REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

EN BANC

RICO JOHN COLORINES GARCIA,
represented by Camtugan and Partners,
Complainant,

- versus -

A.M. No. RTJ-24-066
[Formerly OCA IPI No. 20-5031-RTJ]

HON. VIRGINIA D. TEHANO-ANG,
Presiding Judge, Branch 1, Regional Trial Court, Tagum City, Davao Del Norte,
Respondent.

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NOTICE OF JUDGMENT

Sirs/Mesdames:

Please take notice that on May 14, 2024 a Decision, copy attached herewith, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on July 12, 2024 at 9:10 a.m.

Very truly yours,

MARIFE M. LOMIBAO-CUEVAS
Clerk of Court

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-over-

Notice of Judgment

A.M. No. RTJ-24-066
[Formerly OCA IPI No. 20-5031-RTJ]
May 14, 2024

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HON. RAUL B. VILLANUEVA (x)
Deputy Court Administrators
HON. JENNY LIND R. ALDECOA-DELORINO (x)
HON. LEO T. MADRAZO (x)
Assistant Court Administrators
HON. MARIA REGINA ADORACION FILOMENA M. IGNACIO (x)
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Supreme Court, Manila

ATTY. MARIA TERESA O. DEMESA-RAZAL(x)
Officer-In-Charge, Office of Administrative Services
ATTY. GILDA SUMPO-GARCIA (x)
OIC, Chief of Office, Financial Management Office
ATTY. MARILOU MARZAN-ANIGAN (x)
Chief, Court Management Office
ATTY. ANALIZA THOMAS-PARRA (x)
OIC Chief of Office, Legal Office
DOCKET & CLEARANCE DIVISION (x)
RECORDS DIVISION (x)
EMPLOYEE WELFARE AND BENEFITS DIVISION (x)
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OFFICE OF THE CHIEF ATTORNEY (x)
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Republic of the Philippines
Supreme Court
Manila

EN BANC

RICO JOHN COLORINES GARCIA, represented by Camtugan and Partners, Complainant,	**A.M. No. RTJ-24-066 [Formerly OCA IPI No. 20-5031-RTJ]**
	Present:
- versus -	GESMUNDO, *C.J.*, LEONEN,* CAGUIOA, HERNANDO,** LAZARO-JAVIER, INTING, ZALAMEDA, LOPEZ, M., GAERLAN, ROSARIO, LOPEZ, J., DIMAAMPAO, MARQUEZ, KHO, JR., SINGH,** *JJ.*
HON. VIRGINIA D. TEHANO-ANG, Presiding Judge, Branch 1, Regional Trial Court, Tagum City, Davao Del Norte, Respondent.	Promulgated: May 14, 2024

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DECISION

DIMAAMPAO, *J.*:

No less than the Constitution states that a member of the judiciary "must be a person of proven competence, integrity, probity and

* On official business.
** On leave.

independence." It is, therefore, highly imperative that a judge should be conversant with basic legal principles. When a judge displays an utter lack of familiarity with the rules, he or she erodes the public's confidence in the competence of our courts. Once a heavy shadow is cast on a judge's moral, intellectual and attitudinal competence in view of their transgressions, then he or she can no longer don the judicial robe and perform the functions of a magistrate. The administration of justice cannot be entrusted to one who would readily ignore and disregard the laws and policies enacted by the Court to guarantee justice and fairness for all.[1]

For this Court's adjudication is the Complaint[2] of Rico John Colorines Garcia (Garcia), praying for the imposition of proper sanctions against Honorable Judge Virginia D. Tehano-Ang (Judge Ang) and that she be considered *retired* for all legal intents and purposes[3] in view of her violation of the Code of Judicial Conduct,[4] namely: Rules 1.01,[5] 1.02,[6] 1.03,[7] 2.01,[8] 2.02,[9] 3.01,[10] 3.02,[11] 3.07,[12] 3.08,[13] and 3.12.[14]

The salient facts follow.

The Office of the City Prosecutor (OCP) of Tagum City filed four Informations[15] indicting Garcia as well as King Paul Auditor (Auditor), Dexter Auditor, Leo Q. Perez, Jr., Rodrigo L. Marquez, Jr., Maita R. Palma, Mercylun T. Escobido and Ruby Imma G. Labajo, as officers, traders,

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1 *See PNCC v. Judge Mupas*, 889 Phil. 641, 657 (2020) [*Per Curiam, En Banc*].
2 *Rollo*, pp. 2–17.
3 *Id.* at 14.
4 *See* A.M. No. 03-05-01-SC (2004), Adopting the New Code of Judicial Conduct for the Philippine Judiciary. This Code supersedes the Canons of Judicial Ethics (1946) and the Code of Judicial Conduct (1989) heretofore applied in the Philippines to the extent that the provisions or concepts therein are embodied in this Code. However, that in case of deficiency or absence of specific provisions in this New Code, the Canons of Judicial Ethics and the Code of Judicial Conduct shall be applicable in a suppletory character.
5 A judge should be the embodiment of competence, integrity, and independence.
6 A judge should administer justice impartially and without delay.
7 A judge should be vigilant against any attempt to subvert the independence of the judiciary and resist any pressure from whatever source.
8 A judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary.
9 A judge should not seek publicity for personal vainglory.
10 A judge shall be faithful to the law and maintain professional competence.
11 In every case, a judge shall endeavor diligently to ascertain the facts and the applicable law unswayed by partisan interests, public opinion or fear of criticism.
12 A judge should abstain from making public comments on any pending or impending case and should require similar restraint on the part of court personnel.
13 A judge should diligently discharge administrative responsibilities, maintain professional competence in court management, and facilitate the performance of the administrative functions of other judges and court personnel.
14 A judge should take no part in a proceeding where the judge's impartiality might reasonably be questioned. These cases include, among others, proceedings where:
a) the judge has personal knowledge of disputed evidentiary facts concerning the proceeding[.]
15 *Rollo*, pp. 18–25. The Informations were amended on January 22, 2020 to include Rosenda Colorina Garcia as accused (*see rollo*, pp. 32–33, Order dated January 24, 2020).

managers, employees, and/or agents of Rigen Marketing, for the crime of syndicated estafa under Presidential Decree No. 1689,[16] section 1, paragraph 1, in relation to Article 315, paragraph 2 (a)[17] of the Revised Penal Code. The cases were docketed as Criminal Case Nos. 25236 to 25239 and raffled to Branch 1, Regional Trial Court of Tagum City, Davao Del Norte, presided by Judge Ang.

Subsequently, on November 25, 2019, Judge Ang issued an Order[18] which granted the prosecution's urgent motion for the issuance of commitment order for Auditor and directed the Criminal Investigation and Detection Group (CIDG)-Camp Crame, Quezon City, to turn him over to the jurisdiction of the court.[19]

Thereupon, Auditor filed an urgent motion to hold in abeyance his transfer from the CIDG-Camp Crame to the jurisdiction of the court, which was, however, denied in an Order dated December 3, 2019.[20]

Given that some of the accused were at large, Judge Ang issued the Order[21] dated December 20, 2019, which relevantly reads:

> The rest of the Accused might not have been arrested; but since they are involved in all these cases; they should all appear for the Prosecution and the Court to hear their respective Defense, in order to fast track the proceeding[;] as they are all free to appear, even if there is a pending Warrant to Arrest them; for **their voluntary appearance will be the basis for this Court to grant their temporary liberty by posting a bailbond, even if the charge against them is non-bailable; provided that they will not jump bail and shall comply with their commitment to be present every time their cases will be called;** for any way the concerns of the private complainants herein is only about the money they used to invest to acquire higher rate of profit.
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> . . . .
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> All Accused, even without Counsel, must appear to answer these complaints, once and for all. Despite the Warrant of Arrest, this Court, if the Accused will appear, will automatically suspend said Warrant, especially for those, who are not yet arrested; for their voluntary

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16 Presidential Decree No. 1689 (1980), Increasing the Penalty for Certain Forms of Swindling or Estafa.

17 Revised Penal Code, art. 315, par. 2 (a) states:
Article 315. *Swindling (estafa).* -
. . . .
2. By means of any of the following false pretenses or fraudulent acts executed prior to or simultaneously with the commission of the fraud:
(a) By using fictitious name, or falsely pretending to possess power, influence, qualifications, property, credit, agency, business or imaginary transactions, or by means of other similar deceits.

18 *See rollo,* p. 26, Order dated December 20, 2019.

19 *Id.*

20 *Id.*

21 *Id.* at 26–28.

> appearance will prove that they won't escape trial or elude arrest; but will instead face the Complainants, to prove their respective defenses, provided that they must post a bailbond, which this Court will grant, based on the principal investments of each of the Private Complainants; but will not base on the promised percentage increases in the principal investments.
>
> This is the most appropriate proceeding that this Court finds best to do in order for all the Accused to voluntarily appear before it, to answer the Complaints and to prove their respective defenses. For it is the natural tendency of a person, not to appear before the Court, if said person has a **pending Warrant of Arrest.** But since the subject cases involve only money that could be returned, if indeed the subject Accused were really the ones, who received those invested amount[s]; it would be better to ask them all (including the Private Complainants) to appear on that pre-set setting to prove their respective claims. But **if the Accused will not appear on said setting;** then **their Urgent Motion to Suspend the Warrant of Arrest and to Quash Information, etc. will all be denied**. For such non-appearance will only delay the resolution of these cases, as if allowing said Accused to continuously hide to the detriment of the Private Complainants and the State.
>
> Hence, the lawyers, representing all involved herein, must advise their respective clients (Accused) to appear on that **pre-set setting: 24 January 2020** even without counsel, if their Counsel will not be available, in order not to delay the proceedings; and **for their clients to bring their respective evidences, with two (2) additional photocopies to be provided to this Court and the Prosecutor, as proofs of their respective claims and defenses.**[22]

Thereafter, relying merely upon information from the public, Judge Ang issued the Joint Order[23] dated January 17, 2020, ordering the Registry of Deeds (RD) to hold in abeyance any transactions involving the properties registered under the name of the accused, thusly—

> Considering the information from the public, manifesting that the house of Paul Auditor was ransacked before he was arrested; and that the titles kept in his house and those titles entrusted to different persons were allegedly transferred to the names of those persons, either entrusted by Paul Auditor or those who ransacked and stole those titles.
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> **In view hereof**, all the titles of the properties placed in the name of Paul Auditor or his co-accused are hereby ordered held in abeyance by the Register of Deeds and not to be transferred to any buyer; as there are pending cases against Paul Auditor and his co-accused Rico John Garcia, Dexter Auditor, Leo Perez, Jr., Maita Palma, Rodrigo L. Marquez, Jr., Mercylun Escobido and Ruby Imma Labajo. If ever there are titles already transferred, while these cases are pending, the **ROD is hereby directed to annotate the adverse claim and to recover from the receiver of those titles**; for there might be possible falsification of the Deed of Sale and that

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22 *Id.* (Emphasis in the original)
23 *Id.* at 29.

> those titles might be the ones stolen during the ransack incident of Paul Auditor's house and were just transferred to another's name to evade from being charged of stealing those titles.[24]

The prosecution then filed a motion for leave of court to amend Information with prayer to admit the same, beseeching the court to include Garcia's mother, Rosenda Colorines Garcia (Rosenda), in the Information.[25] Finding the motion meritorious, Judge Ang granted the same in the Order[26] dated January 24, 2020.

Meanwhile, during the verification conference held on even date, Judge Ang issued another Joint Order,[27] allowing other claimants, who were not parties to the criminal case, to serve as state witnesses in line with the court's commitment to public service, *viz.*:

> Days before today's setting, there were many people, who were lining up outside this courtroom and the Hall of Justice, asking this Court to hear their side, as claimants-witnesses; and when they (per group) were entertained by this Court, as it cannot entertain them all, at the same time, because of the limited available space inside this courtroom, which has only a very tight space, all of them prayed that they be allowed to attend the proceedings, as they are the witnesses and have their own respective claims; but they were not able to file their respective complaints, not only because of their financial-incapacity to hire their own lawyer, but also because of the threats to their lives.
>
> Thus, **this Court**, as its **commitment to public service**, allowed those other complainants, who did not file a case against these different accused, to attend the proceedings, depending on the space available in its courtroom or in the other venue, where these cases would be heard; because **these other complainants can serve as witnesses**, for this Court to determine if indeed all the Accused committed the alleged **Syndicated Estafa**. Thus, these other complainants are hereinafter referred to as "**outsiders**", who are not included in these cases, but who wanted to serve as **State Witnesses**.
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> . . . .
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> Although, they are **Outsiders; this Court** still wants to implement **its faithful public service and true justice**; so that no person will feel hurt and offended for the reasons that they were treated unfairly, as only the private complainants herein, who passed thru the prosecutorial procedures, were the only ones entertained by this Court; for what they wanted to let this Court know is that there are many others, complaining that they were not able to get back their principal investments from the

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24 *Id.* (Emphasis in the original)
25 *Id.* at 24–25, Amended Information.
26 *Id.* at 32–33.
27 *Id.* at 34–39. Dated January 24, 2020.

persons, managing and working with (Rigen), despite the promise to return their investments.

Since the matter involved is only about money; the Court, in order to fast track the proceedings, allowed the other complainants, who allegedly had invested their money with Rigen to indicate in their respective folder the details of their transactions with Rigen, specifically on how they were able to have such financial capacity to invest therein and to indicate their respective principal investment per person. And the Court even directed its staff, Ma. Teresa Bandala, a Job Order employee, to type the details in order for the Court to know how much is the total claim of each of the persons, who are not included in this case, but were allowed by this Court, for them to serve as State witness and for them to hear the side of the many Accused that are included in these four (4) cases. Because it is the intention of the Court to really know how much was received by Rigen, allegedly thru the Accused herein, for this Court to find a way to resolve and/or to settle the civil aspect of all these cases and to solve the problems, faced by the Outsiders, without anymore the need to file separate cases, as long as what they claim is true and that only the true principal investments, known as "pay ins", shall be refunded by them by the Accused or the persons, who really received those investments; for this Court, to act fairly and judiciously, with the guidance of the Lord Almighty.

. . . .

Accused Auditor likewise manifested that although he was an **expert in Bitcoin investment, thru online, he is not well versed in English**; hence, he did not understand the contents of the Deed of Sale. His intention, being only to help Rico Garcia settle his problem and the clients of Rigen recover their principal investments. Thus, the Court Interpreter read, in open court, his communication with Rico Garcia, thru text messages. When the Court asked about their respective age, the Court finds that Rico Garcia is still young, about 20 years old. Hence, the **Court wonders how Rico Garcia, when he was still very young, was able to establish Rigen financial business, before selling it to Accused Auditor**, and Complainant Pang manifested that his **Co-complainants had included the mother of Rico Garcia in filing their Complaints,** but the Prosecution failed to include as accused the said mother, as the complainants failed to give the exact name of said mother; that he even manifested that many people witnessed said mother's presence in the main office, as if managing the same, and had even received the money from different investors. Thus, the Court informed the attendees that before it proceeded to go to the Provincial Jail to hear these cases herein; it had gone over the records and was able to read and had granted the **Motion of Prosecutor Noel Palma** to amend the information **to include Rosenda Garcia** as one among the accused herein. Hence, the Court had already ordered the **issuance of a Warrant of Arrest against Rosenda Garcia for her to face the claims of herein Complainants.**

. . . .

> Since the Court is clogged with many cases that it is handling; as it is hearing cases in the morning and in the afternoon to the extent that the Presiding Judge of this Court would even serve overtime until dawn, therefore, it has no other day available to hear the cases of Rigen and the Accused involved therein; there being so many people complaining, who can act as State Witnesses. Thus, this Court is constrained to use Saturdays to hear the cases, involving the parties in Rigen money recycling business, and to hear all the sides of the parties and non-parties herein. Hence, **as agreed in open court,** call these cases again on **29 February 2020, Saturday, at 1:30 o'clock in the afternoon and on 27 March 2020, at 8:30 o'clock in the morning, to be heard inside the Provincial Jail (DPRC).**[28]

A week after the said conference, Atty. Daniel C. Campoamor (Atty. Campoamor) filed a motion to withdraw as counsel for Garcia. However, Judge Ang denied the motion in her Order[29] dated January 31, 2020, pronouncing—

> The **Motion to Withdraw** as counsel for **accused Rico John Colorines Garcia** filed by **Atty. Daniel C. Campoamor** is **DENIED**, because he was the **1st counsel**, who submitted an **Omnibus Motion to Suspend Proceedings and to Recall Warrant of Arrest** which was earlier granted.
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> Hence, he must just collaborate with **Atty. Francis Rae Camtugan** the new counsel of Rico John C. Garcia, as said counsel is from **Baguio City** and Rico John might still needs the legal services of Atty. Campoamor.[30]

Ensuingly, Judge Ang once again issued a Joint Order[31] dated February 6, 2020 wherein she declared that she attended a conference with the parties and their respective counsels at the Provincial Detention & Rehabilitation Center at 6 o'clock that evening, thusly—

> **JOINT ORDER**
> **Accused King Paul Auditor Granted Bail**
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> Parties and Counsels had met each other last **4 February 2020** at about **6:00 P.M.**, and invited the Court to also attend their Conference, for it to know what both parties wanted to do, to fast track the proceedings. Hence, they requested for an urgent Conference to be held at the Provincial Detention & Rehabilitation Center that night, as **Atty. Artemio Tajon** came all the way from Digos City, to verify if the Accused would be allowed by this Court to post the property bonds, for him to be freed from detention, and for him to gather all the evidences to prove that he did not commit the alleged syndicated estafa; for if he will continuously be

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28 *Id.* at 35–38.
29 *Id.* at 40.
30 *Id.*
31 *Id.* at 41–47.

detained, then, he will not be able to recover his earned money and the titled properties, as well as his personal properties, such as the high valued cars, all of which he entrusted to his trusted friend and business partner, **John Christopher Rey Mercado Sia (John Sia, for brevity)**, which subject properties he promised to turn over to this Court, **for those investors, especially the poor ones, to get back and be refunded of their capital and for everybody to be at peace**.

. . . .

After Counsels of the parties verified from the Registry of Deeds and the lawyers, who notarized the Deed of Absolute Sale in favor of Accused King Paul Auditor; Accused, thru Counsel, submitted the certified copies of those titles, as well as his **Affidavit of Undertaking**, duly notarized by **Atty. Ian Enterina**, a Notary Public of Tagum City.

Said Accused also executed his **Affidavit of Loss and Waiver of Rights** over his bank accounts, as all of his bank pass books were stolen and lost when his house in Tagum City was ransacked and robbed by numerous unidentified persons.

Thus, he is waiving his rights over the remaining balance of all his bank accounts in favor of the private complainants, but will entrust all his titled real properties, bank accounts, and the Original Certificate and Certificate of Registration of his remaining vehicles to the custody of this Court for appropriate disposal, thru Public Auction, so that the money that could be recovered from these properties and accounts will be managed by this Court in refunding the principal investments of herein private complainants, while the excess in the funds shall be refunded to the other non-party-complainants, who had truly invested their money to him.

. . . .

As the private complainants had agreed and did not object to the Defense Counsel's oral motion to let the Accused King Paul Bryan Auditor use all his real properties, whether titled or not under his name, as long as there exists the Deeds of Sale, the Court hereby GRANTS the oral prayer of Counsel done on **4 February 2020** at the PRC that all the properties, herein above described, shall serve as his property bonds, which are already waived by Accused King Bryan Auditor, in favor of the private complainants, as well as the non-parties, who already submitted their respective claims to this Court, for them to be included in the computation of the refunds, after verifying the truth of their claims, which properties shall be sold in the public auction, to be conducted hereafter.

. . . .

In view hereof, as those properties, above described will be sold **at public auction**, and thus **served as bailbond** of **Accused KING PAUL BRYAN AUDITOR**, the **Jail Warden is hereby directed to release him from detention immediately**; as he needs to attend to his personal belongings and to retrieve the records and evidences for him to defend

himself that he did not commit syndicated estafa in connivance with the other co-accused as named in the information.

The setting on **8 February 2020, Saturday, at 2:00 o'clock in the afternoon, to be heard inside the Provincial Jail (DPRC) shall proceed, as set, for all** the **Branch Managers, Data Encoders,** and **Cashiers** of the **Rigen Marketing** to appear, for this Court to hear their side. Per data received from the non-parties/claimants, the following are the **separate branches allegedly managed by Accused Rico Garcia and his mother Rosenda Garcia**[.][32]

Looking askance at the foregoing Orders issued by Judge Ang, Garcia filed the instant Complaint. Garcia asseverated that the Orders indubitably demonstrated Judge Ang's remarkable ineptitude about the established procedure in trying Criminal Case Nos. 25236 to 25239. Judge Ang's utter disregard of the rules of procedure and evidence are quite telling—

December 20, 2019 Order:

1. Judge Ang conditioned the grant of the accused's motion to suspend warrant of arrest and quash the Information on their voluntary appearance in the next scheduled hearing. Should the accused fail to appear, then said motion or any motion for that matter would be denied.

2. Without any evidence presented and sans any motion filed, Judge Ang already made the presumptions that there were investments made by the private complainants, that accused are liable, and that the cases only involved money issues.

3. Even if the charge against the accused is non-bailable, Judge Ang declared that bail can be granted as long as the accused voluntarily appear in the next hearing. She also based the bail on the principal investments of each of the private complainants on the cases.[33]

January 17, 2020 Order:

1. Judge Ang, in issuing the foregoing Order, based her conclusions thereon merely on public information. Pursuant to such report, she concluded that indeed, the house of accused Auditor was ransacked, and titles kept in his house had been entrusted to different persons and transferred to the names of other people.

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32 *Id.* at 41–45.
33 *Id.* at 3–5.

2. *Sans* any evidence or any motion being filed, Judge Ang directed the RD to hold in abeyance all transfers involving titles in the names of the accused. She pronounced that if such transfers had already been made while these cases were pending, then the RD should annotate an adverse claim on the subject titles and to recover the same from the receiver thereof. She already assumed that there is falsification of deed of sale.[34]

January 24, 2020 Order:

Judge Ang granted the motion to amend the Information, allowing the inclusion of Garcia's mother, Rosenda as an accused without affording her due process by giving her a chance to comment.[35]

January 24, 2020 Joint Order:

1. Atty. Francis Camtugan II (Atty. Camtugan), Garcia's counsel, manifested in open court that he was going to file a petition for change of venue with the Supreme Court. Nevertheless, Judge Ang, denied the same outright without even waiting for any motion to be filed.

2. Noting that there were people lining up outside the courtroom as claimants/witnesses, Judge Ang allowed them to attend the proceedings to serve as witnesses for the court to determine if the accused are actually guilty of syndicated estafa, even if said persons were not parties to the subject cases. She even directed one of her staff to record the details of the total claims of these people, with the intention of resolving the civil aspect of the cases without the need for them to file separate cases. She, in effect, assumed jurisdiction over every related controversy despite being reminded that there are numerous cases pending before the OCP and the trial courts of Tagum City and Davao City.

3. Judge Ang exhibited her prejudgments against Rosenda, the mother of Garcia, and even proffered a conspiracy theory.

4. Judge Ang set the subsequent hearings of the case on Saturdays. Moreover, she directed several individuals,

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34 *Id.* at 5–6.
35 *Id.* at 7.

including non-parties, to appear in the case which has not even reached the pre-trial stage and despite the absence of any motion for the issuance of subpoena.[36]

January 31, 2020 Order:

Judge Ang denied the motion to withdraw filed by one of Garcia's lawyers, Atty. Campoamor, ordering that he must continue to collaborate with Garcia's new counsel, Atty. Camtugan. She observed that since Atty. Camtugan is from Baguio City, he may still need the services of Atty. Campoamor who resides in Tagum City.[37]

February 6, 2020 Joint Order:

In this Order, Judge Ang disclosed that Auditor, together with his counsel and private complainants, entered into a deal without notifying Garcia and his counsel as well as the prosecution and the counsels of the other accused. It includes, *inter alia,* a directive for the Bureau of Jail Management and Penology to release Auditor without holding a hearing for the determination of the strength of his guilt given that the offenses are non-bailable.[38]

Avouching that the foregoing Orders are fraught with procedural infirmities, Garcia took umbrage at Judge Ang's fitness to hold judicial office.[39] On this score, Article VIII, Section 11 of the Constitution confers upon the Court to order the dismissal of judges, *viz.*:

> SECTION 11. The Members of the Supreme Court and judges of lower courts shall hold office during good behavior until they reached the age of seventy years or become incapacitated to discharge the duties of their office. The Supreme Court *en banc* shall have the power to discipline judges of lower courts, or order their dismissal by a vote of a majority of the Members who actually took part in the deliberations on the issues in the case and voted thereon.

In her Comment,[40] Judge Ang asserts that the true complainant behind this administrative case is Atty. Camtugan who had long wanted for a change of venue and merely used the series of purported irregular orders and directives of the court as basis therefor. Moreover, Atty. Camtugan filed the

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36 *Id.* at 7–11.
37 *Id.* at 12.
38 *Id.* at 12–14.
39 *Id.* at 14.
40 *Id.* at 56–67.

Complaint after she denied his motion to inhibit Judge Ang herself from handling the subject cases and only declared Garcia as the supposed complainant.[41]

Judge Ang maintained that her decision to hold the hearings on Saturdays was to fast track the proceedings. As it happened, the attorneys present during the January 24, 2020 hearing agreed to such schedule as the next available date to hold hearings would have been two months from said date.[42]

Apropos granting bail for a non-bailable charge without giving the prosecution a chance to present evidence on the strength of the guilt of the accused, Judge Ang avowed that she had to do it since the prosecution had yet to complete its presentation of evidence. She averred that it was necessary to release Auditor for him to be able to look for the titles to his properties and the official receipts and certificates of registration of his high valued cars, which he would turn over to the court for the purpose of refunding the true investors of their capital investment. Additionally, it would not be fair to those who had already been arrested to languish in jail while their co-accused remained at large. Indeed, the best solution for the court was to stop the implementation of the warrants of arrest to hasten the refund of the investments made by the private complainants.[43]

With regard to the order of the court to invite bank employees as witnesses, Judge Ang maintained that neither Garcia nor his counsel had the right to intervene in the actions of the court.[44]

Instead of conducting hearings inside the court room, Judge Ang argued that she conducted the hearings at Davao del Norte Provincial Jail in order to secure the safety of the private complainants. Given that she divulged all matters that transpired during the meeting in her November 5, 2020 Order, the same could not be considered a clandestine meeting.[45]

Likewise, Judge Ang asserted that her act, *inter alia,* of ordering the RD to hold in abeyance any transactions involving the properties registered under the names of the accused and the Land Transportation Office to attach the vehicles of Auditor, was a way to solve the pressing problem of the state, the owners of the properties as well as of the investors. She claimed that to wait for the necessary motions for preliminary attachment would take time and would delay the resolution of the criminal cases.[46]

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41 *Id.* at 56–58.
42 *Id.* at 59.
43 *Id.* at 60–61.
44 *Id.* at 61–62.
45 *Id.* at 62.
46 *Id.*

Judge Ang further avowed that she was not in favor of any party or counsel inasmuch as she denied Atty. Campoamor's motion to withdraw as Garcia's counsel. Besides, she had already granted Garcia's Omnibus Motion to Suspend Proceedings and to Recall Warrant of Arrest[47] filed by Atty. Campoamor.[48]

In light of the foregoing disquition, she stressed that she merely wanted to render true justice to those who are affected and to achieve a peaceful settlement of the entirety of the instant controversy.[49]

Report and Recommendation of the Judicial Integrity Board (JIB)

After an assiduous evaluation of the submissions proffered by Garcia and Judge Ang, Atty. James D.V. Navarrete (Atty. Navarrete), Deputy Clerk of Court at-Large of the Office of the Court Administrator and Acting Executive Director of the JIB, rendered a Report and Recommendation[50] with the following exhortation:

> The complaint is partly meritorious.
>
> The charges regarding the amendment of the Informations in Criminal Case Nos. 25236 to 25239 to include Rosenda Colorines Garcia and the denial of the oral manifestation of counsel for accused Rico John Colorines Garcia that he will file a motion to transfer the venue of the criminal cases deserve scant consideration.
>
> Based on respondent Judge's [O]rder dated 24 January 2020, the Prosecutor filed a Motion to Amend Information with Prayer to Admit Amended Information. It was stated in the motion that the case against Rosenda Colorines Garcia was earlier dismissed during the preliminary investigation because her identity has not yet been established at that time but this was remedied by the Supplemental Affidavit of Benedict Ang, one of the complainants. The accusation that she issued a warrant of arrest without giving Rosenda Colorines Garcia a chance to comment lacks merit. There is nothing in the rules mandating that judges, before issuing a warrant of arrest, should require the accused to comment.
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> Similarly, respondent Judge's denial of the oral manifestation of the counsel for accused Rico John Colorines Garcia that he intends to file a motion for the transfer of venue of the criminal cases does not present any real issue. Even if the said motion has been filed, respondent Judge would have been right in denying it since only the Supreme Court has the authority to act on such motions.

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47 *See rollo*, pp. 63–64.
48 *Id.*
49 *Id.* at 62.
50 *Id.* at 73–85.

> As to the other charges, there is ground to hold respondent Judge liable. It is obvious from the orders she issued that she made a mockery of the Rules of Court.
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> . . . .
>
> The over-riding concern of respondent Judge is speed. However, litigations must not only be speedy but must also be orderly. Both speed and orderliness have been adequately addressed by the Supreme Court when it promulgated the Revised Guidelines for Continuous Trial of Criminal Cases. These guidelines provide certainty as to the procedure to be followed in criminal cases and got rid of the instances that may cause delays. These guidelines informed the court and the parties of the different stages in the proceedings, what is expected of them in each stage so that they can prepare in advance. By deviating from these guidelines and applying her own rules, respondent Judge placed the parties in a quandary. They are left asking questions – what will happen in the next hearings; where will it be held – in court, in jail or somewhere else; who will be the witnesses – those chosen by the prosecutor or those picked by her. In fact, by applying her own rules and entertaining the claims of other claimants who did not file cases in court, she may have already invariably delayed the proceedings.
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> . . . .
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> **The instant case warrants the penalty of dismissal from the service. The case of respondent Judge involves a series of orders that basically threw a monkey wrench at the procedures set under the rules. Easily the most glaring was that allowing non-parties to the cases to serve as state witnesses and coming up with her own bail computation and procedure for a non-bailable offense. Respondent Judge does not deserve to stay a minute longer in the Judiciary given the way she has mishandled the cases, especially if it is considered that this would be the fourth time she will be found guilty of Gross Ignorance of the Law.**[51]

Thereupon, the JIB submitted its own Report,[52] holding that the recommendations of Atty. Navarrete are in accord with the facts and case law.[53] The JIB finds that Atty. Navarrete aptly adjudged that Judge Ang should be held administratively liable for gross ignorance of the law or procedure, for making a mockery of procedural rules by — *first*, granting bail in a non-bailable offense without a hearing and basing the amount of bail on the principal investments of the private complainants, thereby disregarding the Rules of Court;[54] *second*, allowing non-parties to participate in the subject criminal cases; *third*, denying Atty. Campoamor's motion to withdraw as counsel for Garcia despite Garcia's written consent and due

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51 *Id.* at 78–79, 84. (Emphasis supplied)
52 *Id.* at 88-117.
53 *Id.* at 105.
54 *See* RULES OF COURT, Rule 114, sec. 9, as amended by A.M. No. 00-5-03-SC, December 1, 2000.

notice to the court; *fourth*, issuing orders to government agencies based on mere hearsay and conjectures; and *fifth*, meeting parties outside the court premises and holding hearings on Saturdays.[55]

Then, JIB recommended the following:

> 1) [T]he instant administrative complaint against Hon. Virginia D. Tehano-Ang, Presiding Judge, Branch I, Regional Trial Court, Tagum City, Davao del Norte be **RE-DOCKETED** as a regular administrative matter; and
>
> 2) Hon. Virginia D. Tehano-Ang be found **GUILTY** of Gross Ignorance of the Law or Procedure and the 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, be **ORDERED**.[56]

The Court's Ruling

The Court adopts the factual findings and the recommendation of the JIB.

Prefatorily, it bears accentuating that an administrative complaint is not the appropriate remedy for the aberrant or irregular acts of judges where a judicial remedy is available, such as a motion for reconsideration, an appeal, or a petition for *certiorari*. The acts of judges in their judicial capacity are not subject to disciplinary action. Simply put, an inquiry into the correctness of a judge's official act is undeniably judicial in nature and is best settled through the available appropriate judicial remedies under the Rules of Court, and not by way of an administrative complaint. [57]

In the case at bench, the JIB infallibly considered Judge Ang's acts of granting the amendment of the Information, issuing a warrant of arrest without requiring Rosenda to file comment, and denying the oral manifestation to file a petition for change of venue, as judicial in nature and therefore cannot be properly probed into in this administrative complaint.

Besides, given that such acts were performed within the bounds of law and applicable rules, the same cannot be the subject of disciplinary liability. To be sure, the Rules of Court do not require that every accused be afforded the right to comment before a judge can amend the Information to include

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55 *Rollo*, pp. 109–111.
56 *Id.* at 116.
57 *See Tallado v. Hon. Racoma*, A.M. No. RTJ-22-022, August 23, 2022 [Per J. Singh, *En Banc*].

him or her thereon, or issue a warrant for their arrest. Moreover, the denial of the oral manifestation to file a petition for change of venue, is proper given that Judge Ang had no authority to rule on it. No less than the Constitution decrees that the power to order a change of venue or place of trial to avoid a miscarriage of justice is lodged with the Supreme Court.[58]

On this score, the explication of the Court in *Tallado v. Judge Racoma*[59] anent the interplay between disciplinary cases against judges and their judicial functions, is illuminating, *viz.*:

> It is well-settled that disciplinary proceedings and criminal actions against judges are not complementary or suppletory to, nor a substitute for, these judicial remedies, whether ordinary or extraordinary. **For, obviously, if subsequent developments prove the judge's challenged act to be correct, there would be no occasion to proceed against him at all. Besides, to hold a judge administratively accountable for every erroneous ruling or decision he renders, assuming he has erred, would be nothing short of harassment and would make his position doubly unbearable. To hold otherwise would be to render judicial office untenable, for no one called upon to try the facts or interpret the law in the process of administering justice can be infallible in his judgment. It is only where the error is tainted with bad faith, fraud, malice, or dishonesty that administrative sanctions may be imposed against the erring judge.**[60]

Thus, there are two occasions when judges *cannot be found administratively liable* for acts performed in connection with their official duty: (1) Whenever they act within the bounds of the law and the applicable rules; and (2) Whenever they act erroneously but the error is made in good faith. Upon this point, only judicial errors tainted with fraud, dishonesty and corruption, gross ignorance, bad faith or deliberate intent to do an injustice will be administratively sanctioned.[61]

Certainly, Judge Ang cannot be sanctioned thereof as her foregoing acts were in accordance with the rules and *were not even flawed.*

Still and all, the same conclusion does not hold true anent the other charges in this Complaint. Judges cannot be subject to any liability—civil, criminal, or administrative—for any of their official acts, no matter how erroneous, as long as they act in good faith. As adumbrated above, judicial

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58 CONST., art. VIII, sec. 5 states:
Section 5. The Supreme Court shall have the following powers:
. . . .
(4) Order a change of venue or place of trial to avoid a miscarriage of justice.

59 A.M. No. RTJ-22-022, August 23, 2022 [Per J. Singh, *En Banc*].

60 *Id.* (Emphasis supplied)

61 *See Atty. Mahinay v. Judge Daomilas*, 833 Phil. 310, 323–324 (2018) [Per J. Caguioa, Second Division].

errors can only be sanctioned if tarnished with fraud, dishonesty and corruption, gross ignorance, bad faith or deliberate intent to do an injustice.[62]

The other charges questioning Judge Ang's official acts, although judicial in nature, fall within the ambit of an administrative proceeding as they are not simple errors of judgment. Judge Ang appallingly made a mockery of the rules of procedure in handling the instant criminal cases. Evidently, she deviated from the basic rules and settled jurisprudence that she devised her own guidelines. Judge Ang's repeated disregard of the applicable laws and rules manifest her gross ignorance of the law which the Court cannot tolerate.

First. Judge Ang ran roughshod over the rules on bail.

Rule 114, Sections 7 to 9 of the Revised Rules on Criminal Procedure provide:

> SEC. 7. *Capital offense or an offense punishable by reclusion perpetua or life imprisonment, not bailable.*— No person charged with a capital offense, or an offense punishable by *reclusion perpetua* or life imprisonment, shall be admitted to bail when evidence of guilt is strong, regardless of the stage of the criminal prosecution.
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> SEC. 8. *Burden of proof in bail application.*— At the hearing of an application for bail filed by a person who is in custody for the commission of an offense punishable by death, *reclusion perpetua*, or life imprisonment, the prosecution has the burden of showing that evidence of guilt is strong. The evidence presented during the bail hearing shall be considered automatically reproduced at the trial but, upon motion of either party, the court may recall any witness for additional examination unless the latter is dead, outside the Philippines, or otherwise unable to testify.
>
> SEC. 9. *Amount of bail; guidelines.* — The judge who issued the warrant or granted the application shall fix a reasonable amount of bail considering primarily, but not limited to, the following factors:
>
> (a) Financial ability of the accused to give bail;
> (b) Nature and circumstances of the offense;
> (c) Penalty for the offense charged;
> (d) Character and reputation of the accused;
> (e) Age and health of the accused;
> (f) Weight of the evidence against the accused;
> (g) Probability of the accused appearing at the trial;
> (h) Forfeiture of other bail;
> (i) The fact that the accused was a fugitive from justice when arrested; and

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62 *Id.*

(j) Pendency of other cases where the accused is on bail.

Excessive bail shall not be required.

Appositely, Section 18 of the same Rule, states:

> SEC. 18. *Notice of application to prosecutor.* — In the application for bail under section 8 of this Rule, the court must give reasonable notice of the hearing to the prosecutor or require him to submit his recommendation.

In resolving bail applications, the Court enjoins judges to abide by the following procedural guidelines:

1. In all cases, whether bail is a matter of right or of discretion, notify the prosecutor of the hearing of the application for bail or require him to submit his recommendation;
2. Where bail is a matter of discretion, conduct a hearing of the application for bail regardless of whether or not the prosecution refuses to present evidence to show that the guilt of the accused is strong for the purpose of enabling the court to exercise its sound discretion;
3. Decide whether the guilt of the accused is strong based on the summary of evidence of the prosecution;
4. If the guilt of the accused is not strong, discharge the accused upon the approval of the bail bond x x x; otherwise petition should be denied.[63]

Records evince that Garcia and his co-accused were all indicted for syndicated estafa, a crime punishable by *reclusion perpetua* or life imprisonment to death.[64] Nonetheless, Judge Ang, ever cognizant of such non-bailable offense, granted bail to Auditor without affording the prosecution an opportunity to establish that the evidence of his guilt is strong. Upon this point, the Court's disquisition in the case of *Marzan-Gelacio v. Judge Flores*[65] is illuminating—

> The procedural necessity of a hearing relative to the grant of bail can not be dispensed with especially in this case where the accused is charged

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63 *Usama v. Tomarong,* A.M. No. RTJ-21-017, March 8, 2023 [Per J. Rosario, *En Banc*], citing *Office of the Court Administrator v. Judge Flor,* 878 Phil. 47, 55–56 [*Per Curiam, En Banc*].

64 Presidential Decree No. 1689 (1980), sec. 1 states:
SECTION 1. Any person or persons who shall commit estafa or other forms of swindling as defined in Article[s] 315 and 316 of the Revised Penal Code, as amended, shall be punished by life imprisonment to death if the swindling (estafa) is committed by a syndicate consisting of five or more persons formed with the intention of carrying out the unlawful or illegal act, transaction, enterprise or scheme, and the defraudation results in the misappropriation of money contributed by stockholders, or members of rural banks, cooperative, "samahang nayon(s)", or farmers association, or of funds solicited by corporations/associations from the general public.
When not committed by a syndicate as above defined, the penalty imposable shall be *reclusion temporal* to *reclusion perpetua* if the amount of the fraud exceeds 100,000 pesos.

65 389 Phil. 372 (2000) [Per J. Ynares-Santiago, First Division].

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with a capital offense. Utmost diligence is required of trial judges in granting bail especially in cases where bail is not a matter of right. Certain procedures must be followed in order that the accused would be present during trial. As a responsible judge, respondent must not be swayed by the mere representations of the parties; instead, he should look into the real and hard facts of the case.

To do away with the requisite bail hearing especially in those cases where the applicant is charged with a capital offense "is to dispense with this time-tested safeguard against arbitrariness." It must always be remembered that imperative justice requires the proper observance of indispensable technicalities precisely designed to ensure its proper dispensation. In this regard, it needs be stressed that the grant or the denial of bail in capital offenses hinges on the issue of whether or not the evidence of guilt of the accused is strong and the determination of whether or not the evidence is strong is a matter of judicial discretion *which remains with the judge.* On this point, *Cruz v. Yaneza* states in no uncertain terms that—

[I]n order for the judge to properly exercise his discretion, *he must first conduct a hearing to determine whether the evidence of guilt is strong.* As decreed in *Almeron v. Sardido.*

In exercising such judicial discretion, however, *a judge is required to conduct a hearing* wherein both the prosecution and the defense present evidence that would point to the strength or weakness of the evidence of guilt. *The discretion of the judge lies solely in the appreciation and evaluation of the weight of the evidence presented during the hearing and not in the determination of whether or not the hearing itself should be held for such a hearing is considered mandatory and absolutely indispensable* before a judge can aptly be said to be in a position to determine whether the evidence for the prosecution is weak or strong.

Thus, when a judge grants bail to a person charged with a capital offense punishable by *reclusion perpetua* or life imprisonment without conducting the required hearing, he is considered guilty of ignorance or incompetence the gravity of which cannot be excused by a claim of good faith or excusable negligence.

Further, in *Basco v. Rapatalo*, we said:

> Since the determination of whether or not the evidence of guilt of the accused is strong is a matter of judicial discretion, *the judge is mandated to conduct a hearing even in cases where the prosecution chooses to just file a comment or leave the application of bail to the discretion of the court.*

Even more explicitly in *Santos v. Ofilada* –

> We have held that admission to bail as a matter of discretion *presupposes the exercise thereof in accordance with law and guided by the applicable legal principles.* The prosecution must first be accorded an opportunity to

> present evidence because by the very nature of deciding applications for bail, it is on the basis of such evidence that judicial discretion is weighed in determining whether the guilt of the accused is strong. *In other words, discretion must be exercised regularly, legally and within the confines of procedural due process,* that is, after the evaluation of the evidence submitted by the prosecution. *Any order issued in the absence thereof is not a product of sound judicial discretion but of whim, caprice and outright arbitrariness.*
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> . . . .
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> *Even the alleged failure of the prosecution to interpose an objection to the granting of bail to the accused will not justify such grant without hearing. This Court has uniformly ruled that even if the prosecution refuses to adduce evidence or fails to interpose any objection to the motion for bail, it is still mandatory for the court to conduct a hearing or ask searching and clarificatory questions from which it may infer the strength of the evidence of guilt or lack of it, against the accused. Where the prosecutor refuses to adduce evidence in opposition to the application to grant and fix bail, the court may ask the prosecution such questions as would ascertain the strength of the State's evidence or judge the adequacy of the amount of the bail. Irrespective of respondent judge's opinion that the evidence of guilt against the accused is not strong, the law and settled jurisprudence demand that a hearing be conducted before bail may be fixed for the temporary release of the accused, if bail is at all justified.*
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> Thus, although the provincial prosecutor had interposed no objection to the grant of bail to the accused, the respondent judge therein should nevertheless have set the petition for bail for hearing and diligently ascertain from the prosecution whether the latter was not in fact contesting the bail application. In addition, a hearing was also necessary for the court to take into consideration the guidelines set forth in the then Section 6, Rule 114 of the 1985 Rules of Criminal Procedure for the fixing of the amount of the bail. Only after respondent judge had satisfied himself that these requirements have been met could he then proceed to rule on whether or not to grant bail.

Most emphatic, however, is the recent case of *Go, et al. v. Judge Benjamin A. Bongolan* where owing to the increasing frequency of incidents regarding so basic a subject in criminal procedure despite repeated reminders thereon, an exasperated Court speaking through Mr. Justice Reynato S. Puno castigated the respondent judge for granting bail in a capital offense without conducting a hearing thus:

Complaints involving irregular approval of bailbond and issuance of order of release appear to be a common offense of judges. In the 1996, case of *Adapon v. Domagtay*, this Court observed:

"This is not the first time that a complaint is brought before this Court involving irregular approval of bailbond and issuance of order of release. The Court again reminds judges of lower courts of their role as the embodiment of competence, integrity and independence. This Court believes that in order to achieve justice, judges should, in all cases, diligently ascertain and conscientiously apply the law in relation to the facts of each case they hear and decide, unswayed by partisan interests, public opinion or fear of criticism. This is the least that judges can do to sustain the trust reposed on them by the public."

Earlier in *Paderanga v. Court of Appeals*, this Court painstakingly reminded judges of the procedure to be followed when a motion for admission to bail is filed by the accused. It seems, however, that our reminder has fallen on barren ground. Consequently, we find it opportune to reiterate the rules:

"Section 13, Article III of the Constitution lays down the rule that before conviction, all indictees shall be allowed bail, except only those charged with offenses punishable by *reclusion perpetua* when the evidence of guilt is strong. In pursuance thereof, Section 4 of Rule 114, as amended, now provides that all persons in custody shall, before conviction by a regional trial court of an offense not punishable by death, *reclusion perpetua* or life imprisonment, be admitted to bail as a matter of right. The right to bail, which may be waived considering its personal nature and which, to repeat, arises from the time one is placed in the custody of the law, springs from the presumption of innocence accorded every accused upon whom should not be inflicted incarceration at the outset since after the trial would be entitled to acquittal, unless his guilt be established beyond reasonable doubt.

"Thus, the general rule is that prior to conviction by the regional trial court of a criminal offense, an accused is entitled to be released on bail as a matter of right, the present exceptions thereto being the instances where the accused is charged with a capital offense or an offense punishable by *reclusion perpetua* or life imprisonment and the evidence of guilt is strong. Under said general rule, upon proper application for admission to bail, the court having custody of the accused should, as a matter of course, grant the same after a hearing conducted to specifically determine the conditions of the bail in accordance with Section 6 (now, Section 2) of Rule 114. *On the other hand, as the*

grant of bail becomes a matter of judicial discretion on the part of the court under the exceptions to the rule, a hearing, mandatory in nature and which should be summary or otherwise in the discretion of the court, is required with the participation of both the defense and a duly notified representative of the prosecution, this time to ascertain whether or not the evidence of guilt is strong for the provisional liberty of the applicant. Of course, the burden of proof is on the prosecution to show that the evidence meets the required quantum.

"Where such a hearing is set upon proper motion or petition, the prosecution must be given an opportunity to present, within a reasonable time, all the evidence that it may want to introduce before the court may resolve the application, since it is equally entitled as the accused to due process. If the prosecution is denied this opportunity, there would be a denial of procedural due process, as a consequence of which the court's order in respect of (sic) the motion or petition is void. At the hearing, the petitioner can rightfully cross-examine the witnesses presented by the prosecution and introduce his own evidence in rebuttal. When, eventually, the court issues an order either granting or refusing bail, the same should contain a summary of the evidence for the prosecution, followed by its conclusion as to whether or not the evidence of guilt is strong. *The court, though, cannot rely on mere affidavits or recitals of their contents, if timely objected to, for these represent only hearsay evidence, and thus are insufficient to establish the quantum of evidence that the law requires.*

. . . .

A bail hearing is mandatory to give the prosecution reasonable opportunity to oppose the application by showing that evidence of guilt is strong. . . A bail application does not only involve the right of the accused to temporary liberty, but likewise the right of the State to protect the people and the peace of the community from dangerous elements. These two rights must be balanced by a magistrate in the scale of justice, hence, the necessity for hearing to guide his exercise of discretion.

We note too that Judge Bongolan fixed the bail at [PHP] 50,000.00 without showing its reasonableness. In *Tucay v. Domagas*, we held that while the Provincial Prosecutor did not interpose an objection to the grant of bail, still, respondent judge should have set the petition for bail hearing for the additional reason of taking into account the guidelines for fixing the amount of bail. Thus, we fined the erring judge for gross ignorance of the law.

. . . .

> With clear-cut procedural guidelines on bail now incorporated in the Rules of Court, judges have been enjoined to study them well and be guided accordingly. Concededly, judges can not be faulted for honest lapses in judgment but this defense has become shopworn from overuse. To reiterate, although the Provincial Prosecutor had interposed no objection to the grant of bail to the accused, respondent judge should have set the application or petition for bail for hearing. If the prosecution refuses to adduce evidence or fails to interpose an objection to the motion for bail, *it is still mandatory for the court to conduct a hearing or ask searching and clarificatory questions*. For even the failure of the prosecution to impose an objection to the grant of bail to the accused will not justify such grant without a hearing.
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> As pointedly stated in *Bantuas v. Pangadapun* "[T]o grant an application for bail and fix the amount thereof without a hearing duly called for the purpose of determining whether the evidence of guilt is strong constitutes ignorance or incompetence whose grossness cannot be excused by a claim of good faith or excusable negligence. Furthermore, the Court has held that the failure of the judge to conduct the hearing required prior to the grant of bail in capital offenses is inexcusable and reflects gross ignorance of the law and a cavalier disregard of its requirement."[66]

Quite palpably, Judge Ang's act of granting bail to Auditor was tainted with arbitrariness and whimsicality. Indeed, Judge Ang's act of considering all the properties of Auditor—which he waived in favor of the private complainants—as his bail bond during the February 4, 2020 conference[67] is baseless and constitutes gross ignorance of the law. Besides, the said conference, to which she was merely invited, was solely attended by Auditor, the private complainants, and their respective private counsels;[68] this is so because she failed to notify the other accused of the said conference.[69]

Withal, Judge Ang's assurance to the other accused who remained at large that they would be allowed to post bail smacks of judicial absurdity since it would be conditioned upon their voluntary submission to the court's jurisdiction, and not on whether the evidence of their guilt is strong. Indubitably, this would result in a deprivation of due process on the part of the prosecution. Since no hearing would be held, Judge Ang's disquisition that the amount of bail would be based on the principal investments of the private complainants is injudicious as it is a clear contravention of the requisites set forth in Section 9, Rule 114 of the Rules. As aptly observed by Atty. Navarette of the JIB—

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66 *Id.* at 381–388. (Emphasis supplied)
67 *Rollo*, p. 45.
68 *Id.* at 41.
69 *Id.* at 12.

> Admittedly, the list in Section 9, Rule 114 is not exclusive but if we follow the logic behind respondent Judge's ruling, there will be instances wherein the accused will be allowed by respondent Judge to post bail at absurdly low amounts considering the crimes for which they have been charged and the imposable penalty prescribed by law. This Office is referring to Criminal Case Nos. 25238 and 25239. The principal claim of the private complainants in these cases is merely [PHP] 50,000.00 which means that respondent Judge, without even considering the other factors in Section 9, Rule 114, will allow them to post bail in the measly amount of [PHP] 50,000.00 each for an offense punishable with *reclusion perpetua*.[70]

Second. Judge Ang based her rulings on mere assumptions and conjectures.

Based on the information she received from the public, Judge Ang adjudged that the house of Auditor was actually ransacked and that the titles to his properties kept therein were truly stolen. She then *motu proprio* directed the RD to hold in abeyance every transaction involving these titles, and if said titles have already been transferred, to annotate an adverse claim thereon and to recover the same from the transferees "for there might be possible falsification of [a] [d]eed of [s]ale and that those titles might be the ones stolen during the ransack incident of Paul Auditor's house and were just transferred to another's name to evade from being charged with stealing those titles."[71]

This is a plain display of Judge Ang's incompetence since a court's directive to other government agencies cannot be based on mere suppositions and speculations.

Third. Judge Ang usurped the role of a prosecutor and actively gathered evidence for the prosecution. She palpably paid no heed to the elemental rule that a court can only take cognizance of cases over which it has acquired jurisdiction.

Along this grain, the Court ratiocinates with approbation the findings of the JIB—

> As aptly observed by the Office of the Executive Director, the function of the prosecution is to gather and present its evidence, while the function of the court is to receive evidence and decide cases. Yet, in her January 24, 2020 Order, the Respondent Judge allowed non-parties or the other claimants to prove their claims in the same criminal cases and even decided who would serve as witnesses for the prosecution. In fact, she assigned a court staff to take down the details of each claim instead of

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70 *Id.* at 80.
71 *Id.* at 29.

> referring them to the Public Attorney's Office for the proper filing of a criminal complaint with the Prosecutor's Office.
>
> In the instant case, it was clear that the Respondent Judge took active participation in the prosecution of the criminal cases. Rather than leaving it up to the parties to secure their evidence and prove their case in the proper forum, she exercised jurisdiction over the claims of other persons who have yet to file a case in court. In other words, the Respondent Judge's role was to resolve the case based on applicable laws and jurisprudence, however, she decided to litigate. Her actions, once again, constitute Gross Ignorance of the Law or Procedure for deliberately failing to apply settled law and jurisprudence.[72]

Fourth. Judge Ang likewise turned a deaf ear to the basic rule that a party has the right to be represented by a counsel of their choice.

Records distinctly show that Judge Ang denied Atty. Campoamor's motion to withdraw as counsel of Garcia despite the fact that Garcia already had a new counsel. Judge Ang's denial of the said motion since Garcia might still need the services of Atty. Campoamor,[73] has no factual and lawful basis as she had no right to decide on behalf of Garcia as to his counsel to represent him.

Notably, Judge Ang's order for all accused to appear and to answer the complaints, even without counsel,[74] is antithetical to the constitutionally protected right of an accused. To the Court's mind, such right cannot be simply brushed aside for the reason proffered by Judge Ang, i.e., "in order not to delay the proceedings."[75]

Finally. Judge Ang clearly violated OCA Circular No. 250-15[76] in relation to A.M. No. 03-8-02-SC.[77]

OCA Circular No. 250-15 enjoin all judges, officials and personnel of the First and Second Level Courts to strictly observe the following office hours, *viz.*:

Regions 1 to 12

Mondays – Fridays	8:00 a.m. – 12:00 nn.
	1:00 p.m. – 5:00 p.m.

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72 *Id.* at 109.
73 *Id.* at 40.
74 *Id.* at 27.
75 *Id.* at 28.
76 OCA Circular No. 250-2015 (2015), Reiteration of Strict Observance of Office and Session Hours, Posting of Court Calendar, Proper Office Attire, and Conduct of Flag Raising and Lowering Ceremonies.
77 SC Administrative Matter No. 03-8-02-SC (2004), Guidelines on the Selection and Appointment of Executive Judges and Defining Their Powers, Prerogatives and Duties.

On the other hand, Section 14 of A.M. No. 03-8-02-SC reads:

> SEC. 14. *Action on petitions for bail and other urgent matters on Saturdays, Sundays, official holidays and special days*.- The Executive Judges of the MeTCs and MTCCs with multiple branches shall assign by rotation the judges of the said branches to report for duty on Saturdays from eight o'clock in the morning to one o'clock in the afternoon, assisted by a skeletal force of the personnel, also on rotation, primarily to act on petitions for bail and other urgent matters.

Here, even if there were no petitions for bail to act upon, Judge Ang still scheduled several hearings of the subject criminal cases on Saturdays. It is inappropriate for her to set the hearings on a weekend on the pretext, "to fast track the proceedings of these cases"[78] without showing any urgency of such settings.

Plain as day, the foregoing acts of Judge Ang unmistakably establish her gross ignorance of the law. The Court now hews to the doctrinal precept in the case of *Office of the Court Administrator v. Judge Montero*[79]—

> "[The] 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 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." Thus, a judge who disregards basic rules and settled jurisprudence may be held administratively liable for gross ignorance of the law or procedure. In *Philippine National Construction Corporation v. Mupas*, the Court elucidated on this administrative offense as follows:
>
> > 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. [. . .] **Where the law is straightforward and**

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78 *Rollo*, p. 59.

79 A.M. No. RTJ-20-2582, August 16, 2022 [*Per Curiam, En Banc*].

> **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.**
>
> 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.**[80]

All the same, Judge Ang intransigently asserts that she faithfully observed the established rules of procedure as shown in her Comment—

> **WHAT THIS COURT, thru the undersigned,**
> **FOLLOWS ALL THE TIME**
> **IF THE PROCEDURES FOLLOWED WILL ONLY**
> **DELAY THE CASES & PLACE EVERYONE INVOLVED**
> **IN A STRESSFUL, BURDENSOME,**
> **EXPENSIVE, THREATENING & INSECURE POSITION**
>
> Finally, for the information of the **Honorable Supreme Court** and the **Office of the Court Administrator**, the undersigned has experienced many Administrative Cases, which involved matters of procedures only

[80] *Id.* (Emphasis in the original, emphasis supplied)

> and not anomaly, when what the undersigned follows, being **guided by our God Almighty**, are the best laws and rules of the Universe, which she strongly believes to be the most efficient, effective, fairest, expeditious, and easily understandable; they being the most important rules and laws to be followed by all in order to solve all the problems, handled by the Courts. These are the following: 1st: **Natural Tendency of a Person to Act** (to know the Truth); 2nd: the **Golden Rules** (to act fairly), and 3rd: **Article 19 of the Civil Code of the Philippines** (to render true justice and faithful service)[.][81]

Discernibly, Judge Ang's foregoing admission pulled the rug from under her feet. Suffice it to say that a judge must not only exhibit integrity but must possess competence as well. Judge Ang lamentably failed to demonstrate that she is *au fait* with the established and evolving rules of procedure.

Indeed, while judges are not completely stripped of their freedom to express, exercise, or uphold their religious beliefs and personal convictions, it goes without saying that in doing so, their foremost duty to obey the rule of law should not stand to suffer. Time and again, the Court has emphasized that obedience to the rule of law forms the bedrock of our system of justice. If judges, under the guise of religious or political beliefs as well as personal convictions, were allowed to roam unrestricted beyond boundaries within which they are required by law to exercise the duties of their office, then law becomes meaningless[82] and the proceedings before the courts would undoubtedly be chaotic.

What, then, is the penalty that should be imposed upon Judge Ang?

While the instant Complaint was filed before Rule 140 of the Rules of Court was amended by A.M. No. 21-08-09-SC,[83] Section 24[84] thereof explicitly provides that the amended Rule shall apply to all pending and future administrative disciplinary cases involving members, officials, employees, and personnel of the Judiciary. This being so, this case shall be resolved pursuant to the aforesaid procedural guidepost.

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81 *Rollo*, p. 64. (Emphasis in the original)

82 *See Espejon v. Judge Lorredo*, A.M. No. MTJ-22-007, March 9, 2022 [Per J. Caguioa, First Division].

83 SC Administrative Matter No. 21-08-09-SC, February 22, 2022, Further Amendments to Rule 140 of the Rules of Court.

84 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.

Rule 140 of the Rules of Court, as amended, ordains that gross ignorance of the law or procedure is a serious charge[85] and is punishable 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 (6) months but not exceeding one (1) year; or
> (c) A fine of more than [PHP] 100,000.00 but not exceeding [PHP] 200,000.00.[86]

Here, records evince that Judge Ang was thrice found guilty of gross ignorance of the law, *viz.*:

> In the resolution dated 30 January 2019 in A.M. No. RTJ-19-2547 (formerly OCA-IPI No. 17-4692-RTJ; *Cipriano C. Montero, Jr. vs. Hon. Virginia D. Tehano-Ang*), respondent Judge was found guilty of Gross Ignorance of the Law and Procedure and was **reprimanded** and sternly warned for issuing a hold departure order in a civil case.
>
> In the resolution dated 4 September 2019 in A.M. No. RTJ-19-2548 (formerly OCA-IPI No. 11-3733-RTJ; *Prosecutor Ferdinand R. Villanueva and Alona T. Labtic vs. Judge Virginia D. Tehano-Ang)*, respondent Judge was found guilty of Gross Ignorance of the Law and fined in the amount of **[PHP] 21,000.00** for dismissing a criminal case not filed in her sala.
>
> Finally, in the resolution dated 3 February 2020 in A.M. No. RTJ-19-2573 (formerly OCA-IPI No. 19-4927-RTJ; *Hon. Ma. Susana T. Baua vs. Hon. Virginia D. Tehano-Ang*), respondent judge was found guilty of Gross Ignorance of the Law, Grave Abuse of Authority and violation of Supreme Court rules, directives and circulars and fined in the amount of **[PHP] 21,000.00** for: a) acting, in her capacity as Pairing Judge of Branch 2, on a criminal case not raffled to Branch 2, the court paired with her sala (Branch 1) but to one not paired with her court, to wit, Branch 30; b) jointly dismissing three (3) criminal cases, one of which was not raffled to her sala nor consolidated with the other two (2) cases; and c) issuing an order to the Office of the Clerk of Court to consolidate, without any motion from the Office of the Prosecutor, all criminal cases involving the same incident thus defeating the purpose behind the raffle system.[87]

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85 *See* RULES OF COURT, Rule 140, sec. 14 (j).
86 RULES OF COURT, Rule 140, sec. 17.
87 *Rollo*, pp. 84–85.

Notwithstanding the foregoing administrative sanctions, Judge Ang exhibited sheer temerity to transgress the prevailing rules of procedure and decisional rules. Significantly, rather than being more conscientious in her application of the established rules of procedure and settled jurisprudence, Judge Ang even boasted that she had concocted her own rules in handling cases "which she strongly believes to be the most efficient, effective, fairest, expeditious, and easily understandable[.]"[88] Such attitudinal demeanor patently shows that she is unfit to remain as member of the judiciary. Thence, her repeated injudicious actuations appropriately merit the ultimate penalty of dismissal. To be sure, the Court is duty-bound to sternly wield a corrective hand to discipline its errant employees and shove away the undesirable ones.[89]

However, due to Judge Ang's compulsory retirement on July 19, 2023,[90] the penalty of dismissal from service can no longer be imposed. This finds a textual hook in Rule 140, Section 18, as amended, which provides:

> SECTION 18. *Penalty in Lieu of Dismissal on Account of Supervening Resignation, Retirement, or Other Modes of Separation of Service.*— If the respondent is found liable for an offense which merits the imposition of the penalty of dismissal from service but the same can no longer be imposed due to the respondent's supervening resignation, retirement, or other modes of separation from service except for death, he or she may be meted with the following penalties in lieu of dismissal:
>
> a) 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; and/or
>
> b) Fine as stated in Section 17 (1) (c) of this Rule.

Thus, in lieu of the penalty of dismissal from service for her gross ignorance of the law, the Court appropriately imposes the accessory penalties of dismissal from service, i.e., the forfeiture of retirement benefits, except accrued leave credits, and disqualification from re-employment in any branch or service of the government, including government-owned and controlled corporations.

ACCORDINGLY, the Court ordains as follows:

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88 *Id.* at 64.
89 *See PNCC v. Judge Mupas*, 889 Phil. 641, 652 (2020) [*Per Curiam, En Banc*].
90 *Rollo*, p. 103.

1. The Complaint against respondent Hon. Virginia D. Tehano-Ang, former Presiding Judge, Branch 1, Regional Trial Court, Tagum City, Davao del Norte, is **RE-DOCKETED** as a regular administrative matter; and

2. Hon. Virginia D. Tehano-Ang is found **GUILTY** of gross ignorance of the law or procedure. In lieu of dismissal from service which the Court can no longer impose, her retirement benefits are instead declared **FORFEITED** as penalty for her offense, except accrued leave credits. She is, likewise, barred from re-employment in any branch or instrumentality of government, including government-owned or controlled corporations.

SO ORDERED.

JAPAR B. DIMAAMPAO
Associate Justice

WE CONCUR:

ALEXANDER G. GESMUNDO
Chief Justice

On official business
MARVIC M.V.F. LEONEN
Associate Justice

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

On leave
RAMON PAUL L. HERNANDO
Associate Justice

AMY C. LAZARO-JAVIER
Associate Justice

HENRI JEAN PAUL B. INTING
Associate Justice

RODIL V. ZALAMEDA
Associate Justice

MARIO M. LOPEZ
Associate Justice

SAMUEL H. GAERLAN
Associate Justice

RICARDO R. ROSARIO
Associate Justice

JHOSEP Y. LOPEZ
Associate Justice

JOSE MIDAS P. MARQUEZ
Associate Justice

ANTONIO T. KHO, JR.
Associate Justice

On leave
MARIA FILOMENA D. SINGH
Associate Justice