

## SECOND DIVISION

**[ A.M. No. MTJ-00-1289 (Formerly AM No. OCA-IPI-96-216-MTJ), August 01, 2000 ]**

**JESUSA M. SANTIAGO, COMPLAINANT, VS. JUDGE EDUARDO U. JOVELLANOS, MCTC ALCALA-BAUTISTA, PANGASINAN; ADORACION R. MARCOS, CLERK OF COURT, MCTC ALCALA-BAUTISTA, PANGASINAN; AND CELESTINA B. CORPUZ, CLERK OF COURT, MUNICIPAL TRIAL COURT, URDANETA, PANGASINAN, RESPONDENTS.**

**A.M. No. MTJ-00-1289 (Formerly AM No. OCA-IPI-97-262-MTJ)**

**MARGARITA SANCHEZ, COMPLAINANT, VS. JUDGE EDUARDO U. JOVELLANOS, MCTC, ALCALA-BAUTISTA, PANGASINAN, RESPONDENT.**

### D E C I S I O N

#### **DE LEON, JR., J.:**

For resolution are (1) the verified complaint dated September 9, 1996, earlier docketed as A.M. OCA IPI No. 96-216-MTJ, against Judge Eduardo U. Jovellanos, presiding judge of the Municipal Circuit Trial Court (MCTC) of Alcala-Bautista, Pangasinan, Adoracion R. Marcos, clerk of court of said MCTC, and Celestina Corpuz, clerk of court of the Municipal Trial Court (MTC) of Urdaneta, Pangasinan for "ignorance or blatant defiance of the law, grave abuse of authority/discretion, gross misrepresentation/falsification and/or acts inimical to the service," and (2) the verified complaint dated January 9, 1997, earlier docketed as A.M. No. OCA IPI 97-262-MTJ, against Judge Edgardo U. Jovellanos for violation of the second paragraph of Section 19, Administrative Circular No. 12-94.

These two (2) verified complaints were consolidated into one (1) administrative case docketed as Adm. Matter No. MTJ-00-1289. In her verified complaint, complainant Jesusa M. Santiago alleges that she is the private complainant in Criminal Cases Nos. 6333-6336, 6360-6362 and 6663, all entitled: "*People of the Philippines vs. Violeta Madera*," pending before the sala of Judge Henry L. Domingo of the MTC of San Ildefonso, Bulacan. On March 26, 1996, Madera failed to appear at the scheduled hearing of Criminal Cases Nos. 6333-6336 and 6360-6362, prompting Judge Domingo to issue a bench warrant against her. Madera was arrested on July 2, 1996 and detained at the municipal jail of San Ildefonso, Bulacan. She was released the following day pursuant to the Order of Release dated April 3, 1996 issued by respondent Judge Jovellanos.

Complainant Santiago questions the propriety of the said Order of Release on two (2) grounds: first, the authority of Judge Jovellanos to issue the said Order of Release and, second, the date of issuance thereof. Santiago points out that Madera was arrested and detained in San Ildefonso, Bulacan and her cases were pending

before the MTC of said municipality but it was respondent judge from the MCTC of Alcala-Bautista, Pangasinan which issued the Order of Release. Also, while Madera was arrested on July 2, 1996, the Order of Release was dated April 3, 1996.

Santiago further alleges that the MCTC of Alcala-Bautista, Pangasinan failed to forward to the MTC of San Ildefonso, Bulacan the bail bond allegedly posted by Madera despite the letter dated August 8, 1996 of the clerk of court of the MTC of San Ildefonso, Bulacan and the Order dated August 23, 1996 of Judge Domingo. Instead, the MTC of San Ildefonso, Bulacan received from Clerk of Court Adoracion R. Marcos a letter dated September 3, 1996 stating that the Order dated August 23, 1996 could not be complied with due to the cancellation of Madera's bail bond. Attached to the letter was the Order dated August 28, 1996 of Judge Jovellanos stating that:

For failure of the accused Violeta Madera to register her bailbond in accordance with Section 14, Rule 114 of the 1985 Rules of Criminal Procedure, this Court hereby orders the cancellation of the order of release previously issued for her provisional liberty.<sup>[1]</sup>

Santiago likewise assails the authority of Judge Jovellanos to issue the Order of Release dated July 3, 1996 in connection with Criminal Case No. 6663. She avers that a warrant of arrest was issued against Madera on July 1, 1996. On July 2, 1996, Madera was arrested and detained in San Ildefonso, Bulacan but was released from custody on the basis of said Order of Release.

On July 29, 1996, Judge Domingo issued an Order directing the clerk of court of the MCTC of Alcala-Bautista, Pangasinan to forward Madera's bail bond to the MTC of San Ildefonso, Bulacan. Upon receipt thereof, Judge Domingo noted that:

On August 6, 1996, this court received the Bail Bond posted by the accused with the MCTC of Alcala-Bautista, Alcala, Pangasinan, together with the original of the Order of Release dated August 5, 1996.

The Court notes that the subject Bail Bond and the Order of Release are dated August 5, 1996, whereas the Order of Release signed by the same Judge which was the basis for the release of the accused from detention is dated July 3, 1996.<sup>[2]</sup>

In his Answer/Comment dated August 5, 1997, Judge Jovellanos cites Section 19, Rule 114 of the 1985 Rules of Criminal Procedure and argues that an accused must be released upon approval of the bail by any judge, who shall forward the release papers to the court where the case is pending. He further explained that:

x x x Since the accused is from Pangasinan, she can go to any available Judge especially so that it was nighttime when her bailbond was presented to said respondent judge.

x x x [S]ince the warrant of arrest against the accused as claimed by the complainant was issued on March 26, 1996, it is very highly probable that accused was already aware of its existence and she was able to secure her bailbond. Thus, the release order dated April 3, 1996 was chronologically correct.

x x x [T]he failure to send the bailbond on time to the MTC San Ildefonso was due to the fact that the accused failed to register her bailbond within ten (10) days from the date the order of release was issued by the respondent. Non-compliance with the order to register the bailbond shall be sufficient cause for the cancellation of the property bond (Sec. 14, Rule 114, 1985 Rules on Criminal Procedure). It is the policy of herein respondent not to send the bailbond to the Court where the case or cases are pending unless and until the bailbond is registered within ten (10) days from the time the order of release was issued.

x x x

Approval of bailbonds is a ministerial duty for any judge as long as the requirements are fully satisfied. When the said bailbond was presented to herein respondent, he examined it carefully and he saw no reason why the same should not be approved taking into account that it was sufficient in form and in substance.

When the herein respondent approved the subject bailbond, he was desirous not only to perform a judicial function required of his office but also moved by humanitarian considerations thinking that cases involving detention should be acted upon with dispatch.<sup>[3]</sup>

Meanwhile, Marcos avers:

2) It is a vital matter that she wishes to make emphasis that one of the duties of her office is ministerial in nature. Thus, she transmits records, processes, and other vital court documents with dispatch and with proper authority emanating only from the Court. This stress aims to establish that she was not in a position to perform her duty of transmitting the questioned bailbond of the accused after its approval by the Court to the MTC, San Ildefonso, Bulacan because of the following:

a) That she has no knowledge of the bailbond alluded to, much less to its appendages, i.e. release order, receipts, tax declarations, etc., and that she never saw the bailbond presented to her nor to the Judge in the 8th MCTC, Alcala-Bautista, Pangasinan, during the required office hours that it should have been presented. This fact can be proven by the answer/comment of her co-respondent Clerk of Court of MTC, Urdaneta, Pangasinan.

b) That she only learned of the existence of such bailbond when she received the letter dated August 8, 1996, Annex "B," of the Clerk of Court of MTC, San Ildefonso, Bulacan, requesting for the transmittal of the bailbond being referred to. She replied to the request through her letter dated August 15, 1996, Annex "C," explaining therein that she was not aware of the presentation and approval of said bailbond.

x x x

d) Annex "F" which is an order of the Court dated August 28, 1996 cancelled the release order and the bailbond for that matter, due to the failure of the accused to register her bailbond. As ordered by the Court,

the undersigned respondent transmitted the same, 'WITH DISPATCH,' to the Clerk of Court, MTC, San Ildefonso, Bulacan x x x.<sup>[4]</sup>

For her part, respondent Corpuz, Clerk of Court, Municipal Trial Court of Urdaneta, denies having facilitated the approval of Madera's bail bond. She adds that:

The truth of the matter was that as far as her recollection, when the bail bond alluded to was presented to Respondent Judge Eduardo Jovellanos, all the documents as well as the order for the Release of the accused were all prepared and since it was already nighttime, the family of the accused begged that they be accompanied [to] the house of Respondent Judge so that the said Order maybe signed and since herein Respondent knew personally the accused and her family being townmates and knowing that Respondent Judge Eduardo Jovellanos certainly would be of help and nothing is wrong if said bailbond would be approved and the subsequent Order of Release be issued, the herein Respondent obliged thereby she accompanied the family of the accused [to] the residence of the Judge for the approval of the said bailbond.<sup>[5]</sup>

She also complied with the instructions of respondent Judge Jovellanos that the original copy of the Order of Release dated April 3, 1996 and its attachments be sent to the MTC of San Ildefonso. With respect to Criminal Case No. 6663, she did not give any comment since there was no mention of her participation therein.

In her verified complaint, complainant Margarita Sanchez alleges that she is the private complainant in Criminal Case No. 3712 entitled "People of the Philippines vs. James H. Orallo" pending before Branch 53 of the Regional Trial Court (RTC) of Rosales, Pangasinan. Orallo was arrested and detained at Rosales, Pangasinan and later transferred to the Balungao District Jail in Balungao, Pangasinan. Despite the pendency of said case before the RTC of Rosales, Pangasinan, Orallo posted a property bond with the MCTC of Alcala-Bautista, and thus, released from custody by virtue of an Order of Release dated December 6, 1996 issued by respondent Judge Jovellanos.

On December 9, 1996, complainant Sanchez, accompanied by her lawyer, Atty. Dominador B. Fernando, and Mrs. Fely Pulido who is a neighbor of the accused in that case proceeded to the office of Judge Jovellanos and requested permission to read and examine the records relating to Orallo's bail bond. Judge Jovellanos replied that the records were in the possession of Atty. Isaias Asuncion. Atty. Fernando politely told Judge Jovellanos that he should have refrained from acting on Orallo's bail bond as the presiding judge of Branch 53 of the RTC of Rosales, Pangasinan was not unavailable. Atty. Fernando further suggested that Judge Jovellanos take necessary action on the matter. Judge Jovellanos assured Sanchez and Atty. Fernando that he will issue an order and that a copy thereof shall be available the following day.

On December 10, 1996, Judge Jovellanos issued the following order:

In view of the failure of the accused James Orallo to register his bailbond in accordance with Section 14, Rule 114 of the 1985 Rules of Criminal Procedure, this Court hereby orders the cancellation of the Order of Release and the bailbond previously issued for his provisional liberty.<sup>[6]</sup>

Having secured a copy of the foregoing Order, Sanchez and Mrs. Pulido proceeded to Branch 53 of the RTC of Rosales, Pangasinan and gave a copy of the same to its staff for comment. However, the staff explained that they could not act on the Order because they do not have the records. Sanchez, Mrs. Pulido and Atty. Fernando again contacted Judge Jovellanos, who informed them that the records of Orallo's bail bond were not yet in the possession of Branch 53. He then assured them that if Atty. Asuncion will not forward the records of the bail bond, he or his representative will do so. Notwithstanding these assurances, Sanchez, Mrs. Pulido and Atty. Fernando learned that, as of January 7, 1997, the records of the bail bond have not yet been transmitted to the RTC of Rosales, Pangasinan.

In response to Sanchez' complaint, Judge Jovellanos alleged that:

x x x when the bailbond was presented to the undersigned respondent, he was told by the father of the accused that his son, has been languishing in the jail for sometime because the RTC Judge Sergio Garcia could not be contacted as he was preparing to retire; and so the father of the accused was asking the favor of the undersigned respondent in order to save his son from further discomfords [sic] and inconvenience, that his property bond be approved and the undersigned respondent Judge, for humanitarian reasons and considering that upon a thorough examination, the property bond is proper and in order, proceeded to approve his property bond and issued the corresponding Order of Release in accordance with the Provisions of Section 14, Rule 114 of the 1985 Rules of Criminal Procedure.

x x x respondent judge was not in possession of said property bond because it was given to the accused to be registered with the Office of the Register of Deeds in accordance with the Provision of Section 8, Rule 114 of the 1985 Rules in Criminal Procedure x x x.

Finally, when respondent Judge found out that the RTC Presiding Judge Sergio Garcia was still holding sessions although he was already about to retire, undersigned respondent Judge immediately issued an Order cancelling his previous Order of Release (Annex 'G' Complaint) which he issued to the accused James Orallo on December 6, 1997 in Criminal case No. 3712, pending before the Regional Trial Court, Branch 53, Rosales, Pangasinan.<sup>[7]</sup>

On July 8, 1998, upon recommendation of the Office of the Court Administrator (OCA), the Third Division of this Court resolved to consolidate A.M. OCA IPI No. 96-216-MTJ with OCA IPI No. 97-262-MTJ and to refer the cases to Hon. Alicia B. Gonzales-Decano, Executive Judge of the RTC of Urdaneta, Pangasinan, for investigation, report and recommendation. Surprisingly, on October 29, 1998, and subsequently on November 11, 1998, Judge Decano dismissed both cases due to complainants' alleged lack of interest to prosecute the same. In a Resolution dated March 24, 1999, the Third Division required Judge Decano to explain why she ordered the dismissal of the cases without any authority from this Court<sup>[8]</sup> and simultaneously directed Vice Executive Judge Modesto C. Juanson of the RTC of Dagupan City to conduct a thorough investigation of the complaints and to submit a report and recommendation thereon.