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THIRD DIVISION

[A.M. No. MTJ-00-1295. August 1, 2000]
(Formerly A.M. OCA IPI No. 99-811-MTJ)

FELICIDAD B. DADIZON, *complainant, vs.* **JUDGE ANICETO A. LIRIOS, MUNICIPAL TRIAL COURT, NAVAL, BILIRAN,** *respondent.*

SYNOPSIS

Felicidad B. Dadizon was one of the complaining witnesses in a case for Falsification of Public Document which respondent Judge Aniceto A. Lirios tried and decided. She claimed, among others, that the judgment rendered on the said case by Judge Lirios was not based on the law considering that he imposed upon the accused Pablo Suzon a straight penalty of imprisonment of seven months. According to her, this is contrary to Article 172 of the Revised Penal Code that fixes an imposable penalty to the said case of *prision correccional* in its medium and maximum periods. Hence, she charged Judge Lirios with gross ignorance of the law. In his comment, Judge Lirios explained that the accused Pablo Suzon was already seventy years old when he committed the crime of falsification. Thus, he imposed a penalty one degree lower than that prescribed by law and the straight penalty of seven months is well within the minimum period of *prision correccional* which is one degree lower than the prescribed penalty. Further, he pleaded that if he erred, he begs forgiveness from this Court so that justice will be tempered with mercy considering that he served in the judiciary for more than 33 years.

The Court ruled that the offense committed was Falsification by a Private Individual and Use of Falsification Document punishable under Article 172 of the Revised Penal Code which provides for a penalty of imprisonment of *prision correccional* in its medium and maximum periods (ranging from 2 years, 4 months and 1 day to 6 years) and a fine of not more than Five Thousand Pesos (₱5,000.00). Respondent Judge appreciated one (1) mitigating circumstance (old age), which is merely as ordinary mitigating circumstance. The imposition of a straight penalty of seven (7) months by respondent Judge is clearly erroneous.

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The Court reiterated the rule that although a judge may not always be subjected to disciplinary action for every erroneous order or decision he renders, that relative immunity is not a license to be negligent or abusive and arbitrary in performing his adjudicatory prerogatives. It is true that a judge may err in fixing the minimum and maximum terms of an indeterminate sentence. However, the unawareness of or unfamiliarity with the application of the Indeterminate Sentence Law and duration and graduation of penalties merit disciplinary action from reprimand to removal. Judge Aniceto A. Lirios was FINED in the amount of Five Thousand Pesos (₱5,000.00).

SYLLABUS

1. **LEGAL AND JUDICIAL ETHICS; CHARGES AGAINST JUDGES; GROSS IGNORANCE OF THE LAW; JUDGE FINED THEREFOR FOR ERRONEOUS APPLICATION OF INDETERMINATE SENTENCE LAW; CASE AT BAR.**— As judge of thirty-three (33) years, respondent should have known that the Indeterminate Sentence Law provides for the imposition of a prison sentence in the minimum and maximum term for offenses punishable by the Revised Penal Code or the special laws. The offense committed was Falsification by a Private Individual and Use of Falsified Document punishable under Article 172 of the Revised Penal Code which provides for a penalty of imprisonment of *prision correccional* in its medium and maximum periods (ranging from 2 years, 4 months and 1 day to 6 years) and a fine of not more than Five Thousand Pesos (₱5,000.00). Respondent Judge appreciated one (1) mitigating circumstances (old age), which is merely an ordinary mitigating circumstance. The imposition of a straight penalty of seven (7) months by respondent Judge is clearly erroneous.

2. **ID.; ID.; ID.; ID.; MERITS DISCIPLINARY ACTION FROM REPRIMAND TO REMOVAL FROM OFFICE.**— We reiterate the rule that although a judge may not always be subjected to disciplinary action for every erroneous order or decision he renders, that relative immunity is not a license to be negligent or abusive and arbitrary in performing his adjudicatory prerogatives. It is true that a judge may err in fixing the minimum and maximum terms of an indeterminate sentence. However, the unawareness of or unfamiliarity with the application of the Indeterminate Sentence

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Law and duration and graduation of penalties merit disciplinary action from reprimand to removal.

3. **ID.; ID.; ID.; ID.; ESTABLISHES RESPONDENT JUDGE'S INADEQUATE KNOWLEDGE OF BASIC LEGAL PRINCIPLES.**— As pointed out by the Court Administrator, the imposition of a straight penalty is as if "the Indeterminate Sentence Law was never enacted at all." It establishes respondent Judge's inadequate knowledge of basis legal principles despite his years of service in the judiciary. Every judge should know that in applying the Indeterminate Sentence Law for offenses penalized under the Revised Penal Code, the indeterminate sentence should have a fixed minimum and maximum. And when the law is so elementary, not to know it or to act as if one does not know it constitutes gross ignorance of the law. For ignorance of the law, respondent Judge is fined in the amount of Five Thousand Pesos (₱5,000.00), as recommended.

4. **ID.; JUDGES; MUST EXHIBIT MORE THAN JUST A CURSORY ACQUAINTANCE WITH THE STATUTES AND PROCEDURAL RULES.**— Respondent Judge owes it to the public and to the legal profession to know the law he is supposed to apply to a given controversy. He is called upon to exhibit more than just a cursory acquaintance with the statutes and procedural rules. It is imperative that he be studious of and conversant with basic legal principles. He owes to the dignity of the court he sits in, to the legal profession he belongs, and to the public who depends on him, to know the law which he is called upon to interpret and apply. Not only that, there would be on the part of party litigants less expense and greater faith in the administration of justice if there be a belief on their part that the occupants of the bench cannot justly be accused of apparent deficiency in their grasp of the legal principles.

DECISION

GONZAGA-REYES, *J.*:

Herein complainant, Felicidad B. Dadizon was one of the complaining witnesses in Criminal Case No. 3031, a prosecution for Falsification of a Public Document penalized under Article

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172, paragraph 1 and 3 of the Revised Penal Code which respondent Judge Aniceto A. Lirios of the Municipal Trial Court of Naval, Biliran tried and decided.

In the present administrative case, complainant charges respondent Judge with ignorance of the law and rendering a judgment not based on the law when he imposed upon the accused therein Pablo Suzon a straight penalty of imprisonment of seven (7) months and a fine of one thousand pesos (₱1,000.00), contrary to Article 172 of the Revised Penal Code which fixes an imposable penalty of *prision correccional* in its medium and maximum periods and a fine of not more than ₱5,000.00 for the offense. Thus, the imposition of a straight penalty of seven (7) months is way below the penalty provided by law. Complainant further alleges that the acquittal of one of the accused, Maria Suzon, was not in keeping with the legal provision that the one who benefits from the falsified document is the person who is presumed to be the person responsible for falsification.

Respondent Judge, in his Comment, avers that if complainant believed that he erred in imposing the proper sentence then complainant should have appealed the decision to rectify the alleged error; that he imposed the penalty of seven (7) months because accused Pablo Suzon was already seventy (70) years old when he committed the crime of Falsification and thus deserved a penalty one degree lower than that prescribed by law; that the straight penalty of seven (7) months is well within the minimum period of *prision correccional* which is one degree lower than the prescribed penalty. He pleads that if he has erred, then he begs for forgiveness from this Court so that justice be tempered with mercy. He points out that he has served the judiciary for more than thirty-three (33) fruitful years and during that long span of time, he was the respondent in only five (5) administrative cases all of which were dismissed for lack of merit; and that he already filed his application for retirement and authorized the withholding of the amount of ₱20,000.00 or any suitable amount from his retirement benefits to answer for any liability that he may be adjudged to pay.

In the Resolution of March 29, 2000, the parties were required to manifest if they are willing to submit the case on the basis of

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the pleadings/records already filed and submitted. Complainant filed her Manifestation dated May 9, 2000 stating that she is willing to submit the case for resolution based on the pleadings on file. Respondent Judge likewise filed his Manifestation dated May 11, 2000 submitting the case for resolution and stating further that he has retired from the service effective December 31, 1999.

The Court Administrator recommended that respondent Judge be fined in the amount of Five Thousand Pesos (₱5,000.00) upon a finding that respondent Judge erred in imposing a straight penalty.

The recommendation of the Court Administrator is well-taken.

The issue is whether respondent Judge, in fixing a straight penalty, is guilty of ignorance of the law as claimed by herein complainant.

We hold in the affirmative. As judge of thirty-three (33) years, respondent should have known that the Indeterminate Sentence Law provides for the imposition of a prison sentence in the minimum and maximum term for offenses punishable by the Revised Penal Code or the special laws.

The offense committed was Falsification by a Private Individual and Use of Falsified Document punishable under Article 172 of the Revised Penal Code which provides for a penalty of imprisonment of *prision correccional* in its medium and maximum periods (ranging from 2 years, 4 months and 1 day to 6 years) and a fine of not more than Five Thousand Pesos (₱5,000.00). Respondent Judge appreciated one (1) mitigating circumstance (old age), which is merely an ordinary mitigating circumstance. The imposition of a straight penalty of seven (7) months by respondent Judge is clearly erroneous.

We reiterate the rule that although a judge may not always be subjected to disciplinary action for every erroneous order or decision he renders, that relative immunity is not a license to be negligent or abusive and arbitrary in performing his adjudicatory prerogatives.[1] It is true that a judge may err in fixing the minimum

[1] *Sanchez vs. Vestil*, 298 SCRA 1.

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and maximum terms of an indeterminate sentence. However, the unawareness of or unfamiliarity with the application of the Indeterminate Sentence Law and duration and graduation of penalties merit disciplinary action from reprimand to removal.[2] As pointed out by the Court Administrator, the imposition of a straight penalty is as if "the Indeterminate Sentence Law was never enacted at all." It establishes respondent Judge's inadequate knowledge of basic legal principles despite his years of service in the judiciary. Every judge should know that in applying the Indeterminate Sentence Law for offenses penalized under the Revised Penal Code, the indeterminate sentence should have a fixed minimum and maximum.[3] And when the law is so elementary, not to know it or to act as if one does not know it constitutes gross ignorance of the law.[4] For ignorance of the law, respondent Judge is fined in the amount of Five Thousand Pesos (₱5,000.00), as recommended.

Respondent Judge owes it to the public and to the legal profession to know the law he is supposed to apply to a given controversy. He is called upon to exhibit more than just a cursory acquaintance with the statutes and procedural rules. It is imperative that he be studious of and conversant with basic legal principles. He owes to the dignity of the court he sits in, to the legal profession he belongs, and to the public who depends on him, to know the law which he is called upon to interpret and apply.[5] Not only that, there would be on the part of party litigants less expense and greater faith in the administration of justice if there be a belief on their part that the occupants of the bench cannot justly be accused of apparent deficiency in their grasp of the legal principles.[6]

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[2] *In Re: Jose G. Paulin,* 101 SCRA 605; *Bacar vs. De Guzman, Jr.,* 271 SCRA 328.

[3] *Estoya vs. Abraham-Singson,* 237 SCRA 1.

[4] *Bacar vs. Judge De Guzman, Jr.*, A.M. No. RTJ-96-1349, April 18, 1997, 271 SCRA 328.

[5] *Bernabe vs. Memoracion,* 277 SCRA 1; *Estoya vs. Abraham-Singson, supra.*

[6] *Aducayen vs. Flores*, 51 SCRA 78.

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Anent the other charges by complainant against respondent Judge, there is no showing of irregularity in the imposition of the fine in the amount of ₱1,000.00 the same being within the limits specified in Article 172. Regarding the acquittal of one of the accused, Maria Suzon, the reason was clearly indicated in the decision penned by respondent Judge and there is no showing of error much less malice, bad faith or abuse of authority in rendering such judgment.

WHEREFORE, for ignorance of the law, respondent Judge Niceto A. Lirios is hereby *FINED* in the amount of Five Thousand Pesos (₱5,000.00) with a *STERN WARNING* that a repetition of the same or similar act will be dealt with more severely by this Court.

SO ORDERED.

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

THIRD DIVISION

[A.M. No. P-99-1317. August 1, 2000]

ARMANDO M. CANLAS and RUBY C. DUNGCA, *complainants, vs.* **Sheriff CLAUDE B. BALASBAS, Regional Trial Court of Angeles City (Branch 59),** *respondent.*

SYNOPSIS

Armando M. Canlas and Ruby C. Dungca charged Sheriff Claude B. Balasbas of gross misconduct and dereliction of duty. The facts of this case revealed that on June 30 and July 18, 1998, Branch 61 of the Regional Trial Court of Angeles City issued two writs of attachment in Civil Cases Nos. 8651 and 8659, respectively, which were assigned to respondent Sheriff Claude Balasbas for