



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

TEODORA ALTOBANO-RUIZ,
Complainant,

A.M. No. MTJ-17-1893
[Formerly OCA I.P.I. No. 15-2773-MTJ]

Present:

- versus -

CARPIO, J., Chairperson,
PERALTA,
PERLAS-BERNABE,
CAGUIOA,* and
REYES, JR., JJ.

HON. RAMSEY DOMINGO G.
PICHAY, PRESIDING JUDGE,
BRANCH 78, METROPOLITAN
TRIAL COURT, PARANAQUE
CITY,

Promulgated:

Respondent.

19 FEB 2018

X----------X

DECISION

PERALTA, J.:

Before us is the Complaint¹ dated June 22, 2015 of complainant Teodora Altobano-Ruiz (*Ruiz*) against respondent Judge Ramsey Domingo G. Pichay (*Judge Pichay*), Presiding Judge, Metropolitan Trial Court (*MeTC*), Branch 78, Paranaque City for gross ignorance of the law and gross misconduct in connection with the latter's act of granting bail in favor of Francis Eric Paran (*Paran*).

The factual antecedents of the case are as follows.

* On official business.
¹ Rollo, pp. 1-8.

Complainant Ruiz and Paran are the accused in an adultery case, docketed as Criminal Case No. 2562,² which is pending before the Municipal Trial Court in Cities (MTCC), Trece Martires City, Cavite, presided by Judge Gonzalo Q. Mapili, Jr. On March 19, 2014, accused Paran was apprehended at his residence in Quezon City by police authorities from Parañaque City by virtue of the Warrant of Arrest³ dated March 12, 2014 issued by Judge Mapili. He was detained for several days at the Parañaque City Police Station.

On March 22, 2014, accused Paran filed an application for bail before Branch 78, MeTC, Parañaque City, which was promptly approved by respondent Judge Pichay after the accused posted a cash bond of ₱12,000.00, to wit:

WHEREFORE, the Police Authorities of Parañaque City Police Station, Warrant and Subpoena Unit, Paranaque City is hereby DIRECTED to RELEASE IMMEDIATELY WITHOUT ANY FURTHER DELAY the accused FRANCIS ERIC PARAN unless there are causes or cases warranting his further detention.

The Branch Clerk of Court is hereby DIRECTED to transmit the bond to the Court of origin.

SO ORDERED.⁴

On the other hand, Ruiz voluntarily surrendered before Judge Mapili and was temporarily released on bail upon posting a cash bond of ₱12,000.00.

Ruiz alleged that Judge Pichay had no authority to approve Paran's application for bail since the latter already had a pending criminal case for adultery in another court, and he was actually arrested in Quezon City which was outside Judge Pichay's territorial jurisdiction.

On August 10, 2015, the Office of the Court Administrator (OCA) directed Judge Pichay to submit his comment on the complaint against him.⁵

In his Comment⁶ dated November 27, 2015, Judge Pichay countered that his assailed Order dated March 22, 2014 was rendered in good faith and in strict adherence to and faithful compliance with his duties mandated under

² *Id.* at 234.

³ *Id.*

⁴ *Id.* at 245.

⁵ *Id.* at 246.

⁶ *Id.* at 251-254.

the Constitution and the Rules of Court. He insisted on his court's jurisdiction over accused Paran's application for bail because the latter was detained at the Parañaque City Police Station, as shown in the Certificate of Detention issued by SPO4 Dondie Oliva Aquino. He further averred that he acted on the bail application on the same date that it was filed, which was a Saturday, in order to give effect to the accused's constitutional right to bail. Finally, Judge Pichay asserted that his action was neither tainted with malice nor did he receive financial gain in resolving the application with dispatch.

On January 18, 2017, the OCA recommended that the instant administrative complaint be re-docketed as a regular administrative matter. It further found Judge Pichay guilty of gross ignorance of the law and recommended that he be meted the penalty of a fine in the amount of P5,000.00 with stern warning.⁷

We adopt the findings of the OCA, except as to the recommended penalty.

Section 17 (a) of Rule 114 of the Rules of Court, as amended by Administrative Circular No. 12-94 which governs the approval of bail bonds for criminal cases pending outside the judge's territorial jurisdiction is instructive, to wit:

Section 17. *Bail, where filed.* — (a) Bail in the amount fixed may be filed with the court where the case is pending, or in the absence or unavailability of the judge thereof, with any regional trial judge, metropolitan trial judge, municipal trial judge, or municipal circuit trial judge in the province, city, or municipality. If the accused is arrested in a province, city, or municipality other than where the case is pending, bail may also be filed with any Regional Trial Court of said place, or if no judge thereof is available, with any metropolitan trial judge, municipal trial judge, or municipal circuit trial judge therein.

x x x

The foregoing provision anticipates two (2) situations. *First*, the accused is arrested in the same province, city or municipality where his case is pending. *Second*, the accused is arrested in the province, city or municipality other than where his case is pending. In the first situation, the accused may file bail in the court where his case is pending or, in the absence or unavailability of the judge thereof, with another branch of the same court within the province or city. In the second situation, the accused has two (2) options. First, he may file bail in the court where his case is

⁷ *Id.* at 258-261.



pending or, second, he may file bail with any regional trial court in the province, city or municipality where he was arrested. When no regional trial court judge is available, he may file bail with any metropolitan trial judge, municipal trial judge or municipal circuit trial judge therein.⁸

However, in the instant case, the case where Judge Pichay approved Paran's bail bond and issued release order was not pending before his sala. As correctly pointed out by the OCA, although accused Paran was detained at the Station Detention Cell, Parañaque City Police Station, he was nevertheless arrested at his residence in Quezon City. Considering that Paran was arrested in Quezon City, he could also file his bail application before any branch at the Regional Trial Court of Quezon City, and in the absence of any judge thereat, then before any branch of the Metropolitan Trial Court of Quezon City. Paran could have also filed his bail application before the MTCC, Trece Martires City, where his case was pending.

Indeed, the only circumstance where Judge Pichay can exercise authority to rule on Paran's bail application is if the latter, who was detained in Paranaque City, was not yet charged with a criminal offense in another court, pursuant to Section 17(c),⁹ Rule 114 of the Rules of Criminal Procedure. However, in the instant case, there was already a pending criminal case against Paran before the MTCC, Trece Martires, Cavite as shown in the Certificate of Detention¹⁰ attached in Paran's application of bail. In fact, Paran's arrest was by virtue of a warrant of arrest issued by Judge Mapili of the MTCC, Trece Martires City. More importantly, Judge Pichay likewise failed to prove that there was no available judge to act on Paran's application of bail in the said respective courts. Clearly, Judge Pichay's approval of Paran's bail constituted an irregularity arising from his lack of the authority to do so.

In *Judge Español v. Judge Mupas*,¹¹ the Court held that *judges who approve applications for bail of accused whose cases are pending in other courts are guilty of gross ignorance of the law*. In *Lim v. Judge Dumlao*,¹² the Court held that:

⁸ *Cruz v. Judge Yaneza*, 363 Phil. 629, 639 (1999).

⁹ Section 17. *Bail, where filed*. — (a) Bail in the amount fixed may be filed with the court where the case is pending, or in the absence or unavailability of the judge thereof, with any regional trial judge, metropolitan trial judge, municipal trial judge, or municipal circuit trial judge in the province, city, or municipality. If the accused is arrested in a province, city, or municipality other than where the case is pending, bail may also be filed with any regional trial court of said place, or if no judge thereof is available, with any metropolitan trial judge, municipal trial judge, or municipal circuit trial judge therein.

x x x

(c) Any person in custody who is not yet charged in court may apply for bail with any court in the province, city, or municipality where he is held.

¹⁰ *Rollo*, p. 243.

¹¹ 484 Phil. 636, 669 (2004).

¹² 494 Phil. 197 (2005).

x x x The requirements of Section 17(a), Rule 114 x x x must be complied with before a judge may grant bail. The Court recognizes that not every judicial error bespeaks ignorance of the law and that, if committed in good faith, does not warrant administrative sanction, but only in cases within the parameters of tolerable misjudgment. **Where, however, the law is straightforward and the facts so evident, not to know it or to act as if one does not know it constitutes gross ignorance of the law.**

Respondent judge undeniably erred in approving the bail and issuing the order of release. He is expected to know that certain requirements ought to be complied with before he can approve [the accuseds] bail and issue an order for his release. The law involved is rudimentary that it leaves little room for error. x x x¹³

It must be emphasized that rules of procedure have been formulated and promulgated by this Court to ensure the speedy and efficient administration of justice. Failure to abide by these rules undermines the wisdom behind them and diminishes respect for the law. Judges should ensure strict compliance therewith at all times in their respective jurisdictions.¹⁴ Judge Pichay cannot excuse himself from the consequences of his action by invoking good faith. As a judge, he must have the basic rules at the palm of his hands as he is expected to maintain professional competence at all times. Since Judge Pichay presides over MeTC-Br. 78 in Parañaque City, his territorial jurisdiction is confined therein. Therefore, to approve bail applications and issue corresponding release orders in a case pending in courts outside his territorial jurisdiction, constitute ignorance of the law so gross as to amount to incompetence.¹⁵

Time and again, the Court has adverted to the solemn obligation of judges to be very zealous in the discharge of their bounden duties. Nonetheless, the earnest efforts of judges to promote a speedy administration of justice must at all times be exercised with due recognition of the boundaries and limits of their jurisdiction or authority.¹⁶ Judge Pichay might have the noble objective to expedite the case and render prompt justice but he cannot do in violation of the rules of procedure.

¹³ *Id.* at 203-204. (Emphasis ours; citations omitted)

¹⁴ *Atty. Hilario v. Hon. Ocampo III*, 422 Phil. 593, 604 (2001).

¹⁵ *Cruz v. Yaneza*, *supra* note 8, at 642.

¹⁶ *Judge Mupas v. Judge Español*, 478 Phil. 396, 408-409 (2004).

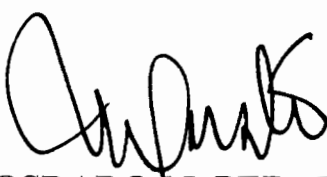
PENALTY

Section 8, Rule 140 of the Rules of Court, as amended by A.M. No. 01-8-10-SC¹⁷ characterizes gross ignorance of the law and procedure as a grave offense. The penalties prescribed for such offense are: (1) Dismissal from service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations, *provided*, however, that the forfeiture of benefits shall in no case include accrued leave credits; (2) Suspension from office without salary and other benefits for more than three (3) months but not exceeding six (6) months; or (3) a fine of more than ₱20,000.00 but not exceeding ₱40,000.00.

While We agree with the findings of the OCA, We, however, do not agree with its recommendation in so far as the penalty to be imposed since this is not Judge Pichay's first administrative infraction. In *Spouses Marcelo v. Judge Pichay*,¹⁸ Judge Pichay was found guilty of violating Section 9, Rule 140 of the Rules of Court for undue delay in resolving the pending incidents relative to Civil Case No. 2004-286 and was fined in the amount of ₱12,000.00. In *A.M. No. MTJ-10-1763 (Formerly OCA IPI No. 09-2209-MTJ)*,¹⁹ Judge Pichay was also held administratively liable for the same offense. Thus, considering also Judge Pichay's previous administrative infractions, We find it apt to impose the maximum amount of fine upon him.

WHEREFORE, premises considered, respondent Judge Ramsey Domingo G. Pichay, Presiding Judge, Branch 78, Metropolitan Trial Court, Paranaque City is found **GUILTY** of **GROSS IGNORANCE OF THE LAW**, and a **FINE** equivalent to the amount of ₱40,000.00 is hereby imposed upon him. He is, likewise, sternly warned that the commission of the same offense or a similar act in the future will be dealt with more severely.

SO ORDERED.

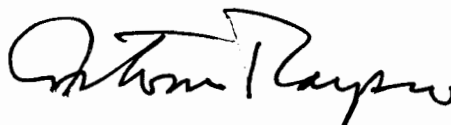

DIOSDADO M. PERALTA
Associate Justice

¹⁷ *En Banc* Resolution dated September 11, 2001 (Re: Proposed Amendment to Rule 140 of the Rules of Court Regarding the Discipline of Justices and Judges).

¹⁸ 729 Phil. 113, 125 (2014).

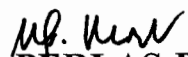
¹⁹ In the Court's Minute Resolution dated July 19, 2010, Judge Pichay was fined in the amount of ₱5,000.00.

WE CONCUR:




ANTONIO T. CARPIO

Associate Justice
Chairperson


ESTELA M. PERLAS-BERNABE
Associate Justice

On official business
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


ANDRES B. REYES, JR.
Associate Justice