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THIRD DIVISION

[A.M. No. RTJ-99-1499. October 22, 1999]

GIL RAMON O. MARTIN, *complainant, vs.* **JUDGE ELEUTERIO F. GUERRERO, Assisting Judge, Regional Trial Court of Tagaytay City (Branch 18),** *respondent.*

SYNOPSIS

In a verified Complaint dated September 12, 1998, complainant charged Judge Eleuterio F. Guerrero of the Regional Trial Court of Tagaytay City with "ignorance of the law" and "violation of the Philippine Constitution." Respondent judge allegedly issued a Writ of *Habeas Corpus* against herein complainant who was a resident of Parañaque City, although the Regional Trial Court where he presides was in Tagaytay City. Worse, he incurred delay in resolving complainant's Omnibus Motion. In his Comment, respondent judge insisted that the RTC had jurisdiction to issue the Writ of *Habeas Corpus*, but added that he subsequently sustained complainant's argument that the Writ could not be enforced in Parañaque. As to alleged delay in resolving complainant's Omnibus Motion, respondent judge explained that his failure to resolve the motion is attributable to the fact that complainant asked for his disqualification. Thus, upon due and careful deliberation of the motion to disqualify, he opted to inhibit himself from further proceeding with the case.

In its Memorandum to the Supreme Court, the Office of the Court of Administrator recommended that respondent judge be fined in the amount of one thousand pesos (₱1,000.00) and admonished to be more circumspect in the performance of his judicial functions.

The Supreme Court agreed with the OCA's findings and recommendations. Regional Trial Courts have jurisdiction to issue writs of *habeas corpus* only when such writs can be enforced within their respective judicial districts, as extraordinary writs issued by them are limited to and operative only within such areas. Clearly then, respondent judge had no authority to issue a writ of *habeas corpus* against herein

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complainant, who was a resident of Parañaque, an area outside his judicial jurisdiction. Although respondent judge erred in issuing the Writ, his error did not constitute gross ignorance of law. Complainant failed to show bad faith or malice on the part of respondent judge. Any allegation of bad faith is negated by the fact that respondent judge, upon motion of complainant, dissolve the Writ of *Habeas Corpus* and recalled the Warrant of Arrest. Nonetheless, as the OCA emphasized, judges have a duty to exhibit more than just a cursory acquaintance with statutes and procedural rules. It is imperative that judges should remain conversant with basic legal principles. For committing an error on a basic legal point, respondent judge should be sanctioned. Respondent judge should also be held liable for his failure to rule promptly on complainant's Omnibus Motion. The Court reiterates that "delay in resolving motions and incidents pending before a judge within the 90-day period fixed by the Constitution amounts not only to gross inefficiency but also constitutes a violation of Rule 3.05, Canon 3 of the Code of Judicial Conduct, which mandates that a magistrate shall dispose of the court's business promptly and decide cases within the required periods."

SYLLABUS

1. **REMEDIAL LAW; SPECIAL PROCEEDINGS; *HABEAS CORPUS*; WRIT ISSUED BY THE REGIONAL TRIAL COURT IS OPERATIVE ONLY WITHIN ITS JUDICIAL JURISDICTION.** — Under the Sec. 21 of BP 129 and Sec. 2, Rule 102 of the Rules of Court, regional trial courts have jurisdiction to issue writs of *habeas corpus* only when such writs can be enforced within their respective judicial districts, as extraordinary writs issued by them are limited to and operative only within such areas. Clearly then, respondent judge had no authority to issue a writ of *habeas corpus* against herein complainant, who was a resident of Parañaque, an area outside his judicial jurisdiction.

2. **JUDICIAL ETHICS; JUDGES; ERRONEOUS JUDICIAL ACTS NOT SUBJECT TO DISCIPLINARY ACTION IN THE ABSENCE OF FRAUD, DISHONESTY OR CORRUPTION.** — Although respondent erred in issuing the

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Writ, his error did not constitute gross ignorance of law. Well-settled is the rule that in the absence of fraud, dishonesty or corruption, erroneous acts of a judge in his judicial capacity are not subject to disciplinary action, for no magistrate is infallible. In the present case, complainant failed to show bad faith or malice on the part of the respondent. Indeed, any allegation of bad faith is negated by the fact that respondent, upon the motion of complainant, dissolved the Writ of *Habeas Corpus* and recalled the Warrant of Arrest.

3. **ID.; ID.; MUST REMAIN CONVERSANT WITH BASIC LEGAL PRINCIPLES.** — Judges have a duty to exhibit more than just a cursory acquaintance with statutes and procedural rules. It is imperative, therefore, that they remain conversant with basic legal principles. For committing an error on a *basic* legal point, respondent should be sanctioned.

4. **ID.; ID.; MUST RESOLVE MATTERS PENDING BEFORE THEM EXPEDITIOUSLY.** — Respondent judge should also be held liable for his failure to rule promptly on complainant's Omnibus Motion. His explanation that he opted to inhibit himself from further proceeding with the case did not justify the delay. It was his duty to resolve matters pending before him expeditiously. We reiterate that "delay in resolving motions and incidents pending before a judge within the 90-day period fixed by the Constitution amounts not only to gross inefficiency but also constitutes a violation of Rule 3.05, Canon 3 of the *Code of Judicial Conduct,* which mandates that a magistrate shall dispose of the court's business promptly and decide cases within the required periods."

DECISION

PANGANIBAN, *J.*:

Ordinarily, judges may not be administratively sanctioned for mere errors of judgment, absent any bad faith or malice. Nonetheless, they have an obligation to keep abreast of all *basic* laws and principles. There is no excuse for ignorance of elementary notions of law and jurisprudence.

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The Case and the Facts

In a verified Complaint dated September 12, 1998, Gil Ramon O. Martin charged Judge Eleuterio F. Guerrero of the Regional Trial Court (RTC) of Tagaytay City (Branch 18) with "ignorance of the law" and "violation of the Philippine Constitution." Respondent allegedly issued a Writ of *Habeas Corpus* against herein complainant who was a resident of Parañaque City, although the RTC was in Tagaytay City. Worse, the former incurred considerable delay in resolving the latter's Omnibus Motion. The Complaint reads:[1]

"Par. I - On December 27, 1995, a Petition for *Habeas Corpus* dated December 26, 1995 was filed before the RTC of Tagaytay City, Branch 18 as Civil Case No. TC-1552 by Petitioner Maria Victoria S. Ordiales against your undersigned complainant for the custody of their begotten minor child born out of wedlock during their union[;] a xerox copy of the said petition is attached as Annex 'A'.

x x x x x x x x x

"Par. IV - On December 28, 1995, Deputy Sheriff, Victor R. Hernandez submitted his Sheriff's return certifying therein that on that same day he served upon your undersigned complainant a copy of the Writ of *Habeas Corpus*, ANNEX 'C' and a copy of the petition, ANNEX 'A', without mention that he also served the Summons, ANNEX 'B' upon your undersigned complainant. *Most notably, the Sheriff did not mention in his return that he effected service of the court's processes at the business address indicated in this complaint because both the Summons, ANNEX 'B' and the Writ of Habeas Corpus, ANNEX 'C' directed him to effect such service at your undersigned residence at 24 Madrid St., BF Homes, Parañaque, Metro Manila.* x x x.

"Par. V - For your undersigned's failure to appear in the scheduled hearing of December 29, 1995, the respondent Judge issued an order in open court on the said date directing the undersigned to appear before the said court at 8:30 o'clock in the morning of Jan. 05, 1996 to show cause why no punitive action will be taken for his

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[1] *Rollo*, pp. 4-7.

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refusal to acknowledge receipt of the Writ and for failure to appear; which order of respondent Judge totally disregarded the Sheriff's Certificate in ANNEX 'D' that the undersigned instructed his secretary, Mr. Benjamin Bermejo to receive the said processes. A xerox copy of the Order dated Dec. 29, 1995 is attached as ANNEX 'E'.

"Par. VI - On Jan. 04, 1995, Deputy Sheriff, Victor R. Hernandez certified on his sheriff's return that on the same day he served a copy of the order, ANNEX 'E' and alias writ upon the undersigned at his residence thru his maid, Susan Nadal. A xerox copy of said Sheriff's return is attached as ANNEX 'F'. And a xerox copy of the alias Writ of *Habeas Corpus* issued by respondent Judge on Jan. 04, 1996 is attached as ANNEX 'G'.

"Par. VII - Both the Order of Dec. 29, 1995, ANNEX 'E', and alias Writ of *Habeas Corpus* dated Jan. 04, 1996, ANNEX 'G' re-scheduled the case for hearing on Jan. 05, 1996 at which hearing the undersigned did not appear. Consequently, on the same day respondent Judge issued a Warrant for the arrest of the undersigned. And NBI agents bes[ie]ged his residence at BF Homes from about 2:00 o'clock in the afternoon of that day up to about a little past 8:00 o'clock in the evening of that same day. And although they failed to arrest the undersigned, the whole exercise for a duration of time that lasted even thereafter, or up to Jan. 12, 1996, the date that Warrant of Arrest was lifted and Writ of *Habeas Corpus* dissolved per ANNEX 'J' hereof, your undersigned, his subject child and all the members of the household including his employees, went thru an untold length of immeasurable fear, emotional and mental anguish, sleepless nights, physical and mental stress and fatigue aggravated by a sense of humiliation and physical insecurity and safety. A xerox copy of the Warrant of Arrest issued on Jan. 05, 1996 by respondent Judge is attached as ANNEX 'H'.

"Par. VIII - On Jan. 08, 1996, the undersigned complainant filed an Omnibus Motion before the subject court of the respondent Judge praying for the dismissal of the case on the basis of the legal grounds enumerated therein; as well as seeking for the disqualification of respondent Judge from the case - briefly reciting therein the incidents that chronologically took place from the beginning ANNEX 'A' the petition was filed up to the date the Warrant of Arrest, ANNEX 'H' was issued inclusive of all the incidents that occurred in the ANNEXES in between them. A xerox copy of the Omnibus Motion

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dated Jan. 08, 1996 is attached as ANNEX 'I'. Let it be stated that your undersigned complainant in attaching a copy of ANNEX 'I' hereto relies principally on the allegation of facts therein narrated as well as the provisions of laws therein cited in order to prove this case against the respondent Judge. All accompanying ANNEXES attached hereto are intended to support this complaint in so f[a]r as factual allegation are concerned. For this purpose, and in order to avoid repetition, your undersigned elects not to reproduce the contents of ANNEX 'I' inasmuch as the same is already attached.

"Par. IX - Obviously realizing his ignorance of the law as pointed out in the Omnibus Motion, ANNEX 'I' the respondent Judge dissolved the Writ of *Habeas Corpus* and recalled the Warrant of Arrest, he both issued against your undersigned in his order dated Jan. 12, 1996, a xerox copy of which is attached as ANNEX 'J' hereof.

"Par. X - In brief, the substance of the charges against the respondent are as follows:

"1. The court of respondent Judge did not have jurisdiction over the case nor over the person of your undersigned complainant.

"2. The jurisdiction of respondent Judge was confined only to the territorial jurisdiction of Tagaytay City and did not extend up to the territorial jurisdiction of Parañaque, Metro Manila where your undersigned complainant resides with the subject child, as alleged in the petition.

"3. Jurisdiction is conferred by law particularly Batas Pambansa Bilang 129 and the exercise of this jurisdiction is affirmed in Sec. 2, Rule 102 of the Rules of Court which are all cited in paragraph I (Motion to dismiss, ANNEX 'I' hereof).

"4. In addition, after the court issued the order ANNEX 'J' dissolving the Writ and recalling the Warrant, petitioner was given 10 days from Jan. 12, 1996 to file her comment to the Omnibus Motion.

"4.a. That 10-day period expired on Jan. 22, 1996 without the required comment having been filed, yet up to this date per verification with that court personally made by the undersigned on August 14, 1996 with the Clerk of Court of that court who advised me to file a motion for early resolution.

"4.b. As already above pointed out, respondent Judge had no jurisdiction over the subject matter of the action nor over the person

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of your undersigned complainant and notwithstanding the failure to file comment by the Petitioner as required by the court up to Jan. 22, 1996, such failure amounted to an abandonment of Petitioner's right to do so, which in any manner did not operate to exculpate respondent Judge from issuing a ruling on the motion to dismiss in culpable and palpable violation of the three months period within which to decide as mandated by paragraph I, Sec. 15, Article VIII of the Philippine Constitution, considering that the last matter to be resolved was the Omnibus Motion, ANNEX 'I' which was filed on Jan. 08, 1996. Hence, to date more than seven (7) months ha[s] already lapsed."

In his Comment dated March 10, 1998, respondent insisted that the RTC had jurisdiction to issue the Writ of *Habeas Corpus*, but added that he subsequently sustained complainant's argument that the Writ could not be enforced in Parañaque. He contends:[2]

"I wish to state that the complaint of Gil Ramon O. Martin, more particularly his assertion therein that: 'The court of respondent judge did not have jurisdiction over the case nor over the person of your undersigned complainant' - is totally untrue and bereft of factual and legal moorings. The falsity of such complaint and assertion is shown by the fact that the Regional Trial Court of Tagaytay City, in which I was designated to hear and decide cases as an Assisting Judge, like any other regional trial court in the country, is vested with concurrent original jurisdiction not only with the Court of Appeals but also with the Supreme Court of the Philippines pursuant to the explicit provisions of Section 21 of the Judiciary Reorganization Act (JRA) or EO 33 and the ruling enunciated in the case of *Almine vs. CA*, 177 SCRA 796.

"Likewise, may I also state that when the petition in Special Proc. Case No. TG-1552 was filed and docketed with [the] regional trial court, I issued the writ of *habeas corpus* applied for therein based upon the allegations of facts of the petitioner not only pursuant to what is mandated by the rules, but more importantly, to allow Gil Ramon O. Martin the chance to answer the petition. Therefore, my issuance of the writ, contrary to the complaint of Gil Ramon O. Martin, does not constitute ignorance of the law resulting in grave

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[2] Comment, pp. 1-2; *rollo*, pp. 29-30.

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incompetence and serious misconduct in office on my part, as the writ itself was not intended to deprive Gil Ramon O. Martin of his 'day in court' but to accord to him his right to due process of law in connection with the petition filed in Spec. Proc. Case No. TG-1552.

"Let me emphasize that Gil Ramon O. Martin was allowed several opportunities to dispute the petition filed in Spec. Proc. Case No. TG-1552 as sh[ow]n by the writ itself and my order dated Dec. 29, 1995 (Annexes 'C' & 'E', respectively, of Complaint). And, what totally negates, if not dispute[s] the assertions and complaint of Gil Ramon O. Martin for ignorance of the law is the undisputed fact that when he filed his Omnibus Motion raising the enforceability of the writ that I issued, I immediately considered his arguments and granted his prayer for relief through an Order dated Jan. 12, 1996.

"Anent the remaining charge of Gil Ramon O. Martin, let me stress that my failure to act or resolve his motion to dismiss, as the same is incorporated in his Omnibus Motion, is attributable to the fact that he, in the Omnibus Motion itself, asked for my disqualification, if not inhibition, from taking part in Spec. Proc. Case No. TG-1552. Thus, upon due and careful deliberation of the motion to disqualify and, if only to remove some clouds of doubt on the part of Gil Ramon O. Martin regarding my impartiality and integrity to resolve his motion to dismiss, I deemed it best and proper to inhibit, if not disqualify myself from further handling Spec. Proc. Case No. TG-1552."

In its July 6, 1998 Resolution,[3] the Court required the complainant and the respondent judge to manifest if they were willing to submit the case for resolution on the basis of the pleadings already filed. This the parties did.[4]

Office of the Court Administrator's Report

In its Memorandum to this Court, the Office of the Court Administrator (OCA), through Deputy Court Administrator Zenaida N. Elepaño, recommended that Judge Guerrero be fined in the amount of one thousand pesos (₱1,000) and admonished to be

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[3] *Rollo*, p. 37.

[4] Complainant's Manifestation dated August 11, 1998, and respondent's Letter dated September 9, 1999; *rollo*, pp. 38, 45-46.

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more circumspect in the performance of his judicial functions. The OCA justified its recommendations in this wise:[5]

"The allegations of complainant x x x find basis in law and jurisprudence. x x x

"Similarly, the Court, in *Rafael Sr. vs. Puno* (76 SCRA 115) agreed with the view of the Solicitor General in the case that: 'It is obvious from the aforequoted provisions of the law and rules that a writ of *habeas corpus* that may be issued by a Court of First Instance or a judge thereof is enforceable only within his judicial district and not outside it.'

"Clearly, *Tagaytay City* (Fourth Judicial Region), the site of the court where Judge Guerrero presides, and *Parañaque* (National Capital Judicial Region) where the complainant resides do not belong to the same region. Therefore respondent Judge may be considered to have exceeded his authority in issuing the contested writ.

"On the matter of delay in resolving the motion filed by complainant, we find that Judge Guerrero's alleged voluntary inhibition from the case does not relieve him from responsibility because an unjustified delay has nevertheless been incurred in the meantime. Stated otherwise, he could have resolved the matter of disqualification at the earlier stage of the proceedings. His inhibition at this time seems more like an afterthought, a device to evade or camouflage the real issue of failure to seasonably rule on the pending motion. It must however be noted that our records do not show that Judge Guerrero filed with this Office his Order of Inhibition, which should be the most telling proof of his voluntary disqualification, if at all."

This Court's Ruling

We agree with the OCA's findings and recommendations.

Ignorance of the Law

Section 21 of Batas Pambansa (BP) Blg. 129 provides that "Regional Trial Courts shall exercise original jurisdiction (1) in the issuance of writs of *certiorari*, prohibition, *mandamus, quo warranto, habeas corpus* and injunction *which may be enforced*

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[5] OCA Memorandum, p. 2; *rollo*, p. 2.

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in any part of their respective regions x x x." (Italics supplied.) On the other hand, Section 2, Rule 102 of the Rules of Court reads:

"SECTION 2. *Who may grant the writ.* — The writ of *habeas corpus* may be granted by x x x a Regional Trial Court, or a judge thereof, on any day and at any time, and returnable before himself, *enforceable only within his judicial district.*" (Italics supplied.)

Under the foregoing clear provisions of BP 129 and the Rules of Court, regional trial courts have jurisdiction to issue writs of *habeas corpus* only when such writs can be enforced within their respective judicial districts, as extraordinary writs issued by them are limited to and operative only within such areas.[6] Clearly then, respondent judge had no authority to issue a writ of *habeas corpus* against herein complainant, who was a resident of Parañaque, an area outside his judicial jurisdiction.[7]

Although respondent erred in issuing the Writ, his error did not constitute gross ignorance of law. Well-settled is the rule that in the absence of fraud, dishonesty or corruption, erroneous acts of a judge in his judicial capacity are not subject to disciplinary action,[8] for no magistrate is infallible.[9] In the present case, complainant failed to show bad faith or malice on the part of the respondent. Indeed, any allegation of bad faith is negated by the fact that respondent, upon the motion of complainant, dissolved the Writ of *Habeas Corpus* and recalled the Warrant of Arrest.[10]

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[6] *Lianga Bay Logging Co., Inc. v. Lopez Enage*, 152 SCRA 80, July 16, 1987. See also *Palanan Lumber Plywood Co., Inc. v. Arranz*, 22 SCRA 1186, March 20, 1968; and *Director of Forestry v. Ruiz*, 38 SCRA 559, April 30, 1971.

[7] Tagaytay City is part of the Fourth Judicial Region while Parañaque is part of the National Capital Judicial Region. (Section 13 of BP 129.)

[8] *Alvarado v. Laquindanum*, 245 SCRA 501, 504, July 3, 1995. See also *Guillermo v. Reyes Jr.*, 240 SCRA 154, January 18, 1995.

[9] *Galan Realty Co., Inc. v. Arranz*, 237 SCRA 770, 776, October 27, 1994.

[10] Respondent's Order dated January 12, 1996; *rollo*, p. 27.

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Nonetheless, as the OCA emphasized, judges have a duty to exhibit more than just a cursory acquaintance with statutes and procedural rules. It is imperative, therefore, that they remain conversant with basic legal principles.[11] For committing an error on a *basic* legal point, respondent should be sanctioned.

Delay

Respondent judge should also be held liable for his failure to rule promptly on complainant's Omnibus Motion. His explanation that he opted to inhibit himself from further proceeding with the case did not justify the delay. It was his duty to resolve matters pending before him expeditiously.

We reiterate that "delay in resolving motions and incidents pending before a judge within the 90-day period fixed by the Constitution amounts not only to gross inefficiency but also constitutes a violation of Rule 3.05, Canon 3 of the *Code of Judicial Conduct,* which mandates that a magistrate shall dispose of the court's business promptly and decide cases within the required periods."[12]

WHEREFORE, Judge Eleuterio F. Guerrero is hereby *FINED* in the sum of one thousand pesos (₱1,000) and *ADMONISHED* to be more circumspect in the performance of his judicial functions. A repetition of the same or similar acts in the future will be dealt with more severely.

SO ORDERED.

Melo, (Chairman), Vitug, Purisima, and *Gonzaga-Reyes, JJ.*, concur.

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[11] *Bernabe v. Memoracion*, 277 SCRA 1, August 11, 1997.

[12] *Grefaldeo v. Judge Lacson,* AM No. MTJ-93-881, August 3, 1998, *per curiam.*