



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

JESUS D. CARBAJOSA,
Complainant,

A.M. No. MTJ-13-1834
(Formerly OCA I.P.I. No. 12-2541-MTJ)

Present:

SERENO, CJ.,
Chairperson,
LEONARDO-DE CASTRO,
REYES,
PERLAS-BERNABE,* and
LEONEN,** JJ.

- versus -

JUDGE HANNIBAL R. PATRICIO,
Presiding Judge, Municipal Circuit Trial
Court, President Roxas, Capiz,
Respondent.

Promulgated:

OCT 02 2013

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DECISION

REYES, J.:

This is an administrative case for *Gross Ignorance of the Law, Manifest Bias and Partiality* against Judge Hannibal R. Patricio (Judge Patricio), commenced thru a verified Complaint¹ filed before the Office of Court of Administrator (OCA) by Jesus D. Carbajosa (Carbajosa).

Carbajosa is the private complainant in Criminal Case No. 2540 for grave coercion against accused Dolores Bieles (Bieles), heard and tried before the Municipal Circuit Trial Court (MCTC) of President Roxas-Pilar, President Roxas, Capiz, in the sala of then Presiding Judge Geomer C.

* Acting member per Special Order No. 1537 (Revised) dated September 6, 2013.

** Acting member per Special Order No. 1545 (Revised) dated September 16, 2013.

¹ Rollo, pp. 1-9.

Delfin. The charge stemmed from Bieles' menacing and intimidating attitude in preventing Carbajosa from bringing to Iloilo City fifteen (15) sacks of milled corn by removing and unloading the same out of the latter's Efren Bus Liner.

In a Decision² dated August 6, 2002, the MCTC convicted Bieles of the crime charged and sentenced her to imprisonment of four (4) months and one (1) day of *arresto mayor* as minimum to six (6) months of *arresto mayor* as maximum, and ordered her to pay: (1) a fine of ₱500.00 with subsidiary imprisonment in case of insolvency; and (2) the amount of ₱20,000.00 representing the fifteen (15) sacks of milled corn or its equivalent value as the first lien on judgment.

On appeal, the Regional Trial Court (RTC) of Roxas City, Branch 18, affirmed Bieles' conviction but modified her sentence by increasing the maximum penalty imposed to two (2) years, four (4) months and one (1) day of *prision correccional*.³ This modified judgment was later affirmed by the Court of Appeals (CA) in a Decision⁴ dated October 26, 2006 and eventually by this Court when Bieles' petition for review on *certiorari* was denied in a Resolution⁵ dated August 13, 2008 for late filing and for absence of reversible error in the appealed judgment. Likewise denied was Bieles' ensuing motion for reconsideration.⁶ The Court thereafter issued an Entry of Judgment⁷ stating that the Resolution of August 13, 2008 has become final and executory on January 15, 2009. Undeterred, Bieles filed a Motion to Set Aside Entry of Judgment but the same was denied in the Resolution⁸ dated June 1, 2009.

Meanwhile, Carbajosa filed a motion before the RTC for the remand of the case to the court of origin for proper execution. The motion was granted in the RTC's Order⁹ dated December 21, 2009. Carbajosa thereafter filed a *Motion for Execution of Judgment* before the MCTC presided by herein respondent Judge Patricio. Bieles opposed the motion stating that she sent a letter addressed to the Chief Justice, Honorable Reynato S. Puno asking for a review of her case on the merits. She claimed that the letter was favorably acted upon as evidenced by the first endorsement dated January 25, 2010 requesting the Clerk of Court of the Third Division to include the case in its agenda.¹⁰

² Issued by Presiding Judge Geomer C. Delfin; id. at 10-34.

³ RTC Decision dated January 16, 2003 issued by Judge Charlito F. Fantilanan; id. at 35-49.

⁴ Penned by Associate Justice Agustin S. Dizon, with Associate Justices Pampio A. Abarintos and Priscilla Baltazar-Padilla, concurring; id. at 50-63.

⁵ Id. at 64-65.

⁶ This Court's First Division's Resolution dated November 19, 2008; id. at 66.

⁷ Id. at 67-68.

⁸ Id. at 69.

⁹ Issued by Acting Judge Esperanza Isabel E. Poco-Deslate; id. at 70.

¹⁰ Id. at 104.

Judge Patricio resolved the conflict by issuing an Order¹¹ dated April 7, 2010 wherein he reckoned that it will be best to hold in abeyance the resolution of Carbajosa's *Motion for Execution of Judgment* and await the result of the referral/endorsement made by the Chief Justice before a ruling on the propriety of the issuance of a writ of execution is made, viz:

It is the honest belief of the undersigned, that the resolution of the issuance of the writ of execution, opposition, and objection of the parties in the above-entitled case be held in abeyance, considering that the Chief Justice of the Supreme Court had referred to the Clerk of Court of the Third Division the letter of [Bieles].

The holding in abeyance of the resolution is in [deference] to the first endorsement made by the Chief Justice. The undersigned deemed it proper to first wait the result of the referral of the Chief Justice before it will rule on the propriety of the issuance of the writ of execution.¹²

On April 19, 2010, Carbajosa manifested his objection to the foregoing order and insisted on the issuance of a writ of execution averring that in the absence of any restraining order, its issuance is imperative so as not to unduly delay the administration of justice.¹³

On May 24, 2010, Judge Patricio issued an Order¹⁴ reiterating his previous stance that there is a necessity to await the result of the referral made by the Chief Justice to the Third Division Clerk of Court, thus:

Wherefore, the previous order of this Court granting the holding in abeyance [of] the issuance of a writ of execution still stands.

Furnish copy of this order to the offended party, the private prosecutor, as well as [Bieles] and their counsel for their information.

SO ORDERED.¹⁵

Bieles thereafter moved that the property bond she initially posted be substituted by a cash bond because the former was already needed by her bondsman. The motion was vehemently opposed by Carbajosa. On May 31, 2011, Judge Patricio issued an Order¹⁶ granting Bieles' motion explaining that the same is not covered by Section 4, Rule 114 of the Rules

¹¹ Id. at 71.

¹² Id.

¹³ Manifestation/Objection; id. at 72-74.

¹⁴ Id. at 75.

¹⁵ Id.

¹⁶ Id. at 76-77.

of Court prohibiting an accused to put up a bail bond when there is already a final and executory judgment. Judge Patricio clarified that this is not a case for the posting of a bond but rather, the substitution of one posted at the beginning stage of the case.

In the same Order, Judge Patricio disclosed that he sent a query to the OCA regarding the effect of the Chief Justice's endorsement of Bieles' letter to the implementation of the final judgment of her conviction. In an endorsement dated September 29, 2010, Deputy Court Administrator (DCA) Raul Villanueva referred his query to Atty. Wilhelmina Geronga (Atty. Geronga), Chief of the OCA-Legal Office for comment.

In a letter¹⁷ dated September 5, 2011, Atty. Geronga informed Judge Patricio that the subject matter of his query is judicial in nature hence, beyond the mandate of the OCA. Also, as a matter of policy, the OCA refrains from rendering an opinion on matters that may later on be brought to the Court for judicial determination. Atty. Geronga suggested that the issue be resolved based on pertinent jurisprudence and relevant laws.

In the meantime, two (2) motions were awaiting Judge Patricio's ruling, *viz.*: (a) Carbajosa's motion to recall the Order dated May 31, 2011 approving the substitution of Bieles' property bond by a cash bond; and (b) motion to suspend proceedings filed by Bieles.

Both motions were resolved in an Order¹⁸ dated January 6, 2012. Carbajosa's motion was denied for being filed out of time while Bieles' motion to suspend proceedings was granted.

In so ruling, Judge Patricio ratiocinated that the motion to recall the Order dated May 31, 2011 can be likened to a motion for reconsideration that must be filed within fifteen (15) days from receipt of the Order sought to be reviewed. Having been filed two (2) months after June 17, 2011, the date Carbajosa received the Order dated May 31, 2011, the motion to recall is considered filed out of time.

Anent the granting of Bieles' motion to suspend proceedings, Judge Patricio again reasoned that any action on the issuance of the writ of execution should await the resolution by the Third Division of the Supreme Court on Bieles' letter as endorsed by the Chief Justice, thus:

¹⁷ Id. at 79.

¹⁸ Id. at 80-82.

WHEREFORE, premises considered, the court hereby grants the instant motion to suspend proceedings filed by [Bieles] until the indorsement made by the then Chief Justice Reynato Puno for the review of this case had been resolved by said Division.

Furnish copy of this order [to] the parties and counsels.

SO ORDERED.¹⁹

These circumstances prompted Carbajosa to institute the herein administrative complaint²⁰ imputing gross ignorance of the law, manifest partiality and evident bad faith against Judge Patricio in continuously deferring the issuance of a writ of execution for the final and executory judgment in Criminal Case No. 2540.

In his Comment²¹, Judge Patricio admitted postponing the resolution of Carbajosa's motion for the issuance of a writ of execution but he denied that he acted in bad faith and/or with partiality. He claimed that he was merely abiding by the endorsement made by the Chief Justice that the letter of accused Bieles be referred to the Third Division for action.

The administrative case was referred to the OCA for evaluation. In its Report²² dated July 24, 2013, the OCA accorded merit to the complaint. The OCA found Judge Patricio guilty of gross ignorance of the law and recommended that he should be fined in the amount of ₱21,000.00.

We agree with the OCA's findings and recommendation.

Any delay in the full execution of a final and executory decision is repugnant to the ideal administration of justice. Hence the rule that once a judgment attains finality, it thereby becomes immutable and unalterable. The enforcement of such judgment should not be hampered or evaded; for the immediate enforcement of the parties' rights, confirmed by final judgment, is a major component of the ideal administration of justice.²³ Our penal laws and rules of procedure, in particular, enjoin that when the judgment of conviction is already final and executory its execution is ministerial.²⁴

¹⁹ Id. at 82.

²⁰ Id. at 1-9.

²¹ Id. at 98-103.

²² Id. at 109-114.

²³ *Pahila-Garrido v. Tortogo*, G.R. No. 156358, August 17, 2011, 655 SCRA 553, 558.

²⁴ *Bongcac v. Sandiganbayan*, G.R. Nos. 156687-88, May 21, 2009, 588 SCRA 64, 72.

Respondent Judge Patricio, however, demonstrated ignorance of the above rule by repeatedly refusing to execute the final and executory judgment of conviction against Bieles.

The justification proffered by Judge Patricio is not well-taken. As correctly observed by the OCA, the Court's Resolution dated August 13, 2008 in G.R. No. 182956 affirming the conviction of Bieles and the Entry of Judgment dated January 15, 2009 evidently carried more legal and procedural significance and effect in Criminal Case No. 2540, as against the endorsement referring the letter of Bieles to the Third Division for Agenda. The endorsement did not result in a definite action on the part of the Court as it did not even remotely suggest that G.R. No. 182956 will be re-opened. Hence, there was absolutely no justifiable reason for Judge Patricio to rely on the latter and thereby thwart the basic rules on execution of judgment.

The rules on execution are comprehensive enough for a judge not to know how to apply them or to be confused by any auxiliary incidents. The issuance of a writ of execution for a final and executory judgment is ministerial. In other words, a judge is not given the discretion whether or not to implement the judgment. He is to effect execution without delay and supervise implementation strictly in accordance with the judgment. Judge Patricio's actuations unmistakably exhibit gross ignorance of the law.

Apropos are the following pronouncements in *Spouses Monterola v. Judge Caoibes, Jr.*²⁵ where the Court found a judge administratively liable for gross ignorance of the law when he unreasonably delayed and refused the issuance of a writ of execution for a final judgment, *viz*:

Observance of the law, which respondent ought to know, is required of every judge. When the law is sufficiently basic, a judge owes it to his office to simply apply it; anything less than that is either deliberate disregard thereof or gross ignorance of the law. It is a continuing pressing responsibility of judges to keep abreast with the law and changes therein. Ignorance of the law, which everyone is bound to know, excuses no one—not even judges—from compliance therewith. We cannot expect a judge to deliberately disregard an unequivocal rule on execution and a doctrine laid down by the Supreme Court. Canon 4 of the Canons of Judicial Ethics requires that the judge should be studious of the principles of law. Canon 18 mandates that he should administer his office with due regard to the integrity of the system of the law itself, remembering that he is not a depository of arbitrary power, but a judge under the sanction of law. Indeed, it has been said that when the inefficiency springs from a failure to consider a basic and elemental rule, a law or principle in the discharge of his duties, a judge is either too incompetent and undeserving of the position and the title he holds or is too vicious that the oversight or

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429 Phil. 59 (2002).

omission was deliberately done in bad faith and in grave abuse of judicial authority x x x.

While judges should not be disciplined for inefficiency on account merely of occasional mistakes or errors of judgments, it is highly imperative that they should be conversant with fundamental and basic legal principles in order to merit the confidence of the citizenry. Respondent Judge has shown lack of familiarity with our laws, rules and regulations as to undermine the public confidence in the integrity of the courts x x x.²⁶ (Citations omitted)


Under A.M. No. 01-8-10-SC or the Amendment to Rule 140 of the Rules of Court Re: Discipline of Justices and Judges, gross ignorance of the law is a serious charge, punishable by a fine of more than ₱20,000.00, but not exceeding ₱40,000.00, suspension from office without salary and other benefits for more than three (3) months but not exceeding six (6) months, or dismissal from the service. Based on the attendant circumstances of this case, a fine of ₱21,000.00 is the appropriate penalty.

WHEREFORE, premises considered, respondent Judge Hannibal R. Patricio, Presiding Judge, Municipal Circuit Trial Court, President Roxas-Pilar, President Roxas, Capiz is hereby **FOUND GUILTY** of Gross Ignorance of the Law and **FINED** in the amount of ₱21,000.00, with a stern **WARNING** that a repetition of the same will be dealt with more severely.

SO ORDERED.


BIENVENIDO L. REYES
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson

²⁶

Id. at 66-67.

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

Estela M. Perlas-Bernabe
ESTELA M. PERLAS-BERNABE
Associate Justice

Marvic Mario Victor F. Leonen
MARVIC MARIO VICTOR F. LEONEN
Associate Justice