



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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FIRST DIVISION

**OFFICE OF THE COURT
 ADMINISTRATOR,**
 Complainant,

A.M. No. MTJ-12-1814
 (Formerly OCA IPI No. 10-2324-MTJ)

Present:

- versus -

LEONARDO-DE CASTRO, C.J.,
Chairperson,
BERSAMIN,
DEL CASTILLO,
JARDELEZA, and
TIJAM, JJ.

**JUDGE FRANCISCO A. ANTE,
 JR. AND WILFREDO A. PASCUA,**
 Respondents,

Promulgated:
SEP 19 2018

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DECISION

TIJAM, J.:

Before Us is an administrative complaint against Judge Francisco A. Ante, Jr. (Judge Ante), of the Municipal Trial Court in Cities (MTCC), in Vigan City, Ilocos Sur, for gross ignorance of the law.¹

The said administrative complaint rooted from a joint resolution dated April 19, 2010 issued by now Retired Judge Modesto L. Quismorio (Judge Quismorio), who was then the Presiding Judge of MTCC, Candon City, Ilocos Sur, in Criminal Case Nos. 4939 and 4940 entitled "*People of the Philippines v. Stephen Ronquillo and Willie Molina*," quashing Search Warrant No. 37, S' 2009 issued by Judge Ante.²

In the said joint resolution, Judge Quismorio stated:

¹ *Rollo*, p. 2-12
² *Id.* at 20.

Consequently, Judge Ante, to the mind of this Court did not examine the witnesses who claimed to have personal knowledge that accused Stephen Ronquillo has in his possession one (1) M 16 Armalite Rifle and one (1) cal. 45 Pistol “in the form of searching questions and answers of facts personally known to them” in utter violation of the aforequoted constitutional and statutory mandate which could have laid the basis for the issuance of the assailed warrant upon probable cause.³

In a letter-complaint dated October 1, 2010, Judge Ante charged Judge Quismorio with conduct unbecoming a judge. He found the conclusion in the above-quoted resolution malicious, unfounded, baseless and not supported by facts. He asserted that the conclusion was downright insulting and portrayed him as a judge lacking in the knowledge of the law. Judge Ante further said that as a fellow judge, Judge Quismorio should have shown respect instead of projecting himself as an all-knowing and knowledgeable judge at his expense because he (Judge Quismorio) was an applicant for the position of Presiding Judge of the Regional Trial Court, Tagudin, Ilocos Sur.⁴

In an Answer dated January 7, 2011,⁵ Judge Quismorio explained that the statement quoted by Judge Ante was one of the bases for declaring the invalidity of the search warrant for utter failure to observe one of the vital requirements before issuing a search warrant as mandated by Section 5 in relation to Section 4 of Rule 126 of the Rules of Court:

Section 5. *Examination of complainant: record.* - The judge must before issuing the warrant, personally examine in the form of searching questions and answers, in writing and under oath, the complainant and the witnesses he may produce on facts personally known to them and attach to the record their sworn statements, together with the affidavits submitted.

The record of the proceedings for the application of said warrant reveals that Judge Ante failed to comply with the statutory requirement to personally examine the applicant and his witnesses in the form of searching questions and answers on the facts personally known to them pursuant to Section 4.⁶

Judge Quismorio pointed out that any magistrate worth his salt and true to his oath as a lawyer and as a member of the judiciary must at all times uphold the mandate of the law and act as an avid sentinel in the preservation and protection of the civil rights and liberties of the people specifically their rights against unreasonable search and seizure and must shun altogether the indiscriminate issuance of search warrants in gross

³ Id. at 32.

⁴ Id. at 2.

⁵ Id. at 19.

⁶ Id. at 18.

violation of the same.⁷ Judge Quismorio charged Judge Ante with gross ignorance of the law amounting to willful and deliberate issuance of said search warrant (No. 37 and other search warrants) in wanton, unmitigated and flagrant violation of constitutional and statutory requirements, and should be sanctioned accordingly. He also raised that Judge Ante issued a total of 156 search warrants in 2009 and 161 in 2010.⁸

In a Resolution dated July 27, 2011, the Court, among others, considered the comment of Judge Quismorio as a complaint for gross ignorance of the law against Judge Ante, and directed the Office of the Court Administrator (OCA) to conduct an audit of the records of MTCC, Vigan, Ilocos Sur, particularly on the cases involving the issuance of search warrants.⁹

In OCA Memorandum dated May 21, 2012,¹⁰ the OCA reported that it conducted an audit on February 22 and 23, 2012, the results of which, are as follows:

1. From January 2005 to February 23, 2012, or for a period of seven (7) years, Judge Francisco A. Ante, Jr., Municipal Trial Court in Cities (MTCC), Vigan City, Ilocos Sur, issued a total of one thousand seven hundred thirty-two (1,732) search warrants. Hereunder is the tabulation of the number of search warrants issued within that period on a monthly and yearly basis.

	2005	2006	2007	2008	2009	2010	2011	2012	TOTAL
JAN	33	43	12	26	7	14	4	10	151
FEB	49	18	16	22	12	25	5	4	151
MAR	46	13	18	7	9	17	9	-	119
APR	60	22	6	25	3	23	8	-	147
MAY	78	18	8	19	12	12	10	-	157
JUNE	108	18	9	31	29	18	5	-	218
JUL	121	20	38	18	23	19	2	-	241
AUG	44	25	24	23	17	15	5	-	153
SEP	56	16	25	21	21	0	10	-	149
OCT	46	13	24	26	7	8	8	-	132
NOV	16	6	21	20	13	7	6	-	89
DEC	10	6	0	4	2	3	0	-	25
TOTAL	667	218	203	242	155	161	72	14	1732

⁷ Id.

⁸ Id. at 19.

⁹ Id. at 53-55.

¹⁰ Id. at 56-60.

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2. Comparatively, based on the records of the Statistical Reports Division, Court Management Office, OCA, all the other courts in the Province of Ilocos Sur, consisting of eight (8) second level courts and fourteen (14) first level courts, or a total of twenty-two (22) courts, issued a total of one hundred sixty-five (165) search warrants only over the same period stated in the preceding paragraph, thus:

	2005	2006	2007	2008	2009	2010	2011	2012	TOTAL
JAN	1	1	0	10	0	0	0	0	12
FEB	3	6	0	3	3	0	0	0	15
MAR	2	4	0	13	0	0	5	0	24
APR	1	9	6	3	0	0	0	-	19
MAY	1	0	9	14	0	0	0	-	24
JUNE	0	3	0	0	0	0	3	-	6
JUL	6	8	2	0	0	1	0	-	17
AUG	9	9	7	2	0	1	0	-	28
SEP	0	1	0	0	0	0	0	-	1
OCT	2	2	0	0	3	0	0	-	7
NOV	4	0	3	0	0	0	0	-	7
DEC	0	0	5	0	0	0	0	-	5
TOTAL	29	43	32	45	6	7	3	0	165

3. Of the 1,732 search warrants issued by Judge Ante, Jr. from January 2005 to February 23, 2012, the Team examined the records of one hundred forty-one (141) randomly chosen search warrants, taking into consideration Sections 2, 4, 5 and 12, Rule 126 of the Revised Rules of Court, which provide:

Section 2. *Court where application for search warrant shall be filed.* — An application for search warrant shall be filed with the following:

- a) Any court within whose territorial jurisdiction a crime was committed.
- b) For compelling reasons stated in the application, any court within the judicial region where the crime was committed if the place of the commission of the crime is known, or any court within the judicial region where the warrant shall be enforced.

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Section 4. *Requisites for issuing search warrant.* — A search warrant shall not issue except upon probable cause in connection with one specific offense to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the things to be seized which may be anywhere in the Philippines.

Section 5. Examination of complainant; record. — The judge must, before issuing the warrant, personally examine **in the form of searching questions and answers, in writing and under oath**, the complainant and the witnesses he may produce on facts personally known to them and **attach to the record their sworn statements**, together with the affidavits submitted.

X X X X

Section 12. Delivery of property and inventory thereof to court; return and proceedings thereon. —

(a) The officer must forthwith deliver the property seized to the judge who issued the warrant, together with a true inventory thereof duly verified under oath.

(b) Ten (10) days after issuance of the search warrant, **the issuing judge shall ascertain if the return has been made, and if none, shall summon the person to whom the warrant was issued and require him to explain why no return was made.** If the return has been made, the judge shall ascertain whether section 11 of this Rule has been complied with and shall require that the property seized be delivered to him. The judge shall see to it that subsection (a) hereof has been complied with.

(c) The return on the search warrant shall be filed and kept by the custodian of the log book on search warrants who shall enter therein the date of the return, the result, and other actions of the judge.

A violation of this section shall constitute contempt of court.

4. As culled from the attached Table 1, the examination of the randomly chosen search warrants (SW) yielded the following findings and observations:

4.1. The places that were the subject of most of the search warrants issued by Judge Ante, Jr. from January 2005 up to February 2012 are outside the territorial jurisdiction of this court. In fact, of the one hundred forty-one (141) search warrants examined, only eleven (11) were to be enforced within his territorial jurisdiction, *i.e.*, Vigan City, Ilocos Sur;

4.2. While the applications for search warrant referred to above cited “compelling reasons” ('to avoid leakage', 'there is no RTC judge and the presiding judge of the court of the place where the crime was committed is also not available' and 'to ensure the secrecy of the operation') for filing said applications with the MTCC, Vigan City, Ilocos Sur, Judge Ante, Jr. appears to have accepted said “compelling reasons” “hook, line and sinker,” as he failed to elicit from the applicants and their witnesses additional information in support of the supposed “compelling reasons” during the examination conducted on some of these applications;

4.3. Most of the records of the search warrants do not show that Judge Ante, Jr. conducted the required examination of the applicants and their witnesses. In fact, of the one hundred forty-one

(141) search warrants examined by the Team, one hundred twenty-three (123) search warrants appear to have been issued by Judge Ante, Jr. without complying with Section 5, Rule 126, Rules of Court, requiring a judge to “personally examine in the form of searching questions and answers, in writing and under oath, the complainant and the witnesses he may produce” and “attach to the record their sworn statements, together with the affidavits submitted,” “before issuing the [search] warrant”;

4.4. The questions propounded by Judge Ante, Jr. during the examination of the applicants and their witnesses in six (6) search warrants he issued are not probing and exhaustive and they appear to be merely routinary or *pro-forma*, which, under ordinary circumstances, would not have established probable cause for the issuance of a search warrant as required under Section 4 of the same Rule cited above. The manner of questioning by Judge Ante, Jr. appears to be the same and consistent in other applications for search warrant from January 2005 up to February 2012, and fall short of the standard of “searching questions and answers” required under Section 5 of said Rule. Consequently, a considerable number of search warrants he issued yielded a negative result;

4.5. In SW Nos. 89 S' 2005 and 129 S' 2006, no affidavits of the applicants and their witnesses were attached to their respective records in violation of Section 5 of the same Rule cited above, requiring the judge to “attach to the record their sworn statements, together with the affidavits submitted”;

4.6. There is a considerable number of search warrants issued since January 2005 in which no return has been made, but Judge Ante, Jr. failed to require the persons to whom these warrants were issued to explain why no return has been made as required of him under Section 12 (b) of the Rule cited above; and

4.7. In SW 400 S' 2005, Judge Ante, Jr. issued an Order dated July 13, 2005 directing P/CInsp. Rolando B. Osaias to turn over to the court the seized articles consisting of 46 pieces of assorted Narra flitches within 10 days from receipt of the order. However, the record does not show that the subject articles were turned over to the court, but, as of audit date, Judge Ante, Jr. has not yet taken any further action thereon. (Underscoring and emphasis supplied)¹¹

The audit team found that the manner by which Judge Ante has been issuing search warrants since January 2005 may be characterized by laxity amounting to violations of Sections 2, 4, 5, and 12(b) of Rule 126.¹²

It noted that the great disparity between the number of search warrants Judge Ante issued and that of all the other courts in the Province of Ilocos over the same period (January 2005 to February 2012) showed how the applicants, who are mostly officials of the Philippine National Police (PNP), took advantage of said laxity. It further noted that Judge Ante would

¹¹ Id. at 56-59.

¹² Id. at 59.

grant applications for search warrants to applicants even if no return had been made on an earlier issued warrant.¹³

The audit team also took Wilfredo A. Pascua's admission, in his February 23, 2012 Affidavit, that he only transcribes the stenographic notes if a party needs a copy of the TSN as a reinforcement that Judge Ante violated Section 5, Rule 126 for having failed to attach to the record the sworn statements of the complainants and applicants and their witnesses, together with the affidavits submitted, before issuing the warrant.¹⁴

In a Resolution dated June 25, 2012, Judge Ante was required by the Court to comment on the OCA Memorandum dated May 21, 2012. Wilfredo A. Pascua, Court Stenographer was also required to show cause why no disciplinary action should be taken against him for his failure to transcribe the stenographic notes of the examinations conducted by Judge Ante on most of the applications for search warrants from January 2005 to February 2012.¹⁵

Wilfredo A. Pascua submitted an explanation dated July 26, 2012 that as the lone stenographer of the court from 2004 to July 2007, it was impossible for him to transcribe all the stenographic notes on time, and that he had an arrangement with the presiding judge and the clerk of court that he will immediately transcribe stenographic notes when there is an order transmitting the complete records of search warrants to other courts for further proceedings.¹⁶

Judge Ante submitted a Comment/Explanation dated August 23, 2012 stating that the total issuance of 1,732 search warrant within a span of 8 years is only minimal and that the Rules of Court does not prescribe a limit or number of search warrants to be issued by a Judge, at a given time.¹⁷

Judge Ante denied that he violated Sections 2, 4, 5 and 12(b), Rule 126 because it is a matter of record that the applications for search warrants were accompanied with the proper supporting documents such as the affidavit of witnesses and the applicants.¹⁸

Judge Ante also denied that 123 search warrants had been issued without personal examination of the witnesses in violation of Sec. 5, Rule 126 because he did propound searching questions as evidenced by the submitted affidavits of complaining witnesses, police officers, the Clerk of

¹³ Id.

¹⁴ Id. at 59-60.

¹⁵ Id. at 339.

¹⁶ Id. at 341-342.

¹⁷ Id. at 565.

¹⁸ Id. at 566.

Court and Court Stenographer. He also disagreed that the questions propounded were not probing and exhaustive as he considered the testimonies of the complainants and witnesses very credible and convincing before the search warrants were issued. He denied that the findings of the audit team that a considerable number of these search warrants yielded a negative result or were not served at all; that a number of search warrants do not have a return; that he issued warrants without attaching the affidavits of the applicants to the record.¹⁹

Judge Ante stated that Wilfredo A. Pascua's explanation satisfactorily explained why some of the stenographic notes were not yet attached to the record of the search warrants, and the said failure cannot be made as the basis for the audit team to conclude that he violated Sec. 5, Rule 126. He also stated that he stopped issuing search warrants outside his territorial jurisdiction and that from January 2012 up to the writing of the comment, he had only issued 18 search warrants.²⁰

In a Resolution dated September 17, 2012, the Court consolidated A.M. OCA IPI No. 10-2324-MTJ (Judge Francisco A. Ante, Jr. v. Judge Modesto L. Quismorio, Jr., Municipal Trial Court in Cities, Candon, Ilocos Sur) and A.M. No. MTJ-12-1814 (Office of the Court Administrator v. Judge Ante, Jr. and Mr. William A. Pascua).²¹

The OCA, in its Memorandum dated May 29, 2013, recommended the dismissal from service of Judge Ante for gross ignorance of the law and grave abuse of discretion.²²

In a Resolution dated September 4, 2013, the Court resolved, among others, to dismiss the complaint against Judge Quismorio (A.M. OCA IPI No. 10-2324-MTJ) for utter lack of merit. It also considered the issue on the show cause order against Mr. Wilfredo A. Pascua, Court Stenographer, MTCC, Vigan, Ilocos Sur as closed and terminated as he had satisfactorily

¹⁹ Id.

²⁰ Id. at 568.

²¹ Id. at 577.

²² Id. at 595.

RECOMMENDATION

IN VIEW OF ALL THE FOREGOING, it is respectfully recommended that:

1. the instant complaint against **Judge Modesto I. Quismorio, Jr.**, former Presiding Judge, MTCC, Candon City, Ilocos Sur, be **DISMISSED** for utter lack of merit;
2. the issue on the **SHOW CAUSE ORDER** against **Mr. Wilfredo A. Pascua**, Stenographer, MTCC, Vigan, Ilocos Sur, be deemed **CLOSED** and **TERMINATED** since he has satisfactorily explained himself on the matter; and
3. for the indiscriminate issuance of search warrants in violation of Article III, Section 2 of the 1987 Constitution in relation to Sections 4 and 5, Rule 126 of the Revised Rules of Court, **Judge Francisco A. Ante, Jr.**, MTCC, Vigan, Ilocos Sur, be found guilty of **GROSS IGNORANCE OF THE LAW**, and **GRAVE ABUSE OF DISCRETION** and be **DISMISSED** from the service, with forfeiture of retirement and other benefits except accrued leave credits, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations.

explained himself on the matter. The Court further required Judge Ante to manifest to the Court whether he was willing to submit this matter for resolution on the basis of the pleadings filed.²³

Judge Ante filed a Motion for Reconsideration as regards the dismissal of the complaint against Judge Quismorio, which was denied with finality in a Resolution dated April 7, 2014.²⁴

In a Resolution dated April 18, 2016, Judge Ante was fined ₱2,000 and directed to comply.²⁵

In a Resolution dated September 14, 2016, the Court noted without action Judge Ante's explanation as regards his failure to manifest whether he is willing to submit the matter for resolution on the basis of pleadings, and prayed that the Court order a formal investigation to be conducted through the Executive Judge of the Regional Trial Court of Ilocos Sur so that he will be able to present testimonial and documentary evidence and prove his innocence on the false and malicious charge filed against him.²⁶

The issue now is whether Judge Ante's issuance of allegedly defective search warrants merit administrative sanction.

We rule in the affirmative.

It is elementary that not every error or mistake that a judge commits in the performance of his duties renders him liable, unless he is shown to have acted in bad faith or with deliberate intent to do an injustice.²⁷ 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.²⁸

As regards the issuance of search warrants outside his jurisdiction, the Court has pronounced in the very recent case of *Re: Report on the Preliminary Results of the Spot Audit in the Regional Trial Court, Branch 170, Malabon City*²⁹ that an administrative proceeding is not the proper forum to review the search warrants issued to determine whether the compelling reasons cited therein are indeed meritorious, thus:

²³ Id. at 603.

²⁴ Id. at 605.

²⁵ Id. at 609.

²⁶ Id. at 611.

²⁷ *Dipatuan v. Mangotara*, 633 Phil. 67, 77 (2010).

²⁸ *Lumbos v. Judge Baligat*, 528 Phil. 953, 968 (2006) citing *Sacmar v. Reyes-Carpio*, 448 Phil. 37, 42 (2003).

²⁹ A.M. No. 16-05-142-RTC, September 5, 2017.

Note, too, that the determination of the existence of compelling reasons under Section 2(b) of Rule 126 is a matter squarely addressed to the *sound discretion of the court* where such application is filed, subject to **review by an appellate court** in case of grave abuse of discretion amounting to excess or lack of jurisdiction.

Clearly, this *administrative proceeding* is not the proper forum to review the search warrants issued by Judge Docena and Judge Magsino in order to determine whether the compelling reasons cited in their respective applications are indeed meritorious.

Given these circumstances, we cannot agree with the OCA's findings that Judge Docena and Judge Magsino violated Section 2 of Rule 126 by simply issuing search warrants involving crimes committed outside the territorial jurisdiction of the RTC of Malabon City where: a) there is no compelling reason to take cognizance of the applications; and b) the compelling reasons alleged in the applications *appear* to be unmeritorious.

It is obvious that Judge Docena and Judge Magsino simply exercised the trial court's **ancillary jurisdiction over a special criminal process** when they took cognizance of the application and issued said search warrants. And as previously discussed, the propriety of the issuance of these warrants is a matter that should have been raised in a motion to quash or in a *certiorari* petition, if there are allegations of grave abuse of discretion on the part of the issuing judge. (Emphasis ours)³⁰

The same could be said as to the allegation that the examination of applicants and witnesses in six search warrants that he issued were not probing, exhaustive, and appeared to be merely routinary and *pro forma*.

Considering that the Court has closed and terminated the case against Wilfredo A. Pascua, and taken his explanation as sufficient to explain the discrepancy in the lack of stenographic notes, this should likewise not render Judge Ante liable for the failure to attach the same to the warrants issued.

We find, however, Judge Ante guilty of simple neglect in monitoring the return of the search warrants ten days after the issuance of the same in compliance with the rules. The audit team randomly chose 141 search warrants to be examined, and among the 141, at least 50 search warrants had no returns attached to the records contrary to the requirement of the Rules.

Plainly, Sec. 12 of Rule 126 reads:

Section 12. *Delivery of property and inventory thereof to court; return and proceedings thereon.* —

³⁰ Id.

(a) The officer must forthwith deliver the property seized to the judge who issued the warrant, together with a true inventory thereof duly verified under oath.

(b) Ten (10) days after issuance of the search warrant, **the issuing judge shall ascertain if the return has been made, and if none, shall summon the person to whom the warrant was issued and require him to explain why no return was made.** If the return has been made, the judge shall ascertain whether section 11 of this Rule has been complied with and shall require that the property seized be delivered to him. The judge shall see to it that subsection (a) hereof has been complied with.

(c) The return on the search warrant shall be filed and kept by the custodian of the log book on search warrants who shall enter therein the date of the return, the result, and other actions of the judge.

A violation of this section shall constitute contempt of court.

As well noted by the OCA, Judge Ante merely rendered an all-encompassing denial in his comment as well as a general statement that he always ordered the applicants to make a return thereof:

That likewise, it is not all true and it is a matter of record that a number of search warrants do not have a return of the search warrants issued because after the issuance of a particular search warrant, I had always ordered the applicants to make a return of the search warrant, and for the information of the Hon. Supreme Court the police officers when ordered to make a return of the search warrant to the issuing Court, makes a request that the confiscated items be temporarily kept in their custody for ballistic examination which I allowed and that after ballistic examination said police officers turned over the confiscated items such as firearms and drugs to the Fiscal's Office for preliminary investigation. That there were times when I ordered the police officers to make a return of the search warrant and to turn over the confiscated items to the Court as required by the Rules of Court but the police officers failed to turn over the confiscated items particularly firearms because the Fiscal's Office refused to return the confiscated items even though these police officers told the Fiscal that these items must be turned over to the Court issuing the search warrant.³¹

This cannot suffice and simply cannot overturn the affirmative allegations and report made by the audit team, where the specific search warrants in which no returns were made were itemized. As it were, Judge Ante's statements remain bare and unsubstantiated and deserve scant consideration.

³¹ *Rollo*, p. 567.

Simple neglect of duty means the failure of an employee official to give proper attention to a task expected of him either signifying a “disregard of a duty resulting from carelessness or indifference.”³² On the other hand, gross neglect of duty is characterized by want of even the slightest care, or by conscious indifference to the consequences, or by flagrant and palpable breach of duty.³³

Considering the circumstances, We cannot consider the neglect as gross in nature. It is well to note that the audit team merely took a random sample of all the search warrants issued by Judge Ante in the span of eight years. We cannot base a graver imposition of penalty on a mere supposition that had the audit been more extensive, the findings would surely be more revealing than from what was established and reported by the audit team. We are constrained to rule on what is presented before Us, because basic is the rule that the complainant has the burden of proving by substantial evidence the allegations in the complaint; or such evidence as a reasonable mind may accept as adequate to support a conclusion.³⁴ In this case, there is no clear proof that Judge Ante's actions were colored with willful neglect or intentional wrongdoing. Good faith and absence of malice, corrupt motives or improper considerations are sufficient defenses in which a judge charged with ignorance of the law can find refuge.³⁵

Under Section 52, Rule IV of the Uniform Rules on Administrative Cases in the Civil Service, simple neglect of duty is classified as a less grave offense, punishable by suspension without pay for one (1) month and one (1) day to six (6) months for the first offense. We deem it proper to impose the penalty of three (3) months suspension without pay on Judge Ante and a stern warning that a repetition of the same or similar act will be dealt with more severely.³⁶

WHEREFORE, Judge Francisco A. Ante, Jr., Municipal Trial Court in Cities, Vigan City, Ilocos Sur, is hereby found **GUILTY** of simple neglect of duty, and We hereby **SUSPEND** him from office for **THREE MONTHS** without pay to commence immediately upon receipt of this Decision, with a **STERN WARNING**, that a repetition of the same or similar acts will be dealt with more severely.

³² *Office of the Ombudsman v. De Leon*, 705 Phil. 26, 38 (2013) citing *Republic of the Philippines v. Canastillo*, 551 Phil. 987, 996 (2007).

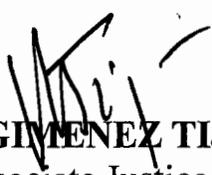
³³ *Court of Appeals by: COC Marigomen v. Manabat, Jr.*, 676 Phil. 157, 164 (2011).

³⁴ *Concerned Citizen v. Divina*, 676 Phil. 166, 176 (2011).

³⁵ *Atty. Martinez, et. al. v. Judge De Vera*, 661 Phil. 11, 23 (2011).

³⁶ *Anonymous v. Velarde-Laolao*, 564 Phil. 620, 639 (2007).

SO ORDERED.


NOEL GIMENEZ TIJAM
Associate Justice

WE CONCUR:


TERESITA J. LEONARDO-DE CASTRO
Chief Justice
Chairperson


LUCAS P. BERSAMIN
Associate Justice


MARIANO C. DEL CASTILLO
Associate Justice


FRANCIS H. JARDELEZA
Associate Justice