

## THIRD DIVISION

[ A.M. No. P-99-1341, November 22, 1999 ]

**JULITO BIAG, COMPLAINANT, VS. LUALHATI GUBATANGA,  
RESPONDENT.**

### R E S O L U T I O N

**GONZAGA-REYES, J.:**

Julito Biag is the complainant in a criminal case for estafa filed against Angel Manuel before the Regional Trial Court of Valenzuela, Metro Manila. Judge Jaime Bautista, Presiding Judge of Branch 75, to whom the case was raffled, issued a warrant of arrest against accused Angel Manuel.

Angel Manuel was arrested on November 23, 1996 (Saturday) at around 6:15 A. M. and was brought to the jail at the Balagtas Police Station.

At around 5:00 o'clock p.m. of the same day, accused Manuel was released on bail by virtue of a "Release Order" dated November 22, 1996 which reads:

#### "O R D E R

By virtue of a Warrant of Arrest issued by Hon. Judge Jaime Bautista of the Regional Trial Court of Valenzuela Branch 75, Metro Manila, served on the accused ANGEL MANUEL by the Warrant Officer of the Balagtas, Police Station, Balagtas, Bulacan said accused immediately posted his cash bond of P40,000.00 under Official Receipt No. 5028237 with the Municipal Trial Court of Balagtas, Bulacan, through the Clerk of Court, dated November 22, 1996 for his provisional liberty and duly approved by this Court.

WHEREFORE, consonant with the authority contained the Warrant of Arrest dated November 19, 1996, the undersigned Municipal Trial Judge of Balagtas, Bulacan hereby orders the provisional liberty of accused ANGEL MANUEL, with the instruction that he appear before Hon. Judge Jaime Bautista anytime said Judge orders him to do so.

The Warrant dated November 19, 1996, issued for the arrest of the accused is hereby DISSOLVED and is declared of no force and affect.

The Clerk of this Court is directed to transmit the original copy of this order, together with the O. R. of the cash bond and other pertinent documents to the Regional Trial Court, Branch 75, Valenzuela, Metro, Manila.

SO ORDERED.

Balagtas, Bulacan November 22, 1996.

ORIGINAL SIGNED  
WILHELMINA T. MELANIO-ARCEGA  
Judge"

The above order was prepared and released by the respondent Gubatanga but was not signed by Judge Arcega, who denied having knowledge of the same. The following Monday, November 25, Judge Arcega ordered respondent Gubatanga to return the P40,000.00 cash bond and to have the accused Manuel brought to Judge Jaime Bautista, Regional Trial Court of Valenzuela, who issued the warrant of arrest. It appears that accused Manuel is no longer to be found and his whereabouts are not known.

Julito Biag filed the instant administrative complaint against Gubatanga submitting that respondent should be sanctioned for her acts.

Respondent Gubatanga filed Comment. She pleads that she acted in good faith and merely "rendered a humanitarian service to temper justice with mercy". She claims that accused Manuel and his wife came to his office in the morning of November 23 pleading for the release of the accused who was suffering from influenza and had high fever. Taking pity, respondent Gubatanga prepared the Release Order upon payment of a P40,000.00 cash bond for which she issued O. R. No. 5028237, and instructed Gubatanga to report to Judge Arcega in court the following Monday. She stamped the Release Order with "Original Signed" thinking all along Judge Arcega would sign the order on the following working day. Judge Arcega refused to sign the order on Monday, and instructed the accused Manuel to post his bond in the Regional Trial Court of Valenzuela. Gubatanga was ordered to return the P40,000.00 and to cancel the receipt, which order was complied with.

Both parties manifested that they are submitting the administrative case on the basis of the pleadings filed in court.

In its Memorandum dated February 12, 1998 (which was reiterated in another Memorandum dated September 25, 1998) the Office of the Court Administrator found the respondent Gubatanga liable for grave misconduct, thus:

"The question arises as to whether the act of stamping the words 'Original Signed' could be interpreted as signing the name of the Judge so as to hold respondent administratively liable. Liberal interpretation would exculpate the respondent. It can thus be said that she did not sign the signature of Judge Arcega in the Release Order.

Nevertheless, to the mind of the undersigned, the actuation of respondent in stamping the words 'Original Signed' can be strictly construed as having herself sign the name of the Judge. For by stamping the word 'Original Signed' respondent is assuming ahead that the original was signed when in fact it was not. And the fact that the release