

**AVELINA MADULA, COMPLAINANT, VS. JUDGE RUTH CRUZ SANTOS,
REGIONAL TRIAL COURT, BRANCH 72, ANTIPOLO CITY,
RESPONDENT.**

A.M. No. RTJ-02-1742. September 11, 2003

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

On February 20, 2001, Avelina Madula filed a complaint for forcible entry against the spouses Carmelito and Rose Clarin, docketed as Civil Case No. 14-01.[1] The case was raffled to the Municipal Trial Court of Antipolo, City, Branch 1, then presided by Judge Ruth Cruz Santos.

Subsequently, complainant filed a motion for preliminary mandatory injunction. On April 25, 2001, respondent judge denied the motion for failure to show a clear and existing right to the injunction.[2]

Complainant alleged that a preliminary conference was scheduled on May 30, 2001, at which defendants or their counsel failed to appear. Hence, complainant filed a "Motion to Render Judgment for Failure of Defendants to Appear in the Preliminary Conference,"[3] pursuant to Section 7, in relation to Section 6, of the Revised Rule on Summary Procedure.

Without resolving the Motion to Render Judgment, respondent judge, on September 3, 2001, voluntarily inhibited herself from the case, to wit:

Parties are hereby informed that the Presiding Judge is inhibiting herself from sitting in this case considering that when the item of Legal Researcher was published by the Supreme Court, the wife of [defense counsel] Atty. John Alex Villena was one of the applicants and her application was forwarded to the Supreme Court last August 29, 2001.

In view thereof, the court finds that it would be more proper to inhibit herself from handling this case.[4]

Complainant filed an "Opposition to Voluntary Inhibition of Presiding Judge Ruth C. Santos." [5] On October 24, 2001, respondent judge issued an Order reiterating her decision to voluntarily inhibit from trying the case.[6]

Thus, complainant filed with this Court a sworn administrative complaint charging respondent judge with serious neglect of duty, grave misconduct, gross incompetence and gross ignorance of basic laws and elementary rules. Complainant alleges that respondent should be held administratively liable for her refusal to render judgment against defendants in Civil Case No. 14-01, despite their failure to appear at the preliminary conference; that she intentionally delayed the disposition of the case when she inhibited herself from taking cognizance of the same; that respondent failed to resolve the Motion to Render Judgment despite the lapse of five months; that the reason for the inhibition is not among the grounds mentioned in Rule 137, Section 1 of the Rules of Court or in Rule 3.12 of the Code of Judicial Conduct; and that respondent lacked the fitness and adequate ability to satisfactorily perform her duties as presiding magistrate.[7]

Respondent judge filed her Comment on July 2, 2002. She averred that, contrary to complainant's allegation, the setting on May 30, 2001 was not for preliminary conference, but for hearing on complainant's motion for reconsideration of the denial of her motion for preliminary mandatory injunction. Hence, respondent judge issued an Order on the said date directing defendants to comment on the said motion for reconsideration. In other words, no preliminary conference has yet been held in the case. She contends that she endorsed to the Supreme Court for approval the application of Ana Tomasa Villena for the position of Legal Researcher in her branch. Ms. Villena is the wife of Atty. John Alex Villena, defense counsel in Civil Case No. 04-01. Given this circumstance, respondent judge voluntarily inhibited herself from trying the case in order to avoid any suspicion of bias or partiality towards the spouse of her Legal Researcher in the event of a decision adverse to complainant. Considering her finding that complainant failed to show a clear right to a preliminary mandatory injunction, this possibility was not unlikely.[8]

The case was referred to the Office of the Court Administrator for evaluation, report and recommendation. In his Report dated November 11, 2002, the Court Administrator recommended that respondent judge be ordered to pay a fine in the sum of Two Thousand Pesos (P2,000.00) and admonished to be more circumspect in the performance of her judicial functions with a warning that a repetition of the same or similar acts in the future will be dealt with more severely.[9]

On December 18, 2002, the parties were required to manifest whether they are willing to submit the case for resolution on the basis of the pleadings filed. Respondent filed her Manifestation stating that she was willing to submit additional pleading in support of her comment. Subsequently, respondent judge filed her Supplemental Comment.

To date, complainant has not manifested her willingness to submit the case for resolution on the basis of the pleadings filed and is, thus, deemed to have waived the filing of said manifestation.

Meanwhile, respondent wrote a letter to this Court dated March 14, 2003, stating that Avelina Madula "is a perennial complainant in several cases before the Office of the Court Administrator," some of which were already dismissed by this Court. Respondent judge sought to point out complainant's proclivity to file administrative cases against judges who rendered resolutions or judgments adverse to her.

After a careful deliberation of the issues in this case, we do not agree with the recommendation of the Court Administrator. The complaint against respondent judge should be dismissed for lack of merit.

Misconduct is defined as any unlawful conduct on the part of a person concerned in the administration of justice prejudicial to the rights of parties or to the right determination of the cause.[10] It generally means wrongful, improper or unlawful conduct motivated by a premeditated, obstinate or intentional purpose.[11] To justify the taking of drastic disciplinary action, as is what is sought by complainant in this case, the law requires that the error or mistake must be gross or patent, malicious, deliberate or committed in bad faith.[12] For liability to attach, the assailed order, decision or actuation of the judge in the performance of official duties must not only found to be erroneous but, most importantly, it must be established that he was moved by bad faith, dishonesty, hatred or some other like motive.[13]

In the case at bar, the record is bereft of any persuasive showing of a wrongful, improper or unlawful conduct on the part of respondent judge, other than complainant's bare allegation of wrongdoing.

Indeed, even assuming *arguendo* that respondent judge may have erred at all, the lapse would be an error of judgment. A judge may not be administratively charged for mere errors of judgment in the absence of proof that the act complained of constitutes bad faith, malice, corrupt practice,[14] or gross ignorance of the law. It is settled

that judges can not be held to account criminally, civilly or administratively for an erroneous decision rendered in good faith.[15]

The rule on disqualification of judges is laid down in Rule 137, Section 1 of the Rules of Court, which reads:

Disqualification of judges. – No judge or judicial officer shall sit in any case in which he, or his wife or child, is pecuniarily interested as heir, legatee, creditor, or otherwise, or in which he is related to either party within the sixth degree of consanguinity or affinity, or to counsel within the fourth degree, computed according to the rules of civil law, or in which he has been executor, administrator, guardian, trustee or counsel, or in which he has presided in any inferior court when his ruling or decision is the subject of review, without the written consent of all parties in interest, signed by them and entered upon the record.

A judge may, in the exercise of his sound discretion, disqualify himself from sitting in a case, for just and valid reasons other than those mentioned above.

While the second paragraph does not expressly enumerate the specific grounds for inhibition and leaves it to the sound discretion of the judge, such should be based on just and valid reasons.[16] The import of the rule on voluntary inhibition of judges is that the decision on whether or not to inhibit is left to the sound discretion and conscience of the trial judge based on his rational and logical assessment of the circumstances prevailing in the case brought before him. It points out to members of the bench that outside of pecuniary interest, relationship or previous participation in the matter that calls for adjudication, there might be other causes that could conceivably erode the trait of objectivity, thus calling for inhibition. Indeed, the factors that lead to preferences and predilections are many and varied.[17]

In *Gutang v. Court of Appeals*,[18] it was held:

All the foregoing notwithstanding, this should be a good occasion as any to draw attention of all judges to appropriate guidelines in a situation where their capacity to try and decide a case fairly and judiciously comes to the fore by way of challenge from any one of the parties. A judge may not be legally prohibited from sitting in a litigation. But when suggestion is made of record that he might be induced to act in favor of one party or with bias or prejudice against a litigant arising out of circumstances reasonably capable of inciting such a state of mind, he should conduct a careful self-examination. He should exercise his discretion in a way that the people's faith in the courts of justice is not impaired. A salutary norm is that he reflect on the probability that a losing party might nurture at the back of his mind the thought that the judge unmeritoriously tilted the scales of justice against him. That passion on the part of a judge may be generated because of serious charges of misconduct against him by a suitor or his counsel, if not altogether remote. He is a man subject to the frailties of other men. He should, therefore, exercise great care and caution before making up his mind to act or withdraw from a suit where that party or counsel is involved. He could in good grace inhibit himself where that case could be heard by another judge and where no appreciable prejudice would be occasioned to the others involved therein. On the result of his decision to sit or not to sit may depend on a great extent the all-important confidence in the impartiality of the judiciary. If after reflection he should resolve to voluntarily desist from sitting in a case where his motives and fairness might be seriously impugned, his action is to be interpreted as giving meaning and substance to the second paragraph of Section 1, Rule 137. He serves the cause of the law who forestalls miscarriage of justice.

Certainly, a presiding judge must maintain and preserve the trust and faith of the parties-litigants. He must hold himself above reproach and suspicion. At the very first sign of lack of faith and trust in his actions, whether well-grounded or not, the judge has no other alternative but to inhibit himself from the case.[19] The better course for the judge under such circumstances is to disqualify himself. That way, he avoids being misunderstood; his reputation for probity and objectivity is preserved. What is more important, the ideal of impartial administration of justice is lived up to.[20] Therefore, respondent can not be faulted for voluntarily inhibiting herself from

further taking cognizance of Civil Case No. 14-01.

WHEREFORE, in view of all the foregoing, the instant administrative complaint against respondent Judge Ruth Cruz Santos is DISMISSED for lack of merit.

SO ORDERED.

Davide, Jr., C.J., Vitug, and Carpio, JJ., concur.
Azcuna, J., on leave.

[1] Rollo, pp. 9-14.

[2] Id., pp. 15-16.

[3] Id., pp. 21-23.

[4] Id., p. 30.

[5] Id., pp. 31-32.

[6] Id., p. 33.

[7] Id., pp. 2-8.

[8] Id., pp. 40-48.

[9] Id., pp. 82-85.

[10] Canson v. Garchitorena, 370 Phil. 287 (1999), citing Black's Law Dictionary, p. 1150, Fourth ed.

[11] Id., p. 285, citing Words and Phrases, Vol. 27, p. 466 and Sewell v. Sharp, La App., 102 So 2d 259, 261.

[12] Fernandez v. Español, 351 Phil. 928 (1998), citing Roa, Sr. v. Imbing, A.M. No. RTJ-93-935, 231 SCRA 57, 61 (1994); Guillermo v. Reyes, Jr., 310 Phil. 176 (1995); Alvarez v. Laquindamum, 315 Phil. 557 (1995); Bengzon v. Adaoag, 320 Phil. 422 (1995).

[13] De la Cruz v. Concepcion, A.M. No. RTJ-93-1062, 25 August 1994, 235 SCRA 597.

[14] In Re: Judge Silverio S. Tayao, RTC Branch 143, Makati, A.M. No. 93-8-1204-RTC, 7 February 1994, 229 SCRA 723.

[15] In Re: Petition for Dismissal from Service and/or Disbarment of Judge Baltazar R. Dizon, A.M. No. 3086, 31 May 1989, 173 SCRA 719.

[16] Parayno v. Meneses, G.R. No. 112684, 26 April 1994, 231 SCRA 807.

[17] Query of Executive Judge Estrella T. Estrada of Malolos, Bulacan, A.M. No. 87-9-3918-RTC, 26 October 1987, 155 SCRA 72, citing Mateo v. Villaluz, 151-A Phil. 21 (1973).

[18] 354 Phil. 77 (1998), citing Pimentel v. Salanga, 128 Phil. 176 (1967).

[19] Gutang v. Court of Appeals, supra, p. 84.

[20] Id., citing Intestate Estate of the Late Vito Borromeo v. Fortunato Borromeo, No. L-41171, 23 July 1987, 152 SCRA 171.

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