



Supreme Court of the Philippines Philippine Judicial Academy



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Judges: Gross ignorance of the law

In Basco v. Rapatalo, 336 Phil 214 (1997) the Supreme Court outlined the duties of a trial judge in the event that an application for bail is filed as follows:

- (1) Notify the prosecutor of the hearing of the application for bail or require him to submit his recommendation;
- (2) 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 evidence of 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 bailbond. Otherwise, petition should be denied.

Respondent judge displayed gross ignorance of the law when he failed to hear and consider the evidence of the prosecution against the accused in the hearing for bail.

For gross ignorance of the law, respondent judge was fined P15,000.00 **(A.M. No. RTJ-11-2285, August 10, 2011)**

Judges: Delay in the issuance of warrant of arrest

Section 6 of Rule 112 of the Revised Rules of Criminal Procedure provides:

Section 6. When warrant of arrest may issue. – (a) By the Regional Trial Court. – **Within ten (10) days from the filing of the complaint or information, the judge shall personally evaluate the resolution of the prosecutor and its supporting evidence.** He may immediately dismiss the case if the evidence on record clearly fails to establish probable cause. If he finds probable cause, he shall issue a warrant of arrest, or a commitment order if the accused has already been arrested pursuant to a warrant issued by the judge who conducted the preliminary investigation or when the complaint or information was filed pursuant to section 7 of this Rule. **In case of doubt on the existence of probable cause, the judge may order the prosecutor to present additional evidence within five (5) days from notice and the issue must be resolved by the court within thirty (30) days from the filing of the complaint or information.** (Emphases supplied)

The information against the accused in Criminal Case No. 6266 was filed on November 17, 2008 but respondent judge ordered her arrest only on July 26, 2010 in violation of said Section 6, of Rule 12, of the Revised Rule of Criminal Procedure.

For undue delay in the issuance of warrant of arrest, respondent judge was fined P15,000.00. **(A.M. No. RTJ-11-2285, August 10, 2011)**

Judges: Act of impropriety

Canon 2 of the Code of Judicial Conduct requires a judge to avoid not only impropriety but also the mere appearance of impropriety in all activities.

Respondent judge committed acts of impropriety when she interfered during the police investigation of the vehicular accident involving her nephew -- an act which made complainant to suspect that she was influencing the outcome of the investigation.

For acts of impropriety, respondent judge was reprimanded and sternly warned. **(A.M. No. MTJ-09-1936, August 5, 2011)**

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