Supreme Court E-Library

WHEREFORE, respondent Judge Celso L. Mantua of the Regional Trial Court of Palompon, Leyte, Branch 17 is found **GUILTY** of Immorality and violation of Administrative Circular No. 3-92 in relation to A.M. No. 01-9-09-SC. Accordingly, he is hereby meted the penalty of a **FINE** in the amount of ₱40,000.00, which amount shall be deducted from the retirement benefits due him.

SO ORDERED.

Sereno, C.J. (Chairperson), Velasco, Jr.,[*] *Leonardo-de Castro,* and *del Castillo,*[**] *JJ.,* concur.

SECOND DIVISION

[A.M. No. RTJ-14-2399. November 19, 2014]
(Formerly OCA IPI No. 13-4013-RTJ)

GASPAR BANDOY, *complainant, vs.* **JUDGE JOSE S. JACINTO, JR., PRESIDING JUDGE, BRANCH 45, AND ACTING PRESIDING JUDGE, BRANCH 46, BOTH AT REGIONAL TRIAL COURT, SAN JOSE, OCCIDENTAL MINDORO,** *respondent.*

SYLLABUS

1. JUDICIAL ETHICS; JUDGES; CODE OF JUDICIAL CONDUCT; COMPETENCE AND DILIGENCE ARE PREREQUISITES TO THE DUE PERFORMANCE OF JUDICIAL OFFICE.— Rule 3.01, Canon 3 of the Code of Judicial Conduct mandates that a judge shall be faithful to the law and maintain professional competence. Indeed, competence and diligence are prerequisites to the due

---

[*] Designated Acting Member per Special Order No. 1870 dated November 4, 2014.

[**] Designated Additional Member per Raffle dated November 10, 2014.

performance of judicial office. Everyone, especially a judge, is presumed to know the law. One who accepts the exalted position of a judge owes the public and the Court the duty to maintain professional competence at all times.

2. ID.; ID.; SILENCE OF JUDGE IN THE FACE OF FALSE ACCUSATIONS INTRODUCES DOUBT IN THE MINDS OF THE PUBLIC.— In this case, Judge Jacinto, Jr. was directly confronted with an allegation that he arraigned De Jesus, Jr. inside his chambers. He was given the opportunity to answer, but he chose not to delve into it. Ultimately, Judge Jacinto, Jr. did not squarely face the issues being imputed against him, which was quite irregular since it was his name and his capacity as a member of the bench, that was being challenged. As aptly observed by the OCA, "the natural instinct of man impels him to resist an unfounded claim or imputation and defend himself. It is against human nature to just remain reticent and say nothing in the face of false accusations." His silence introduces doubt in the minds of the public, which is not acceptable.

3. ID.; ID.; EXACTING STANDARDS REQUIRED OF MAGISTRATES IN THE APPLICATION OF THE LAW AND PROCEDURE; MUST STRICTLY APPLY PROCEDURE IN ARRAIGNMENT AND PLEA, AS SPECIFIED IN RULE 116 OF THE REVISED RULES OF COURT.— Given the exacting standards required of magistrates in the application of the law and procedure, the Court finds Judge Jacinto, Jr. administratively guilty of gross ignorance of Rule 116 of the Revised Rules of Court, specifically Section 1(a) thereof requiring arraignment of an accused to be made in open court, to wit: Section 1. Arraignment and plea, how made. – (a) The accused must be arraigned before the court where the complaint or information was filed or assigned for trial. The arraignment shall be made **in open court** by the judge or clerk by furnishing the accused with a copy of the complaint or information, reading the same in the language or dialect known to him, and asking him whether he pleads guilty or not guilty. The prosecution may call at the trial witnesses other than those named in the complaint or information.

4. ID.; ID.; GROSS IGNORANCE OF THE LAW, WHEN COMMITTED.— There is gross ignorance of the law when the error committed by the judge was "gross or patent, deliberate

Supreme Court E-Library

or malicious." It may also be committed when a judge ignores, contradicts or fails to apply settled law and jurisprudence because of bad faith, fraud, dishonesty or corruption. Gross ignorance of the law or incompetence cannot be excused by a claim of good faith. The Court has impressed upon judges that they owe it to the public and the legal profession to know the very law that they are supposed to apply in a given controversy. They are called upon to exhibit more than just a cursory acquaintance with statutes and procedural rules, to be conversant with the basic law, and to maintain the desired professional competence. When a judge displays an utter lack of familiarity with the rules, he erodes the confidence of the public in the courts.

5. ID.; ID.; ID.; CASE AT BAR.— Thus, anything less than is required by Section 1(a) of Rule 116 constitutes gross ignorance of the law. x x x Here, the Court cannot fathom why the arraignment of De Jesus, Jr. was postponed from 2007 to 2011 without appropriate action coming from the court. Judge Jacinto, Jr. should have availed of known legal remedies to compel De Jesus, Jr. to personally appear for his arraignment, but he did not. The appearance of leniency seemingly exhibited in favor of De Jesus, Jr. gives an impression of bias and partiality that should be addressed and corrected.

6. ID.; ID.; ID.; CLASSIFIED AS A SERIOUS CHARGE; PENALTY.— Consequently, under Section 8(9), Rule 140 of the Rules of Court, as amended by A.M. No. 01-8-10-SC, gross ignorance of the law or procedure is classified as a serious charge. Section 11(A) of the same Rule provides that the penalty to be imposed if a respondent Judge is found guilty of a serious charge is either a fine of more than ₱20,000.00 but not more than ₱40,000.00, suspension from office without salary and other benefits for more than three but not exceeding six months, or dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations.

7. ID.; ID.; DUTIES OF JUDGES; JUDGES MUST BE HONEST AND IMPARTIAL AND MUST ALSO *APPEAR* TO BE HONEST AND IMPARTIAL IN THE DISPENSATION OF JUSTICE.— Canon 2, Rule 2.01 and Canon 3 of the Code of

Supreme Court E-Library

> Judicial Conduct likewise emphasize that judges, as officers of the court, have the duty to see to it that justice is dispensed with evenly and fairly. Not only must they be honest and impartial, but they must also ***appear*** to be honest and impartial in the dispensation of justice. Judges should make sure that their acts are circumspect and do not arouse suspicion in the minds of the public. When they fail to do so, such acts may cast doubt upon their integrity and ultimately the judiciary in general.

D E C I S I O N

MENDOZA, *J.*:

For review before the Court is this administrative case against respondent Judge Jose S. Jacinto, Jr. *(Judge Jacinto, Jr.)* of the Regional Trial Court *(RTC)*, Branches 45[1] and 46,[2] San Jose, Occidental Mindoro, filed by Gaspar Bandoy *(Bandoy)* for Grave Abuse of Authority in relation to Criminal Case No. 2-1928,[3] entitled "*People of the Philippines v. Gaspar Bandoy, Peter Alfaro and Randolph Ignacio*" and Criminal Case No. Z-1910, entitled "*People of the Philippines vs. Romulo De Jesus, Jr.*"

Complainant Bandoy alleged, in his verified complaint,[4] that he was one of the accused in Criminal Case No. 2-1928, for Serious Illegal Detention filed by Romulo De Jesus, Jr. *(De Jesus, Jr.)*, which was raffled to Branch 44 of the RTC, Mamburao, Occidental Mindoro *(RTC-Br. 44)*, with Judge Jacinto, Jr. as the Assisting Presiding Judge. Bandoy claimed that the case was initiated by De Jesus, Jr. to get back at him for being instrumental in the filing of an earlier criminal complaint against him for Violation of Article XXII, Section 261,

---

[1] Presiding Judge.

[2] Acting Presiding Judge.

[3] *Rollo*, pp. 12 and 55 (but Criminal Case No. Z-1982 [*rollo*, pp. 17, 62, 81, 87, 94, 104 and 149]).

[4] *Id.* at 2-11.

Supreme Court E-Library

paragraph 7, number 14 of the Omnibus Election Code *(Ballot Switching)*. The said case was likewise raffled to RTC-Br. 44.

Bandoy also averred that he was an election watcher of former Mayor Joel Panaligan during the 2007 local elections, while De Jesus, Jr., a teacher of their municipality's public elementary school, was one of the chairpersons of the Board of Election Inspectors; that they were both assigned in Precinct 3-A of Mamburao, Occidental Mindoro; that De Jesus, Jr. was rumored to be closely associated with the rival mayoralty candidate, Voltaire Anthony C. Villarosa *(Voltaire)*, son of House representative Amelita C. Villarosa *(Cong. Villarosa)* and Mayor Jose Tapales Villarosa *(Mayor Villarosa)* of San Jose, Occidental Mindoro; that in the said local elections, De Jesus, Jr. was caught in the act of ballot switching, which was captured on video by a member of the media, a certain Randy Bool; that by virtue of a search warrant from the Commission of Elections *(COMELEC)*, De Jesus, Jr. was caught in possession of some ballots inside his backpack; and that as a result of this incident, De Jesus, Jr. was criminally charged with the offense of ballot switching. Accordingly, on August 17, 2007, a warrant of arrest was issued against De Jesus, Jr.[5]

According to Bandoy, on August 20, 2007, De Jesus, Jr. personally appeared before Provincial Prosecutor Levitico Salcedo to file a criminal case for Serious Illegal Detention against him, Peter Alfaro, Randolph Ignacio, and then Election Supervisor, Atty. Judy Lorenzo *(Atty. Lorenzo)*. Apparently, De Jesus, Jr. did this while there was a standing warrant of arrest against him. Worse, De Jesus, Jr. remained at-large until he was able to post bail on March 7, 2008 before then Las Pinas RTC Judge Raul B. Villanueva.[6] Because complainant Bandoy was charged with Serious Illegal Detention, the provincial prosecutor recommended "no bail" leaving them incarcerated for more than two years.[7]

---

[5] *Id*. at 114.

[6] Now Deputy Court Administrator.

[7] *Rollo*, p. 5.

Supreme Court E-Library

Bandoy further claims that Judge Jacinto, Jr. committed grave abuse of his authority by displaying manifest bias and partiality in favor of De Jesus, Jr. when he granted several postponements of De Jesus, Jr.'s arraignment, originally scheduled on April 23, 2008,[8] but was reset for seven times until De Jesus, Jr. entered a plea of not guilty supposedly inside Judge Jacinto, Jr.'s chambers on July 6, 2011.[9]

Bandoy emphasized that many of the said resettings were mostly due to De Jesus, Jr.'s non-appearance for failure to locate him at his given address. Despite these supposed obvious court defiance, Judge Jacinto, Jr. remained lenient and seemingly tolerated his continuous non-appearance in the court's subsequent scheduled hearings. Another example of Judge Jacinto, Jr.'s supposed unreasonable bias towards Bandoy was his lack of interest to dispose of the case of serious illegal detention despite De Jesus, Jr.'s obvious dilatory tactics and unjustified absences when his appearance was necessary.

Bandoy, along with his co-accused, moved for reconsideration and filed a petition for review before the Department of Justice *(DOJ)* to have the serious illegal detention case against them dismissed. Meanwhile, co-accused Atty. Lorenzo filed a separate petition with the Court of Appeals *(CA)* and won the case. The Court later affirmed the dismissal of the case against her. At first, the DOJ denied their petition. Upon reconsideration, however, the DOJ, under the helm of Justice Secretary Leila De Lima, directed the Office of the Provincial Prosecutor, Occidental Mindoro, to cause the withdrawal of the case against Bandoy and his co-accused.[10] Accordingly, the Office of the Provincial Prosecutor filed its Motion to Withdraw Information.

Judge Jacinto, Jr., in an order,[11] dated July 5, 2011, denied the motion to withdraw information. In the end, Bandoy was

---

[8] *Id.* at 114.

[9] *Id.* at 119.

[10] *Id*. at 94-95.

[11] *Id*. at 87-93.

Supreme Court E-Library

only able to regain temporary freedom when Judge Jacinto, Jr. finally resolved[12] to allow him to post a bail bond of ₱100,000.00 each or a total of ₱300,000.00.[13] Bandoy added that Voltaire was a principal sponsor in the wedding of Judge Jacinto, Jr.'s child.

Thereafter, Judge Jacinto, Jr. was assigned to another sala, while Judge Wilfredo De Joya Mayor *(Judge Mayor)* became the assisting presiding judge of Branch 44. It was during this time that the case for serious illegal detention was temporarily dismissed, but upon reconsideration, Judge Mayor decided to reinstate and continue the case against Bandoy. Meanwhile, the case of ballot switching against De Jesus, Jr. was dismissed on October 25, 2012,[14] while their bail for the serious illegal detention case was cancelled.[15]

According to complainant Bandoy, the compelling force that made him initiate this present administrative case was because Judge Jacinto, Jr. would take over Judge Mayor's assignments on account of the latter's compulsory retirement from service on December 1, 2012, which would include their pending serious illegal detention case. He claimed that Judge Jacinto, Jr. ordered the police and the CIDG to re-arrest him and his co-accused even though there was no warrant of arrest against them.[16] He begged the Court not to let Judge Jacinto, Jr. handle their case of serious illegal detention for fear that they would have to endure another bout of extreme bias and partiality from him.

In his Comment,[17] Judge Jacinto, Jr. denied being an ally of the Villarosa clan.[18] He also denied having a hand in the order

---

[12] *Id*. at 94-103.

[13] *Id*. at 4.

[14] *Id*. at 14-16.

[15] Order, dated November 9, 2012, *id*. at 12-13.

[16] *Id*. at 8.

[17] *Id*. at 81-86.

[18] *Id*. at 82-83.

Supreme Court E-Library

to arrest Bandoy and his co-accused as the Chief of PNP and the CIDG Chief, both of Mamburao, Occidental Mindoro, merely consulted him on how to go about the order of cancellation of bail that Judge Mayor issued. He explained "*wala po akong alam sa Kautusan kaya binasa po sa akin ang nilalaman nito sa cellphone at pagkatapos ay nagwika po akong parang may kulang sa Kautusan at kapag nakansela ang piyansa ay babalik sila sa selda dahil wala na po silang piyansa* (as a consequence thereof)."[19] Judge Jacinto, Jr. even refused to issue a warrant of arrest when he was asked because he was not handling the case anymore.[20]

Bandoy, in his Reply,[21] brought to the attention of the Court that Judge Jacinto, Jr., in order to thwart the enemies of his supposed master, Mayor Villarosa, issued warrants of arrest against ten individuals.[22] He also divulged that the audit team from the Court was personally assisted by Judge Jacinto, Jr. and given accommodations in "Aroma Center," one of the properties of Mayor Villarosa.[23] Bandoy was thankful that Judge Jacinto, Jr. did not deny the fact that the police officials wanted to arrest them even without a warrant of arrest.[24] Bandoy showed a timeline of events supposedly depicting how De Jesus, Jr., through the tolerance and partiality of Judge Jacinto, Jr., evaded arraignment on numerous occasions effectively delaying the progress of the case for ballot switching and even actually conducting the arraignment in his chambers.[25] He further reiterated his plea not to let Judge Jacinto, Jr. preside over the affairs of Branch 44.

---

[19] *Id*. at 83-84.

[20] *Id*. at 84.

[21] *Id*. at 108-122.

[22] *Id*. at 109.

[23] *Id*. at 109-110.

[24] *Id*. at 110.

[25] *Id*. at 114-117.

Supreme Court E-Library

In his Rejoinder,[26] Judge Jacinto, Jr. stated that he was again assigned as Assisting Presiding Judge of Branch 44.[27] He clarified that he indeed issued warrants of arrest against ten individuals in connection with a serious illegal detention case against them, but only after a finding of probable cause by the public prosecutor handling it. Judge Jacinto, Jr. reiterated that he merely affirmed the finding of probable cause, which justified the issuance of the warrants of arrest as the charge was a non-bailable offense.[28] He likewise denied seeking any favor from Mayor Villarosa to accommodate the audit team in their property, the Aroma Family Hotel. He explained that the audit team paid him a "courtesy call" where he assured the team of his cooperation.[29] He again restated that the police officials merely coordinated with him as was customary because he was the Executive Judge of the municipality.[30] Judge Jacinto, Jr. believes that Bandoy's accusations against him were designed to oust him as Presiding Judge of Branches 45 and 46 of San Jose and even as Assisting Presiding Judge of Branch 44, Mamburao, both in the province of Occidental Mindoro.[31]

In its Report,[32] dated June 03, 2014, the Office of the Court Administrator *(OCA)* did not give credence to Bandoy's allegation that Judge Jacinto, Jr. issued an order for his arrest without a warrant and to the insinuation that the Court's audit team was conveniently housed in Aroma Family Hotel of the Villarosas for failure to present proof.[33] The OCA observed, however, that Judge Jacinto, Jr. never refuted the allegations of leniency over the several resettings of the arraignment of De Jesus, Jr.

---

[26] *Id*. at 127-133.

[27] *Id*. at 127.

[28] *Id*. at 128-129.

[29] *Id*. at 129.

[30] *Id*. at 130.

[31] *Id*. at 132.

[32] *Id*. at 149-157.

[33] *Id*. at 154.

Supreme Court E-Library

and that the arraignment was held in his chambers. As such, the OCA equated his silence to admission.[34] Thus, the OCA recommended that:

1. The administrative complaint against Presiding Judge Jose S. Jacinto, Jr., Branch 45, Regional Trial Court, San Jose, Occidental Mindoro, be **RE-DOCKETED** as regular administrative matter; and

2. Respondent Judge Jose Jacinto, Jr. be found **GUILTY** of Bias and Partiality and Gross Ignorance of the Law and Procedure and, accordingly, be **FINED** in the amount of Forty Thousand Pesos (₱40,000.00) with a **STERN WARNING** that a repetition of the same or similar act shall be dealt with more severely.[35]

The Court's Ruling

The Court agrees with the recommendation of the OCA.

Rule 3.01, Canon 3 of the Code of Judicial Conduct mandates that a judge shall be faithful to the law and maintain professional competence. Indeed, competence and diligence are prerequisites to the due performance of judicial office.[36]

Everyone, especially a judge, is presumed to know the law. One who accepts the exalted position of a judge owes the public and the Court the duty to maintain professional competence at all times.[37]

In this case, Judge Jacinto, Jr. was directly confronted with an allegation that he arraigned De Jesus, Jr. inside his chambers. He was given the opportunity to answer, but he chose not to delve into it. Ultimately, Judge Jacinto, Jr. did not squarely face the issues being imputed against him, which was quite irregular since it was his name and his capacity as a member

---

[34] *Id.* at 154-155.

[35] *Id.* at 157.

[36] Canon 6 of the New Code of Judicial Conduct.

[37] *Gozun v. Liangco*, 393 Phil. 669, 681 (2000).

Supreme Court E-Library

of the bench, that was being challenged. As aptly observed by the OCA, "the natural instinct of man impels him to resist an unfounded claim or imputation and defend himself. It is against human nature to just remain reticent and say nothing in the face of false accusations."[38] His silence introduces doubt in the minds of the public, which is not acceptable.

Given the exacting standards required of magistrates in the application of the law and procedure, the Court finds Judge Jacinto, Jr. administratively guilty of gross ignorance of Rule 116 of the Revised Rules of Court, specifically Section 1(a) thereof requiring arraignment of an accused to be made in open court, to wit:

> Section 1. Arraignment and plea, how made. – (a) The accused must be arraigned before the court where the complaint or information was filed or assigned for trial. The arraignment shall be made **in open court** by the judge or clerk by furnishing the accused with a copy of the complaint or information, reading the same in the language or dialect known to him, and asking him whether he pleads guilty or not guilty. The prosecution may call at the trial witnesses other than those named in the complaint or information.
>
> (Emphasis supplied)

The procedural steps laid down in Section 1(a) of Rule 116 are not empty rituals that a judge can take nonchalantly. Each step constitutes an integral part of that crucial stage in criminal litigation "where the issues are joined x x x and without which the proceedings cannot advance further."[39]

Thus, anything less than is required by Section 1(a) of Rule 116 constitutes gross ignorance of the law.[40] There is gross ignorance of the law when the error committed by the

---

[38] *Rollo*, p. 155.

[39] *People v. Estomaca*, 326 Phil. 429, 437 (1996).

[40] *Conquilla v. Bernardo*, A.M. No. MTJ-09-1737, February 9, 2011, 642 SCRA 288, 297, citing *Cabico v. Dimaculangan-Querijero*, 550 Phil. 460, 473 (2007).

Supreme Court E-Library

judge was "gross or patent, deliberate or malicious."[41] It may also be committed when a judge ignores, contradicts or fails to apply settled law and jurisprudence because of bad faith, fraud, dishonesty or corruption.[42] Gross ignorance of the law or incompetence cannot be excused by a claim of good faith.[43]

The Court has impressed upon judges that they owe it to the public and the legal profession to know the very law that they are supposed to apply in a given controversy.[44] They are called upon to exhibit more than just a cursory acquaintance with statutes and procedural rules, to be conversant with the basic law, and to maintain the desired professional competence.[45] When a judge displays an utter lack of familiarity with the rules, he erodes the confidence of the public in the courts. A judge owes the public and the Court the duty to be proficient in the law and is expected to keep abreast of laws and prevailing jurisprudence. Ignorance of the law by a judge can easily be the mainspring of injustice.[46]

Canon 2,[47] Rule 2.01[48] and Canon 3[49] of the Code of Judicial Conduct likewise emphasize that judges, as officers of the court, have the duty to see to it that justice is dispensed with evenly and fairly. Not only must they be honest and impartial, but

---

[41] *Judge Cabatingan Sr. (Ret.) v. Judge Arcueno,* 436 Phil. 341, 350 (2002).

[42] *Id*.

[43] *De los Santos-Reyes v. Montesa, Jr.*, 317 Phil. 101, 113 (1995).

[44] *Padua v. Molina,* 400 Phil. 430, 439 (2000).

[45] *Dayawon v. Badilla,* 394 Phil. 218, 225 (2000).

[46] *Dela Paz v. Adiong*, 486 Phil. 81, 96 (2004), citing *Mutilan v. Adiong*, 433 Phil. 25, 32-33 (2002).

[47] Canon 2 – A judge should avoid impropriety and the appearance of impropriety in all activities.

[48] Rule 2.01 – A judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary.

[49] Canon 3 – A judge should perform official duties honestly, and with impartiality and diligence.

Supreme Court E-Library

they must also ***appear*** to be honest and impartial in the dispensation of justice. Judges should make sure that their acts are circumspect and do not arouse suspicion in the minds of the public. When they fail to do so, such acts may cast doubt upon their integrity and ultimately the judiciary in general.[50] As held in *Joselito Rallos, et al. vs. Judge Ireneo Lee Gako Jr., Branch 5 RTC, Cebu City*:[51]

> Well-known is the judicial norm that "judges should not only be impartial but should also appear impartial." Jurisprudence repeatedly teaches that litigants are entitled to nothing less than the cold neutrality of an impartial judge. The other elements of due process, like notice and hearing, would become meaningless if the ultimate decision is rendered by a partial or biased judge. Judges must not only render just, correct and impartial decisions, but must do so in a manner free of any suspicion as to their fairness, impartiality and integrity.
>
> This reminder applies all the more sternly to municipal, metropolitan and regional trial court judges like herein respondent, because they are judicial front-liners who have direct contact with the litigating parties. They are the intermediaries between conflicting interests and the embodiments of the people's sense of justice. Thus, their official conduct should be beyond reproach.

Here, the Court cannot fathom why the arraignment of De Jesus, Jr. was postponed from 2007 to 2011 without appropriate action coming from the court. Judge Jacinto, Jr. should have availed of known legal remedies to compel De Jesus, Jr. to personally appear for his arraignment, but he did not. The appearance of leniency seemingly exhibited in favor of De Jesus, Jr. gives an impression of bias and partiality that should be addressed and corrected.

Consequently, under Section 8(9), Rule 140 of the Rules of Court, as amended by A.M. No. 01-8-10-SC, gross ignorance of the law or procedure is classified as a serious charge. Section

---

[50] *Re: Procedure Adopted by Judge Danial Liangco, Executive Judge Municipal Trial Court (MTC), San Fernando, Pampanga, Re: Raffle of Cases Under P.D. No. 1602*, 391 Phil. 666, 681 (2000).

[51] 385 Phil. 4, 20 (2000).

Supreme Court E-Library

11(A) of the same Rule provides that the penalty to be imposed if a respondent Judge is found guilty of a serious charge is either a fine of more than ₱20,000.00 but not more than ₱40,000.00, suspension from office without salary and other benefits for more than three but not exceeding six months, or dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations.

The Court is aware of the other pending administrative cases against Judge Jacinto, Jr., but they cannot be fully considered in the imposition of the penalty in this case as they are still under review and evaluation. Thus, a fine of ₱40,000.00[52] is deemed appropriate under the circumstances.

WHEREFORE, the Court finds respondent Judge Jose S. Jacinto, Jr. **GUILTY** of Gross Ignorance of the Law and Procedure and of Bias and Partiality. Accordingly, he is **FINED** in the amount of Forty Thousand (₱40,000.00) Pesos with a **STERN WARNING** that a repetition of the same or similar act shall be dealt with more severely.

SO ORDERED.

Carpio (Chairperson), Brion, del Castillo, and *Leonen, JJ.,* concur.

---

[52] *Hipe v. Judge Literato,* A.M. No. MTJ-11-1781, April 25, 2012, 671 SCRA 9, 23.