

SECOND DIVISION

[A.M. No. RTJ-09-2180 [Formerly OCA I.P.I. No. 08-2817-RTJ], July 27, 2010]

ROLANDO E. MARCOS, COMPLAINANT, VS. JUDGE OFELIA T. PINTO, REGIONAL TRIAL COURT, BRANCH 60, ANGELES CITY, RESPONDENT.

DECISION

PERALTA, J.:

Before this Court is a Complaint^[1] dated February 1, 2008, filed by Rolando E. Marcos (complainant) against respondent Ofelia T. Pinto (respondent judge), Presiding Judge, Regional Trial Court (RTC), Branch 60, Angeles City, for Gross Ignorance of the Law, Knowingly Rendering an Unjust Judgment/Order and Partiality relative to Criminal Case No. 04-775 entitled *People of the Philippines v. Espilo Leyco*.

The antecedent facts of the case, as culled from the records, are as follows:

On September 5, 2001, a criminal case for violation of Republic Act (R.A.) 7610,^[2] docketed as Criminal Case No. 04-775, entitled *People v. Espilo Leyco* was filed before the RTC of Angeles City, Branch 60, presided by respondent Judge Pinto. Accused Leyco was arraigned on August 31, 2005. Pre-trial was terminated and trial ensued with the presentation of witnesses. Meanwhile, while the case was being tried, accused Leyco filed a petition for review with the Secretary of the Department of Justice and sought to set aside the resolution of the Angeles City Prosecution Office, which recommended the filing of the information against the accused.

On October 25, 2006,^[3] a year after the case was filed, the Secretary of Justice, Raul Gonzales, reversed the resolution of the Angeles City Prosecution and directed the City Prosecutor to file a Motion to Withdraw the Information filed against accused Leyco. On November 10, 2006, in compliance with the said directive, the Assistant City Prosecutor handling the subject case filed a Motion to Withdraw Information. Thus, on November 16, 2006,^[4] private complainant in the said case moved for reconsideration of the DOJ's resolution.

On December 22, 2006,^[5] while the resolution of private complainant's motion for reconsideration was still pending, respondent Judge Pinto granted the Motion to Withdraw Information and dismissed the subject case. The pertinent portion of the Order reads:

On November 13, 2006, the Court gave Atty. Renan B. Castillo, private prosecutor, to file his comment and/or objection on the Motion to

Withdraw Information dated November 10, 2006 filed by 2nd Assistant City Prosecutor Oliver S. Garcia and duly approved by City Prosecutor Teilo P. Quiambao. Up to this time, the said intended pleading has not been filed.

WHEREFORE, the Court grants the Motion to Withdraw Information and considers this case as dismissed.

The cash bail posted by the accused is hereby ordered released to him upon presentation of the original receipt.

SO ORDERED.

Angeles City, Philippines, December 22, 2006.

(Signed)
Ofelia Tuazon Pinto

On February 2, 2007, private complainant filed a motion seeking the reconsideration of the order of dismissal but was denied.^[6]

On April 15, 2008, Secretary Gonzales denied private complainant's motion for reconsideration.

Thus, feeling aggrieved, Marcos, one of the witnesses in the subject criminal case, filed the instant administrative complaint against respondent Judge Pinto.

Marcos alleged that respondent judge did not even exert any effort to assess whether there was a valid ground to dismiss the case. He claimed that respondent judge cannot validly dismiss the case based on the failure of the private prosecutor to file any comment or opposition to the motion to withdraw information. More so since as of November 17, 2006, the private prosecutor already withdrew himself from handling the subject case. Complainant also pointed out that respondent judge did not even set a time frame within which to file the comment or opposition.

Moreover, complainant alleged that respondent judge manifested bias and partiality in favor of accused Leyco which he attributed to a special relationship between respondent judge and the Spouses Leyco. Complainant claimed that respondent judge even acted as the solemnizing officer at the marriage of Paul F. Leyco, son of accused Leyco. He, thus, questioned the integrity of respondent judge, considering that the marriage ceremony was held on January 19, 2007 during the period when respondent judge issued the assailed order of dismissal. To support his claim, complainant presented a certified true copy of the marriage certificate issued by the National Statistics Office showing that respondent judge was indeed the one who solemnized the marriage at the Leyco's residence.

On March 5, 2008, the Office of the Court Administrator (OCA) directed Judge Pinto to file her Comment on the instant complaint.^[7]

In her Comment^[8] dated April 2, 2008, Judge Pinto denied the allegations of the

complainant and claimed the same to be misplaced and baseless. She insisted that she exercised judicial discretion when she issued the Order dismissing the criminal case against Leyco. She emphasized that Marcos should have resorted to the appropriate judicial recourse instead of filing the instant administrative complaint.

Judge Pinto likewise argued that complainant's allegation that she had been biased and partial to the accused was unsupported by evidence. She, however, admitted that she was indeed the solemnizing officer in the marriage of the accused' son, Paul Leyco, but stressed that it was her duty after all to solemnize marriages under the Family Code. She likewise pointed out that she did not know that the parties were related to the accused. She claimed that she came to know of such fact only when she was already in the residence of the marrying parties. Judge Pinto insisted that said act cannot be equated as giving favor to a party in a criminal case contrary to what the complainant claims.

Finally, Judge Pinto argued that the instant complaint should be dismissed outright, because complainant Marcos was not the true party-in-interest in the criminal case; thus, he has no *locus standi* to file the complaint. Marcos was a mere witness for the prosecution.

In a Memorandum^[9] dated March 9, 2009, the OCA recommended that the complaint be re-docketed as a regular administrative complaint against Judge Pinto. It, likewise, recommended that the matter be referred to the Presiding Justice of the Court of Appeals for investigation, report and recommendation.

The OCA maintained that while Marcos is not the real party-in-interest in the subject case, he can still file the instant administrative case against respondent judge. It explained that in administrative proceedings, the issue is not whether the complainant has a cause of action against the respondent, but whether the employees have breached the norms and standards of the Judiciary.

Thus, the Court, in a Resolution^[10] dated April 20, 2009, resolved to re-docket the administrative complaint as a regular administrative matter against Judge Pinto and referred the matter to the Presiding Justice of the Court of Appeals for raffle among the Justices, for investigation, report and recommendation.

In compliance, Justice Arturo G. Tayag,^[11] in his Report and Recommendation, found the charges of gross ignorance of the law and knowingly rendering an erroneous or unjust order against Judge Pinto to be true and with basis. He, however, found the charge of violation of Canon 2 of the Code of Judicial Conduct to be baseless.

In his Report, Justice Tayag, observed that Judge Pinto did not perform her duty of making an independent evaluation or assessment of the merits of the case when she dismissed Criminal Case No. 04-775. He, however, found no basis for violation of Canon 2 of the Code of Judicial Conduct, since he noted that in cases where both the parties requested the solemnizing officer, in writing, to have the marriage solemnized at a house or place designated by them, such can be done.

Accordingly, Justice Tayag, after considering that this is the respondent's first offense and that respondent has a good record as a Family Court Judge,