

FIRST DIVISION

[A.M. NO. MTJ-03-1476 (A.M. OCA-IPI No.98-480-MTJ), February 04, 2003]

**BENITO ANG, COMPLAINANT, VS. JUDGE REINATO G. QUILALA,
CLERK OF COURT ZENAIDA REYES-MACABEO AND CLERK III
LOUIE MACABEO, METC, MANILA, RESPONDENTS.**

RESOLUTION

YNARES-SANTIAGO, J.:

In a verified complaint dated October 17, 1997,^[1] Benito Ang charged Presiding Judge Reinato G. Quilala, Clerk of Court Zenaida Reyes-Macabeo and Clerk III Louie Macabeo, all of the Metropolitan Trial Court of Manila, Branch 26, with extortion relative to Criminal Cases Nos. 266370-266392-CR.

Complainant Benito Ang was charged with estafa^[2] before the Regional Trial Court of Manila involving the sum of P3,185,276.00 and 22 counts of violation of Batas Pambansa Blg. 22^[3] before the Metropolitan Trial Court of Manila, presided by respondent judge. He attended the scheduled arraignment before the RTC on June 21, 1997 but failed to attend the arraignment before the MeTC on June 30, 1997. On the same day, Judge Quilala issued a warrant of arrest and ordered the confiscation and forfeiture of his surety bond.^[4]

When complainant filed the Motion to Lift the Warrant of Arrest, a certain Louie Macabeo, Clerk III, told him, "*Kung gusto mo tutulungan kita. Ibigay mo sa akin ang telephone number mo.*" He further alleged that the clerk asked him for P30,000.00. However, he did not give his telephone number, only his pager number.

A week later, the clerk paged him to return his call, which he did. During their telephone conversation, the clerk told him, "*Papaano na ang case mo. Ilalabas ko na ba ang warrant?*" He answered, "*Teka, kakausapin ko muna ang lawyer ko.*" Thereafter, he called up his lawyer, who advised him not to give in to the extortion.

On August 14, 1997, complainant filed a motion for reconsideration and/or to lift order of arrest.^[5] Respondent judge denied the motion on August 21, 1997.^[6] On September 9, 1997, his counsel requested the Branch Clerk of Court not to release the bench warrant because they will file a motion for reconsideration of the August 21, 1997 Order. The following morning, complainant was shocked when he was served the bench warrant by the Western Police District Manila.

Consequently, at 1:20 in the afternoon of the same day, his counsel filed a Very Urgent Motion for Reconsideration^[7] of the August 21, 1997 Order and asked the Branch Clerk of Court to calendar the hearing of the motion on the same day at 2:00 o'clock. His counsel waited patiently for the motion to be acted upon. At 4:00

in the afternoon, respondent judge denied^[8] the motion. Thus, complainant had to spend the night in detention when he failed to put up the required bond. On the basis of the foregoing allegations, complainant prayed that respondent judge together with his Clerk of Court and Clerk III be administratively sanctioned for acting in concert to extort money from him.

Respondent judge filed his Comment on June 8, 1998 while respondents Clerk III Luis Macabeo and Clerk of Court Zenaida Reyes-Macabeo submitted their Comment on June 10, 1998.

Respondent Judge Quilala explained that after posting the reduced bailbond as recommended by the Manila Public Prosecutor's Office, arraignment of accused Ang for violation of BP 22 was scheduled on June 30, 1997. Neither Ang nor his counsel, however appeared during the arraignment, thus he issued the order for his arrest on the same day.

On August 14, 1997, Ang through counsel filed a Motion for Reconsideration and/or to Lift Order of Arrest, stating that he did not attend the arraignment because he was *indisposed*. The motion was denied by respondent judge on the ground that the reason alleged by Ang for non-appearance was flimsy. He also ordered that the total bailbond of P338,000.00 as recommended by the prosecution, pursuant to the Latest Bailbond Guide of the Department of Justice be reinstated.^[9] Ang, nevertheless failed to post the required bond. As a result, the police served the warrant against him in the morning of September 10, 1997. At 2:00 in the afternoon, Ang filed a Very Urgent Motion for Reconsideration of the August 21, 1997 Order, without showing proper receipt thereof by the Office of the Prosecutor of Manila. Despite said procedural defect, he gave due course to the motion. He, nonetheless, denied said motion for lack of merit. Thereafter, he inhibited from hearing the BP 22 cases.

Both Clerk of Court Zenaida Reyes-Macabeo and her husband Clerk III Louie Macabeo vehemently denied the charges filed against them. Zenaida claimed that the administrative case was filed because of the respondent judge's refusal to grant complainant's motion. She released the bench warrant after Judge Quilala signed the same because she had no control over the processes issued by the judge. She did not calendar Ang's Very Urgent Motion for Reconsideration filed at 1:20 in the afternoon of September 10, 1997 because the hearings of the motions on criminal cases are scheduled only in the morning.

Respondent Louie Macabeo claimed that it was impossible for him to demand money from Ang whom he just met. Being an ordinary clerk, he could not assure the accused that the respondent judge would act favorably on his motion. He denied having talked to him on the telephone on August 14, 1997 or the week after. He could not have promised to delay the release of the warrant of arrest since it had been issued as early as August 10, 1997.

Upon referral of the case to the Office of the Court Administrator (OCA) for evaluation, the latter recommended the dismissal of the administrative case against the respondents. The Office of the Court Administrator found that there was nothing irregular in the conduct of the respondent judge in denying the motions for reconsideration, the same being in accordance with the Rules. There was also no