



Republic of the Philippines
Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
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**ANONYMOUS COMPLAINT
 AGAINST HON. JOSE S.
 JACINTO, JR., PRESIDING
 JUDGE, BRANCH 45, REGIONAL
 TRIAL COURT OF SAN JOSE,
 OCCIDENTAL MINDORO.**

**A.M. No. RTJ-21-003 [For-
 merly OCA IPI No. 17-4704-
 RTJ]**

Present:

GESMUNDO, C.J.,
 PERLAS-BERNABE,
 LEONEN,
 CAGUIOA,
 HERNANDO,
 CARANDANG,
 LAZARO-JAVIER,
 INTING,
 ZALAMEDA,
 LOPEZ, M.,
 DELOS SANTOS,
 GAERLAN,
 ROSARIO,
 LOPEZ, J., JJ.

Promulgated:

May 11, 2021

X-----*[Signature]*-----X

DECISION

PER CURIAM:

The instant administrative case stemmed from an anonymous Complaint¹ charging Hon. Jose S. Jacinto Jr., Presiding Judge of Branch 45,

¹ *Rollo*, pp. 19-20.

Regional Trial Court (RTC) of San Jose, Occidental, Mindoro (respondent Judge), relative to irregularities in the disposition of illegal drugs cases.²

Factual Antecedents

The complaint alleged that respondent Judge works in conspiracy with Provincial Prosecutor Dante Ramirez (Prosecutor Ramirez) and Atty. Jennifer Laudencia (Atty. Laudencia) of the Public Attorney's Office (PAO) in facilitating the release of drug pushers arrested by the police. Purportedly, Prosecutor Ramirez prepares the counter-affidavits of the accused and resolves the case in their favor in exchange for bribes. Meanwhile, Atty. Laudencia has connections with criminal groups from the Sablayan Prison and Penal Farm (SPPF) in San Jose, Occidental Mindoro, which started when her husband was assigned as a preacher there.³

The Office of the Court Administrator (OCA) referred the complaint to Executive Judge Gay Marie F. Lubigan-Rafael (Investigating Judge) of the Regional Trial Court (RTC) of San Jose, Occidental Mindoro for discreet investigation and report.⁴

Report and Recommendation of the Investigating Judge

The Investigating Judge did not find any direct proof that respondent Judge was part of a conspiracy which resulted in the release of those accused in illegal drugs offenses.⁵ However, in 17 criminal cases involving violations of Republic Act (RA) 9165,⁶ respondent Judge issued orders transferring the custody of the accused either to rehabilitation centers or the Provincial Parole and Probation office, in violation of RA 9165,⁷ viz.:

| <i>Crim. Case Number/Charge</i> | <i>The Investigating Judge opined that such orders were in violation of RA 9165.</i> | <i>Action by respondent judge</i> |
|---------------------------------|--|-----------------------------------|
| (1) R-6201 (Sec. | People v. Sarah | Accused acquitted, but |

² *Id.*

³ *Id.* at 20.

⁴ *Id.* at 1.

⁵ *Id.*

⁶ Entitled "An Act Instituting the Comprehensive Dangerous Drugs Act of 2002, Repealing Republic Act No. 6425, Otherwise Known as the Dangerous Drugs Act of 1972, as Amended, Providing Funds Therefor, and for Other Purposes," approved on 07 June 2002.

⁷ *Rollo*, pp. 223-224.

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|---|---|--|
| 5, Art. 2, RA 9165) | Deyta and Carlos Torres Reyes | accused previously placed in the custody of the Parole and Probation Office. |
| (2) R-6199, R-6201-6203 (Sections 15,5,6,12, Art. 2, RA 9165) | People v. Rolando Lazaro | Provisionally dismissed case, but accused previously placed in the custody of the Parole and Probation Office. |
| (3) R-6346 (Sec. 5, Art. 2, RA 9165) | People v. Eddiever Ignacio | Provisionally dismissed case but accused previously placed in the custody of the Parole and Probation Office. |
| (4) R-6351 (Sec. 5, Art. 2, RA 9165) | People v. Miami dela Cruz | |
| (5) R-6352 (Sec. 5, Art. 2, RA 9165) | People v. Hakim Arat | Provisionally dismissed case, but accused previously underwent rehabilitation. |
| (6) R-6367 (Sec. 5, Art. 2, RA 9165) | People v. Roldan Delgado | |
| (7) R-6141 (Sec. 5, Art. 2, RA 9165) | People v. Laureano Belsa | Provisionally dismissed case but accused previously placed in the custody of the Parole and Probation Office |
| (8) R-6302 (Sec. 5, Art. 2, RA 9165) | People v. Bernard Ysog | Accused acquitted placed in the custody of the Parole and Probation Office. |
| (9) R-6121 (Sec. 5, Art. 2, RA 9165) R-6332 (Sec. 11, Art. 2, RA 9165) | People v. Edgardo Molino | Case dismissed, but accused previously placed at the custody of the Parole and Probation office. |
| (10) R-5177 (Sec. 16, Art. 3, RA 6425) | People v. Jun Verdera | Ordered transfer of accused from provincial jail to the Parole and Probation Office |
| (11) R-5119 (Sec. 16, Art. 3, RA 6425) | People v. Allan Layag and Rowena Martin | Provisionally dismissed case; accused previously allowed to undergo rehabilitation. |
| (12) R-6757 (Sec. 5, Art. 2, RA 9165) | People v. Analyn Domingo | Provisionally dismissed case; accused previously placed at the custody of the Parole and Probation office. |
| (13) R-6599 (Sec. 5, Art. 2, RA 9165) | People v. Edena Sim Nicolas | Ordered transfer of accused to the Parole and Probation Office. |

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|---------------------------------------|---------------------------|--|
| (14) R-5988 (Sec. 5, Art. 2, RA 9165) | People v. Andre Cabado | Ordered transfer of accused to the Bicutan Rehabilitation Center in Taguig City. |
| (15) R-7069 (Sec. 5, Art. 2, RA 9165) | People v. Lani Ramos | Ordered transfer of accused to the Parole and Probation Office. |
| (16) R-7465 (Sec. 5, Art. 2, RA 9165) | People v. Abelardo Ungria | Ordered transfer of accused from provincial jail to the Parole and Probation Office. |
| (17) R-7045 (Sec. 5, Art. 2, RA 9165) | People v. Danilo Mendoza | Ordered transfer of accused to the Parole and Probation Office. |

The investigation also revealed that irregularities attended Civil Case No. R-1792 handled by respondent Judge. In that case, Mike Tiu Santiago (Mike) filed a complaint for Injunction and specific performance with damages and prayer for temporary restraining order against Leila Belly* (Belly) and the personnel of the Municipal Police Station of Sablayan, Occidental Mindoro, praying that they be ordered to return Mike's properties and enjoined from entering his residence.⁸

Apparently, Mike, represented by Atty. Laudencia, filed a Motion⁹ requesting that his father, Ruben Tiu (Ruben), be ordered to testify on his supposed relationship with Belly. Acting on such motion and without prior approval from this Court, respondent judge issued a Subpoena¹⁰ requiring Ruben's attendance for the hearings set on April 29 and May 3, 2013.¹¹

Further, respondent Judge issued an Order¹² dated May 3, 2013, directing the escorting guards of San Ramon Penal Colony to leave prisoner Ruben in the custody of SPPF during the pendency of Civil Case No. R- 1792. Due to respondent Judge's orders, Ruben was transferred from San Ramon Penal Colony in Zamboanga to SPPF in Occidental Mindoro, where he remained during the pendency of the case. After the parties agreed to compromise, and complied with their respective undertakings therein, respondent Judge issued an Order¹³ dated December 18, 2013, directing Ruben's return to San Ramon Penal Colony. However, his transfer to Zamboanga was delayed by a motion for reconsideration¹⁴ dated January 30,

* Laila Belly in some parts of the rollo.

⁸ *Id.* at 225.

⁹ *Id.* at 71-75.

¹⁰ *Id.* at 76.

¹¹ *Supra* note 8.

¹² *Rollo*, p. 77-78.

¹³ *Id.* at 93.

¹⁴ *Id.* at 9-102.

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2014 filed by Ruben's counsel.¹⁵

Comment of the Respondent Judge

Respondent Judge refuted the allegation that he conspired with Prosecutor Ramirez and Atty. Laudencia in handling or issuing rulings in favor of those accused of illegal drug offenses in exchange for money.¹⁶

As to the 17 criminal cases where he ordered the transfer of the accused to either rehabilitation centers or the Provincial Parole and Probation Office, he claimed that such orders were valid under Sections 54 and 57 of RA 9165 and were consistent with the State policy to provide an effective mechanism for drug dependents' reintegration to the society. He explained that he merely acted on the motions of the accused, and that the prosecution was given opportunity to comment thereon. He contended that some of the accused in those cases were rightfully transferred to the Provincial Parole and Probation Office despite its different mandate, claiming that it is more experienced in after-care programs for drug dependents.¹⁷

Respondent Judge further denied acquitting several accused in illegal drug cases, maintaining that his decisions speak for themselves. He alleged that he is open to any judicial audit of all pending and decided cases.¹⁸

As to Civil Case No. R-1792, respondent judge disavowed the claim that he used the case to illegally transfer Ruben to SPPF, Sablayan, Occidental Mindoro. While he acknowledged the provisions of OCA Circular No. 163-2013 directing courts to conduct judicial proceedings involving national prisoners within the national penitentiary, or to refer the matter to this Court, he emphasized that his order directing Ruben's appearance in Civil Case No. R-1792 was issued several months before OCA Circular No. 163-2013 came out. Impliedly justifying his action, he also cited OCA Circular No. 113-2017 dated June 6, 2017 which ordered RTC judges to refer, as far as practicable, drug abusers and dependents to the Mega Drug Treatment and Rehabilitation Center in Fort Magsaysay, Nueva Ecija.¹⁹

Respondent Judge also pointed out that he was instrumental in the entrapment of a woman misrepresenting herself to be a staff of the PAO, and having connections with members of the court staff.²⁰

¹⁵ *Id.* at 225-226.

¹⁶ *Id.* at 226.

¹⁷ *Id.*

¹⁸ *Id.* at 226-227.

¹⁹ *Id.* at 227.

²⁰ *Id.*

Report and Recommendation of the OCA

In its Report²¹ dated August 20, 2020, the OCA recommended that respondent Judge be held liable for Grave Misconduct and ordered to pay a fine in the amount of ₱40,000.00. It also recommended that he be held liable for gross ignorance of the law and be dismissed from service.²²

The OCA opined that respondent Judge's orders transferring the custody of several accused to either rehabilitation centers or to the parole and probation office were contrary to Sections 54 and 57 of RA 9165. It was thus recommended that he be held liable for gross ignorance of the law.²³

It also found respondent Judge guilty of Grave Misconduct with regard to the unauthorized transfer of national prisoner, Ruben. It explained that even though the Order dated May 3, 2013 was issued several months prior to the issuance of OCA Circular No. 163-2013, respondent Judge cannot feign ignorance to the irregularity of his order given the similar mandate of Administrative Circular No. 6 dated December 5, 1977.²⁴

In recommending the penalty of dismissal from service, the OCA noted that respondent Judge had already been subject of previous administrative cases where he was held liable for gross ignorance of the law and conduct unbecoming of a public official.²⁵

Ruling of the Court

We adopt the findings and recommendation of the OCA.

*Respondent judge is liable for gross
ignorance of the law*

As part of the State's policy to reintegrate victims of drug abuse to the society, RA 9165 provided for programs and treatments for those found to be drug dependents. Verily, under the law, a person who has substance use disorder may seek for rehabilitation, and may be entitled to the benefits of probation. The process and legal requirements to avail such programs are

²¹ *Id.* at 223-237.

²² *Id.* at 236-237.

²³ *Id.* at 228-230.

²⁴ *Id.* at 232-234.

²⁵ *Id.* at 234-235.

found under Article VIII of the said law, the salient provisions of which provide:

Section 54. *Voluntary Submission of a Drug Dependent to Confinement, Treatment and Rehabilitation.* – A drug dependent or any person who violates Section 15 of this Act may, by himself/herself or through his/her parent, spouse, guardian or relative within the fourth degree of consanguinity or affinity, **apply to the Board** or its duly recognized representative, for treatment and rehabilitation of the drug dependency. Upon such application, **the Board shall bring forth the matter to the Court** which shall order that the applicant be examined for **drug dependency**. If the examination by a DOH-accredited physician results in the issuance of a certification that the applicant is a drug dependent, he/she shall be ordered by the **Court to undergo treatment** and rehabilitation in a Center designated by the Board for a period of not less than six (6) months: *Provided*, That a drug dependent may be placed under the care of a DOH-accredited physician where there is no Center near or accessible to the residence of the drug dependent or where said drug dependent is below eighteen (18) years of age and is a first-time offender and non-confinement in a Center will not pose a serious danger to his/her family or the community.

Confinement in a Center for treatment and rehabilitation shall not exceed one (1) year, after which time the Court, as well as the Board, shall be apprised by the head of the treatment and rehabilitation center of the status of said drug dependent and determine whether further confinement will be for the welfare of the drug dependent and his/her family or the community.

Section 55. *Exemption from the Criminal Liability Under the Voluntary Submission Program.* A drug dependent under the voluntary submission program, who is finally discharged from confinement, shall be exempt from the criminal liability under Section 15 of this act subject to the following conditions:

- (1) He/she has complied with the rules and regulations of the Center, the applicable rules and regulations of the Board, including the after-care and follow-up program for at least eighteen (18) months following temporary discharge from confinement in the Center or, in the case of a dependent placed under the care of the DOH-accredited physician, the after-care program and follow-up schedule formulated by the DSWD and approved by the Board: *Provided*, That capability-building of local government social workers shall be undertaken by the DSWD;
- (2) He/she has never been charged or convicted of any offense punishable under this Act, the Dangerous Drugs Act of 1972 or Republic Act No. 6425, as amended, the Revised Penal Code, as amended, or any special penal laws;
- (3) He/she has no record of escape from a Center: *Provided*, That had he/she escaped, he/she surrendered by himself/herself or through his/her parent, spouse, guardian or relative within the

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fourth degree of consanguinity or affinity, within one (1) week from the date of the said escape; and

(4) He/she poses no serious danger to himself/herself, his/her family or the community by his/her exemption from criminal liability.

x x x x

Section 57. *Probation and Community Service Under the Voluntary Submission Program.* – **A drug dependent who is discharged as rehabilitated by the DOH-accredited Center through the voluntary submission program**, but does not qualify for exemption from criminal liability under Section 55 of this Act, may be charged under the provisions of this Act, but shall be placed on probation and undergo a community service in lieu of imprisonment and/or fine in the discretion of the court, without prejudice to the outcome of any pending case filed in court.

Such drug dependent shall undergo community service as part of his/her after-care and follow-up program, which may be done in coordination with nongovernmental civil organizations accredited by the DSWD, with the recommendation of the Board. (Emphasis ours)

Based from the foregoing, the process for voluntary submission to treatment or rehabilitation should commence through an application to the Dangerous Drugs Board, who shall then endorse the application to the trial court. Afterwards, the court shall order the examination of the applicant for drug dependency. Should the examination confirm that the applicant is drug dependent, the court shall order treatment and rehabilitation for a period from six (6) months to one (1) year. The Dangerous Drugs Board shall then assess whether further confinement is necessary.

After the drug dependent is discharged from the voluntary submission program, he may then apply for exemption from criminal liability under Section 55, in relation to Section 15 of RA 9165. Otherwise, he may then be charged and shall be placed under probation *in lieu* of imprisonment and or fine, without prejudice to the decision in any pending case filed in court.

Based from the foregoing, it is at once apparent that respondent Judge's actions were unwarranted and violative of Sections 54 and 57 of RA 9165. As correctly noted by the OCA, the orders of respondent Judge committing some of the accused to rehabilitation lacked the required endorsement of the Dangerous Drugs Board and examination conducted by a Department of Health-accredited physician. Moreover, those transferred to the custody of the Provincial Parole and Probation Office did not appear to have undergone voluntary rehabilitation. Finally, there is nothing in the law which sanctions transfer of custody or detention of those accused of illegal drug offenses to the Parole and Probation office. Under Presidential Decree

No. 968, or the Probation Law of 1976,²⁶ the Provincial/City Parole and Probation Offices under the Parole and Probation Administration (Administration), are tasked to: 1) investigate application for parole or executive clemency referred to it by the courts or the Administration; 2) rehabilitate probationers, parolees, pardonees, first-time minor drug offenders;²⁷ and 3) prepare a list of qualified residents of the province or city where he is assigned who are willing to act as probation aides; 4) train and supervise probation aides; 5) perform such other duties as assigned by the Regional Director. It is not authorized to hold persons who have pending criminal cases.

This Court agrees with the OCA that respondent Judge is liable for gross ignorance of the law. Gross ignorance of the law is the disregard of basic rules and settled jurisprudence. A judge may also be administratively liable if shown to have been motivated by bad faith, fraud, dishonesty or corruption in ignoring, contradicting or failing to apply settled law and jurisprudence.²⁸ Though not every judicial error bespeaks ignorance of the law and that, if committed in good faith, does not warrant administrative sanction, the same applies only in cases within the parameters of tolerable misjudgment.²⁹

RA 9165 is neither novel nor highly technical for respondent Judge to be oblivious of its provisions. In fact, he invoked Sections 54 and 57 thereof

²⁶ Section 23. *Provincial and City Probation Officers.* — There shall be at least one probation officer in each province and city who shall be appointed by the Secretary of Justice upon recommendation of the Administrator and in accordance with civil service law and rules.

The Provincial or City Probation Officer shall receive an annual salary of at least eighteen thousand four hundred pesos.

His duties shall be to:

(a) investigate all persons referred to him for investigation by the proper court or the Administrator;
 (b) instruct all probationers under his supervision or that of the probation aide on the terms and conditions of their probation;
 (c) keep himself informed of the conduct and condition of probationers under his charge and use all suitable methods to bring about an improvement in their conduct and conditions;
 (d) maintain a detailed record of his work and submit such written reports as may be required by the Administration or the court having jurisdiction over the probationer under his supervision;
 (e) prepare a list of qualified residents of the province or city where he is assigned who are willing to act as probation aides;
 (f) supervise the training of probation aides and oversee the latter's supervision of probationers;
 (g) exercise supervision and control over all field assistants, probation aides and other personnel; and
 (h) perform such duties as may be assigned by the court or the Administration.

²⁷ Section 70 of RA No. 9165 provides:

Section 70. Probation or Community Service for a First-Time Minor Offender in Lieu of Imprisonment. — Upon promulgation of the sentence, the court may, in its discretion, place the accused under probation, even if the sentence provided under this Act is higher than that provided under existing law on probation, or impose community service in lieu of imprisonment. In case of probation, the supervision and rehabilitative surveillance shall be undertaken by the Board through the DOH in coordination with the Board of Pardons and Parole and the Probation Administration. Upon compliance with the conditions of the probation, the Board shall submit a written report to the court recommending termination of probation and a final discharge of the probationer, whereupon the court shall issue such an order.

²⁸ *Office of the Court Administrator v. Salvador*, A.M. No. RTJ-19-2562, July 2, 2019.

²⁹ *Office of the Court Administrator v. Dumayas*, 827 Phil. 173, 186 (2018).

to justify his orders. Nonetheless, despite the clear directive of the law, respondent Judge ignored the proper procedure stated therein. Respondent Judge's persistent disregard of the applicable statutory provisions despite his knowledge thereof, clearly reflect his bad faith and his predisposition to take the law into his own hands. Moreover, judging by the number and consistency of his orders removing those accused of drug offenses from the local detention facility, respondent Judge seemed to have unduly prioritized the welfare of these detainees over the public's confidence in the integrity and impartiality of the judiciary. It is easy to understand how respondent Judge's pattern of behavior created an impression that the court gave undue and preferential treatment in favor of the accused.

The Court cannot countenance respondent Judge's blunders which diminish the faith of the people in the judiciary. Indeed, in the discharge of judicial functions, appearance is the same as reality.³⁰ Judges must ensure that they must not only be impartial but must also appear to be impartial as an added assurance to the parties that his decision will be just. The litigants are entitled to no less than that. They should be sure that when their rights are violated, they can go to a judge who shall give them justice. They must trust the judge, otherwise they will not go to him at all. They must believe in his sense of fairness, otherwise they will not seek his judgment. Without such confidence, there would be no point in invoking his action for the justice they expect.³¹

Respondent judge is also guilty of grave misconduct

Likewise, this Court also holds respondent Judge liable for removing Ruben from a national penitentiary and detaining him in another jail for a period of more than eight (8) months.

The policy of the courts has always been to discourage or minimize the transfer or removal of prisoners from national penitentiaries. As early as 1977, the Court, in Supreme Court Administrative Circular No. 6 dated December 5, 1977 stated that:

Effective immediately, every Judge and/or clerk of court of the aforementioned courts is hereby directed (1) to examine and study carefully any application for the issuance of subpoena or summons involving detention prisoners filed with their court; (2) to deny the application if it appears that the appearance or attendance of the prisoner

³⁰ See *Lee v. Abastillas*, 304 Phil. 183 (1994).

³¹ *Office of the Court Administrator v. Dumayas*, *supra* note 29 at 188, citing *Lai v. People*, 762 Phil. 434, 443 (2015).

at the hearing or trial involved is unnecessary, considering all the circumstances of the case; and (3) **to grant the application only if it appears that the appearance or attendance of the prisoner at the hearing or trial involved is indispensable** or that his complicity in the commission of the offense subject of the hearing or trial has been fully established. **Whenever circumstances justify the issuance of a subpoena or summons effecting the transfer of a prisoner, his testimony should be taken at once, and immediately thereafter he should be returned to his original place of confinement or the New Bilibid Prisons, as the case may be.**

However, pursuant to Administrative Circular No. 2 dated December 2, 1976, no prisoners sentenced to death or life imprisonment or detained upon legal process for the commission of any offense punishable by death or life imprisonment confined in the New Bilibid Prisons is allowed to be brought outside the said penal institution for appearance or attendance in any court **except when the Supreme Court authorizes the Judge, upon proper application, to effect the transfer of the said prisoner.** In addition, the said Circular directs every judge in Metro Manila and the Provinces of Rizal, Bulacan, Cavite and Laguna who requires the appearance or attendance of any of the aforesaid prisoners confined in the New Bilibid Prisons in any judicial proceeding to conduct such proceeding within the premises of the said penal institution. (Emphasis ours)

The rule was created to address the fact that prisoners make use of applications for transfer as a convenient subterfuge in order to escape, enjoy extended vacations in their home provinces, extort money from local residents, intimidate prisoners in local jails who may be important witnesses in other cases, or conduct other unscrupulous and pernicious activities.

The same policy was again reiterated in Supreme Court Administrative Circular No. 40-2001,³² viz.:

x x x x

5. The full testimony of the prisoner shall be taken at once, and immediately thereafter, the prisoner shall be returned to his original place of confinement.

Verily, OCA Circular No. 163-2013³³ dated December 6, 2013 is merely a repetition of this long-standing policy, viz:

IV. Except by the express authority of the Supreme Court upon proper application to effect the transfer of a national prisoner, NO

³² Entitled "Guidelines in the Issuance of Subpoena Requiring a Detention Prisoner Detained in One Place to Appear in Another Place for the Purpose of Taking His Testimony" issued on August 8, 2001.

³³ Entitled "Issuance of Mittimus/Commitment Order and Transfer of Detainees/Prisoners from One Detention/Penal Facility to Another for Purposes of Testifying at the Hearing or Trial of an Action," approved on December 6, 2013.

JUDGE SHALL ALLOW A PRISONER OR DETAINEE CONFINED IN ANY NATIONAL PENITENTIARY TO BE BROUGHT OUTSIDE THE SAID PENAL INSTITUTION for appearance or attendance before any court.

V. Every Judge in the National Capital Judicial Region and in the Provinces of Rizal, Bulacan, Cavite, and Laguna who requires the attendance or appearance in any judicial proceeding of a national prisoner or detainee confined in the New Bilibid Prison or Correctional Institution for Women is directed to conduct such proceeding within the premises of the said penal institutions.

VI. Every Judge of a court outside of the National Capital Judicial Region and the Provinces of Rizal, Bulacan, Cavite, and Laguna who requires the attendance or appearance in any judicial proceeding of a national prisoner or detainee confined in the New Bilibid Prison or Correctional Institution for Women is directed to immediately refer the matter to the Supreme Court through the Office of the Court Administrator for appropriate action.

VII. Every Judge who requires the attendance or appearance in any judicial proceeding of a national prisoner or detainee confined in any other national penal institution mentioned in Section III hereof is directed to conduct such proceeding within the premises of said penal institution or, when such action is deemed impractical, to immediately refer the matter to the Supreme Court through the Office of the Court Administrator for appropriate action.

VIII. Whenever circumstances justify the issuance of a Subpoena or Summons effecting the transfer of a prisoner from his original place of confinement, his testimony should be taken at once, and immediately thereafter he should be returned to the said original place of confinement.

Thus, even if OCA Circular No. 163-13 was issued several months after respondent Judge's Order dated May 3, 2013, he cannot be absolved from any administrative responsibility. At the outset, it does not appear from the record, and respondent Judge failed to proffer any explanation, as to how Ruben's testimony was indispensable in the resolution of the case. Moreover, despite the parties' agreement to compromise as early as May 23, 2013, respondent Judge continued to allow Ruben to stay in the SPPF.

This Court also finds irregular respondent Judge's Order dated December 16, 2013, ordering "petitioner" to comply with his obligation to respondent Judge, otherwise "he will be ordered to return to San Ramon Penal Colony, Zamboanga City." "Petitioner" in that case was a certain Mike and not Ruben. It does not appear from the record that the title of the case was amended to include Ruben as a party. Nonetheless, even if Ruben is considered as one of the complainants in the aforesaid case, the fact remains that his continued presence in Mindoro was unauthorized and unjustified.³⁴

³⁴ *Rollo*, pp. 1-5.

For his actions in Civil Case No. 1792, the Court finds respondent Judge liable for Grave Misconduct. "Misconduct is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer. To warrant dismissal from service, the misconduct must be grave, serious, important, weighty, momentous, and not trifling. The misconduct must imply wrongful intention and not a mere error of judgment and must also have a direct relation to and be connected with the performance of the public officer's official duties amounting either to maladministration or willful, intentional neglect, or failure to discharge the duties of the office. In order to differentiate Gross Misconduct from Simple Misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of established rule, must be manifest in the former." Corruption, as an element of Grave Misconduct, consists in the act of an official or fiduciary person who unlawfully and wrongfully uses his station or character to procure some benefit for himself or for another person, contrary to duty and the rights of others.³⁵

In the case of *Re: De Guzman, Jr.*,³⁶ the Court found the concerned judge therein and his court clerk liable for gross negligence in the performance of their duties for issuing a subpoena requiring life-terminer former Congressman Nicanor de Guzman, Jr., to appear at the said court for hearing. In that case, this Court rejected the judge's explanation that he was unaware of Supreme Court Administrative Circular No. 06-77. Similarly, the Court does not find herein respondent judge's explanation meritorious. As a judge, respondent judge is charged with the knowledge of internal rules and procedures, especially those which relate to the scope of their authority.³⁷

However, unlike the ruling in *Re: De Guzman, Jr.*,³⁸ the Court cannot hold respondent judge liable for gross negligence only. The premise of concerned judge's liability in the said case is his failure to verify that the subject of the subpoena is a life-terminer. Moreover, the prisoner in that case was not able leave the national penitentiary on account of the subpoena issued. Meanwhile, in this case, respondent Judge knew that Ruben was detained in a national penal institution based on his direct order to the guards of San Ramon Penal Colony, Zamboanga to transfer Ruben to the SPPF. Despite such knowledge, he not only ordered the transfer of a detainee but allowed him to stay outside the national prison for an undue period of time until his supposed receipt of the copy of OCA Circular No. 163-2013. These circumstances convince the Court that respondent Judge took advantage of his position to facilitate Ruben's transfer to a local detention facility.

³⁵ *Maddela III v. Pamintuan*, A.M. Nos. RTJ-19-2559 & RTJ-19-2561, August 14, 2019 [Per Curiam], citing *Judge Buenaventura v. Mabalot*, 716 Phil. 476, 494 (2013).

³⁶ 343 Phil. 530 (1997).

³⁷ *In re De Guzman, Jr.*, 343 Phil. 530 (1997).

³⁸ *Id.*

Penalties

In imposing the proper penalties, the Court also considers respondent Judge's past transgressions.

This Court, in *Taran v. Judge Jacinto, Jr.*,³⁹ found respondent judge guilty of culpable lapses in supervising court employees and issuing orders through the telephone, in violation of Supreme Court Circular No. 26-97 and Section 6, Rule 120 of the Revised Rules of Court.

Meanwhile, in *Bandoy v. Judge Jacinto, Jr.*,⁴⁰ respondent judge was found guilty of gross ignorance of the law and procedure, and of bias and partiality because he allowed various postponements of the arraignment from 2007 to 2011. When the accused finally appeared, he conducted the arraignment proceedings inside his chamber.

In *Ascaño, Jr. v. Judge Jacinto, Jr.*,⁴¹ respondent judge was found guilty of unbecoming conduct for raising his voice and uttering abrasive and unnecessary remarks to a witness. On the other hand, respondent judge was found guilty of gross ignorance of the law for the second time in a two (2)-page Notice of Resolution.

For issuing orders in contravention with RA 9165 in 17 cases, the Court holds respondent judge liable for multiple counts of gross ignorance of law. Indeed, these various instances where respondent judge distorted the provisions of RA 9165 in handling the custody of detainees may well have been the subject of different administrative complaints, meriting separate penalties.⁴²

Under Rule 140 of the Rules of Court, as amended, gross ignorance of the law is classified as a serious charge, and punishable by a fine of more than ₱20,000.00 but not exceeding ₱40,000.00, and suspension from office for more than three but not exceeding six months, without salary and other benefits, or dismissal from service.⁴³ Further, under *Boston Finance and Investment Corp. v. Gonzalez*,⁴⁴ if the respondent judge or justice of the lower court is found guilty of multiple offenses under Rule 140 of the Rules of Court, the Court shall impose separate penalties for each violation.⁴⁵

³⁹ 448 Phil. 563 (2003).

⁴⁰ 747 Phil. 156 (2014).

⁴¹ 750 Phil. 13 (2015).

⁴² See *Office of the Court Administrator v. Flor, Jr.*, A.M. No. RTJ-17-2503, July 28, 2020 [Per Curiam].

⁴³ See *Philippine National Construction Corp. v. Mupas*, A.M. No. RTJ-20-2593, November 10, 2020 [Per Curiam].

⁴⁴ A.M. No. RTJ-18-2520, October 9, 2018 [Per J. Perlas-Bernabe].

⁴⁵ See *Re: Analie C. Aldea-Arocena*, A.M. No. MTJ-17-1889, September 3, 20109 [Per Curiam].

Basing from the number of times respondent judge disregarded the provisions of the law, the Court now doubts whether respondent judge is still competent and deserving to don the judicial robe. The Court, therefore, deems it proper to impose the penalty of dismissal for each count of gross ignorance of the law.⁴⁶

Meanwhile, the unauthorized transfer of Ruben's place of detention constitutes gross misconduct. Rule 140 of the Rules of Court also classifies it as a serious offense, and provides for the same imposable penalties as in gross ignorance of the law. As the Court has already imposed the penalty of dismissal for gross misconduct, respondent judge is hereby ordered to pay a fine of ₱30,000.00.⁴⁷

A final note. Adherence to the rules of procedure is a basic and fundamental aspect of adjudication. Its purpose is not merely to facilitate an orderly administration of justice, but to ensure that the process is fair and credible. As in this case, bending and distorting the rules not only manifests the judge's incompetence but puts into doubt the independence and impartiality of the judicial institution.

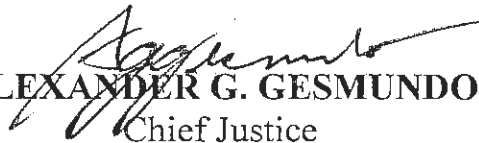
WHEREFORE, Hon. Jose S. Jacinto Jr., Presiding Judge, Branch 45, Regional Trial Court of Occidental Mindoro is hereby found **GUILTY** of seventeen (17) counts of gross ignorance of the law or procedure. He is **DISMISSED** from the service with **FORFEITURE** of retirement benefits, except leave credits, and with prejudice to re-employment in any branch or instrumentality of the government, including government-owned and controlled corporations. He is likewise held liable for gross misconduct, and is **ORDERED** to pay **FINE** in the amount of ₱30,000.00.


Let a copy of this Decision be furnished to the Office of the Court Administrator for its information and guidance.

SO ORDERED.


⁴⁶ See *Office of the Court Administrator v. Salvador*, *supra* note 28.


⁴⁷ See *Maddela III v. Pamintuan*, *supra* note 35.

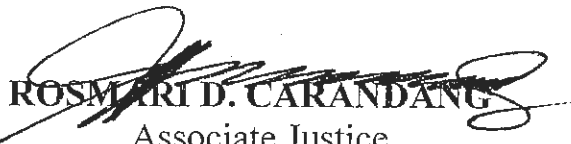

ALEXANDER G. GESMUNDO
Chief Justice


ESTELA M. PERLAS-BERNABE
Associate Justice



MARVIC M.V.F. LEONEN
Associate Justice

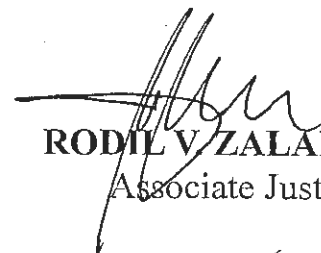

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

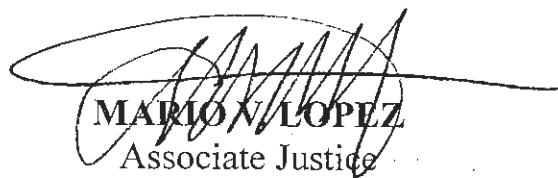

RAMON PAUL L. HERNANDO
Associate Justice


ROSMARI D. CARANDANG
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice


RODIL V. ZALAMEDA
Associate Justice

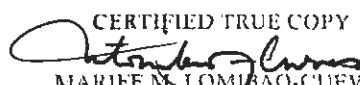

MARIO N. LOPEZ
Associate Justice


EDGARDO L. DELOS SANTOS
Associate Justice


SAMUEL H. GAERLAN
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JHOSEP Y. LOPEZ
Associate Justice

CERTIFIED TRUE COPY

MARIFE M. LOMIBAO-CUEVAS
Clerk of Court
Supreme Court