

BENJAMIN M. MINA, JR., COMPLAINANT, VS. JUDGE PEDRO B. CORALES, RTC, BRANCH 118, PASAY CITY, RESPONDENT.

A.M. No. RTJ-07-2083 (FORMERLY A.M. OCA IPI NO. 06-2489-RTJ). September 27, 2007

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

This letter-complaint[1] stemmed from Civil Case No. 01-0291 for abatement of nuisance, filed with the Regional Trial Court, Branch 118, Pasay City, presided by respondent Judge Pedro B. Corales. Plaintiffs were Ferdinand Cruz and Marciano Cruz. Impleaded as defendant was Benjamin M. Mina, Jr., complainant.

Complainant filed a motion to dismiss the complaint on the ground that plaintiff Ferdinand Cruz transferred his residence during the proceedings, hence, the complaint has become moot. Respondent judge denied the motion on the ground that although plaintiff transferred his residence, he can still pursue the case to recover damages.

Feeling aggrieved, complainant charged respondent judge with:

- 1) disbarment for denying without factual and legal basis his motion to dismiss the complaint despite the fact that there is no prayer for damages;
- 2) oppression, grave misconduct, gross ignorance of the law and violation of anti-graft and corrupt practices; and
- 3) violation of the Code of Judicial Conduct.

Required to comment on the complaint, respondent judge alleged, among others, that complainant has other judicial remedies. He prayed that the letter-complaint be dismissed.

In a Resolution dated June 27, 2006, this Court referred the case to Justice Rebecca D.G. Salvador of the Court of Appeals for investigation, report and recommendation. On November 14, 2006, Justice Salvador submitted her Report and Recommendation.

After a review of the records, specifically the Report and Recommendation of Justice Salvador, the Court **RESOLVES** to **ADOPT** and **APPROVE** her findings of fact and conclusions of law partly reproduced hereunder:

FINDINGS AND CONCLUSIONS

The complaint against respondent judge is patently devoid of merit.

In the case at bench, respondent judge is faulted by complainant for denying his motion to dismiss the complaint for abatement of nuisance against him on the ground that, by transferring his residence, plaintiff Ferdinand Cruz no longer stood to be affected by the acts complained of. It is complainant's position that respondent judge's refusal to dismiss the case in view of Article 697 of the Civil Code of the Philippines is bereft of factual and legal bases when considered in the light of the fact that said plaintiff's complaint did not seek indemnification for damages. It is essentially for this that complainant seeks to hold respondent judge liable for oppression, grave misconduct, gross ignorance of the law and violation of the Anti-Graft and Corrupt

Practices Act.

Oppression, however, is a “misdemeanor committed by a public officer, who under color of his office, wrongfully inflict upon any person any bodily harm, imprisonment or other injury; it is an act of cruelty, severity or excessive use of authority.” The word “misconduct” implies wrongful intention such that, for gross misconduct to exist, the judicial act complained of should be corrupt or inspired by an intention to violate the law or a persistent disregard of well known legal rules (In the Matter of the Alleged Improper Conduct of Sandiganbayan Associate Justice Anacleto D. Badoy, Jr., 395 SCRA 231). Because it is such misconduct which affects a public officer’s performance of his duties as such officer and his character as a private individual, there must be reliable evidence showing that the judicial acts complained of were corrupt or inspired by an intention to violate the law (Campilan v. Campilan, Jr., 381 SCRA 494).

There is gross ignorance of the law, on the other hand, when a judge displays utter lack of familiarity with the rules, thereby eroding the public’s confidence in the competence of our courts (Guillen v. Canon, 373 SCRA 70). To be held liable for gross ignorance of the law, the judge must be shown to have committed an error that was “gross or patent, deliberate or malicious”, as well as a judge who – shown to have been motivated by bad faith, fraud dishonesty or corruption – ignored or contradicted or failed to apply settled law and jurisprudence (Cabatingan, Sr. v. Arcueno, 387 SCRA 532). This is likewise true of the charge of violation of the Anti-Graft and Corrupt Practices Act which was intended to promote morality in public administration (Cavite Crusade for Good Government v. Cajigal, 370 SCRA 423).

The record, however, shows that complainant did not even deign to prove his charges against respondent judge beyond the innuendos and insinuations in his letter-complaint. In administrative proceedings like the one at bench, it goes without saying that it is the complainant who has the burden of proving by substantial evidence the allegations in their complaint (Araos v. Luna-Pison, 378 SCRA 246). The standard of substantial evidence is satisfied only when there is reasonable ground to believe that respondent judge is responsible for the conduct complained of even if such evidence might not be overwhelming or even preponderant (Liguig v. Camano, Jr., 387 SCRA 1).

Even then, respondent judge correctly argues that there are other remedies available to complainant if he honestly believes himself to be aggrieved by the subject order. In Bello III v. Diaz (412 SCRA 573), the Supreme Court significantly reiterated the following ruling it handed down in Flores v. Abisamis (275 SCRA 302), to wit:

As everyone knows, the law provides ample judicial remedies against errors or irregularities being committed by a Trial Court in the exercise of its jurisdiction. The ordinary remedies against errors or irregularities which may be regarded as normal in nature (i.e., error in the appreciation or admission of evidence, or in the construction or application of procedural or substantive law or legal principle) include a motion for reconsideration) or, after rendition of judgment or final order, a motion for new trial), and appeal. The extraordinary remedies against error or irregularities which may be deemed extraordinary in character (i.e., whimsical, capricious, despotic exercise of power or neglect of duty, etc.) are, inter alia, the special civil action of certiorari, prohibition or mandamus, or a motion for inhibition, a petition for a change of venue, as the case may be.

Now, the established doctrine and policy is that disciplinary proceedings and criminal actions against Judges are not complementary or suppletory of, nor a substitute, for these remedies, whether ordinary or extraordinary. Resort to and exhaustion of these judicial remedies, as well as the entry of judgment in the corresponding action or proceeding, are prerequisites for the taking of other measures against the persons of the judges concerned, whether civil, administrative or criminal in nature. It is only when the available judicial remedies have been exhausted and the appellate tribunals have spoken with finality, that the door to an inquiry into his criminal, civil or administrative liability may be said to have opened, or closed (412 SCRA 578).

Needless to say, the complainant’s contention regarding the costs entailed by such remedies is hardly a valid

ground for him to eschew the same and, instead, file an unfounded administrative case against the former.

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Anent respondent judge's supposed gross ignorance of the law, complainant would do well to remember that it behooves him to be circumspect in hurling said charge. A person who accuses a judge of said serious offense must be sure of the grounds for the accusation, or else be found ignorant of the law. While expected to be a cut above the rest in the legal profession, judges are not inured to the strain concomitant with baseless and unfair aspersions on their competence (*Provincial Prosecutor Visbal v. Judge Buban*, AM MTJ-02-1432, September 3, 2004). It is only when the ignorance of the judge is so gross that he is administratively liable even if he acted in good faith (*Dayawon v. Garfin*, 388 SCRA 341).

In the case at bench, complainant loses sight of the fact that in addition to the abatement of the nuisance therein complained, the complaint filed against him prayed that he be ordered "(t)o pay the plaintiff other reliefs that are equitable under the circumstances" (p. 4, Rollo). Even if plaintiff Ferdinand Cruz did not categorically seek indemnification for damages, respondent judge cannot, therefore, be said to be grossly ignorant of the law in denying complainant's motion to have the case dismissed in view of Article 697 of the Civil Code of the Philippines. The dismissal of the complaint is even more pronounced in the charge of violation of the Anti-Graft and Corrupt Practices Act which, despite its collateral damage to respondent judge's integrity, complainant does not even deign to specify and substantiate.

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RECOMMENDATION

WHEREFORE, premises considered, the DISMISSAL of the complaint against respondent judge is recommended. His proposal to investigate the activities of plaintiff Ferdinand Cruz as well as complainant and his counsel should, likewise, be DENIED.

ACCORDINGLY, and as recommended by Justice Rebecca D.G. Salvador, the instant complaint against respondent Judge Pedro B. Corales is DISMISSED.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Corona, Carpio-Morales, Azcuna, Tinga, Chico-Nazario, Garcia, Nachura, and Reyes, JJ., concur.

Velasco, Jr., J., on leave.

[1] Addressed to former Chief Justice Artemio V. Panganiban.

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