



Republic of the Philippines
Supreme Court
Manila

EN BANC

NOTICE

Sirs/Mesdames:

Please take notice that the Court en banc issued a Resolution dated MARCH 13, 2018, which reads as follows:

“A.M. No. RTJ-16-2465 [Formerly A.M. No. 16-08-05-SC] (Office of the Court Administrator vs. Judge Jordan H. Reyes, Regional Trial Court, Branch 42, Koronadal City, South Cotabato). – The case stems from a confidential report dated August 8, 2016, which was forwarded to the Office of the Chief Justice. The report detailed alleged irregularities committed by Judge Jordan H. Reyes (Judge Reyes) in granting bail to the accused in Criminal Case Nos. 4439-13, 4440-13, and 5856-15 when he served as Acting Presiding Judge (APJ) of the Regional Trial Court (RTC), Branch 24, Koronadal City. The report alleged that Judge Reyes issued two Orders both dated June 30, 2016 (Questioned Orders) for the release of Redentor Anthony C. Belinario (Belinario), the accused in Criminal Case Nos. 4439-13 and 4440-13, and Elmer U. Batil (Batil), the accused in Criminal Case No. 5856-15, both for violation of Republic Act No. 9165 (RA 9165), even though the said cases were filed with and pending before the RTC, Branch 38, of Alabel, Sarangani.

People v. Belinario (Criminal Case Nos. 4439-13 and 4440-13)

On June 15, 2016, Judge Lorenzo F. Balo (Judge Balo), then APJ of the Alabel RTC, Branch 38, granted Belinario’s petition for bail. Instead of posting bond with the same court, a certain Benjamin Y. Tañedo posted a property bond for the release of Belinario before the RTC, Branch 24 in Koronadal City, then presided over by Judge Reyes in an acting capacity. On June 30, 2016, Judge Reyes purportedly issued an Order for Belinario’s provisional liberty. The said Order, however, was not forwarded to Judge Balo, as the latter issued a Notice of Hearing on July 28, 2016 requiring Belinario to appear before him on August 8, 2016. The Provincial Jail Warden refused to receive the Notice since the accused had already been released on bail on the strength of the order issued by Judge Reyes.

People v. Batil (Criminal Case No. 5856-15)

Similarly, Judge Reyes issued an Order on June 30, 2016 releasing Batil upon the posting of a property bond by a certain Roberto C. Torres with his court, despite the pendency of the case before the RTC, Branch 38.

In view of the gravity of the charges, the Office of the Court Administrator (OCA) issued a Memorandum dated August 9, 2016 recommending that Judge Reyes be investigated. Acting thereon, the Court *En Banc* issued a Resolution on August 16, 2016, 1) re-docketing the matter of the Questioned Orders in Criminal Case Nos. 4439-13, 4440-13 and 5856-15 as a regular administrative complaint against Judge Reyes; 2) directing Judge Bill L. Ybarley (Judge Ybarley), APJ of the RTC, Branch 38, Alabel, to review the legality of the Questioned Orders; 3) directing the OCA to conduct an investigation on the reports that Judge Reyes may have perpetrated the same practice and procedure in drug cases involving eight other accused; and 4) placing Judge Reyes under preventive suspension for six months from receipt of the resolution.

In compliance therewith, the OCA conducted a Judicial Audit in the RTCs of Koronadal City and Alabel, Sarangani to further investigate the matter.

In the interim, Judge Reyes submitted a letter dated September 26, 2016 to this Court moving for the reconsideration of Our August 16, 2016 Resolution with respect to his preventive suspension. Attached to the letter is a Complaint-Affidavit which he filed before the Koronadal City Prosecutor's Office against one Sethmark Villegas (Villegas), as well as the affidavit and supplemental affidavit of Villegas.

In his affidavit, Judge Reyes denied issuing the Questioned Orders. He alleged that on July 25, 2016, his criminal docket clerk verified the existence of three release orders purportedly issued by him, *i.e.* the release orders in Criminal Case Nos. 4439-13 and 4440-13, 5856-15, and 4335-12, the latter entitled "*People v. Sumuguit*," pending before the Justice on Wheels (JoW), Branch 35, with the Sarangani Provincial Jail. Upon learning of the said orders, he conducted an investigation and discovered that Villegas and other certain individuals have been scanning copies of his orders approving applications for bail bond. The spurious orders, including his signature, were scanned in such a way as to make them appear to be genuine issuances. Thereafter, he immediately informed the RTC Branch 35 JoW and RTC Branch 38, by way of separate Manifestations, of his findings and prayed that the release orders issued relative to the said cases be declared null and void and warrants of arrest be issued against them.

Villegas, for his part, admitted in his affidavit and supplemental affidavit that he falsified the Questioned Orders and the release order of Sumuguit by scanning the signature of Judge Reyes and contents of other genuine orders of release.

In his September 21, 2016 Compliance to the Court's directive in the Resolution dated August 16, 2016, Judge Ybarley revealed that the release of Batil, Belinario, and Sumuguit from the provincial jail using the three questioned release orders was done without the knowledge of the court. He only came to know of the release of Belinario and Batil when Mr. Manuel Sales, Jr. (Mr. Sales), the Officer-in-Charge, Provincial Jail, informed the court that the two accused were no longer in its custody in view of the orders of release allegedly issued by Judge Reyes. Acting on the manifestation of Judge Reyes, Judge Ybarley directed the clerk of court of Branch 24, Koronadal RTC, to issue a certification that the questioned orders for the release of Batil and Belinario were not promulgated and/or received by the said court. Mr. Sales then informed Judge Ybarley of his office's discovery that the said orders were spurious and falsified. Following this revelation, the accused were re-arrested and committed to the Provincial Jail. In an Order dated September 19, 2016, Judge Ybarley declared the Orders both dated June 30, 2016 issued in Criminal Case Nos. 4439-13 and 4440-13, and 5856-15 illegal and directed the Department of Justice, through the National Bureau of Investigation of Region XII, to investigate the matter.

Audit Observations

The audit, conducted in the RTC, Branches 24 and 25, and Municipal Trial Court in Cities (MTCC) of Koronadal City, unearthed irregularities in the processing of the applications for bail using property bonds in a number of criminal cases. The OCA summarized its findings in its Memorandum dated January 9, 2017, as follows:

MTCC, Judge Dennis Velasco, former Presiding Judge

1) Numerous property bonds were filed with, and release orders were issued by, Judge Dennis Velasco of the MTCC for cases pending before the RTC, Branches 24 (presided by Judge Reyes in an acting capacity) and 25 (presided by Executive Judge Renato V. Tampac) without any showing that the RTC judges were not around. Thus, the audit team discovered that Judge Velasco approved the property bonds and issued the corresponding release orders in the following cases:

- a. Branch 24: Criminal Case Nos. 7775-24, 7776-24, 9066-24, 8547-24, 8548-24, 3400-24, 6244-24, 8750-24, 7566-24, 8360-24, 8361-24, 8840-24, 8680-24, and 7078-24.
- b. Branch 25: Criminal Case Nos. 8364-25, 7894-25, 9415-25, 9026-25, 8849-25, 9211-25, 9661-25, 5554-25, 8294-25, 8908-25, 9174-25, 9210-25, 9611, 9612, and 9613.

2) No original or only scanned copies of the titles were attached to the records of Criminal Case Nos. 23992, 23888, and 13728. 9

3) The property bonds posted in Criminal Case Nos. 21726, 21727, 21728, 21729, 21730, 21731, 21731, 21732, 21733, 21734, 21735, and 24253 were not annotated on the titles of the properties.

RTC Branch 24, Judge Reyes, Acting Presiding Judge

Neither the original nor copies of the Original Certificates of Title (OCT) or Transfer Certificates of Titles (TCT) were attached to the records in some cases pending before the RTC Branch 24, to wit:

1) In his Orders dated February 2, 2016 and March 21, 2016, Judge Reyes approved the property bonds posted for the provisional liberty of Saledo Talipasan and Nasser Salalima Kadir, the accused in Criminal Case No. 9325-24, for violation of Sec. 11, Art. II, R.A. No. 9165. No copies of the titles covering the properties were extant in the records of the case. Consequently, in his March 7, 2016 and April 13, 2016 Orders, Judge Reyes respectively set aside his February 2, 2016 and March 21, 2016 Orders for the failure of the accused to cause the annotation of the bail bond on the title.

2) Likewise, in Criminal Cases Nos. 9326-24, 9327-24, and 9328-24, the property bond posted on behalf of accused Datu Jayson Batiao Mamantar was approved by Judge Reyes in an Order dated May 20, 2016, but the original or a photocopy of the title of the property was not attached to the records. In his July 4, 2016 Order, Judge Reyes set aside his May 20, 2016 Order for the failure of the bondsman to cause the annotation of the property bond on the title.

The audit team further brought to the attention of this Court information relayed by certain individuals about the rampant practice of bail-fixing using property bonds perpetrated by private individuals, in collusion with several court personnel in Koronadal City.

In a Letter to the Court dated August 22, 2016, EJ Tampac reported of a conspiracy among court personnel, police officers, and jail guards to facilitate the bail applications and procure fake orders of release by producing and/or using falsified documents for property bond applications in both the RTC and MTCC. The scheme is allegedly carried out by scanning the signature of Judge Reyes to produce fake orders of release for drug detainees in General Santos City Jail.

Meanwhile, Atty. Mary Grace Ventura (Atty. Ventura), the Clerk of Court of RTC Branch 25, disclosed in her Narrative Report dated October 6, 2016 that, in August 2016, one Geba Manosa Edsel (Edsel) posted a property bond for one Jan-Jan Espinosa Pineda. Aware of the rampant use of fake property bonds, she directed Edsel to have her tax declaration stamped with the Provincial Assessor's seal. Instead of complying with her instructions, Edsel returned with three fake Real Property Tax payment receipts. She did not receive the documents and insisted that Edsel secure the Provincial Assessor's official seal on the documents. 9

A few days thereafter, their Civil Docket Clerk, Cherryl Myra Amboy (Amboy), admitted assisting Edsel purportedly upon the advice of a lawyer from the Public Attorney's Office. Amboy allegedly requested Atty. Ventura to inform Edsel that her property bond will eventually be accepted after the issue of bail-fixing dies down. Atty. Ventura added that Edsel and her group requested, through Amboy, to meet with her at a local restaurant, but she declined and insisted that they talk in her office instead, apprehensive that her name could be dragged into the anomaly. Edsel returned to present the required documents and eventually admitted that the documents previously presented were indeed fake, pointing to a certain Gina Robles as the perpetrator. Atty. Ventura shared Amboy's participation in the controversy with EJ Tampac.

Judge Balo similarly revealed in a September 6, 2016 Letter addressed to the OCA that upon his assumption to office as APJ of RTC, Branch 38, the court staff immediately informed him of the presence of fixers processing property bonds with the court.

The information disclosed by Atty. Ventura, and Judges Tampac and Balo was confirmed to the audit team by the relatives of some of the detainees themselves.¹

Recommendation of the Office of the Court Administrator

Judge Jordan H. Reyes

Upon examination of the three release orders in Criminal Case Nos. 4439-13 and 4440-13 (Belinario), 5856-15 (Batil) and 4335-12 (Sumuguit), the OCA team observed that the signatures of Judge Reyes therein appear to have been scanned. In contrast, his signatures in the eight release orders that he issued in Criminal Case Nos. 4378-13, 4290-12, 5693-15, 4381-13, 5818-15, 5819-15, 5816-15, and 5694-15, when examined with the naked eye, are genuine and written in ink. Likewise, no original copies of the three release orders were found in their respective case records in Branch 38, RTC, Alabel, Sarangani and the Justice on Wheels, whereas, the original copies of the eight release orders are kept in their respective case records. Furthermore, upon learning of the emergence of his fake release orders, Judge Reyes filed a Manifestation on August 9, 2016 before Branch 38 of the Alabel RTC stating, among others, that his signatures in the subject release orders were falsified, prompting him to set aside the subject release orders.

In view of its findings, the OCA submits that Judge Reyes should not be held administratively liable for the release orders in Criminal Case Nos. 4439-13, 4440-13, 5856-15, and 4335-12 since these appear to be spurious. This notwithstanding, the OCA found cause to charge Judge Reyes for issuing the eight

¹Hamsaton Bago, the mother of accused Batil, and Legaspi Sangkala, father of another detainee, were interviewed by the OCA Team in General Santos City.

release orders in Criminal Case Nos. 4378-13,² 4290-12,³ 5693-15,⁴ 4381-13,⁵ 5818-15 and 5819-15,⁶ 5816-15,⁷ and 5694-15,⁸ the same being in contravention of the provisions of Rule 114 of the Rules of Court.

Cherryl Myra Amboy

The OCA recommended that Amboy should be held administratively liable in view of her open admission before Atty. Ventura of assisting Edsel in the processing of the bail bond for a detainee. As a civil docket clerk, Amboy oversees civil cases in Branch 24 and has no business concerning herself with the court's criminal cases. Moreover, her efforts to persuade Atty. Ventura to meet with Edsel and to accept her fake title, according to the OCA, speaks of a dishonest intention.

Judge Dennis Velasco

With respect to the approval of the bail applications and issuance of release orders of Judge Velasco in several cases pending before the Koronadal City RTC, Branches 24 and 25, the OCA recommended that he be directed to explain why he should not be held administratively liable therefor.

Due to the OCA's findings of anomalies in the courts of Koronadal City and the gravity of the additional charges against Judge Reyes, the Court resolved on March 21, 2017 to extend his preventive suspension indefinitely. The Court further resolved, upon the recommendation of the OCA, to:

1) direct Judge Reyes to explain why he should not be held administratively liable for issuing eight orders of release in Criminal Case Nos. 4378-13, 4290-12, 5693-15, 4381-13, 5818-15, 5819-15, 5816-15, and 5694-15 pending before the RTC, Branch 38 of Alabel, Sarangani;

2) direct Judge Velasco to explain why he should not be held administratively liable for approving, when he was still the presiding judge of the Koronadal MTCC, the bail bond applications in the following criminal cases pending in the RTC, Koronadal City, without any showing the unavailability of the RTC judges:

- a. Branch 24: Criminal Case Nos. 7775-24, 7776-24, 9066-24, 8547-24, 8548-24, 3400-24, 6244-24, 8750-24, 7566-24, 8360-24, 8361-24, 8840-24, 8680-24, and 7078-24.

²*People v. Casipong*, for violation of Sec. 11, of Art. II, RA 9165.

³*People v. Tuanadatu*, for violation of Sec. 11, Art. II, RA 9165.

⁴*People v. Hadjidatu*, for violation of Sec. 11, Art. II, RA 9165.

⁵*People v. Bayao*, for violation of Sec. 11, Art. II of RA 9165.

⁶*People v. Seriosa*, for violation of Sec. 11, Art. II of RA 9165 and RA 10591, respectively.

⁷*People v. Aguilon*, for violation of Sec. 11, Art. II of RA 9165.

⁸*People v. Ayam*, for violation of Sec. 11, Art. II of RA 9165.

b. Branch 25: Criminal Case Nos. 8364-25, 7894-25, 9415-25, 9026-25, 8849-25, 9211-25, 9661-25, 5554-25, 8294-25, 8908-25, 9174-25, 9210-25, 9611, 9612, and 9613.

3) direct Amboy, the civil docket clerk in charge in the RTC, Branch 25, Koronadal City, to show cause why she should not be held administratively liable for abetting the use of fake titles as attachments to bail bond applications;

4) direct Executive Judge Oscar P. Noel (EJ Noel) of the General Santos City RTC to a) conduct an investigation on the rampant issuance of fake release orders and use of fake OCTs and/or TCTs; b) identify the court personnel and other government employees involved; and c) submit his report and recommendations thereon to the OCA; and

5) authorize the OCA to issue, pending the result of the above investigation, a circular reminding judges of the first and second level courts that the provisions of Sections 11, 12, and 13, Rule 114 of the Rules of Court must be strictly complied with.

Judge Reyes, in his Compliance with the directive of this Court, categorically admitted that he indeed issued the release orders in Criminal Case Nos. 4378-13, 4290-12, 5693-15, 4381-13, 5818-15, 5819-15, 5816-15, and 5694-15 despite the pendency of the cases before Branch 38. He, nevertheless, maintains that there was nothing irregular in his conduct and claims to have issued the orders in accordance with law since the bail applications have either already been approved by Branch 38 or fixed by the public prosecutor in the Information. According to Judge Reyes:

The eight (8) orders of release subject of this present case were all signed by the undersigned. These orders were not forged unlike the orders in the former case. The sala of the undersigned became just the receiver of the bailbond posted or filed. And the records of the filing of the bailbond were all forwarded to the court where the cases were pending for proper disposition. The receiving by the undersigned of the bailbond filed or posted after examining and finding that all the requirements have been complied with is just ministerial in nature, and not discretionary hence, does not need critical judgment on his part to approve the same. Should the undersigned refuse to issue the necessary order, the same may even be enforced by a Writ of Mandamus. (Emphasis supplied)

x x x x

It has been the practice in the 11th Judicial Region, since the day the undersigned started his practice as an attorney that when bail is a matter of right or when bail has been fixed by the Prosecutor in the Information or that the bail has been reduced or fixed by the court where the case is pending or that his application for bail has been granted and his bail fixed by the court where the case is pending that the accused or his representative may **file** his bailbond in other sala of the court in the same judicial region. (Emphasis not Ours)

x x x x

Let it be placed on record that the undersigned did not conduct any bail hearings in any of the eight (8) cases while the same were (sic) being heard in Branch 38, Alabel, Sarangani Province. The approval or fixing of the bailbond amounts were done by the latter sala or by the Prosecutor in the Information.

The scenario would be different if the undersigned judge approved a bail after hearing the application in his sala in Koronadal City, Branch 24, while the case is pending in Sarangani, Branch 38, which is contemplated under the Rules of Court and may [be] tantamount to gross ignorance of the law.

Since in the eight (8) cases, bail is either a matter of right so that bail has been fixed in the information or that the bail has already been fixed, **the undersigned's participation in the issuance of the release orders was that it was in his sala where the accused or his representatives filed or posted their respective bailbond. The sala of the undersigned became just the receiver of the bailbond posted or filed.** And the records of the filing of the bailbond were all forwarded to the court where the cases were pending for proper disposition.(Emphasis supplied)

In doing this, the undersigned believed then as he still believes now that no rule has been broken. If any rule may have been broken, the undersigned submits that the procedural lapses should not prevail against the rights of the accused to this bail as guaranteed under the Bill of Rights and the procedural lapses, if any and should not annul his order of release thus issued.

Report of the Investigating Judge

In his Investigation Report dated September 8, 2017, EJ Noel noted that right after approving the property bonds, Judge Reyes immediately ordered the release of the accused. Nonetheless, he concluded that such practice is not particularly proscribed in the rules, and thus, recommends that the charges against Judge Reyes be dismissed, or at the most, he be found guilty only of simple negligence.

With respect to the allegations against Judge Velasco, EJ Noel observed that the applications and signing of the release orders appear to have been done in the exercise of his authority as then presiding judge of the lone MTCC in Koronadal City in the absence of RTC judges who were either out of the office at the time for one reason or another. Additionally, in view of Judge Velasco's submission of his Compliance before this Court containing his answers to the charges against him, EJ Noel deemed that it was no longer necessary to delve into the issue further and recommended the dismissal of the case for lack of merit.

Anent the purported abetting of Amboy of corrupt individuals in securing release orders using fake land titles and other documents, EJ Noel surmised that there is reason to believe that she indeed facilitates the process based on the statements provided by EJ Tampac and Ryan Llorito Ca-as, Legal Researcher II of the RTC, Branch 20, Tacurong City, in their respective affidavits.⁹ Amboy was

⁹Attached to the Investigation Report as Annexes A and B, respectively.

thereafter directed to prepare a list of property bonds handled by RTC Branch 25 and individuals she assisted from January 2015 until July 11, 2017 (date when the directive was sent to her).

Judge Velasco and Amboy separately submitted their respective explanations in compliance with the directive of this Court in its Resolution dated March 21, 2017.

Ruling of the Court

Release Orders in Criminal Case Nos. 4439-13, 4440-13, 5856-15, and 4335-12

The Court adopts the recommendation of the OCA and the investigating judge to dismiss the charge against Judge Reyes with respect to the release orders in Criminal Case Nos. 4439-13, 4440-13, 5856-15, and 4335-12. Judge Reyes' submission that his signatures thereon are spurious is well-supported by the OCA's own investigation and the findings of the Warden of the Sarangani Provincial Jail, as relayed to Judge Ybarley. Moreover, the efforts of Judge Reyes to immediately rectify the situation by informing Judge Ybarley of the spurious orders and conducting his own investigation speak well of his lack of involvement in the wrongdoing. On this score, the Court finds for Judge Reyes and the charge against him for the issuance of the release orders in Criminal Case Nos. 4439-13, 4440-13, 5856-15, and 4335-12 is dismissed.

Release Orders in Criminal Case Nos. 4378-13, 4290-12, 5693-15, 4381-13, 5818- 15, 5819-15, 5816-15, and 5694-15

Nevertheless, based on the findings of the OCA and the explanation submitted by Judge Reyes himself with respect to the release orders in Criminal Case Nos. 4378-13, 4290-12, 5693-15, 4381-13, 5818-15, 5819-15, 5816-15, and 5694-15, the Court finds him guilty of gross ignorance of the law by approving the property bonds posted in his court in cases pending with other courts.

The language of Section 17(a), Rule 114 of the Rules of Court brooks no argument. The said provision explicitly states that:

SEC. 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

In *Cruz v. Judge Yaneza*,¹⁰ this Court elucidated the conditions set forth in the above provision in this wise:

There are prerequisites to be complied with. First, the application for bail must be filed in the **court where the case is pending**. In the absence or unavailability of the judge thereof, the application for bail must be filed with **another branch of the same court within the province or city**. Second, if the accused is arrested in a province, city or municipality other than where the case is pending, bail may be filed with any **regional trial court** of the place. (Emphasis in the original; underscoring supplied)

Based from the foregoing, Judge Reyes can only act on applications for bail in the absence or unavailability of the judge of the court where the cases are pending. Herein, there is no question that the eight criminal cases are pending before Branch 38 of the Alabel RTC, presided by Judge Balo. Consequently, applications for bail in the said cases can only be filed or posted with the said court, or in case of the unavailability of Judge Balo, with any courts *within* Alabel or Sarangani. As observed by the OCA, Sarangani is a multi-*sala* court with three branches – Branches 38, 46, and 47, and while Branches 46 and 47 are unorganized, there are already judges appointed thereto who report daily in the RTC.

Contrary, therefore, to Judge Reyes's asseverations, he does not have any duty, whether ministerial or discretionary, to issue the release orders upon the posting of bail in his court by the accused since he does not have the authority or jurisdiction to process the bail in the first place. His insistence that he merely acted as a "receiver" of the bail bonds posted in his court after the bail applications have been approved by Branch 38 does not have basis in any law or rules of procedure.

We have constantly held that when a law or a rule is basic, judges owe it to their office to simply apply the law.¹¹ Thus, this Court in *De Leon v. Corpuz*¹² emphasized that, "in granting bail, it is imperative that a judge be conversant with the procedures provided by the Rules and basic legal principles. A judge presiding over a court of law must not only apply the law but must also live by it." This obligation proceeds from the exacting standards of conduct demanded from judges, which are designed to promote public confidence in the integrity and impartiality of the judiciary. When the judge himself becomes a transgressor of the law which he is sworn to apply, he places his office in disrepute, encourages disrespect for the law and impairs public confidence in the integrity of the judiciary itself.¹³

Moreover, Canon 6 of the New Code of Judicial Conduct for the Philippine Judiciary states that competence is a prerequisite to the due performance of judicial office. Hence, the outright disregard by Judge Reyes of the Court's rules of

¹⁰A.M. No. MTJ-99-1175, March 9, 1999, 304 SCRA 285.

¹¹*Conquilla v. Bernardo*, A.M. No. MTJ-09-1737, February 9, 2011, 642 SCRA 288.

¹²A.M. No. RTJ-03-1780, September 14, 2005, citations omitted.

¹³*Id.*

procedure affects his competency and conduct as a judge in the discharge of his official functions. 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 Reyes miserably failed to live by these standards when he issued the eight release orders without authority and in breach of the Rules. He not only failed to perform his duties in accordance with the Rules, but also willfully and grossly disregarded the law and controlling jurisprudence. Even granting that Judge Reyes had been motivated by good intentions in receiving the bail bonds, these personal motivations cannot relieve him from the administrative consequences of his actions, particularly for gross ignorance of the law. There is gross ignorance of the law when an error committed by the judge was “gross or patent, deliberate or malicious.”¹⁵ A judge who deliberately approves applications for bail of an accused whose cases were not only pending in other courts but who were, likewise, detained outside his territorial jurisdiction is undoubtedly guilty of gross ignorance of the law and violates Rule 3.01 of the Code of Judicial Conduct,¹⁶ viz.

Rule 3.01 – A judge shall be faithful to the law and maintain professional competence.

Gross violation of the law or procedure is classified as a serious charge under Section 8,¹⁷ Rule 140 of the Rules of Court, punishable under Section 11, A(3) of the same Rule, as follows:

SEC. 11. Sanctions. – A. If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:

1. Dismissal from the 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) but not exceeding six (6) months; or

3. A fine of more than P20,000.00 but not exceeding P40,000.00. *q*

¹⁴*Español v. Mupas*, A.M. No. MTJ-01-1348, November 11, 2004, 442 SCRA 13, citing *Atty. Hilario v. Hon. Ocampo III*, 371 SCRA 260 (2001).

¹⁵*Bandoy v. Jacinto, Jr.*, A.M. No. RTJ-14-2399, November 19, 2014.

¹⁶*Español v. Mupas*, A.M. No. MTJ-01-1348, November 11, 2004, 442 SCRA 13.

¹⁷SEC. 8. *Serious charges*. - Serious charges include:

x xxx

9. Gross ignorance of the law or procedure.

In *De Los Santos v. Magsino*,¹⁸ the Court found the respondent judge guilty of irregularly approving a bail bond and issuing a release order of an accused whose case was pending in another province, in palpable disregard and gross ignorance of the procedural law on bail. Thus, he was meted out with a penalty of fine in the amount of P15,000.00.

Meanwhile, the Court adjudged the respondent judge in *Inoturan v. Limsiaco, Jr.*¹⁹ guilty for gross ignorance of law for likewise issuing a release order in a case not pending before his court. He was meted out with a penalty of P40,000.00.

In the same vein, the Court in *Savella v. Ines*²⁰ found respondent judge of the Municipal Trial Court of Sinait, Ilocos Sur, guilty of gross ignorance of the law for acting on applications for bail in a case pending before the Vigan City MTCC, without first ascertaining whether the presiding judge of the MTCC was unavailable at the time of the bail application. The Court imposed upon respondent the penalty of a fine in the amount of P20,000.00.

Nevertheless, in *Yaneza*,²¹ the Court observed that the repeated approval of bail bonds and issuance of release orders by the respondent judge therein in twenty-five criminal cases that are beyond his territorial jurisdiction evinces a *modus operandi* that flagrantly flaunts fundamental rules and constitutes ignorance of the law so gross as to amount to incompetence, and even corruption. We therefore imposed the ultimate penalty of dismissal from service upon the respondent judge.

Guided by these cases, We now determine the proper imposable penalty. While Judge Reyes indeed committed infractions, there is no express finding of corruption on his part, unlike in *Yaneza*. In addition, it appears that this is the first time that he is being administratively charged. Accordingly, the imposable penalty must be tempered in view of the foregoing considerations. The Court, therefore, imposes upon him the penalty of one (1) year suspension from office, which is commensurate with the number of his infractions.

Anent the charges against Judge Velasco and Amboy, considering that they are not impleaded as respondents in this case, the OCA is directed to make an evaluation of their submissions before this Court and to determine their respective liabilities, if any.

WHEREFORE, the Court hereby finds **JUDGE JORDAN H. REYES GUILTY** of gross ignorance of the law in issuing release orders in criminal cases that are not within his territorial jurisdiction. Accordingly, he is hereby meted with the penalty of **SUSPENSION FROM OFFICE FOR ONE (1) YEAR** without

¹⁸A.M. No. MTJ-03-1496, July 10, 2003.

¹⁹A.M. No. MTJ-01-1362, May 6, 2005.

²⁰A.M. No. MTJ-07-1673, April 19, 2007.

²¹Supra note 10.

pay and other benefits during the said period, with a stern warning that a repetition of the same offense will be dealt with more severely.

The Office of the Court Administrator is hereby directed to evaluate the explanations submitted by **JUDGE DENNIS A. VELASCO**, former Presiding Judge of the Municipal Trial Court in Cities of Koronadal City and current Presiding Judge of the Regional Trial Court of General Santos City, Branch 23 and **CHERRYL MYRA AMBOY**, Civil Docket Clerk III of the Regional Trial Court, Branch 25, Koronadal City and to issue separate recommendations as to their respective administrative liabilities, if any, within ninety (90) days from receipt hereof." Sereno, C.J., on leave. (adv3)

Very truly yours,


EDGAR O. ARICHETA
Clerk of Court *mlme*

(With Dissenting Opinion of Associate Justice Marvic M.V.F. Leonen)