PROVINCIAL PROSECUTOR ROBERT M. VISBAL, PETITIONER, VS. JUDGE WENCESLAO B. VANILLA, RESPONDENT.

A.M. No. MTJ-06-1651. July 15, 2009

Ponente: BRION, J.

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BRION, J.:

On April 7, 2009, the Court rendered a Decision in the present administrative matter imposing on Judge Wenceslao B. Vanilla of the Metropolitan Trial Court in Cities (MTCC), Branch 2, Tacloban City, a fine of P10,000.00 for ignorance of the law after it was established that he had archived a case (Criminal Case No. 2000-08-01) pending in his sala immediately after the warrant of arrest was issued against the accused.

On May 11, 2009, Judge Vanilla moved for reconsideration of the Court's Decision on grounds that the complainant, Prosecutor Robert M. Visbal (Prosecutor Visbal, now deceased), "has not shown that he has exhausted the available judicial remedies x x x before resorting to this administrative complaint." Judge Vanilla invoked the Court's ruling in Benjamin M. Mina, Jr. v. Judge B. Corales, etc.[1] in regard to the rule on exhaustion of judicial remedies in administrative cases.

Additionally, Judge Vanilla invites the Court's attention to Prosecutor Visbal's penchant for filing administrative cases against other judges and court personnel in Leyte. To prove his point, Judge Vanilla attached to his motion a copy of a decision of the Court (First Division) penned by Associate Justice Consuelo Ynares-Santiago in another administrative matter where Prosecutor Visbal was also the complainant, and the respondent was another MTCC Judge in Tacloban City.[2] The decision listed down a number of cases filed by Prosecutor Visbal against judges and court personnel in Leyte.

We considered the points raised and we see no compelling reason to modify our finding. The rule on exhaustion of administrative remedies "against errors or irregularities committed in the exercise of jurisdiction of a trial judge" as the Court noted in Mina could have been raised by Judge Vanilla before, or even during, the investigation by the Office of the Court Administrator (OCA). Although Mina was decided in September 2007, the ruling on exhaustion of judicial remedies is a mere reiteration of our earlier ruling in another case.[3] As it was, Judge Vanilla responded to the complaint and participated in the investigation conducted by the OCA. He submitted a Comment[4] to the OCA on July 30, 2004 asking for a dismissal of the complaint for "lack of factual and legal basis, and for lack of merit." He also filed a Manifestation on May 31, 2007, likewise praying for a dismissal of the complaint.

The rule on exhaustion of judicial remedies does not erase the gross ignorance of the law that he exhibited. It is not a mandatory sine qua non condition for the filing of an administrative case in the way that it is required in the filing of a petition for certiorari under Rule 65 and other similar rules in the Rules of Court. The filing of an administrative case is not an extraordinary remedy that demands that the lower court or tribunal be given every opportunity to review its finding. In fact, it is not a remedy at all required in the underlying case that was attended by gross ignorance to challenge or reverse the ruling in that case. It is a totally separate matter whose objective is

to seek disciplinary action against the erring judge. As matters now stand, we have in fact reduced the recommended fine from P21,000.00 to the minimum fine of P10,000.00 for the offense. Thus, we cannot but maintain our finding and the penalty we imposed in our ruling of April 7, 2009.

WHEREFORE, the Motion for Reconsideration is hereby DENIED with FINALITY.

SO ORDERED.

Quisumbing, (Chairperson), Carpio-Morales, Corona, and Velasco, JJ., concur.

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[1] A.M. No. RTJ-07-2083, September 27, 2007, 534 SCRA 200, citing Flores v. Abesamis, 279 SCRA 303 (1997).

[2] Annex "1" of the Motion for Reconsideration; Provincial Prosecutor Robert M. Visbal v. Judge Marino S. Buban, MTCC, Branch 1, Tacloban City, A.M. No. MTJ-02-1432, September 3, 20094, 437 SCRA 520.

[3] Flores v. Abesamis, A.M. No. SC-96-1, July 10, 1997, 275 SCRA 302.

[4] Rollo, pp. 25-27.

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