

JULIANITO M. SALVADOR, COMPLAINANT, VS. JUDGE MANUEL Q. LIMSIACO, JR., 4TH MUNICIPAL CIRCUIT TRIAL COURT, VALLADOLID, NEGROS OCCIDENTAL, RESPONDENT

A.M. NO. MTJ-06-1626. March 17, 2006

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

The instant administrative matter refers to charges of knowingly rendering unjust judgment and gross ignorance of the law against Judge Manuel Q. Limsiaco, Jr., 4th Municipal Circuit Trial Court, Valladolid, Negros Occidental, relative to Civil Case No. 01-005-V for unlawful detainer.

In his verified Complaint[1] dated May 4, 2004, Julianito M. Salvador narrated that he was plaintiff in said case which was raffled to respondent Judge's sala. On February 28, 2003, he filed an administrative case against respondent Judge for obstruction of justice, undue delay and gross inefficiency (docketed as A.M. No. OCA IPI No. 03-1380-MTJ), and in a 1st Indorsement,[2] the latter was required to submit his comment on the complaint and show cause why he should not be disbarred or otherwise administratively sanctioned as a member of the bar for violation of Canon 12 of the Code of Professional Responsibility. Complainant alleged that respondent Judge responded to the complaint by deciding Civil Case No. 01-005-V in favor of defendants therein. He further claimed, among others, that such decision of respondent Judge was unjust, contrary to law, not supported by evidence, and tainted with bad faith. Complainant further asserted that the May 21, 2003 Decision was rendered only after a show cause order was issued by the Court, and by the time it was rendered, was already 11 months delayed.

Thereafter, complainant filed several motions and pleadings[3] urging the Court to resolve the instant administrative matter. Respondent Judge, for his part, was twice required to submit his comment on the complaint against him — in a 1st Indorsement dated May 25, 2004 and in a Tracer Letter dated September 8, 2004.[4] Thereafter, the Court issued a Resolution on July 11, 2005 directing respondent Judge to show cause why he should not be disciplinarily dealt with for refusing to submit his comment.

On September 22, 2005, respondent Judge finally submitted his Comment. He apologized for not submitting his comment sooner, since he finds the instant letter-complaint as pure harassment, very annoying, and a mere repetition of a prior letter-complaint filed by the same complainant. As can be gleaned from the assailed decision in the said civil case, the allegation that he rendered an unjust judgment is a malicious and highly libelous imputation. Respondent Judge was likewise quick to point out that defendants in the unlawful detainer case had already demolished their house and vacated complainant's lot, and as such, the latter already "had his way."

In its Report dated December 28, 2005, the OCA made the following recommendation:

In gist, the complaint raises the issue of undue delay in rendering a decision and that the decision is an unjust judgment tainted with bad faith. The allegation of undue delay in rendering a decision or judgment is subsumed to the prior complaint docketed as OCA IPI No. 03-1380-MTJ for Neglect of Duty, currently

pending resolution, which raised the same issue of violation of the Rules of Summary Procedures. Thus, this issue is best threshed out in OCA IPI No. 03-1380-MTJ.

Anent the allegation that the 21 May 2003 decision being an unjust judgment tainted with bad faith, such has no factual and legal basis. Complainant has not shown by substantial evidence the alleged bad faith. Errors of judgment, appreciation of facts and applicable law per se are not badges of bad faith or malice. Well settled is the rule that in the absence of fraud, dishonesty or corruption, erroneous acts of a judge in his judicial capacity are not subject to disciplinary action, for no magistrate is infallible. To merit disciplinary action, the error or mistake committed by the judge should be patent, gross, malicious, deliberate or done in bad faith, and absent a clear showing that the judge has acted arrantly, the issue becomes judicial in character and would not properly warrant the imposition of administrative punishment. Thus, the alleged errors of respondent are best impugned through the judicial remedy of appeal which complainant has availed of. In fact, on 7 May 2004, the RTC, Branch 62 of Bago City resolved the appeal in favor of complainant and reversed respondent's decision.

However, we find utterly flimsy the reasons raised by respondent on his long refusal of over one year to submit the required comment. He must be strongly warned not to abuse, by utter disregard of our directives, administrative processes. The instant administrative complaint could have been resolved much sooner had respondent timely submitted his comment.

We respectfully submit for consideration of the Honorable Court our recommendations that the instant administrative complaint be **DISMISSED** for lack of merit, and respondent Judge Manuel Q. Limsiaco[, Jr.] be **STRONGLY WARNED** to timely heed to whatever directives he receives relative to administrative cases against him.[5]

We agree with the foregoing recommendation.

It is settled that a judge's failure to interpret the law or to properly appreciate the evidence presented does not necessarily render him administratively liable.[6] Only judicial errors tainted with fraud, dishonesty, gross ignorance, bad faith, or deliberate intent to do an injustice will be administratively sanctioned.[7] 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.[8] As we held in *Balsamo v. Suan*: [9]

It should be emphasized, however, that as a matter of policy, in the absence of fraud, dishonesty or corruption, the acts of a judge in his judicial capacity are not subject to disciplinary action even though such acts are erroneous. He cannot be subjected to liability — civil, criminal or administrative — for any of his official acts, no matter how erroneous, as long as he acts in good faith. In such a case, the remedy of the aggrieved party is not to file an administrative complaint against the judge but to elevate the error to the higher court for review and correction. The Court has to be shown acts or conduct of the judge clearly indicative of arbitrariness or prejudice before the latter can be branded the stigma of being biased and partial. Thus, 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. 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.[10]

In this case, since there is no showing that respondent Judge was motivated by bad faith or ill motives in rendering the assailed decision, the charges of gross ignorance of the law and knowingly rendering unjust judgment against him must be dismissed.

We find, however, that in failing to comment on the letter-complaint against him despite repeated directives to do so, respondent Judge neglected his duty, as a member of the Court, to defend himself against an administrative charge.[11] For a judge to exhibit indifference to a resolution requiring him to comment on the accusations in the complaint thoroughly and substantially is gross misconduct, and may even be considered as outright disrespect for

the Court.[12] The office of the judge requires him to obey all the lawful orders of his superiors. After all, a resolution of the Supreme Court is not a mere request and should be complied with promptly and completely. Such failure to comply accordingly betrays not only a recalcitrant streak in character,[13] but has likewise been considered as an utter lack of interest to remain with, if not contempt of the judicial system.[14] The Court is wont to restate the following pronouncement in *Martinez v. Judge Zoleta*: [15]

x x x [A] resolution of the Supreme Court requiring comment on an administrative complaint against officials and employees of the judiciary should not be construed as a mere request from the Court. Nor should it be complied with partially, inadequately or selectively. Respondents in administrative complaints should comment on all accusations or allegations against them in the administrative complaints because it is their duty to preserve the integrity of the judiciary. Moreover, the Court should not and will not tolerate future indifference of respondents to administrative complaints and to resolutions requiring comment on such administrative complaints.[16]

CONSIDERING THE FOREGOING, the charges of knowingly rendering unjust judgment and gross ignorance of the law against respondent Judge Manuel Q. Limsiaco, Jr. are **DISMISSED** for lack of merit. However, for failing to timely heed the Court's directives requiring him to comment on an administrative case filed against him, Judge Limsiaco is **REPRIMANDED**, and is **STERNLY WARNED** that a repetition of the same or similar act shall be dealt with more severely.

SO ORDERED.

Panganiban C.J., Ynares-Santiago, Austria-Martinez, and Chico-Nazario, JJ., concur.

[1] Rollo, pp. 1-17.

[2] Annex "A," rollo, p. 18.

[3] The pleadings filed by the complainant are as follows: Motion to Enter Judgment on the Pleadings dated 9 November 2004; Ex-Parte Motion to Resolve Motion to Enter Judgment on the Pleadings dated 13 January 2005; Letter dated 31 March 2005 requesting for a speedy resolution of the instant administrative case; Letter-comment dated 22 August 2005; and Ex-Parte Motion to Resolve Case dated 28 September 2005.

[4] Rollo, p. 143.

[5] Report dated December 28, 2005, pp. 2-3.

[6] *Mina v. Judge Gatdula*, 426 Phil. 371, 384 (2002).

[7] *Dr. Cruz v. Judge Iturralde*, 450 Phil. 77, 88 (2003).

[8] *Sacmar v. Judge Reyes-Carpio*, 448 Phil. 37, 42 (2003).

[9] A.M. No. RTJ-01-1656, September 17, 2003, 411 SCRA 189.

[10] *Supra*, at 200.

[11] *Sabado v. Cajigal*, A.M. No. RTJ-91-666, March 12, 1993, 219 SCRA 800, 805.

[12] *Davila v. Generoso*, 391 Phil. 466, 471 (2000); *Tabao v. Espina*, 327 Phil. 105, 114 (1996); *Longboan v. Polig*, A.M. No. R-704-RTJ, June 14, 1990, 186 SCRA 557, 561.

[13]Tugot v. Coliflores, A.M. No. MTJ-00-1332, February 16, 2004, 423 SCRA 1, 10.

[14] Parane v. Reloza, A.M. No. MTJ-92-718, November 7, 1994, 238 SCRA 1, 4.

[15] 374 Phil. 35 (1999).

[16]Supra, at 47.

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