Supreme Court E-Library

SECOND DIVISION

[A.M. No. 1741-MJ. February 28, 1978]

ESTELITA FORMOSO, *petitioner*, *vs.* **JUDGE FRANCISCO ANTE, Municipal Judge, Vigan, Ilocos Sur**, *respondent*.

SYLLABUS

ADMINISTRATIVE LAW; ADMINISTRATIVE COMPLAINT AGAINST JUDGES; OBLIGATION TO ASCERTAIN SUFFICIENCY OF SURETIES. — A judge may not be held at fault for an alleged failure to discharge his duty in ascertaining the sufficiency of the sureties where it appears that before he accepted and approved the bail bonds in question, the sureties executed an affidavit before him subscribing that they each possessed the qualifications of a surety and are worth the amount specified in the bail bond over and above their just debts, obligations and property exempt from execution. Under such circumstances, there was compliance with the provisions of Section 10, Rule 114 of the Revised Rules of Court.

D E C I S I O N

CONCEPCION JR., *J.*:

Administrative action against the respondent, Hon. Francisco Ante, the Judge of the Municipal Court of Vigan, Ilocos Sur, for having knowingly consented to the use and acceptance of falsified documents as bail bonds and/or knowingly and actively participating in the falsification of said documents in at least five (5) criminal cases.

Specifically, it is alleged that in Criminal Case No. 3824 of the Municipal Court of Vigan, Ilocos Sur, entitled "*People of the Philippines vs. Romeo Fabie*" (now docketed as Criminal Case No. 260 in the CFI of Ilocos Sur), the respondent Judge Francisco Ante accepted and qualified one Jose Solla as bondsman for the accused, notwithstanding the fact that he does not own

Supreme Court E-Library

any property since the parcel of land supposedly declared in his name under Tax Declaration No. 10432-C and assessed at ₱18,240.00 is declared, upon verification with the Office of the Provincial Assessor of Ilocos Sur, in the name of Juan Sonido and valued at ₱220.00 only, instead of ₱18,240.00.[1]

2. In Criminal Case No. 1261 of the Municipal Court of Vigan (Criminal Case No. 332 of the CFI of Ilocos Sur), entitled: "*People of the Philippines vs. George Quarte,*" the respondent judge also accepted, qualified and approved, as bondsmen, Norberto Somera with property covered by Tax Declaration No. 5125-C assessed at ₱21,200.00; Leon Bautista with Tax Declaration No. 7183-C assessed at ₱11,550.00; and Mariano Ginto with Tax Declaration No. 3162-C assessed at ₱21,250.00.[2] Upon verification, however, Tax Declaration No. 5125-C was found to be in the name of Trinidad Lanuza and the property is valued at only ₱40.00; Tax Declaration No. 7183-C is in the name of Corazon Canicom and not in the name of Leon Bautista and the value is ₱150.00 and not ₱11,550.00; and Tax Declaration No. 3162-C is in the name of Francisco Agader and the property is assessed at ₱280.00. and not ₱21,250.00.[3]

3. In Criminal Case No. 3743 of the Municipal Court of Vigan (Criminal Case No. 265 of the CFI of Ilocos Sur), entitled: "*People of the Philippines vs. Fely Bautista,*" the respondent judge likewise accepted, qualified and approved, as bondsmen for the accused therein, Susante Atud with property covered by Tax Declaration No. 4539-C assessed at ₱8,200.00; Desiderio Pascua with Tax Declaration No. 10012-C assessed at ₱9,600.00, and Mariano Agtutubo with Tax Declaration No. 9854-C assessed at ₱7,200.00.[4]

Upon verification, however, Tax Declaration No. 4539-C was established to be in the name of Ciriaco Hermosura and

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[1] *Rollo*, pp. 7, 10.

[2] *Id.*, pp. 11, 12, 13.

[3] *Id.*, pp. 14, 15, 16.

[4] *Id.*, pp. 17, 18, 19.

Supreme Court E-Library

the assessed value is ₱200.00; Tax Declaration No. 10012-C is in the name of Pedro Quilala and not Desiderio Pascua and the assessed value is only ₱40.00; and that Tax Declaration No. 9854-C is in the name of Gervacio Villahermosa and the assessed value is only ₱240.00.[5]

4. In Criminal Case No. 3897 of the Municipal Court of Vigan (Criminal Case No. 285 of the CFI of Ilocos Sur), entitled: "*People of the Philippines vs. Cresencio Quinagon,*" the respondent judge also accepted, qualified and approved, as bondsmen, Roman Unana with property covered by Tax Declaration No. 6972-C assessed at ₱5,040.00; Sixto Taasin with Tax Declaration No. 3468-C assessed at ₱5,180.00; and Juan Unana with Tax Declaration No. 6054-C assessed at ₱4,790.00,[6] although, upon verification, it turned out that Tax Declaration No. 6972-C is in the name of Luisa Ulibas and not Roman Unana, and the assessed value is only ₱90.00; Tax Declaration No. 3468-C is in the name of the Heirs of Lino Salvador and the assessed value is ₱130.00; and Tax Declaration No. 6054-C is in the names of Juana Luezon and Arellano and the assessed value is only ₱320.00.[7]

5. Finally, in the same Criminal Case No. 3897 of the Municipal Court of Vigan, the respondent judge accepted, qualified and approved as bondsmen for the accused Gabriel Singzon, Mariano Anis with Tax Declaration No. 2930-C assessed at ₱2,600.00; Sergio Bellon with Tax Declaration No. 8688-C assessed at ₱8,690.00; and Antonio Garcia with Tax Declaration No. 11365-C assessed at ₱18,070.00,[8] but, upon verification, it was established that Tax Declaration No. 2930-C is in the name of Jacinto Lolenia and the assessed value of the property is ₱90.00; Tax Declaration No. 8688-C is in the name of Bonifacio Vallabo and the property is assessed

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[5] *Id.*, pp. 20. 21. 22.

[6] *Id.*, p. 23.

[7] *Id.*, pp. 27. 28. 29.

[8] *Id.*, p. 30.

Supreme Court E-Library

at only ₱800.00; and Tax Declaration No. 11365-C is in the name of Fructuoso Galicia and the property is assessed at ₱18.00.[9]

It is contended that the acts of respondent judge Francisco Ante in approving the bail bonds in the five (5) afore-mentioned cases is in gross and wanton violation of Department of Justice Circular No. 44 dated 30 July 1958 and Circular No. 2 dated 23 January 1964, for which similar acts he was previously reprimanded in Adm. Matter No. 23-MJ, entitled; "*Lorenzo Formoso, Jr. vs. Francisco Ante.*"

The respondent judge, by way of Comment, stated that "all the bondsmen in said bail bonds were identified by prominent persons, and if there were fake bondsmen as alleged, then a judge is not supposed to know all persons coming to him, And further, the tax receipts are all genuine document. So I repeat, the complainant is motivated to file this complaint to harass and avenge the decision I rendered against her."[10]

Indeed, the respondent judge may not be held at fault for an alleged failure to discharge his duty in ascertaining the sufficiency of the sureties because before he accepted and approved the bail bonds in question, the sureties executed an affidavit before him subscribing that they each possess the qualifications of a surety and are worth the amount specified in the bail bond over and above their just debts, obligations and property exempt from execution.[11] Plainly, there was compliance with the provisions of Section 10, Rule 114 of the Revised Rules of Court.

At any rate, the bail bonds in question are but some of the several bail bonds submitted to the respondent judge in 1972,[12] which the NBI referred to as the "Bail Bond Anomalies,"[13]

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[9] *Id.*, pp. 34, 35, 36.

[10] *Id.*, p. 39.

[11] *Id.*, pp. 26, 33.

[12] See Adm. Matter Nos. 23-MJ and 542-MJ against the same respondent judge by the Formosos.

[13] See p. 3, *Rollo* of Adm. Matter No. 23-MJ.

Supreme Court E-Library

and for which the respondent judge had been sufficiently punished.[14] Added to this is the fact that respondent, who will be 65 years on his next birthday, has a pending application for retirement.[15]

WHEREFORE, the complaint against respondent Judge Francisco Ante of the Municipal Court of Vigan, Ilocos Sur, should be, as it is hereby, DISMISSED.

SO ORDERED.

Fernando (Chairman), Barredo, Antonio, Aquino, and *Santos, JJ.*, concur.

SECOND DIVISION

[G.R. No. L-21914. February 28, 1978]

T.J. WOLFF & CO., INC., *plaintiff-appellee*, *vs.* **DEMETRIO MORALDE, doing business under the name and style, CEBU PEOPLE'S GENERAL SUPPLY**, *defendant-appellant.*

SYLLABUS

1. REMEDIAL LAW; CIVIL PROCEDURE; JUDGMENT; PRESIDING JUDGE MAY RECONSIDER AND SET ASIDE THE ORDER OF ANOTHER JUDGE WHO WAS A VACATION JUDGE MERELY ACTING FOR THE FORMER. — There is no reason why the regular presiding judge assigned to a case should not, upon proper motion, reconsider and set aside the order of another judge who was a vacation judge merely acting for the former.

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[14] *Id.*, p. 401.

[15] See p. 41, *Rollo* of Adm. Matter No. 1741-MJ.