

## SECOND DIVISION

**[ A.M. No. MTJ-02-1424 (A.M. OCA I.P.I No. 00-892-MTJ), April 24, 2002 ]**

**JONATHAN VILEÑA, COMPLAINANT, VS. JUDGE BIENVENIDO A. MAPAYE, MUNICIPAL TRIAL COURT, SARIAYA, QUEZON, RESPONDENT.**

### RESOLUTION

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

In a sworn complaint dated May 4, 2000 complainant Jonathan Vileña charged respondent Judge Bienvenido A. Mapaye, presiding judge of the Municipal Trial Court of Sariaya, Quezon with Knowingly Rendering an Unjust Judgment, Gross Ignorance of the Law and Gross Incompetence relative to Criminal Case No. 95-34 entitled "People vs. Jonathan Vileña, et al."

Complainant Vileña was one of the accused in Criminal Case No. 95-34 for Direct Assault upon an Agent of Person in Authority. On September 9, 1996, respondent Judge Mapaye rendered a decision finding the complainant, one of the accused therein, guilty as charged and sentencing him to suffer an imprisonment of three (3) years, six (6) months and twenty one (21) days to four (4) years, nine (9) months and ten (10) days of *prision correccional* and to pay a fine of Five Hundred Pesos (P500.00). Complainant contends that in arriving at the penalty imposed, respondent Judge Mapaye did not take into consideration the provisions of the Indeterminate Sentence Law. The complainant narrates that his father tried personally filing a Motion to Correct/Clarify Penalty but respondent Judge Mapaye refused to accept it. The said motion dated August 5, 1998 was thus sent instead by registered mail. Respondent Judge Mapaye denied the motion on August 11, 1998 on the ground that the decision had become final and executory before the motion was filed. But the complainant claims the motion was decided without a hearing.

While the complainant was serving his sentence, a petition for Habeas Corpus was filed with the Court of Appeals docketed as CA G.R. SP No. 52325. In a Resolution dated September 9, 1999, the Court of Appeals found the penalty imposed by respondent Judge Mapaye on the complainant to be excessive as it fell within the penalty prescribed for aggravated Direct Assault. Ruling that the complainant should have been found guilty of Simple Assault Upon an Agent of a Person in Authority only, the Court of Appeals applied the Indeterminate Sentence Law and reduced the sentence to six (6) months of *arresto mayor* as minimum up to one (1) year, eight (8) months and twenty (20) days of *prision correccional* as maximum and a fine of Two Hundred Fifty Pesos (P250.00). The complainant was then released from prison on October 12, 1999, having served the maximum sentence. The complainant claims he was aggrieved by the erroneous decision of respondent Judge Mapaye.