

## THIRD DIVISION

**[ A.M. No. RTJ-00-1576 (formerly OCA IPI No. 99-647-RTJ), June 28, 2001 ]**

**SIMPLICIO ALIB, FOR HIMSELF AND IN BEHALF OF THE MEMBERS OF THE MANDALAGAN SMALL FARMERS COOPERATIVE, COMPLAINANTS, VS. JUDGE EMMA C. LABAYEN OF THE REGIONAL TRIAL COURT, BACOLOD CITY, BRANCH 46, RESPONDENT.**

### DECISION

#### **GONZAGA-REYES, J.:**

Complainants charge the respondent Judge Emma Labayen of the Regional Trial Court of Bacolod City, Branch 46 with grave abuse of authority and grave misconduct. They allege that an Information for Perjury docketed to Criminal Case No. 98-19271 was filed against several members of the Mandalangan Small Farmers Cooperative with Regional Trial Court of Bacolod City. The case was raffled to Judge Emma Labayen of Branch 46, sitting as pairing judge of Branch 45. Judge Labayen issued a warrant of arrest against the accused therein. The accused filed a "Motion for Re- investigation and Recall of Warrant of Arrest" and a Supplemental thereto alleging that the court has no jurisdiction as the crime of perjury is within the jurisdiction of the Municipal Trial Court in Cities. In the Order dated October 2, 1998, Judge Labayen denied the said motion and ordered the remand of the case to the MTCC-Bacolod City considering that the case "falls under the jurisdiction" of the said court and not the RTC.

In the instant administrative complaint,<sup>[1]</sup> complainants aver that respondent Judge Labayen is administrative liable for issuing an illegal warrant of arrest after admitting that she had no jurisdiction over the case. Respondents submitted their respective comments to the complaint.

Judge Emma Labayen, in her Comment, argues that subject Criminal Case No. 98-19271 for Perjury was raffled to Branch 45 where Judge Edgardo delos Santos is the Presiding Judge; however, since Judge delos Santos was then on detail at Kabankalan, respondent Judge, as pairing judge, signed the warrant of arrest when the same was brought to her by Connie Tan, the Clerk of Court of Branch 45. Respondent Judge Labayen alleges that there was no malice nor bad faith when she signed the warrant of arrest and in fact, she ordered the remand of the case to the lower court upon a finding that the case falls within the jurisdiction of the MTCC. Respondent Judge prays for the dismissal of the instant administrative case.

Then Court Administrator Alfredo Benipayo recommended that Judge Labayen be held administratively liable for gross ignorance of the law for refusing to withdraw the warrant of arrest she issued despite having admitted in her order that the case was within the jurisdiction of the MTCC. He recommended that respondent Judge