Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

ATTY. JOSELITO M. BAETIONG, Complainant,	**A.M. No. MTJ-24-024** [Formerly OCA IPI No. 20-3132-MTJ]
- versus -	Present:
PRESIDING JUDGE JO ANNE N. DELA CRUZ-MALATON, Municipal Circuit Trial Court, Casiguran-Dilasag-Dinalungan, Aurora, Respondent.	LEONEN, *S.A.J., Chairperson,* LAZARO-JAVIER, *Working Chairperson,** LOPEZ, M., LOPEZ, J.,** and KHO, JR., *JJ.* Promulgated: JUL 03 2023

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DECISION

KHO, JR., *J.*:

Before the Court is a Complaint[1] dated December 7, 2020 filed by complainant Atty. Joselito M. Baetiong (complainant) charging respondent Presiding Judge Jo Anne N. Dela Cruz-Malaton (respondent), Municipal Circuit Trial Court (MCTC) of Casiguran-Dilasag-Dinalungan, Aurora (CDD-MCTC), with gross incompetence and gross ignorance of the law. The complaint involved Criminal Case No. 3033, entitled "*People of the Philippines v. Rachelle Vida Longalong Reyes, et al.*" for falsification by private individuals under Article 172(1), in relation to Article 171(4) of the Revised Penal Code (RPC).

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* Per Special Order No. 2993 dated June 26, 2023.
** On leave.
[1] *Rollo*, pp. 2-11.

The Facts

Complainant is the complaining witness in Criminal Case No. 3033, then pending before the MCTC of Baler-San Luis, Aurora. On September 3, 2018, Provincial Prosecutor Jobert D. Reyes filed a Manifestation for Voluntary Inhibition[2] of the Office of the Provincial Prosecutor (OPP) of Aurora after complainant alleged that the defense counsel of the accused is the former's sister-in-law. Consequently, an Assistant Regional Prosecutor (ARP) substituted the provincial prosecutor in the case. The case was eventually assigned to respondent after the Presiding Judge of the MCTC of Baler-San Luis, Aurora likewise voluntarily inhibited from the case upon complainant's motion.[3]

During the arraignment and pretrial on January 28, 2020, the ARP and complainant appeared. The accused and their counsel were absent despite due notice. Thus, as prayed for by the ARP, respondent issued an Order[4] dated January 28, 2020 cancelling the bail previously posted by the accused, ordering the issuance of warrants of arrest against them, and fixing the bail at PHP 36,000.00 for each of them.[5]

On January 28, 2020, accused Rachelle Vida Longalong Reyes and Reynon C. Reyes filed a Motion for Reconsideration,[6] which the court received at 5:35 p.m. on the same day. They alleged that they did not receive the Notice of Hearing of the arraignment and pretrial and that it was only the first time that they failed to attend the scheduled hearing. The other accused, Virginia B. Idia, also moved for reconsideration,[7] which the court likewise received at 5:35 p.m. of the same day, explaining that she completely forgot about the hearing and that it was also the first instance she was absent during the trial proceedings.[8] Both motions set the hearing at 8:00 a.m. the following day, or on January 29, 2020.[9]

On January 29, 2020, respondent issued an Order[10] *ex parte*, denying the two Motions for Reconsideration (MRs). Respondent, however, reduced the amount of bail for each accused from PHP 36,000.00 to PHP 18,000.00, considering that it was the first time they failed to attend the hearing.

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[2] *Id.* at 12–13.

[3] *Id.* at 108–109. See also *id.* at 125–126. See Motion to Inhibit and Supplement to Motion to Inhibit, *id.* at 35–42. See also November 21, 2018 Letter of complaint addressed to then Court Administrator Jose Midas P. Marquez (now a Member of this Court) requesting for change of venue of the five criminal cases, including Criminal Case No. 3033, *id.* at 43–49.

[4] *Id.* at 14.

[5] *Id.* at 109. *See also id.* at 126.

[6] *Id.* at 15–16.

[7] *Id.* at 17–18.

[8] *Id.* at 109. *See also id.* at 126.

[9] *Id.* at 16 and 18, respectively.

[10] *Id.* at 19.

Months after, or on December 7, 2020, complainant filed the present administrative complaint alleging that respondent issued her Order dated January 29, 2020 without any justification and in violation of the "3-day notice rule" which showed her ignorance of the law and procedure. Complainant likewise averred that respondent's act of acceding to the contentions of the two accused, i.e., that it is their first time to fail to attend the scheduled hearings, "without confirming the same with the records of the case is so patent and egregious that it amounted to bad faith" thereby constituting gross incompetence.[11]

Complainant added that contrary to respondent's findings, it was not the first time that the two accused were absent during the proceedings. In fact, respondent noted the absence of the accused in her Order[12] dated November 27, 2018, resulting in the resetting of the arraignment and pretrial.[13]

In the Comment[14] dated January 25, 2021, respondent argued that the complaint fails to specify the charges to enable her to comment thereon "fully and comprehensively." In any case, she claimed that Criminal Case No. 3033 was related to four other criminal cases which she had already decided against complainant. Thus, she contends that the filing of the complaint is highly suspect especially since after she was assigned to hear the five criminal cases, complainant requested[15] the transfer of the venue but which the Supreme Court denied in its Resolution[16] dated January 8, 2020. Respondent likewise underscored that, after filing the administrative case against her, complainant also filed a motion for her inhibition[17] resulting in the designation of Judge Jonald E. Hernandez of the MCTC of Aurora-Dipaculao[18] to hear the case.

This notwithstanding, respondent explained that she resolved outright the two MRs because all the accused, one of whom is already a senior citizen, were in danger of having to spend the night or two in jail. Besides, the "3-day notice rule" is a procedural rule that should be liberally construed. In fact, Rule 15, Section 4 of the Rules of Court allows the hearing of motions on shorter notice "for good cause." At any rate, no prejudice was caused to the prosecution or the complainant since the Order merely reduced the amount of the bail.[19]

Finally, respondent pointed out that the Order being assailed by complainant is dated January 28, 2020, whereas the complaint was filed on

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11 *Id.* at 8–9.
12 *Id.* at 23.
13 *Id.* at 109–110. *See also id.* at 126–127.
14 Dated January 25, 2021, *id.* at 28–34. October 15, 2021, *id.* at 96–97.
15 *Id.* at 35–40 and 41–49, respectively; Motion to Inhibit and Supplement to Motion to Inhibit.
16 *Id.* at 127.
17 *Id.* at 60. Per Administrative Order No. 01-2021 dated January 18, 2021, signed by Executive Judge Enrico Voltaire S. Rivera, RTC of Baler, Aurora.
18 *Id.* at 28–33. *See also id.* at 110 and 127.
19 *Id.* at 110–111. *See also id.* at 127–128.

December 7, 2020. In the interim, complainant participated in the proceedings before the court. She argued that if complainant had serious and honest doubt as to her competency, the former should have raised the same immediately upon receipt of the assailed Order.[20]

In his Reply[21] dated February 17, 2021, complainant argued that the accused in the criminal case have the means to engage the services of a Makati-based lawyer and had in fact readily posted their respective cash bonds. Thus, respondent's reasons for immediately acting on the MRs and reducing the bail is baseless. Complainant added that contrary to respondent's claim, Rule 15, Section 5 of the 2019 Amendments to the Rules of Civil Procedure explicitly state that a motion for reconsideration is a litigious motion, which must thus be heard.[22]

In a Letter[23] dated February 22, 2021, respondent asserted that complainant's Reply is a rehash of the allegations in the Complaint.[24]

Subsequently, complainant filed a Supplemental Complaint[25] dated June 11, 2021 stating that in serving him a copy of respondent's February 22, 2021 Letter,[26] respondent failed to pay for the postage required to deliver the same and thus, violated the franking privilege granted to the Judiciary[27] under Presidential Decree No. 26.[28] In support thereof, complainant attached the original envelope[29] addressed to him containing a copy of the said Letter.

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[20] *Id.* at 111.
[21] *Id.* at 62–81. Dated February 17, 2021.
[22] *Id.* at 111–113.
[23] *Id.* at 82.
[24] *Id.* at 113.
[25] *Id.* at 88–91.
[26] *Id.* at 85. See attached envelope.
[27] *Id.* at 113.
[28] Issued on October 21, 1976. It pertinently provides:

"...

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution as Commander-in-Chief of all the Armed Forces of the Philippines and pursuant to Proclamation No. 1081, dated September 21, 1972, do hereby order and decree as part of the law of the land that:

(1) Judges of the Courts of First Instance, Circuit Criminal Courts, Juvenile and Domestic Relations Courts, Courts of Agrarian Relations, Court of Industrial Relations, Military Tribunals and City and Municipal Courts, may transmit in the mail, free of charge, all official communications and papers directly connected with the conduct of judicial proceedings.

. . .

(3) The Secretary of Public Works, Transportation and Communication shall, within thirty (30) days from the publication of this Decree, promulgate the necessary rules and regulations to carry out the foregoing provisions. **Provided, That any person who uses the privilege granted hereunder for private or unauthorized purposes shall be punished by a fine of five hundred pesos or imprisonment of not more than three years or both.**" (Emphasis supplied)

[29] *Rollo*, p. 85.

Responding thereto, respondent filed a Comment[30] dated October 15, 2021 praying for the dismissal of the Supplemental Complaint for lack of basis. Respondent argued that it was reckless on the part of complainant to assume that she did not pay the required postage fees just because her Letter lacked postage stamps. She asserted that it was not for her to explain the absence of postage stamps since she had neither authority nor supervision over the personnel of the Philippine Postal Corporation. At any rate, she claimed that she duly paid for the same, as evidenced by the *Sertipikasyon*[31] issued by the Postmaster of Casiguran confirming receipt of payment for the postage stamp fee.[32]

Thereafter, complainant filed a Reply[33] to respondent's October 15, 2021 Comment reiterating his arguments in the Supplemental Complaint, but highlighting that while respondent claimed that she received the Supplemental Complaint on July 5, 2021, the *Sertipikasyon* was dated June 18, 2021 or prior to her receipt of the said complaint.

The JIB Report and Recommendation

In a Report and Recommendation[34] dated February 10, 2022, the Judicial Integrity Board (JIB) – Office of the Executive Director (OED) recommended that: (a) respondent be fined for gross ignorance of the law, and (b) consider the other allegations as unmeritorious.

According to the JIB-OED, the MRs subject of respondent's January 28, 2020 Order are litigious in nature which should have been heard in compliance with the "3-day notice" rule. Hence, respondent's act of resolving the two MRs the very next day or within a span of 24 hours from their filing deprived the prosecution of the opportunity to be heard and oppose the motions. Worse, respondent reduced the amount of bail without any request from the accused. In this regard, the JIB-OED pointed out that case law instructs that when the law or rule is so elementary, such as the requirement of hearing for written motions, not knowing about it constitutes gross ignorance of the law even in the absence of malicious intent, as in this case.[35]

Anent the charge of gross incompetence, Atty. James D.V. Navarrete (Atty. Navarrete) recommended the dismissal of the same after finding respondent's explanation sufficient to justify her actions.

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[30] *Id.* at 96–98.
[31] *Id.* at 99.
[32] *Id.* at 113–114.
[33] *Id.* at 101–105.
[34] *Id.* at 108–117. Penned by Acting Executive Director James D.V. Navarrete.
[35] *Id.* at 112.

In a Report[36] dated March 8, 2023, the JIB Proper adopted the foregoing recommendations of Atty. Navarrete. Accordingly, the JIB recommended: (i) that the instant administrative complaint be redocketed as a regular administrative case against respondent; and (ii) respondent be found guilty of gross ignorance of the law and procedure and be fined in the amount of PHP 50,000.00, payable within 30 days from notice, with a stern warning that a repetition of the same or similar offense shall be dealt with more severely.[37]

The JIB Proper agreed that respondent violated Rule 15, Sections 4 and 5 of the 1997 Rules of Civil Procedure when she failed to observe the "3-day notice" rule required with respect to written motions. It observed that a hearing was necessary in this case considering that there were pertinent issues that needed to be resolved, i.e., whether the movants received a copy of respondent's assailed Order directing the issuance of arrest against them and whether their failure to attend the scheduled pretrial was indeed their first time.[38]

On this score, the JIB Proper rejected respondent's claim of good cause in failing to observe the "3-day notice" rule since she did not set the motions for hearing even on a shorter notice. The JIB Proper held that since the observance of the "3-day notice" rule is basic, elementary, and well-known, respondent's patent disregard of the same constituted gross ignorance of the law for which she should be held administratively liable pursuant to Rule 140, Section 14(j), as further amended. Nonetheless, since respondent has been in the service for more than 19 years and this is the first time she is charged administratively, the JIB Proper recommended the mitigation of the penalty to be imposed upon respondent following Rule 140, Section 20 of the same Rules.[39]

The Issue Before the Court

The issue for the Court's resolution is whether respondent should be held administratively liable for the act complained of.

The Court's Ruling

The Court adopts the findings and recommendations of the JIB Proper, with certain modifications as will be explained hereunder.

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[36] *Id.* at 125–134. Penned by Vice Chairperson Justice Angelina Sandoval-Gutierrez (Ret.) with Chairperson Justice Romeo J. Callejo, Sr. (Ret.) and Member Justices Sesinando E. Villon (Ret.), Rodolfo A. Ponferrada (Ret.), and Cielito N. Mindaro-Grulla (Ret.) concurring.

[37] *Id.* at 133.

[38] *Id.* at 130.

[39] *Id.* at 131–133.

I.

At the outset, it is important to note that on February 22, 2022, the Court *En Banc* unanimously approved A.M. No. 21-08-09-SC, entitled "*Further Amendments to Rule 140 of the Rules of Court.*" On April 3, 2022, the publication requirement thereof had already been complied with;[40] hence, Rule 140, as further amended, is already effective.

In this relation, Section 24 of Rule 140, as further amended, explicitly provides that it will apply to all pending and future administrative disciplinary cases involving Members, officials, employees, and personnel of the Judiciary, to wit:

> SECTION 24. *Retroactive Effect.* — **All the foregoing provisions shall be applied to all pending and future administrative cases involving the discipline of Members, officials, employees, and personnel of the Judiciary**, without prejudice to the internal rules of the Committee on Ethics and Ethical Standards of the Supreme Court insofar as complaints against Members of the Supreme Court are concerned. (Emphasis and underscoring supplied)

In view of the foregoing, the Court shall resolve this case under the framework of Rule 140, as further amended — as what the JIB Proper did.

II.

"Our conception of good judges has been, and is, of men who have a mastery of the principles of law, who discharge their duties in accordance with law. Judges are the visible representations of law and justice, from whom the people draw the will and inclination to obey the law. They are expected to be circumspect in the performance of their tasks, for it is their duty to administer justice in a way that inspires confidence in the integrity of the justice system. Judges should exhibit more than just a cursory acquaintance with the statutes and procedural rules, and should be diligent in keeping abreast with developments in law and jurisprudence. For, a judge who is plainly ignorant of the law taints the noble office and great privilege vested in him."[41] In *Department of Justice v. Mislang*,[42] the Court *En Banc*, in a *Per Curiam* ruling, elaborated on the administrative offense of Gross Ignorance of the Law as follows:

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[40] Section 26 of the Rules reads:

> SECTION 26. *Effectivity Clause.* – These Rules shall take effect following their publication in the Official Gazette or **in two newspapers of national circulation**. (emphasis and underscoring supplied)

[41] *Philippine National Construction Corporation v. Mupas*, 889 Phil. 641, 649 (2020) [*Per Curiam, En Banc*]; citations omitted.

[42] 791 Phil. 219 (2016) [*Per Curiam, En Banc*].

> 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. **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.** Such, however, is not the case with Judge Mislang. **Where the law is straightforward and the facts so evident, failure to know it or to act as if one does not know it constitutes gross ignorance of the law.** A judge is presumed to have acted with regularity and good faith in the performance of judicial functions. **But a blatant disregard of the clear and unmistakable provisions of a statute, as well as Supreme Court circulars enjoining their strict compliance, upends this presumption and subjects the magistrate to corresponding administrative sanctions.**
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> For liability to attach for ignorance of the law, the assailed order, decision or actuation of the judge in the performance of official duties must not only be found erroneous but, most importantly, it must also be established that he was moved by bad faith, dishonesty, hatred, or some other like motive. Judges are expected to exhibit more than just cursory acquaintance with statutes and procedural laws. They must know the laws and apply them properly in all good faith. Judicial competence requires no less. **Thus, unfamiliarity with the rules is a sign of incompetence. Basic rules must be at the palm of his hand. When a judge displays utter lack of familiarity with the rules, he betrays the confidence of the public in the courts. Ignorance of the law is the mainspring of injustice.** Judges owe it to the public to be knowledgeable, hence, they are expected to have more than just a modicum of acquaintance with the statutes and procedural rules; they must know them by heart. **When the inefficiency springs from a failure to recognize such a basic and elemental rule, a law or a principle in the discharge of his functions, a judge is either too incompetent undeserving of the position and the prestigious title he holds or he is too vicious that the oversight or omission was deliberately done in bad faith, and in grave abuse of judicial authority.** In both cases, the judge's dismissal will be in order.[43] (Emphasis and underscoring supplied)

However, it bears clarifying that "[w]hile 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. A patent disregard of simple, elementary and well-known rules constitutes gross ignorance of the law."[44] In *Enriquez v. Judge Caminade*,[45] the Court, speaking through Chief Justice Artemio V. Panganiban, held:

> Judges are expected to exhibit more than just cursory acquaintance with statutes and procedural laws. In all good faith, they must know the laws and apply them properly. Judicial competence requires no less. **Where the**

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[43] *Id.* at 227–228.

[44] *Philippine National Construction Corporation v. Mupas*, 889 Phil. 641, 649–650 (2020) [*Per Curiam*, *En Banc*].

[45] 519 Phil. 781 (2006) [Per C.J. Panganiban, First Division]

> **legal principle involved is sufficiently basic and elementary, lack of conversance with it constitutes gross ignorance of the law.**[46] (Emphasis and underscoring supplied)

Otherwise stated, "[w]hen the law is sufficiently basic, a judge owes it to his office to know and to simply apply it. Anything less would be constitutive of gross ignorance of the law."[47]

In the case at bar, at the time pertinent thereto, Rule 15 of the 1997 Rules of Civil Procedure requires every written motion to be set for hearing by the applicant with notice thereof served at least three days before the hearing date. This is otherwise known as the "three-day notice" rule, *viz.*:

> Section 4. *Hearing of motion.* — Except for motions which the court may act upon without prejudicing the rights of the adverse party, **every written motion shall be set for hearing by the applicant. Every written motion required to be heard and the notice of the hearing thereof shall be served in such a manner as to ensure its receipt by the other party at least three (3) days before the date of hearing, unless the court for good cause sets the hearing on shorter notice.** (4a)
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> Section 5. *Notice of hearing.* — The notice of hearing shall be addressed to all parties concerned, and shall specify the time and date of the hearing which must not be later than ten (10) days after the filing of the motion. (5a)

The Court has held time and again that the three-day notice requirement is mandatory. As a rule, a motion which does not comply with the foregoing requirement is a mere scrap of paper which the clerk of court has no right to receive and over which the court has no authority to act upon.[48]

It is settled that the three-day notice rule is an integral component of procedural due process which was established not for the benefit of the movant. Rather, the requirement is for the purpose of avoiding surprises upon the adverse party who must be granted sufficient time to study the motion and meet the arguments interposed therein before resolution of the court.[49] Verily, the principles of natural justice demand that the right of the party should not be affected without giving it an opportunity to be heard. "The test is the presence of the opportunity to be heard, as well as to have time to study the motion and meaningfully oppose or controvert the grounds upon which it is based."[50]

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46 *Id.* at 783.

47 *Philippine National Construction Corporation v. Mupas*, 889 Phil. 641, 649 (2020) [*Per Curiam, En Banc*], citing *Cabili v. Balindong*, 672 Phil. 398, 412 (2011) [*Per Curiam, En Banc*].

48 *See Jehan Shipping Corporation v. National Food Authority*, 514 Phil. 166 (2005) [Per J. Panganiban, Third Division] and *Sule v. Judge Biteng*, 313 Phil. 398 (1995) [Per J. Davide, Jr., *En Banc*].

49 *See Cabrera v. Ng*, 729 Phil. 544, 550 (2014) [Per J. Reyes, First Division].

50 *Id.* at 551.

Notably, under the 2019 Proposed Amendments to the 1997 Rules of Civil Procedure, which took effect on May 1, 2020,[51] a motion for reconsideration is expressly listed as a litigious motion with which the adverse party is required to file an opposition within five days from notice.

In this case, it is undisputed that the two motions for reconsideration were filed by the accused on January 28, 2020 at 5:35 p.m., or in the afternoon of the same day respondent issued the Order cancelling the bail they (accused) previously posted, ordering the issuance of arrest warrants against them for their failure to appear at the pretrial, and fixing the bail at PHP 36,000.00 for each of them. Notably, the notice of hearing for both motions for reconsideration stated that these are "set for hearing on 29 January 2020 at 8:00 o'clock in the morning ..."[52] The obvious proximity between the date of service of the copy of the motion to the adverse party and the hearing date indicated in the notice of hearing clearly confirms the improbability for the latter to receive the said motion at least three days before the hearing date. Clearly, the accused-movants had already violated the three-day notice rule which should have already warned respondent that the adverse party had not yet been apprised of the filing of the said motions, much less the holding of a hearing thereof.

The foregoing circumstances notwithstanding, respondent proceeded to hear the motions *ex parte* immediately the following day. She also proceeded to reduce the amount of bail *sans* any prayer or request from the accused. Moreover, there is nothing in the records which show that the adverse party was given notice nor opportunity to study the motions and meaningfully oppose or controvert the grounds raised by the accused in seeking reconsideration of respondent's January 28, 2020 Order. All told, the Court is convinced that respondent did not observe the foregoing elementary requirement under Rule 15, Section 4 of the 1997 Rules of Civil Procedure.

To be sure, Rule 14, Section 4 of the 1997 Rules of Civil Procedure allows courts to set the hearing on shorter notice "for good cause." However, it is imperative that a notice of hearing should be served on the adverse party. Here, the records show that the motions were served on the OPP, and not the ARP who already took over the case upon the former's voluntary inhibition. Worse, it is evident that a copy of the motions that were served at 4:59 p.m. on January 28, 2020 would not reach the ARP on or before 8:00 a.m. of January 29, 2020.

Consequently, the Court finds respondent guilty of gross ignorance of the law for violating the three-day notice rule. Indeed, where the applicable legal provisions are crystal clear and need no interpretation, a judge's failure

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[51] *See* Rule 144 of the 2019 Proposed Amendments to the 1997 Rules of Civil Procedure.

[52] *Rollo*, pp. 16 and 18.

to apply the same constitutes gross ignorance of the law.[53] To reiterate, judges are called upon to exhibit more than just a cursory acquaintance with statutes and procedural rules; it is imperative that they be conversant with basic legal principles and be aware of well-settled authoritative doctrines.[54] Their failure to do so constitutes gross ignorance of the law for which they should be held administratively liable—as in this case.

III.

The administrative liability of respondent having already been established by substantial evidence—or "that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion"[55] — the Court now goes to the proper imposable penalty on her.

Gross ignorance of the law or procedure is classified as a serious charge under Section 14(j) of Rule 140, as further amended. In this relation, Section 17(1) of the same Rule states that serious charges may be penalized by any of the following sanctions: (a) dismissal from service, forfeiture of all or part of the benefits as the Supreme 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; (b) suspension from office without salary and other benefits for more than six months but not exceeding one year; or (c) a fine of more than PHP 100,000.00 but not exceeding PHP 200,000.00.

Furthermore, Section 19(1)(a) of Rule 140, as further amended, recognizes "first offense" as a mitigating circumstance, which, under Section 20 of the same Rule, has the effect of allowing the Court to "impose the penalties of suspension or fine for a period or amount not less than half of the minimum prescribed under this Rule."

Given the foregoing—and taking into consideration the JIB Proper's observation that respondent has been in the service for more than 19 years and this is the first time she is charged administratively—the Court deems it appropriate to mete on her the penalty of a fine in the amount of PHP 50,000.00, with a stern warning that a commission of the same or similar infraction shall warrant a more severe sanction. In this relation, the Court deems it proper to modify the JIB Proper's directive for respondent to pay the fine "within thirty (30) days from notice." This is considering that Section 22

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[53] *P/Sr. SUPT. Mabutas v. Judge Perello*, 498 Phil. 410, 435–436 (2005) [Per J. Austria-Martinez, Second Division].

[54] *Id.* at 435.

[55] *Tan v. Alvarico*, 888 Phil. 345, 355 (2020) [Per C.J. Peralta, First Division], citing Section 6, Rule 133, 2019 Amendments to the 1989 Revised Rules on Evidence (A.M. No. 19-08-15-SC).

of Rule 140, as further amended, provides the proper procedure in the payment of fines. This provision reads:

> Section 22. *Payment of Fines.* — When the penalty imposed is a fine, the respondent shall pay it within a period not exceeding three (3) months from the time the decision or resolution is promulgated. If unpaid, such amount may be deducted from the salaries and benefits, including accrued leave credits, due to the respondent. The deduction of unpaid fines from accrued leave credits, which is considered as a form of compensation, is not tantamount to the imposition of the accessory penalty of forfeiture covered under the provisions of this Rule.

Thus, respondent's payment of fine should be made in accordance with the afore-cited provision.

IV.

As a final matter, the Court takes judicial notice of the various actions taken by complainant against respondent, following her designation as the hearing judge in Criminal Case No. 3033 (including the four other related criminal cases) up to the filing of the present complaint which reveals a determined and obstinate effort on his part in ensuring that respondent is held administratively liable. As the records bear out, complainant moved for the inhibition not only of the judge previously assigned to the case, but also of the provincial prosecutor of Aurora. Complainant likewise subsequently moved for respondent's inhibition from the case, resulting in the designation of Judge Jonald E. Hernandez of MCTC Aurora-Dipaculao as the new hearing judge. Not seemingly content with respondent's inhibition, complainant filed the present administrative complaint.

In addition to the motions for inhibition, complainant previously requested for the transfer of venue of the five criminal cases which the Court denied in its January 8, 2020 Resolution.

Further, in addition to the charge of gross ignorance of the law, complainant also filed a supplemental complaint against respondent charging the latter with violation of the judiciary's franking privileges for allegedly failing to pay for the postage of her February 22, 2021 Letter filed in response to complainant's February 17, 2021 Reply. Complainant insisted on his allegations notwithstanding respondent's perceivably reasonable explanation that it was not for her to explain the absence of postage stamps since she had neither authority nor supervision over the personnel of the Philippine Postal Corporation, and at any rate, she duly paid for the same, as evidenced by the

Sertipikasyon[56] issued by the Postmaster of Casiguran confirming receipt of payment for the postage stamp fee.[57]

Interestingly, despite complainant's claim that respondent did not pay for the postage of the February 22, 2021 Letter since the envelope used to transmit the same did not carry any postage stamp, the same envelope in fact bears "Registry Receipt No. RE 446 826 748 ZZ." Since the envelope for the Letter carries a Philippine Postal Corporation registry receipt, it can be reasonably inferred that the postage fee for the same was duly paid and hence, would readily rebut any allegation of violation of the judiciary's franking privilege.

Finally, complainant appears to trifle with what he perceived as a misdeclaration by respondent by effectively charging her with lying under oath with respect to her receipt of the copy of the Supplemental Complaint.

Taken together, complainant's actions portray a perceivably hostile demeanor against respondent and a determined and obstinate effort on his part in ensuring that respondent is held administratively liable through complainant's use—or apparent misuse—of court processes. The Court therefore resolves to require complainant to show cause why he should not be administratively dealt with for abusing court processes and making malicious imputations of crime of abusing the franking privilege of the Judiciary in violation of Presidential Decree No. 26 against respondent.

ACCORDINGLY, the Court finds respondent Presiding Judge Jo Anne N. Dela Cruz-Malaton of the Municipal Circuit Trial Court of Casiguran-Dilasag-Dinalungan, Aurora **GUILTY** of gross ignorance of the law and procedure and is hereby **FINED** in the amount of PHP 50,000.00 payable in accordance with Section 22 of Rule 140 of the Rules of Court, as further amended, with a **STERN WARNING** that a repetition of the same or similar offense shall be dealt with more severely.

The Court further resoles to:

1. **REDOCKET** as a regular administrative matter the complaint against Presiding Judge Jo Anne N. Dela Cruz-Malaton of the Municipal Circuit Trial Court of Casiguran-Dilasag-Dinalungan, Aurora;

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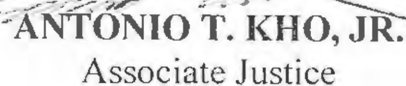
[56] *Id.* at 99.
[57] *Id.* at 113–114.

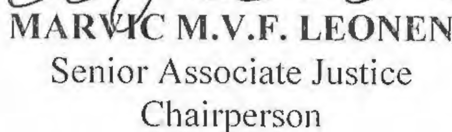
2. **ORDER** complainant Atty. Joselito M. Baetiong to **SHOW CAUSE** within 10 days form notice why he should not be held administratively liable for abusing court processes and making malicious imputations of crime.

SO ORDERED.

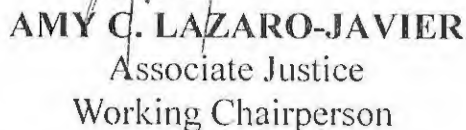


ANTONIO T. KHO, JR.
Associate Justice

WE CONCUR:



MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson



AMY C. LAZARO-JAVIER
Associate Justice
Working Chairperson

MARIO V. LOPEZ
Associate Justice

On leave
JHOSEP Y. LOPEZ
Associate Justice