

THIRD DIVISION

[Adm. Matter No. MTJ-94-998, February 09, 1996]

JUDGE SEGUNDO B. PAZ, COMPLAINANT, VS. JUDGE ANTONIO V. TIONG, RESPONDENT.

D E C I S I O N

MELO, J:

The instant administrative case was initiated by Judge Segundo B. Paz, Presiding Judge of Branch 54 of the Regional Trial Court, of the First Judicial Region stationed in Alaminos, Pangasinan, when he sent the following letter dated August 18, 1994, to the Court Administrator:

August 18, 1994

**THE HON. ERNANI CRUZ PAÑO
COURT ADMINISTRATOR
SUPREME COURT
MANILA**

S i r:

The undersigned, who is the Presiding Judge of Branch 54 of the Regional Trial Court in Alaminos, Pangasinan, respectfully informed your good office about the action of Honorable Antonio V. Tiong, the Presiding Judge of the Municipal Trial Court of Bolinao, Pangasinan, in connection with a case which is pending before the sala of the undersigned.

Criminal Case No. 2859-A which is for Aggravated Illegal Possession of Firearm and Ammunitions wherein the accused is Ernesto Tugade, was raffled to the sala of the undersigned. A Motion for Bail was filed on August 10, 1994 and the same was set for hearing on August 16, 1994. At the hearing, no objection was made to the Motion by the Government Prosecutor. The undersigned granted the said motion for bail and set the amount of P50,000.00 as his bond. A copy of the said Order is hereto attached as Annex "A".

That same afternoon, the wife of the accused presented a bailbond of the accused and an Order of Release issued by Judge Tiong. The bailbond of Ernesto Tugade and the Order of Release are hereto attached as Annexes "B" and "C"

Upon examination of the bond papers and the Order of Release submitted

to the undersigned, the dates thereon is August 15, 1994 or a day before hearing of the Motion for Bail. In other words, even before the Motion for Bail was resolved, Judge Tiong has already issued an Order for the release of the accused.

Moreover, when the undersigned showed Annexes "B" and "C" to the Executive Judge, Hon. Vivencio A. Bantugan of Branch 55 of this Court, the latter stated that Judge Tiong filed a one day leave for August 15, 1994 and that the leave was favorably endorsed to your office by Judge Bantugan on the same date.

In view of the foregoing, the undersigned respectfully brings this matter to your attention for whatever action your office deems fit to undertake.

Thank you very much.

(p. 2, Rollo.)

Required, to comment, respondent averred:

That the days prior to August 15, 1994, the undersigned experienced gastro abdominal pain and aching of both his lower ribs;

That on the 15th day of August 1994, despite the pain and aching, reported to the Court in the early office hour in the morning in view of the desire of the undersigned to attend to some paper works for and over view of the Court cases set for hearing for the day, Criminal Case No. 762, entitled People of the Philippines vs. Domingo Caacbay and Civil Case No. 782, entitled Spouses Edeluisa P. Peralta, et al. vs. Braulio Jacalan, et al., both set in the afternoon Court Calendar, xerox copies hereto attached as Annexes "A" and "B", respectively;

That notwithstanding the increasing pain and aching. undersigned managed to withstand and at this juncture. a person representing to act in behalf of accused Ernesto Tugade, for bait purposes, in Criminal Case no. 2859-A, for Aggravated Illegal Possession of Firearms before the Regional Trial Court of Alaminos, Pangasinan, appeared before this Court with information of the grant of right to bail of by the accused by the Regional Trial Court carrying a blank bailbond form and some pertinent papers relative thereto;

That as an Office Standing Operating Procedure (SOP), the undersigned instructed the person to consult and refer the matter to Clerk of Court of this office for verification and for proper affixation of their initial as an indication of the completeness of the corresponding pertinent papers and documents of the said bailbond, some few samples of the abundant Orders of Release bearing their initials of personnel of this office as evidence of the Standing Operating Procedure long been existing, are submitted by the undersigned for ready perusal and consideration, xerox copies hereto attached as Annexes, "C", "D" & "E", respectively;

That undersigned was disturbed by the intermittent pain and aching, but