her action denying the motion on the margin thereof. Respondent judge's order should at least have been quoted in a notice signed by the clerk of court and a copy of the notice should have been served on complainant. As it is, complainant learned of the denial of her motion when she went to the court to inquire about the status of her cases. The practice of some lower court judges of merely noting their orders either granting or denying motions on the margin of the motions is inconsistent with the purpose of R.A. No. 6031, effective August 4, 1969, to make inferior courts also courts of record. The proceeding of said courts should now be recorded in a formal manner. There is all the more reason for insisting on this requirements in the case at bar because respondent judge was resolving a motion for reduction of bail, which is a fundamental right of the accused in criminal cases. Respondent judge should explain the reason for the denial of complainant's motion, instead of simply noting her action on the margin of such motion.

3. **POLITICAL LAW; ADMINISTRATIVE LAW; PUBLIC OFFICERS; JUDGES; A JUDGE MAY NOT BE HELD ADMINISTRATIVELY LIABLE FOR CITING A PARTY IN CONTEMPT.—** Nor can Judge Paas be administratively held liable for citing complainant in contempt and ordering her detention. Complainant refused to sign the certificate of arraignment and declared her refusal to do so in a loud voice while at the same time making faces, to the great embarrasment of the court. At any rate, if she thought she had been cited in contempt without cause, her remedy was to file a petition for *certiorari* in accordance with Rule 71, §2 of the 1997 Rules of Civil Procedure.

DECISION

MENDOZA, *J.*:

This is a complaint filed against Judge Estrellita M. Paas, Branch Clerk of Court Pedro C. Doctolero, and Interpreter II Evelyn Depalobos, all of the Metropolitan Trial Court, Branch 44, Pasay City. Complainant is accused of trespass to dwelling and malicious mischief in Criminal Cases Nos. 99-1447 and 99-1448, now pending before the court of respondent judge.

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In her complaint, Eballa charges Judge Paas with ignorance of the law for having cited her in contempt and ordered her detention for three hours on June 1, 1999. Complainant also cites the failure of Judge Paas to issue a formal order in connection with complainant's motion for reduction of bail and for a re-raffle of the cases.

Complainant charges respondents Pedro C. Doctolero and Evelyn Depalobos with discourtesy. She claims that on June 1, 1999, the date set for her arraignment, she saw Doctolero to inquire about the time of the hearing and asked if she could absent herself from the same as she had a motion for reinvestigation which still had to be resolved. According to complainant, Doctolero replied in a brusque manner, "*Wala akong pakialam, basta bumalik ka mamaya.*" ("I don't care if you have a pending motion, but you have to return later for the hearing.") Doctolero then allegedly told complainant that her motion for reduction of bail had been denied. Complainant said she was surprised to know this because she had not received any order from the court to that effect.

Complainant alleges that she requested Judge Paas for postponement of the hearing when her cases were called for arraignment because her counsel was absent and she had a motion for reinvestigation which had yet to be resolved. Disregarding complainant's plea, Judge Paas allegedly directed Depalobos to read the informations over complainant's objections. According to complainant, Depalobos read the informations in a very loud voice with the intent of humiliating her as it was heard by everyone in the courtroom. Depalobos then asked complainant if the charges were true, and the latter answered in the negative. Complainant said she refused to sign the certificate of arraignment even when she was told that a plea of not guilty would be entered in her behalf since she denied the charges against her. She said that the people in the courtroom laughed when she told Depalobos, "*E, basa ka nang basa.*" ("You insisted on reading the charges.") For this reason, Judge Paas cited complainant for contempt and ordered her incarcerated.[1]

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[1] *Rollo*, pp. 1-3.

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Respondent Judge Paas' version is as follows: As complainant was not represented by a lawyer during her arraignment, Judge Paas appointed Atty. Reynaldo Ticyado of the Public Attorney's Office complainant's counsel *de oficio.* According to Judge Paas, complainant insisted that she had a pending motion for reinvestigation, but the records of the case did not show there was one filed. Thus, Judge Paas proceeded with the arraignment and directed Depalobos to read the informations to complainant. The latter then said in a loud voice, "*Hindi! Hindi totoo iyan*!" ("No! That's not true!") Because of complainant's answer, Judge Paas said she ordered a plea of not guilty to be entered in the record. When asked to sign the certificate of arraignment, however, complainant said again in a loud voice, "*Hindi ako pipirma diyan*!" ("I won't sign that!") Complainant was also making faces in open court which caused embarrassment on the part of Judge Paas because those in the courtroom laughed. Public Prosecutor Bernabe Augustus Solis thus moved to cite complainant in contempt. Because of complainant's disrespectful remarks and misbehavior in court, Judge Paas said she granted the prosecutor's motion and ordered complainant to be detained for three hours. Judge Paas submitted an affidavit of Depalobos and the comment of Public Prosecutor Solis corroborating her allegations.[2]

On the other hand, Branch Clerk of Court Pedro C. Doctolero stated that in the morning of June 1, 1999, complainant came to court and asked if her arraignment and pre-trial in Criminal Case Nos. 99-1447 and 99-1448 would proceed as scheduled considering that she had posted her cash bond on May 4, 1999 and had filed a motion for reinvestigation. Doctolero said he told her, "*Sandali lang po at kukunin ko ang records.*" ("If you would please excuse me, I will get the records.") Doctolero said that as he found no motion for reinvestigation filed in the case, he told complainant politely, "*Tuloy po ang arraignment ninyo at bumalik kayo mamayang ala-una y media dahil kayo po ay personal na notified sa inyong arraignment.*" ("Your arraignment will proceed as scheduled and you have to return at 1:30 p.m. because you were personally notified thereof.") In fact, according to Doctolero, complainant thanked him and said she would come back.

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[2] *Id.*, pp. 26-31.

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Doctolero admitted that complainant did not receive a copy of the order denying her motion for reduction of bail bond. He claimed, however, that complainant was personally informed of the denial of her motion as noted on the upper hand corner of the motion.[3]

Doctolero annexed to his comment a certification that complainant had not filed any motion for reinvestigation before either Branch 44 or Branch 46 of the Metropolitan Trial Court of Pasay City, the supporting affidavits of Atty. Ticyado and court staff members Elizabeth Gomez-Reyes and Marites G. Baybay, and a copy of complainant's motion for reduction of bond showing Judge Paas' notation at the upper left hand corner, denying complainant's motion.

For her part, Depalobos confirmed that on June 1, 1999, at 1:30 p.m., complainant manifested before the court that she had filed a motion for reinvestigation although not in the court but with the Office of the City Prosecutor of Pasay City. The court denied complainant's request for postponement and ordered Depalobos to read the informations. According to Depalobos, complainant was considered to have entered a plea of not guilty as she denied the allegations against her, but she refused to sign the certificate of arraignment.

Depalobos explained that she only did what Judge Paas had told her to do, namely, read the charges to complainant without any intention to humiliate the latter. Depalobos said she read aloud the informations because complainant told her that she had difficulty hearing. Depalobos attached to her comment the corroborating affidavits of Bien Camba, the court stenographer on duty on June 1, 1999, and Atty. Ticyado.[4]

In its report, dated May 2, 2001, the Office of the Court Administrator finds the complaint to be without merit. In its opinion, complainant's remedy is not to file an administrative case against Judge Paas but to seek judicial redress under the Rules of Court. It states that Judge Paas correctly proceeded with the arraignment of complainant considering that the latter did not file

[3] *Id.*, pp. 44-46.

[4] *Id.*, pp. 55-59.

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a motion for reinvestigation in court, but, as it turned out, in the Office of the City Prosecutor. Judge Paas wanted to avoid delay and could not be blamed for appointing a counsel *de oficio* for complainant when her counsel failed to appear at the arraignment.

Contrary to complainant's allegation, Judge Paas issued an order, dated July 16, 1999, denying her motion for re-raffle, a copy of which was received by complainant on August 4, 1999 per the registry return card.

However, the OCA finds Judge Paas remiss in failing to issue an order denying complainant's motion for reduction of bail, making only a marginal note of her action.

With respect to the charges of discourtesy against respondents Doctolero and Depalobos, the OCA notes that complainant presented no evidence to sustain the charges. In contrast, respondents submitted evidence in support of their defense.

In view of the foregoing, the OCA recommends that the charges of ignorance of the law against Judge Paas and of discourtesy against Doctolero and Depalobos be dismissed for lack of merit. However it recommends that Judge Paas be reprimanded for failure to comply with the formal requirements of the Rules of Court respecting the issuance of a formal written order on the motions filed before her sala.

We find the recommendations of the OCA to be well taken.

First. As shown by the records of this case, complainant filed her motion for reinvestigation not with respondents' court but with the Office of the City Prosecutor of Pasay City on May 6, 1999. At that time, the MeTC of Pasay City already had acquired jurisdiction over the cases considering the informations for trespass to dwelling and malicious mischief had earlier been filed on April 8, 1999. The rule is settled that upon the filing of a complaint or information in court, jurisdiction over the case is already vested with the trial court and the disposition of the case rests upon its sound discretion.[5] Accordingly, complainant should have filed her motion for reinvestigation with the court rather than with the city prosecutor's

[5] *Pilapil v. Garchitorena*, 299 SCRA 343 (1998).

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office.[6] Judge Paas cannot be faulted for proceeding with complainant's arraignment.

Second. Complainant cannot claim violation of her right to have counsel of her own choice. Her counsel failed to appear despite due notice to her, and, therefore, respondent Judge was justified in appointing a counsel *de oficio* to assist her during her arraignment.

Third. Nor can Judge Paas be administratively held liable for citing complainant in contempt and ordering her detention. Complainant refused to sign the certificate of arraignment and declared her refusal to do so in a loud voice while at the same time making faces, to the great embarrasment of the court. At any rate, if she thought she had been cited in contempt without cause, her remedy was to file a petition for *certiorari* in accordance with Rule 71, §2 of the 1997 Rules of Civil Procedure, which provides:

> *Remedy therefrom.* — The person adjudged in direct contempt by any court may not appeal therefrom, but may avail himself of the remedies of *certiorari* or prohibition. The execution of the judgment shall be suspended pending resolution of the petition, provided such person files a bond fixed by the court which rendered the judgment and conditioned that he will abide by and perform the judgment should the petition be decided against him.

Fourth. Nor is there any basis for sustaining complainant's allegations of discourtesy against respondents Doctolero and Depalobos. Complainant presented no evidence to support her allegations. On the other hand, Doctolero and Depalobos attached affidavits corroborating their respective defenses. Moreover, complainant did not deny Depalobos' claim that the latter had to read the informations aloud because complainant said she was hard of hearing.

Fifth. With respect to complainant's claim that Judge Paas failed to issue the necessary orders disposing of her motions for reduction of bail and for the re-raffle of the case, it was shown that the motion for re-raffle was denied in an order dated July 16, 1999 and complainant received a copy of the order on August 4, 1999.

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[6] Rule 15, §9 of the 1997 Rules of Civil Procedure.

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However, the record shows that Judge Paas did not actually issue a formal order disposing of the motion for reduction of bail, but only noted her action denying the motion on the margin thereof. Respondent judge's order should at least have been quoted in a notice signed by the clerk of court and a copy of the notice should have been served on complainant. As it is, complainant learned of the denial of her motion when she went to the court to inquire about the status of her cases.

The practice of some lower court judges of merely noting their orders either granting or denying motions on the margin of the motions is inconsistent with the purpose of R.A. No. 6031, effective August 4, 1969, to make inferior courts also courts of record. The proceeding of said courts should now be recorded in a formal manner. There is all the more reason for insisting on this requirements in the case at bar because respondent judge was resolving a motion for reduction of bail, which is a fundamental right of the accused in criminal cases. Respondent judge should explain the reason for the denial of complainant's motion, instead of simply noting her action on the margin of such motion.

WHEREFORE, the complaint of Cesinia Eballa for ignorance of the law against Judge Estrellita M. Paas and for discourtesy against Branch Clerk of Court Pedro C. Doctolero and Interpreter II Evelyn Depalobos, of the Metropolitan Trial Court, Branch 44, Pasay City, is hereby *DISMISSED* for lack of merit. However, Judge Paas is hereby *REPRIMANDED* for inefficiency in failing to issue a formal written order denying complainant's motion for reduction of bail.

SO ORDERED.

Bellosillo (Chairman), Quisumbing, Buena, and *De Leon, Jr., JJ.,* concur.