

FIRST DIVISION

[A.M. No. MTJ-00-1259, August 04, 2000]

**ALFONSO C. ORTIZ, COMPLAINANT, VS. JUDGE ALEX L. QUIROZ,
RESPONDENT.**

R E S O L U T I O N

PARDO, J.:

The case under consideration is an administrative complaint against Judge Alex L. Quiroz, Metropolitan Trial Court, Pasig City, Branch 69 for patent disregard of the Rule on Summary Procedure, gross ignorance of the law, and knowingly rendering an unjust judgment.

The antecedent facts show that on February 17, 1997, Alfonso Ortiz initiated a criminal complaint against Inocencio Hernando for malicious mischief and grave threats. The City Prosecutor of Pasig City filed the corresponding criminal cases with the Pasig Metropolitan Trial Court which were raffled to the sala of respondent Judge Alex L. Quiroz. The two cases were tried jointly.

On March 17, 1997, respondent judge, after noticing the absence of a barangay certification in the record of attachments, ordered the prosecution to explain why the cases should not be dismissed for failure to refer the case to the Lupong Tagapamayapa, pursuant to Section 18, Revised Rule on Summary Procedure.^[1]

However, on April 21, 1997, respondent judge issued an order, stating in part as follows:

"Since these cases fall under the exceptions embodied in Section 2 of Presidential Decree 1508, let these cases be tried under ordinary procedure, in effect, amending the Order dated March 17, 1997."^[2]

At the hearing on September 19, 1997, respondent judge made it of record that the cases would be tried under ordinary rules of procedure, instead of the provisions on summary procedure. Thereafter, complainant testified in court and submitted his affidavit. The prosecution, however, failed to make a formal offer of testimonial evidence. Thus, respondent judge ruled that complainant's testimony was inadmissible. After the prosecution presented other testimonial and documentary evidence, the defense filed a demurrer to evidence. Respondent judge denied the demurrer and considered the cases submitted for decision.

On March 6, 1998, respondent judge rendered a decision acquitting accused of both charges.^[3]

On August 4, 1998, Alfonso Ortiz filed with this Court an administrative complaint against respondent Judge Alex L. Quiroz.

Complainant alleged that respondent judge was ignorant of the law for erroneously applying the ordinary rules of procedure in conducting trial of the two criminal cases, which were subject to the rules of summary procedure. As a result of respondent's error, the testimony of complainant was found inadmissible for not having been formally offered in evidence. This crippled complainant's supportive evidence against accused.

On March 8, 1999, respondent judge filed his comment, alleging that the charges were unfounded. Complainant failed to object to the conduct of the trial under the ordinary rules of procedure, and waited until the issuance of a decision before making an objection. Such objection, therefore, was deemed waived for not having been seasonably raised. Respondent judge also emphasized that the prosecution and the defense were given the opportunity to present evidence during trial. The evaluation of evidence was within the competence of the trial court, not the prosecution or the defense.

In a report dated February 3, 2000, Court Administrator Alfredo L. Benipayo recommended that respondent judge be fined in the amount of five thousand (P5,000.00) pesos for gross ignorance of the procedures with a warning that repetition of the same or similar act shall merit a stiffer penalty.

Under the Revised Penal Code, grave threats is penalized with imprisonment of one (1) month and one (1) day to six (6) months (*arresto mayor*) and a fine not exceeding P500.00, if the threat is not subject to a condition.^[4] Malicious mischief, on the other hand, is penalized with imprisonment of two (2) months and one (1) day to six (6) months (*arresto mayor* in its medium and maximum periods) if the value of the damage caused exceeds P1,000.00.^[5] In this case, the alleged damage to complainant was estimated to be P50,000.00. Thus, the subject criminal cases should have been tried under the Revised Rule on Summary Procedure, considering that such rule is applicable to criminal cases where the penalty prescribed by law for the offense charged is imprisonment not exceeding six (6) months or a fine not exceeding P 1,000.00 or both, irrespective of other impossible penalties, accessory or otherwise or of the civil liability arising therefrom.^[6]

Respondent judge, therefore, erred in applying the ordinary rules of procedure instead of the rules of summary procedure.

Regarding the allegation that respondent judge knowingly rendered an unjust judgment, we find no adequate evidence to show that the judgment is unjust and that it was made with conscious and deliberate intent to do an injustice.^[7] A judge will be held administratively liable for rendering an unjust judgment -one which is contrary to law or jurisprudence or is not supported by evidence-when he acts in bad faith, malice, revenge or some other similar motive.^[8]

In this case, complainant failed to prove that respondent judge was moved by ill-motive in issuing his decision. Complainant merely alleged generalities regarding respondent's evaluation of evidence. However, the records indicate that respondent judge made sure that the prosecution had its day in court. He proceeded with the reception of other testimonial and documentary evidence of the prosecution and complainant. Also, respondent judge, in deciding the case, took into consideration the allegations stated in complainant's sworn statement. The mere fact that the