

EN BANC

A.M. No. RTJ-16-2465 – OFFICE OF THE COURT ADMINISTRATOR v. JUDGE JORDAN H. REYES, REGIONAL TRIAL COURT, BRANCH 42, KORONADAL CITY.

Promulgated:

MARCH 13, 2018

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DISSENTING OPINION

LEONEN, J.:

I dissent with the ponencia insofar as the penalty imposed on Judge Jordan H. Reyes is concerned.

I agree that Judge Reyes is guilty of gross ignorance of the law when he deliberately issued eight (8) release orders in the following criminal cases which were outside his territorial jurisdiction:

- 1) *People of the Philippines v. Romeo Casipong* (Criminal Case No. 4378-13 for violation of Article II, Section 11 of Republic Act No. 9165);
- 2) *People of the Philippines v. Nasron Tuanadatu* (Criminal Case No. 4290-12 for violation of Article II, Section 11 of Republic Act No. 9165);
- 3) *People of the Philippines v. Bong Esmael y Hadjidatu* (Criminal Case No. 5693-15 for violation of Article II, Section 11 of Republic Act No. 9165);
- 4) *People of the Philippines v. Jenodin Pompo Bayao* (Criminal Case No. 4381-13 for violation of Article II, Section 11 of Republic Act No. 9165);
- 5) *People of the Philippines v. May Aligan Seriosa* (Criminal Case No. 5818-15 for violation of Article II, Section 11 of Republic Act No. 9165);
- 6) *People of the Philippines v. May Aligan Seriosa* (Criminal Case No. 5819-15 for violation of Republic Act No. 10591);



- 7) *People of the Philippines v. Eduard Aguilon* (Criminal Case No. 5816-15 for violation of Article II, Section 11 of Republic Act No. 9165); and
- 8) *People of the Philippines v. Bem Ayam* (Criminal Case No. 5694-15 for violation of Article II, Section 11 of Republic Act No. 9165).¹

However, I cannot agree that the penalty of one (1)-year suspension is commensurate to the offense.

Under Rule 140, Section 8(9) of the Rules of Court, gross ignorance of the law is considered a serious charge and is punishable by dismissal, suspension from service, or a fine as provided for in Rule 140, Section 11.

To support its imposition of suspension, the ponencia cited *Judge De Los Santos v. Judge Mangino*,² *Judge Inoturan v. Judge Limsiaco, Jr.*,³ *Savella v. Judge Ines*,⁴ and *Cruz v. Judge Yaneza*.⁵

A reading of *Judge De Los Santos*, *Judge Inoturan*, and *Savella* reveals that these cases involved judges who issued release orders in cases not pending before their respective courts. Thus, this Court found that for each case, the penalty of a fine ranging from ₱15,000.00 to ₱40,000.00 was appropriate. In *Cruz*, however, respondent judge issued 24 release orders for cases not pending before his sala.⁶ This Court noted that he “did not only commit this error once or twice or thrice, but several times[,] . . . [which] has become a pernicious habit on his part.”⁷ The severe penalty of dismissal from service was, therefore, meted out on him.⁸

Following the ruling in *Cruz*, the penalty of dismissal should likewise be applied to Judge Reyes. Although this may be Judge Reyes’ first administrative charge, he admitted to have issued beyond his territorial jurisdiction eight (8) release orders, which were made without authority and in violation of the Rules of Court.

¹ Ponencia, p. 5 and Office of the Court Administrator Memorandum dated January 9, 2017, p. 14.

² 453 Phil. 467 (2003) [Per C.J. Davide, Jr., First Division].

³ 497 Phil. 379 (2005) [Per J. Sandoval-Gutierrez, En Banc].

⁴ 550 Phil. 14 (2007) [Per J. Tinga, Second Division].

⁵ 363 Phil. 629 (1999) [Per Curiam, En Banc].

⁶ Id. at 633–637.

⁷ Id. at 644.

⁸ Id. at 651.

In *Judge De los Santos*, this Court already noted the conduct of some judges with respect to their irregular issuance of release orders:

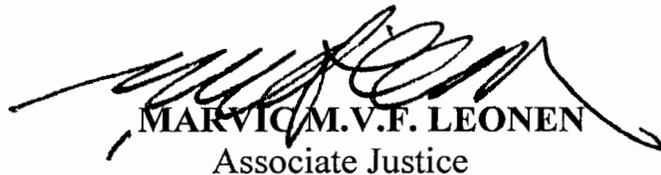
It is rather a sad commentary to make that this is not the first time that a complaint involving irregular approval of bail bond and issuance of order of release was brought before this Court. Some judges refuse to learn from the lessons of previous rulings of this Court. Indeed, some are difficult to reform. This Court takes this opportunity to once again remind the judges of lower courts of their role as the embodiment of competence, integrity and independence. They should always keep in mind that in order to achieve justice, they should diligently ascertain and conscientiously apply the law in relation to the facts of each case they hear and then decide the same, unswayed by partisan interests, public opinion or fear of criticism. The pursuit of excellence must be their guiding principle. This is the least that judges can do to sustain the trust and confidence which the public reposed on them and the institution they represent.⁹ (Citations omitted)

An officer of the court who continuously commits a palpable mistake shows not only his or her incapacity to follow and apply basic legal concepts but also his or her haphazard administration of justice. Hence, the highest form of punishment must be imposed. It is important to sternly remind our judges of what this Court stated in *Savella*:

Judges are called upon to exhibit more than just a cursory acquaintance with statutes and procedural rules. It is imperative that they be conversant with basic legal principles and be aware of well-settled authoritative doctrines. They should strive for excellence exceeded only by their passion for truth, to the end that they be the personification of justice and the Rule of Law. When the law is sufficiently basic, judges owe it to their office to simply apply it; anything less than that would be gross ignorance of the law.¹⁰ (Citation omitted)

In my view, we cannot accommodate wrongdoings and sacrifice competence, integrity, and the required independence of our courts.

ACCORDINGLY, I vote that respondent Judge Jordan H. Reyes be **DISMISSED** from service with forfeiture of all retirement benefits and with prejudice to re-employment in any government agency or instrumentality.


MARVIC M.V.F. LEONEN
Associate Justice

⁹ *Judge De Los Santos v. Judge Mangino*, 453 Phil. 467, 478–479 (2003) [Per C.J. Davide, Jr., First Division].

¹⁰ *Savella v. Judge Ines*, 550 Phil. 14, 19 (2007) [Per J. Tinga, Second Division].

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