

THIRD DIVISION

[A.M. No. MTJ-02-1436, January 12, 2004]

**JAIME C. TARAN, COMPLAINANT, VS. JUDGE JOSE S. JACINTO,
JR., RESPONDENT.**

R E S O L U T I O N

SANDOVAL-GUTIERREZ, J.:

In a Decision^[1] dated April 3, 2003, this Court found respondent Judge Jose S. Jacinto guilty of culpable lapses in supervising court employees and issuing orders through the telephone, in violation of Supreme Court Circular No. 26-97 and Section 6, Rule 120 of the Revised Rules of Court; and imposed upon him a fine of P11,000.00.

On May 12, 2003, respondent filed a motion for reconsideration but was denied by this Court in a Resolution dated June 16, 2003.^[2]

Undeterred, respondent filed the present "Urgent Appeal," entreating this Court to grant him utmost compassion and understanding by relaxing the stringent application of its disciplinary rules. He implores this Court to consider his dedicated service in the Judiciary for the last sixteen (16) years. He claims that he acted in good faith; this is his first administrative transgression; and he has been devoted to his judicial duties. If the fine imposed upon him is not reduced, it will bar his promotion as RTC judge. He thus prays that the fine of P11,000.00 imposed upon him be reduced to P5,000.00.

Respondent's earnest plea for understanding and compassion and his desire to be promoted as RTC judge impel us to take a second hard look at his case.

In his "Urgent Appeal,"^[3] respondent alleged as follows:

"On the first issue – violation of Supreme Court Circular No. 26-97 – this Honorable Court ruled:

'Here, the Clerk of Court did not issue the receipt for the payment of the cash bond posted by the accused. Instead, the original receipt was attached to the records of Criminal Case No. 2641. Respondent should have instructed the Clerk of Court to comply with Circular No. 26-97 quoted above. As aptly stated by Court Administrator Velasco in his Report, 'respondent judge can be declared culpable for lapses in supervision of the court employees, resulting in non-compliance with the provision of Circular No. 26-97.'

"With due respect, I have not committed any lapse in the supervision of the court employees in MCTC Lubang-Looc, Occidental Mindoro. I have

repeatedly emphasized to the court personnel not only in MCTC Lubang-Looc but also in MTC Sta. Cruz, Occidental Mindoro, to adhere strictly to all circulars, memoranda, directives and instructions coming from this Honorable Supreme Court. Despite such reminders, however, still this thing happened. Of course, I do not wash my hands off concerning these lapses. **As I said in my motion for reconsideration, I accepted the verdict of this Honorable Court. However, in mitigation of the fine meted on me in the amount of P11,000.00, which I respectfully submit is too high and is not in accord with the attendant circumstances, this Honorable Court ought to consider the following: (a) that compliance with the aforementioned Circular No. 26-97 is directed to both judges and clerks of court. More so, it should be the clerks of court who have the primary responsibility to comply with said circular because they are the custodians of court funds and revenues; (b) that I was not remiss in the management of any court because of the repeated verbal reminders I issued to the court personnel to adhere strictly to circulars, memoranda, instructions and directives of this Honorable Court; (c) my Clerk of Court has IMMEDIATELY ISSUED the receipt for the payment of the cash bond posted by the accused. But the Clerk of Court was wrong and acted erroneously when instead of issuing the receipt to the payor, the accused in Criminal Case No. 2641, the receipt was attached to the records of the said case.**

"On the second issue – violation of Section I, Rule 36 of the 1997 Rules of Civil Procedure – this Honorable Court ruled:

'On the charge that respondent issued orders by telephone, he should have known that Municipal Circuit Trial Courts are courts of record and that, therefore, their proceedings must be in writing. Also, he should have complied with Section 1, Rule 36 of the 1997 Rules of Procedure, as amended, x x x.'

"In all candor, I am aware of the fact that Municipal Circuit Trial Court are court of record and that their proceedings must be in writing, and of Section 1, Rule 36 of the 1997 Rules of Civil Procedure. **With due respect, however, this Honorable Court should have considered the following mitigating circumstances as to justify the imposition of a lighter fine, to wit:**

'a) **Aside from my official station at the Municipal Trial Court, Sta. Cruz, Occidental Mindoro, I am also a Judge-designate of the Municipal Circuit Trial Court of Lubang-Looc, Occident Mindoro. My schedule in Lubang-Looc is usually on the third week of every month. However, there are some instances when my schedule is cancelled due to the following reasons: demands of my caseloads in my official station; weather conditions; and unavailability of transportation from Mamburao, Occidental Mindoro (my residence) to Batangas, then to Manila (Pier 6) and finally to Lubang Island. In case my monthly Lubang schedule is cancelled and/or after my**