

SECOND DIVISION

[A.M. NO. MTJ-07-1673 (FORMERLY OCA-I.P.I. NO. 06-1855-MTJ), April 19, 2007]

VIRGINIA B. SAVELLA, COMPLAINANT, VS. JUDGE ILUMINADA M. INES, MTC-SINAIT, ILOCOS SUR, RESPONDENT.

RESOLUTION

TINGA, J.:

A verified Letter-Complaint^[1] was filed by Virginia B. Savella (complainant) charging Iluminada M. Ines (respondent judge), Presiding Judge of the Municipal Trial Court of Sinait, Ilocos Sur (MTC-Sinait) with Serious Misconduct.

The Letter-Complaint stemmed from a criminal complaint for Falsification of Public Document filed by complainant against Isabel Ibañez (accused), docketed as Criminal Case No. 13617, before the Municipal Trial Court in Cities of Vigan, Ilocos Sur (MTCC-Vigan). A warrant of arrest was not immediately served on the accused because she was residing in the United States of America at that time. On 18 April 2006, National Bureau of Investigation (NBI) operatives tried to serve an alias warrant of arrest on the accused, who reportedly returned to the Philippines to visit her hometown in Sinait, Ilocos Sur. The accused, however, was not found at her residence. Instead, her daughter produced a copy of the Order^[2] dated 13 April 2006 issued by respondent judge directing the provisional release of the accused upon posting of a P12,000.00 bail bond.

Complainant claims that the Clerk of Court of MTC-Sinait did not forward the bail bond papers to the court where the case was pending. This failure, according to complainant, is tantamount to serious misconduct. He further alleges that the order of respondent judge was highly irregular for it gave undue favor and illegal accommodation to the accused who is known to be a close friend of respondent judge.^[3]

In her Comment, respondent judge narrates that on Holy Tuesday, 13 April 2006, the accused, together with her daughters, dropped by her house, voluntarily surrendered to her, and posted bail. Respondent called her clerk to prepare the corresponding receipt for the cash bond. However, on account of the Holy Week celebration and the heavy workload in her court, so respondent judge claims, she forgot to transmit the bail bond papers to MTCC-Vigan until she was reminded by her Clerk of Court on 20 April 2006 when the latter was "ordered"^[4] by Judge Francisco Ante, Jr. (Judge Ante) of MTCC-Vigan to immediately forward the bail bond papers of the accused. Respondent judge asserts that her failure to immediately transmit the papers cannot be considered such serious misconduct as to warrant administrative sanction. Neither can the approval of the bail be construed as serious misconduct as well because she was merely performing a judicial function.^[5]

In its Report dated 17 October 2006, the Office of the Court Administrator (OCA) found respondent judge guilty of gross ignorance of the law and recommended a fine of P5,000.00 with warning that a repetition of a similar infraction in the future shall be dealt with more severely.^[6]

In a Resolution^[7] dated 15 January 2007, the Court required the parties to manifest whether or not they are willing to submit the matter for resolution on the basis of the pleadings filed. Complainant, in her manifestation, responded in the affirmative.^[8] Respondent, however, did not submit any manifestation despite receipt of a copy of the Resolution^[9] on 16 February 2007. Therefore, she is deemed to have submitted the case for resolution.

We agree with the findings of the OCA but not its recommendation.

As correctly pointed out by the OCA, respondent judge failed to properly apply the rule regarding the bail bond application. Section 17, Rule 114 of the Rules of Court explicitly provides that "(b)ail in the amount fixed may be filed with the court where the case is pending, or, in the absence or unavailability of the judge thereof, with any regional trial judge, metropolitan trial judge, municipal trial judge, or municipal circuit trial judge of the province or city or municipality." The instant falsification case against accused was filed before the MTCC-Vigan, presided by Judge Ante. There was no showing of the unavailability of Judge Ante at that time. Following the said rule, respondent judge clearly erred in entertaining the bail application despite knowledge of the pendency of the falsification case before the MTCC of Vigan.

Assuming arguendo that respondent judge rightfully granted bail to accused, her failure to transmit the order of release and other supporting papers to the court where the case is pending constitutes another violation of the rules, particularly Section 19 of Rule 114.^[10] Respondent judge should have forwarded the records pertaining to the bail bond immediately after she received the same. ^[11]

Judges are called upon to exhibit more than just a cursory acquaintance with statutes and procedural rules. It is imperative that they be conversant with basic legal principles and be aware of well-settled authoritative doctrines. They should strive for excellence exceeded only by their passion for truth, to the end that they be the personification of justice and the Rule of Law. When the law is sufficiently basic, judges owe it to their office to simply apply it; anything less than that would be gross ignorance of the law.^[12]

This blatant violation of the rules exhibited by respondent judge is tantamount to gross ignorance of law or procedure classified as a serious charge under Section 8 of A.M. No. 01-8-10-SC,^[13] which merits any of the following sanctions:

1. 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 and controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits;