



Republic of the Philippines
Supreme Court
Manila

EN BANC

**Re: Anonymous Letter dated
August 12, 2010, complaining
against Judge Ofelia T. Pinto,
Regional Trial Court, Branch 60,
Angeles City, Pampanga.**

A.M. No. RTJ-11-2289
(formerly A.M. OCA IPI No. 11-3656-RTJ)

Present:

SERENO, C.J.,
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,
BRION,
PERALTA,*
BERSAMIN,*
DEL CASTILLO,*
ABAD,*
VILLARAMA, JR.,
PEREZ,
MENDOZA,
REYES, and
PERLAS-BERNABE, JJ.

Promulgated:

OCTOBER 02, 2012

X-----X

DECISION

PER CURIAM:

An anonymous letter-complaint dated August 12, 2010 was filed before the Office of the Court Administrator (OCA) against Judge Ofelia T. Pinto, Presiding Judge of the Regional Trial Court, Branch 60, Angeles City, Pampanga. Judge Pinto was charged with dishonesty, violation of the Anti-

* On official leave.

Graft and Corrupt Practices Act, Gross Misconduct in violation of the Code of Judicial Conduct, and knowingly rendering an unjust judgment in connection with the *reopening of a criminal case whose decision was already final and executory and subject of an entry of judgment in the Court of Appeals (CA)*. The anonymous letter-complaint narrated that despite the finality of the decision in Criminal Case No. 91-937, Judge Pinto granted the motion filed by the convicted accused (at large) to reopen the case and to adduce evidence in his behalf.

Subsequently, the OCA required Judge Pinto to comment on the anonymous letter-complaint. Judge Pinto alleged that the outright denial of the motion to reopen the case was improper, without violating the accused's opportunity to be heard, given the exculpatory evidence presented and considering the lack of objection by the public prosecutor and the private complainant who were properly notified of the motion. Judge Pinto also alleged that even granting that her acts were indeed erroneous, they were done in the exercise of her adjudicative functions which cannot be made subject of a disciplinary, civil or criminal action absent fraud, dishonesty and corruption on her part.

The Recommendation of the OCA

The OCA found the anonymous letter-complaint meritorious. The OCA observed that Judge Pinto misapplied the law despite the clear wordings of Section 24, Rule 119 of the 2000 Revised Rules of Criminal Procedure. The OCA also found that Judge Pinto subsequently disregarded the final and executory decision of the CA, a higher court, when she dismissed the criminal case against the accused-movant. The OCA recommended, thus –

RECOMMENDATION: It is respectfully recommended for the consideration of the Honorable Court that:

1. The Anonymous Complaint dated 12 August 2010 be **RE-DOCKETED** as a regular administrative matter; and
2. Judge Ofelia T. Pinto, Regional Trial Court, Branch 60, Angeles City, Pampanga, be **HELD GUILTY** of Gross Ignorance of the Law and Procedure and be **SUSPENDED** from service without salary and other benefits for a period of Six (6) Months (*Sec. 8[9.], in relation to Sec. 11[A(2.)], Rule 140, id.*) with a **STERN WARNING** that a repetition of the same or similar infraction shall be dealt with utmost severity. [emphases and italics supplied]

In the Resolution dated August 3, 2011, the Court re-docketed the anonymous letter-complaint and required the parties to manifest if they were willing to submit the matter for resolution on the basis of the pleadings filed. In response, Judge Pinto filed a Manifestation and a Supplemental Comment where she stressed her good faith and honest intention to prevent a miscarriage of justice, which led her to disregard the mandatory character of the rule on the reopening of criminal cases. She offered her sincere apologies to the Court and pleaded for compassion and understanding.

The Court's Ruling

Except for the recommended penalty, we agree with the findings of the OCA.

“To be able to render substantial justice and maintain public confidence in the legal system, judges should be embodiments of competence, integrity and independence.”¹ Judges are also “expected to exhibit more than just a cursory acquaintance with statutes and procedural rules and to apply them properly in all good faith”.² Judges are “likewise

¹ *Judge Cabatingan Sr. (Ret.) v. Judge Arcueno*, 436 Phil. 341, 347 (2002), citing Rule 1.01, Canon 1, Code of Judicial Conduct.

² *Ibid.*, citing *Cortes v. Catral*, A.M. No. RTJ-97-1387, September 10, 1997, 279 SCRA 1.

expected to demonstrate mastery of the principles of law, keep abreast of prevailing jurisprudence, and discharge their duties in accordance therewith.”³ The records clearly show that the conduct exhibited by Judge Pinto deviated from these exacting standards.

Judge Pinto had no jurisdiction to entertain the motion filed by the accused-movant to reopen Criminal Case No. 91-937 because the CA’s decision, which affirmed the accused-movant’s conviction, had become final and executory. Judge Pinto’s conduct was contrary to the clear language of Section 24, Rule 119 of the 2000 Revised Rules of Criminal Procedure which provides that the reopening of a criminal case may only be availed of “at any time before finality of the judgment of conviction:”

Sec. 24. *Reopening*. – At any time before finality of the judgment of conviction, the judge may, *motu proprio* or upon motion, with hearing in either case, reopen the proceedings to avoid a miscarriage of justice. The proceedings shall be terminated within thirty (30) days from the order granting it. [italics supplied]

In other words, a motion to reopen a criminal case is not the proper procedural recourse when there is already a final judgment of conviction. This rule is consistent with the doctrine of finality of judgment which Judge Pinto failed to apply. “The doctrine of finality of judgment, which is grounded on fundamental considerations of public policy and sound practice, dictates that at the risk of occasional error, the judgments of the courts must become final and executory at some definite date set by law.”⁴ In this case, the final decision of the CA should have been given effect.

³ *Ibid.*, citing *Carpio v. De Guzman*, Adm. Matter No. MTJ-93-850, October 2, 1996, 262 SCRA 615; and *Borromeo v. Mariano*, 41 Phil. 322 (1921).

⁴ *Engr. Tupaz v. Hon. Apurillo*, 487 Phil. 271, 279 (2004), citing *Mercury Drug Corporation v. Court of Appeals*, G.R. No. 138571, July 13, 2000, 335 SCRA 567, 578.

Moreover, Judge Pinto should have respected the final decision of a higher court, instead of replacing it with her own decision.⁵ We have previously ruled that a judge cannot amend a final decision, more so where the decision was promulgated by an appellate court.⁶ As aptly observed by the OCA:

Judge Pinto ought to know her place in the judicial ladder. In *Lamberto P. Villaflor vs. Judge Romanito A. Amatong* (A.M. No. MTJ-00-1333, November 15, 2000), the High Court could not have been more emphatic, thus: “Inferior courts must be modest enough to consciously realize the position that they occupy in the interrelation and operation of the integrated judicial system of the nation. Occupying as (she) does a court much lower in rank than the Court of Appeals, (Judge Ofelia Tuazon Pinto) owes respect to the latter and should, of necessity, defer to the orders of the higher court. The appellate jurisdiction of a higher court would be rendered meaningless if a lower court may, with impunity, disregard and disobey it.”⁷ (italics supplied)

In the first place, even granting that there is an available procedural remedy to question the final decision of the CA, such procedural recourse is beyond the scope of Judge Pinto’s judicial authority. The matter of the accused-movant’s denial of due process, as the case may be, should have been brought up to the CA or with the Court in an appropriate petition. Judge Pinto cannot relax mandatory rules to justify the award of judicial reliefs that are beyond her judicial authority to give.

Even granting that Judge Pinto had been motivated by good intentions leading her to disregard the laws and rules of procedure, these personal motivations cannot relieve her from the administrative consequences of her actions as they affect her competency and conduct as a judge in the discharge of her official functions.

⁵ *Almendra v. Judge Asis*, 386 Phil. 264, 271 (2000).

⁶ *Ibid.*

⁷ OCA’s Recommendation, p. 4.

We have previously held that when a law or a rule is basic, judges owe it to their office to simply apply the law.⁸ “Anything less is gross ignorance of the law.”⁹ There is gross ignorance of the law when an error committed by the judge was “gross or patent, deliberate or malicious.”¹⁰ It may also be committed when a judge ignores, contradicts or fails to apply settled law and jurisprudence because of bad faith, fraud, dishonesty or corruption.¹¹ Gross ignorance of the law or incompetence cannot be excused by a claim of good faith.¹²

In this case, Judge Pinto’s utter disregard to apply settled laws and rules of procedure constitutes gross ignorance of the law which merits administrative sanction. Section 8(9), Rule 140 of the Rules of Court classifies gross ignorance as a serious charge with the following impossible penalties:

1. Dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits;
2. Suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or
3. A fine of more than ₱20,000.00 but not exceeding ₱40,000.00.¹³

We note that this not the first time that we found Judge Pinto administratively liable. We found her liable in two other administrative cases. In *Pineda v. Pinto*,¹⁴ the Court reprimanded Judge Pinto for charges

⁸ *Conquilla v. Bernardo*, A.M. No. MTJ-09-1737, February 9, 2011, 642 SCRA 288, 297.

⁹ *Ibid*, citing *Cabico v. Dimaculangan-Querijero*, A.M. No. RTJ-02-1735, April 27, 2007, 522 SCRA 300.

¹⁰ *Judge Cabatingan Sr. (Ret.) v. Judge Arcueno*, *supra* note 1, at 350.

¹¹ *Ibid*.

¹² *De los Santos-Reyes v. Montesa, Jr.*, Adm. Matter No. RTJ-93-983, August 7, 1995, 247 SCRA 85, 95.

¹³ RULES OF COURT, Rule 140, Section 11.

¹⁴ A.M. No. RTJ-04-1851, October 13, 2004, 440 SCRA 225.

of gross inefficiency and neglect of duty. In *Marcos v. Pinto*,¹⁵ we found Judge Pinto liable of simple misconduct and imposed a fine in the amount of ₱10,000.00 for charges of gross ignorance of the law, partiality and knowingly rendering an unjust judgment/order.

In both cases, we sternly warned Judge Pinto that a repetition of the same or similar act shall be dealt with more severely. Judge Pinto's continued failure to live up to the exacting standards of her office is clear.¹⁶ Her escalating violations, taken collectively, raise the question of her competency in continuing to perform the functions of a magistrate.¹⁷ Bearing this in mind and the warnings she earlier received from the Court, we find the imposition of the supreme penalty of dismissal from the service justified.

WHEREFORE, premises considered, Judge Ofelia T. Pinto, Presiding Judge of the Regional Trial Court, Branch 60, Angeles City, Pampanga, is found **GUILTY** of Gross Ignorance of the Law and is hereby **DISMISSED FROM THE SERVICE**, with forfeiture of all retirement benefits, except accrued leave credits, and with prejudice to re-employment in any branch, agency or instrumentality of the government, including government-owned or controlled corporations.

SO ORDERED.



MARIA LOURDES P. A. SERENO
Chief Justice

¹⁵ A.M. No. RTJ-09-2180, July 27, 2010, 625 SCRA 652.

¹⁶ *Fernandez v. Hamoy*, A.M. No. RTJ-04-1821, August 12, 2004, 436 SCRA 186, 194, insofar as it applies *mutatis mutandis*.

¹⁷ *Ibid*.





ANTONIO T. CARPIO
Associate Justice

PRESBITERO J. VELASCO, JR.
Associate Justice

Teresita Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO
Associate Justice



ARTURO D. BRION
Associate Justice

(On Leave)
DIOSDADO M. PERALTA
Associate Justice

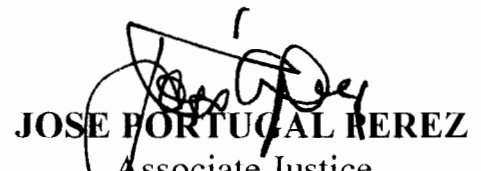
(On Leave)
LUCAS P. BERSAMIN
Associate Justice

(On Leave)
MARIANO C. DEL CASTILLO
Associate Justice

(On Leave)
ROBERTO A. ABAD
Associate Justice



MARTIN S. VILLARAMA, JR.
Associate Justice




JOSE PORTUGAL REREZ
Associate Justice



JOSE CATRAL MENDOZA
Associate Justice



BIENVENIDO L. REYES
Associate Justice



ESTELA M. PERLAS-BERNABE
Associate Justice