

## SECOND DIVISION

[ A.M. No. RTJ-00-1534, February 15, 2000 ]

**SPOUSES GERONIMO AND HELARIA GROSPE, COMPLAINANTS,  
VS. JUDGE LAURO G. SANDOVAL AND OIC CLERK OF COURT  
ALEXANDER GEORGE P. PACHECO, REGIONAL TRIAL COURT,  
BRANCH 37, BALOC, STO. DOMINGO, NUEVA ECIJA,  
RESPONDENTS.**

### D E C I S I O N

**MENDOZA, J.:**

This is a complaint<sup>[1]</sup> against respondents Judge Lauro G. Sandoval and OIC Clerk of Court Alexander George P. Pacheco of the Regional Trial Court, Branch 37, Baloc, Sto. Domingo, Nueva Ecija, charging them with grave abuse of authority and grave misconduct. The charge arose from the judgment of respondent judge finding complainants guilty of indirect contempt and ordering their imprisonment for 15 days. In the alternative, they were ordered to pay a fine of P15,000.00 each.

Complainants Geronimo and Helaria<sup>[2]</sup> Grospe are spouses. They are accused of estafa in Criminal Case No. SD-187-(95) before respondent judge's court. In the hearing of the case on December 2, 1997, they failed to appear in court and were ordered arrested. The hearing was reset on February 3, 1998<sup>[3]</sup> when, according to the minutes, complainants again failed to appear.

However, in an order,<sup>[4]</sup> dated March 31, 1998, Executive Judge Cholita B. Santos cancelled the warrant of arrest issued against complainants, noting that although the latter failed to appear in court on December 2, 1997, they subsequently appeared at the hearing on February 3, 1998 while their cash bonds were effective.

On June 2, 1998, respondent judge ordered complainants to explain in writing, within five days from said date, why they should not be cited for contempt for misrepresenting to Executive Judge Santos that they were in court for the hearing set on February 3, 1998, when they were, in fact, absent.

On June 6, 1998, complainants filed their explanation.<sup>[5]</sup> They maintained that they were present at the hearing on February 3, 1998, but the hearing had to be postponed due to the absence of the public prosecutor. They denied that they lied to Executive Judge Santos.

At the hearing of Criminal Case No. SD-187-(95) on July 28, 1998, as complainants' counsel was absent, respondent judge appointed a counsel *de oficio* for them. Respondent judge then proceeded to promulgate his judgment<sup>[6]</sup> finding complainants guilty of indirect contempt and ordering their imprisonment for 15 days. In the alternative, they were ordered to pay a fine of P15,000.00 each. On the

same day, respondent Pacheco ordered their commitment. On motion of complainants, the fine was reduced to P10,000.00 for each of them. Complainants were able to pay P20,000.00 late in the afternoon of July 28, 1998, but it was only on the following day that respondent judge ordered their release.

Complainants, for their part, claim that their counsel filed a motion to postpone the hearing on December 2, 1997 and that the court reset the hearing on February 3, 1998; that on the latter date, they went to the court, but the hearing again had to be postponed to March 31, 1998 due to the public prosecutor's absence; that upon learning that a warrant for their arrest had been issued on February 3, 1998, one of them, complainant Geronimo Grospe, returned to the court and filed a motion<sup>[7]</sup> to lift the order for their arrest; that during the scheduled hearing on March 31, 1998, both respondent judge and the pairing judge were on leave, prompting them (complainants) to see Executive Judge Cholita B. Santos about their motion to lift the order of arrest issued against them.

Complainants maintain that their arrest caused them "irreparable damage, public ridicule, and humiliation." They pray that respondent judge be dismissed from government service with forfeiture of benefits. Although complainants included respondent Pacheco in their complaint, they did not seek the imposition of any sanction against him.

In his comment<sup>[8]</sup> on the complaint, respondent judge points out that instead of seeking reconsideration of the judgment holding them in contempt, complainants merely asked for a reduction of their fine from P15,000.00 to P10,000.00 each,<sup>[9]</sup> which he said he immediately granted on the same day the judgment was made.<sup>[10]</sup> He likewise points out that, in their motion for reduction of the fine, complainants did not allege any grave abuse of discretion on his part.

Respondent Pacheco, on the other hand, claims that he merely performed a ministerial duty in ordering complainants' commitment to jail because it was already past 5:00 in the afternoon when they paid the fine to him, and that he told them that he could only issue them a provisional receipt.<sup>[11]</sup>

The Office of the Court Administrator, to which this case was referred, finds respondent judge to have committed grave abuse of authority and recommends that he be fined P10,000.00. As to respondent Pacheco, the OCA recommends that he be exonerated.

The parties submitted this case for decision on the basis of the records.

It appears that complainants have accepted respondent judge's finding of indirect contempt by paying the fine imposed on them. They could have appealed the judgment, dated July 28, 1998, but they did not. They instead moved for a reduction of the P15,000.00 fine imposed on each of them and then paid the reduced amount.

Indeed, respondent judge found that, contrary to complainants' claim, they were not present in court on February 3, 1998. This fact is important because, as already stated, Executive Judge Santos lifted the warrant of arrest issued against complainants on the premise that their subsequent appearance at the new date of