

## FIRST DIVISION

[ A.M. NO. MTJ-02-1397, June 28, 2005 ]

### REPORT ON THE ON-THE-SPOT JUDICIAL AUDIT CONDUCTED IN THE MUNICIPAL CIRCUIT TRIAL COURT, TERESA-BARAS, RIZAL

#### R E S O L U T I O N

##### QUISUMBING, J.:

This administrative matter stemmed from the judicial audit required in connection with the compulsory retirement on September 10, 1999 of Hon. Ricardo P. Angeles, Presiding Judge, Municipal Circuit Trial Court (MCTC), Teresa-Baras, Rizal.

After the audit on September 23, 1999, the Office of the Court Administrator (OCA) reported that Acting Presiding Judge Redemido B. Santos, was advised and informed that he could not promulgate a decision signed by retired Judge Angeles. If at all, he may either adopt the draft prepared by Judge Angeles or revise the entire decision in accordance with his own study and findings.<sup>[1]</sup> In either case, the name appearing in the decision as *ponente* should be that of the Acting Presiding Judge, not the retired Judge.

On the recommendation of the OCA, this Court issued a resolution on February 23, 2000, directing among others that the designated acting presiding judge, MCTC, Teresa-Baras, Rizal, should desist from promulgating the following criminal cases which were decided but left unpromulgated by retired Judge Ricardo P. Angeles, Criminal Cases Nos. 5918, 5394-B<sup>[2]</sup>, 5500, 4956, 5654-B, 5655-B, 5656-B, 5860-B, 5659-T, 5684-B and 5859; decide the aforesaid within ninety (90) days from notice, and thereafter, promulgate these cases with dispatch after judgment.<sup>[3]</sup>

In a letter dated May 24, 2000, Judge Santos explained that even before he received the directives in the resolution, he had already acted on them. In addition, he could no longer act on the other cases because his designation was recalled on April 15, 2000. He attached to his letter the directive furnished by Clerk of Court Adelina R. Garrovillas to desist from promulgating several criminal cases among them, Cases Nos. 5918-B, 5394-T, 5500-T, 5946-B, 5654-B, 5655-B and 5656-B. <sup>[4]</sup>

After evaluation, the OCA reported and recommended that Judge Santos be directed to explain why he promulgated the decisions made by Judge Angeles in Criminal Cases Nos. 5394 and 5656,<sup>[5]</sup> after the latter's retirement, despite the advise not to.

On September 17, 2002, we directed Judge Santos to explain why no disciplinary action should be meted against him but he failed to comply as he was then confined at the Medical City Hospital in Mandaluyong City because of a quadruple heart bypass operation. Clerk of Court Emma S. Dionisio confirmed that indeed he was still

recovering from a bypass operation. On May 4, 2004 the OCA was informed that Judge Santos had become permanently incapacitated due to the stroke. Certified true copies of medical records of Judge Santos and other medical abstracts were also submitted when Judge Santos applied for disability retirement effective of January 8, 2003.

In a resolution dated June 18, 2003, the Court approved the disability retirement of Judge Santos.<sup>[6]</sup> However, the Finance Division, of the OCA retained about P100,000 from his retirement benefits to answer for whatever penalties the Court may impose as a result of the administrative case against the judge. Eventually, the OCA found<sup>[7]</sup> that Judge Santos was liable for a fine of twenty thousand pesos (P20,000) to be taken from P100,000 already withheld.

As held in Nazareno v. Court of Appeals,<sup>[8]</sup> there is no valid judgment entered in a criminal case when the judge who signed the decision was no longer the judge of the court at the time of the promulgation of the decision because he had already retired.<sup>[9]</sup> It is settled that once retired, a judge could no longer decide cases. Neither may he, or his successors, promulgate the decisions written by him while he was still in office.<sup>[10]</sup> A violation of this rule would make a judge liable for gross ignorance of the law.

In the present case, despite the audit team's advice that Judge Santos desist from promulgating the decisions of Judge Angeles after the latter's retirement on September 10, 1999, Judge Santos still promulgated the decisions in Criminal Case No. 5394 on November 3, 1999 and Criminal Case No. 5656 on March 1, 2000, both decided by Judge Ricardo P. Angeles on September 7, 1999 and September 8, 1999 respectively, and both carrying the name of Judge Angeles as *ponente*.

The subsequent retirement of Judge Santos on January 3, 2003, cannot exculpate him from liability. When a mistake has been committed which would constitute gross ignorance of the law, the respondent judge should necessarily be held answerable, despite his compulsory retirement.<sup>[11]</sup>

We find that the fine of twenty thousand pesos (P20,000) recommended by the OCA is sufficient. Under the present provisions of the Rules of Court, gross ignorance of the law is classified as a serious charge punishable with a fine of more than twenty thousand pesos (P20,000) but not exceeding forty thousand pesos (P40,000).<sup>[12]</sup> But the new Rules took effect only on October 1, 2001, while the acts complained of happened on November 3, 1999 and March 1, 2000. Thus, respondent could be held liable for a fine of P20,000, under the circumstances, as recommended by the Office of the Court Administrator, under the provision of Rule 140<sup>[13]</sup> of the Rules of Court then prevailing at the time the acts constituting gross ignorance of the law were committed.

**WHEREFORE**, Judge Redemido B. Santos is found GUILTY of gross ignorance of the law and is FINED in the amount of twenty thousand pesos (P20,000.00) to be deducted from the P100,000.00 earlier retained by the Finance Division, OCA.

**SO ORDERED.**