



Republic of the Philippines  
**Supreme Court**  
 Manila

**FIRST DIVISION**

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated January 15, 2020 which reads as follows:*

**“OCA IPI No. 18-4828-RTJ – (JHUN ANN P. VIRAY vs. HON. CRISOSTOMO J. DAÑGUILAN, PRESIDING JUDGE, BRANCH 21, REGIONAL TRIAL COURT, MALOLOS CITY, BULACAN)**

**The Case and the Proceedings Below**

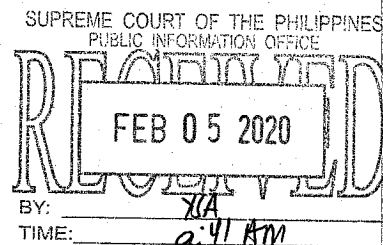
On April 23, 2018, Jhun Ann P. Viray filed a complaint against Judge Crisostomo J. Dañguilan of Regional Trial Court, Branch 21, Malolos City, Bulacan for gross ignorance of the law and procedure, incompetence, and inefficiency.<sup>1</sup>

**Complainant essentially alleged:** She is the sister of the victim in Criminal Case No. 4527-M-2014 for murder entitled *People of the Philippines v. Randy Rapisura* while respondent was the presiding judge. Respondent allegedly committed several irregularities in handling the case, viz.:

**First.** On October 26, 2017, respondent ordered the parties to file their memoranda. The defense submitted its memorandum on December 6, 2017 while the prosecution on December 14, 2017. Respondent issued an Order dated December 6, 2017 noting both memorandum and submitted the case for resolution.<sup>2</sup>

<sup>1</sup> Grave misconduct, incompetence, inefficiency, gross ignorance of the law, procedure and SC Circulars, delay in the conduct of proceedings, violations of Section 1 and 2, Canon 3 (on impartiality) and Sections 2, 3, and 5, Canon 6 (on competence and diligence) of the Code of Judicial Conduct in the Administrative Complaint dated April 23, 2018; *rollo*, pp. 1-5.

<sup>2</sup> *Id.*



Respondent violated SC Circular No. 28<sup>3</sup> when he first required the parties to submit their memoranda instead of directly submitting the case for resolution. More, the Order dated December 6, 2017 was erroneous since the prosecution's memorandum was received only on December 14, 2017.<sup>4</sup>

**Second.** On January 11, 2018, respondent issued a resolution granting the petition for bail but failed to indicate the amount. On even date, he issued a second resolution fixing the amount of bail at ₱200,000.00. This error only showed respondent's incompetence and inefficiency.<sup>5</sup>

**Third.** On February 5, 2018, the prosecution filed a motion for reconsideration with motion for inhibition. By Order dated March 13, 2018, respondent denied the motion for reconsideration but granted the motion for inhibition. Respondent, however, issued the Order without a hearing.<sup>6</sup>

**Fourth.** On March 15, 2018, respondent issued an Order approving the accused's surety bond which was posted pending resolution of the motion for reconsideration granting the petition for bail. When the application for bail was eventually approved, however, respondent failed to notice that the accused's Certificate of Detention dated February 26, 2018 was not updated.<sup>7</sup>

**Fifth.** Respondent violated the Revised Guidelines for Continuous Trial of Criminal Cases when the motion for inhibition was not resolved within two (2) days from filing.<sup>8</sup>

**Sixth.** Respondent exhibited gross ignorance and incompetence when he failed to issue an Order cancelling the hearing scheduled on April 4, 2018 despite inhibiting from the criminal case on March 13, 2018.<sup>9</sup>

**Finally,** respondent kept the records in his custody until April 16, 2018 or long after he inhibited from the case causing delay in its disposition. The records were also not stitched, thus, increasing the risk of tampering.<sup>10</sup>

<sup>3</sup> Administrative Circular No. 28 (July 3, 1989), Re: Submission of Memoranda.

<sup>4</sup> *Rollo*, pp. 1-5.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

**In his Comment,<sup>11</sup> respondent mainly countered:**

**One.** Item No. 1 of SC Circular No. 28<sup>12</sup> allows the submission of memoranda subject to the sound discretion of the Court. Thus, he was merely exercising his discretion as a judge when he required the parties to submit their memoranda.

Item No. 3<sup>13</sup> of the Circular further provides that in case the Court requires the parties to submit memoranda, it has ninety (90) days to resolve the matter. He complied with the circular since the Resolution dated January 11, 2018 was issued within the 90-day period reckoned from October 26, 2017.<sup>14</sup>

The discrepancy in the Order dated December 6, 2017 was a mere typographical error. He could not have known in advance that the prosecution will file its memorandum on December 14, 2017.<sup>15</sup>

**Two.** His failure to indicate the amount of bail in the January 11, 2018 Order was a simple inadvertence. He immediately rectified the error by issuing a second resolution on the same day. He did not change anything in the first resolution except with respect to the exact bail amount.<sup>16</sup>

**Three.** Complainant's motion for reconsideration with motion for inhibition was filed on February 5, 2018 and was set for hearing on February 16, 2018. February 16, 2018, however, was later declared a holiday because it was Chinese New Year. In lieu of the hearing set

---

<sup>11</sup> *Rollo*, pp. 85-96.

<sup>12</sup> (1) As a general rule, the submission of memoranda is not a mandatory or required as a matter of course but shall be left to the sound discretion of the court. A memorandum may not be filed unless required or allowed by the court.

(2) The court may require or allow the parties to submit their respective memoranda including citation of authorities within a definite date from submission of the case for decision but not exceeding thirty (30) days therefrom. This shall cover the filing of simultaneous memoranda or a memorandum in chief and a reply memorandum of the adverse party, in the discretion of the court but in no case may its filing exceed thirty (30) days from submission of the case for decision. (Administrative Circular No. 28 (July 3, 1989), Re: Submission of Memoranda)

<sup>13</sup> (3) A case is considered submitted for decision upon the admission of the evidence of the parties at the termination of the trial. The ninety (90) day period for deciding the case shall commence to run from submission of the case for decision without memoranda; in case the Court requires or allows its filing, the case shall be considered submitted for decision upon the filing of the last memorandum or the expiration of the period to do so, whichever is earlier. Lack of transcript of stenographic notes shall not be a valid reason to interrupt or suspend the period for deciding the case unless the case was previously heard by another judge not the deciding judge in which case the latter shall have the full period of ninety (90) days for the completion of the transcripts within which to decide the same. (Administrative Circular No. 28 (July 3, 1989), Re: Submission of Memoranda)

<sup>14</sup> *Rollo*, pp. 85-96.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

on February 16, 2018, he instead issued an Order affording the defense a chance to file its Opposition on February 27, 2018. In the same Order, he set the hearing for the initial presentation of defense evidence on April 4, 2018.

He later dispensed with the hearing on the motions because the parties had already ventilated and discussed their positions in their respective pleadings.<sup>17</sup>

There was no need to issue another Order cancelling the April 4, 2018 hearing. In any event, his inhibition effective March 13, 2018 rendered the hearing moot.<sup>18</sup>

**Four.** Although respondent inhibited from the case on March 13, 2018, the case records were still retained by Branch 21 until April 16, 2018. He merely exercised the court's residual jurisdiction to grant the petition for bail on March 15, 2018 to prevent miscarriage of justice, considering that the accused was detained since April 6, 2015.

**Five.** When the bail bond was approved, he found the accused to have complied with the necessary documents which were all proven authentic.<sup>19</sup>

**Six.** He did not violate the Revised Guidelines for Continuous Trial of Criminal Cases since he immediately resolved the motion for inhibition.<sup>20</sup>

**Seven.** The case records were transmitted to the Office of the Clerk of Court, RTC, Malolos City, Bulacan on April 16, 2018. The stitches of the records were removed because complainant requested to photocopy portions thereof. Contrary to complainant's bare accusations, the records were not tampered with.<sup>21</sup>

---

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> The following are the documents which the accused filed:

- a. Certification of Accreditation and Authority issued to Milestone Guaranty and Assurance Corporation on February 14, 2018 issued by the Office of the Court Administrator;
- b. Certificate of Compliance dated February 26, 2018 issued by the Insurance Commission;
- c. Certificate of No Pending Obligation issued by the Office of the Clerk of Court, RTC Malolos City, Bulacan dated February 28, 2018 valid until July 31, 2018; and
- d. Office of the Clerk of Court Evaluation of Application for Surety Bond dated February 28, 2018. (See Comment, *id.* at 93)

<sup>20</sup> *Id.* at 85-96.

<sup>21</sup> *Id.*

By **Reply** dated August 10, 2018,<sup>22</sup> complainant merely repeated the allegations in the complaint but added that the April 4, 2018 hearing was not cancelled because she attended the hearing.

In his **Rejoinder** dated August 22, 2018,<sup>23</sup> respondent claimed that complainant did not deny that her aunt, Judge Esperanza S. Paglinawan in fact talked to the clerk-in-charge of the criminal case about the grant of bail in favor of the accused.

### **Report and Recommendation of the OCA**

The Office of the Court Administrator (OCA), through Court Administrator Jose Midas P. Marquez and Deputy Court Administrator Raul B. Villanueva, recommended that the complaint be **dismissed for lack of merit**.<sup>24</sup>

#### **The OCA essentially found that:**

(1) Respondent merely exercised his discretion under SC Circular No. 28 when he required the parties to file their respective memoranda before deeming the motion for reconsideration with motion for inhibition submitted for resolution;

(2) The discrepancy in the December 6, 2017 Order was a mere typographical error;

(3) There were no substantial changes in the twin resolutions issued on January 11, 2018 except the portion specifically indicating the exact bail amount;

(4) The motion for reconsideration of the resolution granting the petition for bail need not be heard in open court anymore since the parties had already fully ventilated their respective positions in their pleadings;

(5) The fact that the April 4, 2018 hearing was not cancelled is no longer material considering respondent's inhibition on March 13, 2018;

(6) Contrary to complainant's allegation, the motion for inhibition was resolved immediately on March 13, 2018 or only for a period of nine (9) days from March 2, 2018;

---

<sup>22</sup> *Id.* at 126-129.

<sup>23</sup> *Id.* at 135-136.

<sup>24</sup> Agenda Report dated July 15, 2019; *id.* at 138-144.

(7) Respondent was correct in pointing out that he no longer had any control as to when exactly the accused will process his surety bond;

(8) It was complainant who caused the stitches in the records to be removed because she requested to photocopy portions thereof, thus, her accusation that the records were tampered must fail; and

(9) It was the duty of the branch clerk of court and not respondent's to see to it that the records were transmitted to the Office of the Clerk of Court on March 13, 2018. The OCA nonetheless reminded respondent to be more mindful in ensuring that his directives are complied with.

### Ruling

The Court adopts in full the OCA's findings of fact and recommendation.

Gross ignorance of the law is a disregard on basic rules and settled jurisprudence.<sup>25</sup> A judge may be administratively held liable if shown that his acts were motivated with bad faith, fraud, dishonesty or corruption in ignoring, contradicting or failing to apply settled law and jurisprudence.<sup>26</sup> But "*not every error or mistake of a judge in the performance of his official duties renders him liable.*"<sup>27</sup> Respondent's acts should be patent, gross, malicious, deliberate, or done in bad faith to merit disciplinary action.<sup>28</sup>

Here, respondent's acts were not attended with any ulterior motive causing prejudice to complainant. Respondent merely acted in the exercise of his judicial functions to properly adjudicate the criminal case. The Court stressed in *Office of the Court Administrator v. Salise*<sup>29</sup> that:

Indeed, it is settled that, unless the acts were committed with fraud, dishonesty, corruption, malice or ill will, bad faith, or deliberate intent to do an injustice, the respondent judge may not be [held] administratively liable for gross misconduct, ignorance of the law, or incompetence of official acts in the exercise of judicial functions and duties, particularly in the adjudication of cases. x x x

<sup>25</sup> *Atty. Mahinay v. Judge Daomilas, et al.*, A.M. No. RTJ-18-2527 (Formerly OCA IPI No. 16-4563-RTJ), June 18, 2018. Citation omitted.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Atty. Roxas v. Judge Eugenio, Jr.*, 527 Phil. 514, 518 (2006).

<sup>29</sup> A.M. No. RTJ-18-2514, January 30, 2018, 853 SCRA 387, 400-401. Citations omitted.

Anent the filing of memoranda, SC Circular No. 28 clearly states that their submission is discretionary, *viz.*:<sup>30</sup>

(1) As a general rule, the submission of memoranda is **not mandatory** or required as a matter of course **but shall be left to the sound discretion of the court**. A memorandum may not be filed unless required or allowed by the court.<sup>31</sup> (emphasis supplied)

Respondent merely exercised his discretion when he required the parties to submit their respective memoranda prior to the resolution of the petition for bail.<sup>32</sup>

As far as the Order dated December 6, 2017 is concerned, the OCA correctly found that the discrepancy in the date was not so serious to warrant administrative sanction. The Order dated December 6, 2017 which noted the receipt of the prosecution's memorandum dated December 14, 2017 was obviously a typographical error.<sup>33</sup>

On the alleged failure of respondent to fix the amount of bail in the January 11, 2018 Resolution, respondent rectified this omission when he issued on the same day a second resolution indicating the exact bail amount. On this score, Section 5, Rule 135 of the Revised Rules of Court grants the court inherent power to amend its order to conform with law and jurisprudence, *viz.*:

Section 5. *Inherent powers of court.* — Every court shall have power: xxx

(g) To amend and control its process and orders so as to make them conformable to law and justice;

More, as the OCA observed, respondent did not cause any substantial change in the contents of the first resolution except for the additional portion indicating the amount of bail at ₱200,000.00.<sup>34</sup>

We also agree with the OCA's findings that respondent did not commit any error in resolving the prosecution's motion for reconsideration on the resolution granting the petition for bail sans hearing in open court. The OCA found that the prosecution's motion for reconsideration anyway was a mere rehash of the arguments already presented in previous pleadings specifying that the accused admitted the killing of her brother and then went into hiding.<sup>35</sup> Due

<sup>30</sup> *Id.*

<sup>31</sup> Administrative Circular No. 28 (July 3, 1989); Re: Submission of Memoranda.

<sup>32</sup> Agenda Report dated July 15, 2019; Rollo, pp. 138-144.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

process is satisfied when the parties are given opportunity to explain their side or to seek a reconsideration of the ruling complained of.<sup>36</sup> Thus, to hear their arguments in open court anew is a mere surplusage.

Complainant further questioned respondent's efficiency and competence when he failed to cancel the hearing previously scheduled on April 4, 2018. To recall, respondent already inhibited from the case on March 13, 2018. The inhibition was made known to complainant on March 26, 2018 when she received the resolution granting the motion for inhibition through his counsel.<sup>37</sup> Consequently, it is understood that should the April 4, 2018 hearing proceed, respondent judge will no longer be involved therein.

Regarding respondent's alleged delay in resolving the motion for inhibition, the OCA opined that the period of nine (9) days from March 2, 2018 to March 13, 2018 falls within the term "immediately" provided in the Revised Guidelines for Continuous Trial of Criminal Cases. We agree.

The guidelines state that "motion for inhibition based on grounds provided for under Rule 137 shall be resolved immediately or within two (2) calendar days from date of filing."<sup>38</sup> Here, we find the period of nine (9) days as substantial compliance with the guidelines. The accused filed his Opposition to the motion for inhibition on February 28, 2018. On March 2, 2018, respondent issued an Order submitting the matter for resolution. Then, on March 13, 2018, respondent issued an Order granting the motion for inhibition.

Complainant also alleged that respondent failed to examine the documents filed by the accused for his surety bond. Accordingly, the Certificate of Detention dated February 26, 2018 was not updated when the accused's bail bond issued by the Milestone Guaranty and Assurance Corporation was approved on March 15, 2018.<sup>39</sup> Records show, however, that respondent granted the petition for bail on January 11, 2018. From then, it is obvious that respondent had no control as to when the accused will process his surety bond.

Respondent also sufficiently explained why the stitches in the records of Criminal Case No. 4527-M-2014 were removed. It was in fact complainant who caused such removal because she requested to

<sup>36</sup> *Office of the Ombudsman v. Reyes*, 674 Phil. 416, 432 (2011); citing *Ledesma v. Court of Appeals*, 565 Phil. 731, 740 (2007).

<sup>37</sup> Agenda Report dated July 15, 2019; *rollo*, pp. 138-144.

<sup>38</sup> Underscoring supplied.

<sup>39</sup> *Id.* at 4.



January 15, 2020

photocopy portions thereof.<sup>40</sup> Assuming complainant indeed saw that the records were unstitched, she failed to present any evidence to prove they were tampered.

Lastly, due to his inhibition from Criminal Case No. 4527-M-2014, respondent ordered on March 13, 2018 that the records be forwarded to the Office of the Clerk of Court. Unfortunately, the records remained in his sala until April 16, 2018. The OCA noted that it was not actually respondent's duty but the branch clerk of court to transmit the physical records to the Office of the Clerk of Court.

All told, we stress that the Court will not shirk from the responsibility of imposing discipline upon erring members of the bench. At the same time, however, it will not hesitate to shield them from unfounded suits that only serve to disrupt rather than promote the orderly administration of justice.<sup>41</sup>

**WHEREFORE**, the Court resolves to **DISMISS** the complaint against respondent Judge Crisostomo J. Dañguilan.

**SO ORDERED.**"

Very truly yours,

  
**LIBRADA C. BUENA**  
Division Clerk of Court

283

Mr. Jhun Ann P. Viray  
Complainant  
Lot 15, Block 3, Ville dela Grotte  
McArthur Highway, Meycauayan City  
3020 Bulacan

Office of Administrative Services (x)  
Legal Office (x)  
Court Management Office (x)  
Financial Management Office (x)  
Docket & Clearance Division (x)  
OCA, Supreme Court

Public Information Office (x)  
Library Services (x)  
Supreme Court  
(For uploading pursuant to A.M. No. 12-7-1-SC)

UR

Hon. Crisostomo J. Dañguilan  
Respondent – Presiding Judge  
Regional Trial Court, Branch 21  
Malolos City, 3000 Bulacan

Hon. Jose Midas P. Marquez (x)  
Court Administrator  
Hon. Raul B. Villanueva (x)  
Hon. Jenny Lind R. Aldecoa-Delorino (x)  
Hon. Leo Tolentino Madrazo (x)  
Deputy Court Administrators  
Hon. Lilian Barribal-Co (x)  
Hon. Maria Regina A. F. M. Ignacio (x)  
Assistant Court Administrators  
OCA, Supreme Court

<sup>40</sup> See Comment dated July 20, 2018; *id.* at 85-96.

<sup>41</sup> *Ong v. Judge Rosete*, 484 Phil. 102, 114 (2004).