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1981 and ordering respondent judge to give due course to the appeal and to transmit the records to the Court of Appeals for proper proceedings and determination of the appeal on the merits. With costs against private respondent.

SO ORDERED.

*Makasiar, Guerrero, De Castro** and *Melencio-Herrera, JJ.*, concur.

EN BANC

[Adm. Mat. No. 1840-MJ. June 11, 1981]

VICTORIANO FAJOTA, complainant, *vs.* HON. CESAR BALONSO, Acting Municipal Judge of Palauig, Zambales, respondent.

SYNOPSIS

Respondent municipal judge was denounced for having taken cognizance and conducted a preliminary investigation of a libel case filed before his court which was neither a city court nor a municipal court of the capital of the province where the case was filed, contrary to the provisions of Republic Act 4363 which amended Article 360 of the Revised Penal Code. Respondent explained that he had overlooked the amendment to Article 360.

The Supreme Court held that having overlooked the latest amendment to Article 360 of the Revised Penal Code is not a valid excuse for ignorance of the provision of law, and imposed upon respondent judge the penalty of suspension from office for a period of six (6) months without pay.

SYLLABUS

1. CONSTITUTIONAL LAW; ADMINISTRATIVE SUPERVISION OF COURTS; ADMINISTRATIVE COMPLAINT AGAINST A MUNICIPAL JUDGE; IGNORANCE OF LAW, NOT EXCUSABLE.— Respondent municipal judge has violated the provision of Republic Act No. 4363 amending Article 360 of the

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De Castro, J., was designated to sit in the First Division vice *Justice Ramon C. Fernandez* who is on leave.

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Revised Penal Code when he took cognizance of the libel case filed before his court which was neither a city court nor a municipal court of the capital of the province where the libel case was filed. His explanation that he overlooked the latest amendment to Article 360 is not a valid excuse for ignorance of the provision of the said law.

2. ID.; ID.; ID.; ID.; PENALTY.— Respondent municipal judge found guilty of violating the provision of Republic Act 4363 amending Article 360 of the Revised Penal Code is suspended from office for a period of six (6) months without pay with a warning that a repetition of a similar act shall be administratively dealt with more severely.

3. ID.; ID.; ID.; LAWYERS, SPECIALLY JUDGES, MUST KEEP ABREAST WITH GROWTH OF LAW AND JURISPRUDENCE.— Respondent judge has exhibited a deplorable lack of assiduity in the effort which all lawyers, specially those dispensing justice, must exert to keep themselves abreast with the growth of the law and jurisprudence. It is thus worthwhile to quote as a stern reminder to him what now Chief Justice Enrique M. Fernando said in his concurring opinion in Quizon *vs.* Baltazar (65 SCRA 293) the following: ". . . . It is a truism that the learning process in law does not stop upon graduation from college and admission to the bar. There should be, on the contrary, more sustained intellectual effort on the part of the members of the legal profession. Certainly, judges are not exempt from this obligation. It is even more incumbent on them as they are thought of as the "oracles of the law." There is likely then to be a disillusionment in the judicial process if, as did happen here, an occupant of the bench was found to be woefully lacking in legal knowledge. Nor is this the only deplorable aspect of this unfortunate occurrence. There is an even more imperative need for proficiency in the law under a regime of martial rule. The efforts for improvement in the mode of administering the government in all its manifold complexity would come to naught if our people can harbor the suspicion that judges do not even know what the law is."

RESOLUTION

DE CASTRO, *J.*:

In a verified complaint dated February 21, 1978, complainant charges respondent Judge with gross ignorance of the law. It is alleged in said complaint that respondent, while acting as Municipal Judge of Palauig, Zambales, accepted a criminal

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complaint for libel filed by one Jose J. Gutierrez against herein complainant, who was deprived of his liberty for more than ten (10) hours when respondent ordered his arrest; that the libel suit was based on the letter of complainant in his capacity as "Kagawad ng Sanggunian Bayan," to the Board of Directors of Zambales Electric Cooperative, Inc. (ZAMECO) regarding the employment in the Cooperative of two active politicians who have pending criminal cases in court; that complainant was only released after posting a real estate bond on June 27, 1977; that respondent ordered his arraignment and the second stage of preliminary investigation on August 5, 1977; that after arraignment, the records were remanded to the Court of First Instance of Zambales, Branch II, Iba; that the actuations of respondent are not in accordance with the provisions of Article 360[1] of the Revised Penal Code, as amended by Republic Act No. 4363, and in utter disregard of Circular No. 27 dated April 5, 1965 of the Department [now Ministry] of Justice reminding judges of inferior courts of said amendment.

Answering the complaint, respondent denied the charge regarding the posting of bail by complainant and contended that "as far as bailbond is concerned, it was prepared and passed upon by the Municipal Court of Castillejos, Zambales, and sent by mail to respondent"; that no preliminary investigation (second stage) was conducted since herein complainant waived the same; that he does not intend to evade any responsibility, and if he had made a mistake in the application of the law, it was because of the ruling enunciated in the case of Mercader *vs.* Hon. Valila (1 SCRA 503-505) wherein the Court held that Republic Act No. 1289, approved on June 15, 1955, amending Art. 360 of the Revised Penal Code, did not deprive the justices of the peace of their power to conduct preliminary investigation; and that said ruling made

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[1] "Art. 360. . . . . Preliminary investigation of criminal actions for written defamations as provided for in the chapter shall be conducted by the provincial or city fiscal of the province or city, or by the Municipal Court of the City or capital of the province where such actions may be instituted in accordance with the provisions of this article."

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respondent overlook the later amendment of Art. 360 by Republic Act 4363 on June 19, 1965.

Deputy Court Administrator Romeo D. Mendoza in his Memorandum dated February 24, 1981 pointed out that respondent acted on the complaint for libel contrary to the provisions of Republic Act 4363 since respondent is a Municipal Judge of neither a city nor of a capital of the province; that the claim that he overlooked the amendment introduced by RA 4363 is not a valid excuse for ignorance of the plain categorical provision of the said law, and therefore, he acted without jurisdiction; and in view thereof he recommended the suspension of respondent from office for a period of six (6) months without pay.

We agree with the aforesaid findings and conclusion. It appears undisputed that respondent violated the provision of RA 4363 amending Art. 360 of the Revised Penal Code when he took cognizance of the libel case filed before his court. His explanation for his having overlooked the latest amendment to Art. 360 is not a valid excuse for ignorance of the provision of said law. It is more so after this Court, in the case of Quizon *vs.* Baltazar[2] a 1975 decision, held, speaking through then Justice Roberto Concepcion:

"The provisions of Act No. 4363 amending Article 360 of the Revised Penal Code are so clear and unmistakable that there can be no room for doubt or even interpretation. In taking cognizance of the libel case, respondent was clearly without jurisdiction. The kindest thing we can say of him is that he is ignorant of the plain and categorical provisions of law. Moreover, as early as April 5, 1967 the Department of Justice circularized all city judges and municipal judges relative to the provisions of Article 360 of the Revised Penal Code as amended by R.A. No. 4363 as follows:

> "It should be noted from these provisions that a complaint or information of libel may be filed only in the Court of First Instance. The preliminary investigation of the criminal case may, however, be conducted by the city court of the city or the municipal court of the capital of the province where the case is filed."

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[2] 65 SCRA 293.

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There can therefore be no excuse for respondent's error of law."

Respondent judge has exhibited a deplorable lack of assiduity in the effort, which all lawyers specially those dispensing justice, must exert to keep themselves abreast with the growth of the law and jurisprudence. It is thus worthwhile to quote as a stern reminder to him what now Chief Justice Enrique M. Fernando said in his concurring opinion in the abovecited case the following:

". . . . It is a truism that the learning process in law does not stop upon graduation from college and admission to the bar. There should be, on the contrary, more sustained intellectual effort on the part of the members of the legal profession. Certainly, judges are not exempt from this obligation. It is even more incumbent on them as they are thought of as the "oracles of the law." There is likely then to be a disillusionment in the judicial process if, as did happen here, an occupant of the bench was found to be woefully lacking in legal knowledge. Nor is this the deplorable aspect of this unfortunate occurrence. There is an even more imperative need for proficiency in the law under a regime of martial rule. The efforts for improvement in the mode of administering the government in all its manifold complexity would come to naught if our people can harbor the suspicion that judges do not even know what the law is."

WHEREFORE, premises considered, respondent judge is hereby suspended from office for a period of six (6) months without pay, with warning that a repetition of similar act shall be administratively dealt with more severely. Let a copy of this resolution be attached to respondent's personal record.

SO ORDERED.

Fernando, C.J., Teehankee, Barredo, Makasiar, Aquino, Concepcion Jr., Fernandez, Guerrero, Abad Santos and *Melencio-Herrera, JJ.*, concur.

EN BANC

[No. L-45280-81. June 11, 1981]

THE PEOPLE OF THE PHILIPPINES, plaintiff-appellee, *vs.* FELIX GARCIA and PASTOR MINDAROZA, accused-appellants.