

THIRD DIVISION

[A.M. No. RTJ-99-1499, October 22, 1999]

GIL RAMON O. MARTIN, COMPLAINANT, VS. JUDGE ELEUTERIO F. GUERRERO, ASSISTING JUDGE, REGIONAL TRIAL COURT OF TAGAYTAY CITY (BRANCH 18), RESPONDENT.

DECISION

PANGANIBAN, J.:

Ordinarily, judges may not be administratively sanctioned for mere errors of judgment, absent any bad faith or malice. Nonetheless, they have an obligation to keep abreast of all *basic* laws and principles. There is no excuse for ignorance of elementary notions of law and jurisprudence.

The Case and the Facts

In a verified Complaint dated September 12, 1998, Gil Ramon O. Martin charged Judge Eleuterio F. Guerrero of the Regional Trial Court (RTC) of Tagaytay City (Branch 18), with "ignorance of the law" and "violation of the Philippine Constitution." Respondent allegedly issued a Writ of *Habeas Corpus* against herein complainant who was a resident of Parañaque City, although the RTC was in Tagaytay City. Worse, the former incurred considerable delay in resolving the latter's Omnibus Motion. The Complaint reads:^[1]

"Par. I - On December 27, 1995, a Petition for *Habeas Corpus* dated December 26, 1995 was filed before the RTC of Tagaytay City, Branch 18 as Civil Case No. TC-1552 by Petitioner Maria Victoria S. Ordiales against your undersigned complainant for the custody of their begotten minor child born out of wedlock during their union[;] a xerox copy of the said petition is attached as Annex 'A'.

x x x

x x x

x x x

"Par. IV - On December 28, 1995, Deputy Sheriff, Victor R. Hernandez submitted his Sheriff's return certifying therein that on that same day he served upon your undersigned complainant a copy of the Writ of *Habeas Corpus*, ANNEX 'C' and a copy of the petition, ANNEX 'A', without mention that he also served the Summons, ANNEX 'B' upon your undersigned complainant. Most notably, the Sheriff did not mention in his return that he effected service of the court's processes at the business address indicated in this complaint because both the Summons, ANNEX 'B' and the Writ of *Habeas Corpus*, ANNEX 'C' directed him to effect such service at your undersigned residence at 24 Madrid St., BF Homes, Parañaque, Metro Manila. x x x.

"Par. V - For your undersigned's failure to appear in the scheduled hearing of December 29, 1995, the respondent Judge issued an order in

open court on the said date directing the undersigned to appear before the said court at 8:30 o'clock in the morning of Jan. 05, 1996 to show cause why no punitive action will be taken for his refusal to acknowledge receipt of the Writ and for failure to appear; which order of respondent Judge totally disregarded the Sheriff's Certificate in ANNEX 'D' that the undersigned instructed his secretary, Mr. Benjamin Bermejo to receive the said processes. A xerox copy of the Order dated Dec. 29, 1995 is attached as ANNEX 'E'.

"Par. VI - On Jan. 04, 1995, Deputy Sheriff, Victor R. Hernandez certified on his sheriff's return that on the same day he served a copy of the order, ANNEX 'E' and alias writ upon the undersigned at his residence thru his maid, Susan Nadal. A xerox copy of said Sheriff's return is attached as ANNEX 'F'. And a xerox copy of the alias Writ of *Habeas Corpus* issued by respondent Judge on Jan. 04, 1996 is attached as ANNEX 'G'.

"Par. VII - Both the Order of Dec. 29, 1995, ANNEX 'E', and alias Writ of *Habeas Corpus* dated Jan. 04, 1996, ANNEX 'G' re-scheduled the case for hearing on Jan. 05, 1996 at which hearing the undersigned did not appear. Consequently, on the same day respondent Judge issued a Warrant for the arrest of the undersigned. And NBI agents bes[ie]ged his residence at BF Homes from about 2:00 o'clock in the afternoon of that day up to about a little past 8:00 o'clock in the evening of that same day. And although they failed to arrest the undersigned, the whole exercise for a duration of time that lasted even thereafter, or up to Jan. 12, 1996, the date that Warrant of Arrest was lifted and Writ of *Habeas Corpus* dissolved per ANNEX 'J' hereof, your undersigned, his subject child and all the members of the household including his employees, went thru an untold length of immeasurable fear, emotional and mental anguish, sleepless nights, physical and mental stress and fatigue aggravated by a sense of humiliation and physical insecurity and safety. A xerox copy of the Warrant of Arrest issued on Jan. 05, 1996 by respondent Judge is attached as ANNEX 'H'.

"Par. VIII - On Jan. 08, 1996, the undersigned complainant filed an Omnibus Motion before the subject court of the respondent Judge praying for the dismissal of the case on the basis of the legal grounds enumerated therein; as well as seeking for the disqualification of respondent Judge from the case - briefly reciting therein the incidents that chronologically took place from the beginning ANNEX 'A' the petition was filed up to the date the Warrant of Arrest, ANNEX 'H' was issued inclusive of all the incidents that occurred in the ANNEXES in between them. A xerox copy of the Omnibus Motion dated Jan. 08, 1996 is attached as ANNEX 'I'. Let it be stated that your undersigned complainant in attaching a copy of ANNEX 'I' hereto relies principally on the allegation of facts therein narrated as well as the provisions of laws therein cited in order to prove this case against the respondent Judge. All accompanying ANNEXES attached hereto are intended to support this complaint in so f[a]r as factual allegation are concerned. For this purpose, and in order to avoid repetition, your undersigned elects not to reproduce the contents of ANNEX 'I' inasmuch as the same is already attached.

"Par. IX - Obviously realizing his ignorance of the law as pointed out in the Omnibus Motion, ANNEX 'I' the respondent Judge dissolved the Writ of *Habeas Corpus* and recalled the Warrant of Arrest, he both issued against your undersigned in his order dated Jan. 12, 1996, a xerox copy of which is attached as ANNEX 'J' hereof.

"Par. X - In brief, the substance of the charges against the respondent are as follows:

"1. The court of respondent Judge did not have jurisdiction over the case nor over the person of your undersigned complainant.

"2. The jurisdiction of respondent Judge was confined only to the territorial jurisdiction of Tagaytay City and did not extend up to the territorial jurisdiction of Parañaque, Metro Manila where your undersigned complainant resides with the subject child, as alleged in the petition.

"3. Jurisdiction is conferred by law particularly Batas Pambansa Bilang 129 and the exercise of this jurisdiction is affirmed in Sec. 2, Rule 102 of the Rules of Court which are all cited in paragraph I (Motion to dismiss, ANNEX 'I' hereof).

"4. In addition, after the court issued the order ANNEX 'J' dissolving the Writ and recalling the Warrant, petitioner was given 10 days from Jan. 12, 1996 to file her comment to the Omnibus Motion.

"4.a. That 10-day period expired on Jan. 22, 1996 without the required comment having been filed, yet up to this date per verification with that court personally made by the undersigned on August 14, 1996 with the Clerk of Court of that court who advised me to file a motion for early resolution.

"4.b. As already above pointed out, respondent Judge had no jurisdiction over the subject matter of the action nor over the person of your undersigned complainant and notwithstanding the failure to file comment by the Petitioner as required by the court up to Jan. 22, 1996, such failure amounted to an abandonment of Petitioner's right to do so, which in any manner did not operate to exculpate respondent Judge from issuing a ruling on the motion to dismiss in culpable and palpable violation of the three months period within which to decide as mandated by paragraph I, Sec. 15, Article VIII of the Philippine Constitution, considering that the last matter to be resolved was the Omnibus Motion, ANNEX 'I' which was filed on Jan. 08, 1996. Hence, to date more than seven (7) months ha[s] already lapsed."

In his Comment dated March 10, 1998, respondent insisted that the RTC had jurisdiction to issue the Writ of *Habeas Corpus*, but added that he subsequently sustained complainant's argument that the Writ could not be enforced in Parañaque. He contends:^[2]