

SECOND DIVISION

[A.M. No. MTJ-02-1455, September 02, 2002]

NECITAS A. ORNILLO, COMPLAINANT, VS. JUDGE ROSARIO B. RAGASA, MUNICIPAL CIRCUIT TRIAL COURT, CARMONA-GENERAL MARIANO ALVAREZ, CAVITE, RESPONDENT.

D E C I S I O N

MENDOZA, J.:

This is an administrative complaint against Judge Rosario B. Ragasa, of the Municipal Circuit Trial Court, Carmona-General Mariano Alvarez, Cavite, for "Conduct Unbecoming of a Judge and Bias and Partiality" in connection with her handling of the preliminary investigation of a criminal case. Complainant Necitas Ornillo is the aunt of private complainant Geoffrey Loquete in Criminal Case No. GMA-00-20, entitled "People of the Philippines versus Efren Pasajol, et al.," for attempted homicide filed in respondent's court.

The facts leading to the filing of this administrative case are as follows:

On January 11, 2000, Geoffrey Loquete filed a criminal complaint, docketed as GMA-00-20, against Efren Pasajol (then a detention prisoner) and five others (Edmar Pasajol, Sammy Dala, Dandan Dala, Tirso Dumante and Ding Generalo, who were all at large). Judge Ragasa issued an order of detention against Efren Pasajol on the same date. On January 14, 2000, Efren Pasajol posted bail, as a result of which Judge Ragasa issued an order for his release. Pasajol's arraignment was scheduled for February 1, 2000, during which he pleaded not guilty. Meanwhile, the preliminary examination of the criminal charges filed by Loquete against the five respondents was scheduled for February 24, 2000. Loquete and Mrs. Ornillo were present during the preliminary examination, along with accused Efren Pasajol and the five respondents. At the start of the preliminary examination, the accused and the five respondents informed Judge Ragasa that the parties had agreed to settle the civil aspect of the case for P5,000.00. Thus, the preliminary examination was rescheduled on March 13, 2000 at 9:00 a.m. Mrs. Ornillo demanded in court that the accused and the five respondents pay her. Judge Ragasa noted, however, that she was not a complainant but only a witness in GMA-00-20. Hence, the scheduled preliminary examination on March 13, 2000 was canceled because the complainant Geoffrey Loquete was absent. Meanwhile, the accused and the five respondents consigned P1,600.00 in partial payment of the settlement, promising that full payment would be made at the scheduled pre-trial of Efren Pasajol on April 4, 2000.

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In the morning session of April 4, 2000, another partial payment of P1,100.00 was made during the said pre-trial. Complainant Loquete notified the court that he would only withdraw the money upon completion of the settlement amount. Judge Ragasa then erroneously issued a warrant of arrest against the five respondents for failure to appear at the pre-trial. This was corrected after she realized that the criminal

case was still under preliminary examination. The pre-trial was reset for June 20, 2000.^[2]

During the afternoon session on April 4, 2000, Judge Ragasa, as was the custom, asked the persons in the courtroom to state their business if they had any, whereupon Mrs. Ornillo stood up and complained that her case had not been called. Judge Ragasa informed Mrs. Ornillo that her case had been called during the morning session. To everyone's surprise, Mrs. Ornillo started to harangue Judge Ragasa inside the session hall about how long the case was dragging and that the amount of P5,000.00 was not even enough to compensate her for the damage she had suffered. Judge Ragasa asked Mrs. Ornillo whether she was the private complainant. When she answered in the negative, Judge Ragasa looked for Geoffrey Loquete and asked him whether he was willing to settle the civil aspect of the case. Loquete answered in the affirmative. However, this did not stop Mrs. Ornillo from grumbling and talking aloud in her seat while the trial of the other cases continued. Judge Ragasa had to ask her to behave herself, but Mrs. Ornillo, instead of apologizing, stood up and started to make baseless accusations against the entire justice system.^[3] On April 6, 2000, Mrs. Ornillo wrote the Court Administrator giving her version of the incident as follows:

. . . nakikiusap po ako [kay] Judge Rosario Ragasa na iadjust po ninyo ng May mahaba pa naman po ang panahon ng Abril kasi po uuwi ng June ang pamangkin ko, at sinagot niya ako ng ikaw lang ba ang may kaso, tapos sinabi ko baka po pwede kami naman po ang pagbigyan mo, tinakot ako nang paharas na ikukulong kita, sabi ko po wala naman akong kasalanan kayat ito po ang ikinasasama ng loob ko, at nagdisisyon siya at hindi niya tinupad ang warrant, . . . kaya't ang pangyayari po ay malinaw pa sa tubig ilog na may kinikilingan siya. . . .^[4]

In her answer dated May 22, 2000, Judge Ragasa claimed that, as she could no longer put up with Mrs. Ornillo's disrespectful behavior, she ordered Mrs. Ornillo to step out of the courtroom. Instead of citing her in contempt, respondent Judge Ragasa asked the process server to follow Mrs. Ornillo outside and ask for police assistance if needed.^[5]

On June 20, 2000, the scheduled pre-trial date, neither accused Efren Pasajol nor complainant Geoffrey Loquete appeared. The respondents deposited P950.00 in partial payment of the settlement amount. Pre-trial was again reset to September 9, 2000. On June 23, 2000, Loquete approached and personally talked to Judge Ragasa. He asked that the case be tried daily; and, as he is a student, that the trials be held on Saturdays in case of conflict with his class schedule. He also asked the court to hasten the collection of the P5,000.00 from the accused and respondents.^[6]

The preliminary examination of the case against the five respondents was scheduled at 9 o'clock in the morning of June 29, 2000.^[7] Meanwhile, in an order dated June 28, 2000, Judge Ragasa inhibited herself from the trial of GMA-00-20 and the conduct of the preliminary examination on the other respondents "as the vituperative words in Necitas Ornillo's letter has made it almost impossible for [her] to maintain the balance needed to try or to investigate . . . the case fairly."^[8] On July 19, 2000, Mrs. Ornillo wrote another letter to the Office of the Court

Administrator reiterating her previous complaints and questioning Judge Ragasa's inhibition.

On recommendation of the Office of the Court Administrator, this administrative case was referred to Executive Judge Manuel A. Mayo of the Regional Trial Court of Cavite City, who set it for pre-trial on April 19, 2002. The pre-trial was later reset to May 8, 2002 at Judge Ragasa's request.^[9] Complainant Ornillo appeared and asked that the pre-trial of the case be reset on June 16, 2002. Respondent Judge Ragasa failed to appear; instead she filed a Motion for Clarification. In said motion, respondent requested that, instead of holding a pre-trial, "the investigating authority should adhere to the procedure under the Uniform Rules on Administrative Cases."^[10]

Executive Judge Mayo explained his actions thus: "If a notice for pre-trial was sent to the parties by the acting clerk of this court, it was never the intention of the undersigned to conduct a pre-trial but a pre-investigation conference of the parties. In the same manner, if the order made mention of trial dates, it did not mean that it will conduct a trial rather than an investigation. In such an investigation to be conducted in chambers, not in open court as respondent perceives, with the assistance only of the court stenographer, the parties shall be accorded with the opportunity to substantiate their respective averments as contained in the evaluation and recommendation of Court Administrator Presbitero J. Velasco, Jr. dated November 19, 2001."^[11]

On May 16, 2002, Mrs. Ornillo appeared and submitted her affidavit as well as those of her two witnesses, reiterating her version of the April 4, 2002 incident. Respondent Judge Ragasa filed her comment answering complainant's allegations on May 23, 2002. The preliminary investigation of the case was reset on May 29, 2002. On that date, Mrs. Ornillo presented an Affidavit of Desistance which states in pertinent part as follows:

4) That after a soul searching reflection on the circumstances leading to the filing of my complaint against Judge Ragasa, I have come to realize that the aforesaid criminal case wherein my nephew [Geoffrey Loquete] is the private complainant was acted upon with dispatch by Judge Ragasa from the date of arraignment on February 1, 2000 to April 6, 2000, the date I filed my complaint against Judge Ragasa;

5) That I have come to realize that the incident that happened in the afternoon of April 4, 2000 was the result of a misunderstanding and misapprehension of facts coupled with my lack of knowledge of the rules of procedure and the workings of the court;

6) That I have come to realize that Judge Ragasa could not have rendered a decision as I mistakenly thought she had in my nephew's criminal case but rather Judge Ragasa was merely trying to help enforce the agreement we (my nephew and I) had reached with the accused regarding the settlement of the civil aspect of the case; (underscoring added)^[12]

Because of Mrs. Ornillo's desistance, Judge Mayo terminated his investigation and submitted a report which reads:

DISCUSSION