

PRUDENCIO S. PENTICOSTES, COMPLAINANT, VS. JUDGE RAFAEL HIDALGO, RESPONDENT.

A.M. Nos. RTJ-89-331; RTJ-89-355; RTJ-89-361; RTJ-89-362; RTJ-89-438; and RTJ-89-439. September 28, 1990

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PER CURIAM:

Complainant Prudencio S. Penticostes has filed a series of administrative charges against Judge Rafael B. Hidalgo of Regional Trial Court Branch 68 of Tarlac, Tarlac. In the resolution dated June 20, 1989 dismissing RTJ-89-294, the Court admonished the complainant "to exercise more care and decorum in filing unfounded and unsubstantiated charges against officers of the court in order to maintain and uphold the dignity of the same of which he is a part" (also dismissed was RTJ-88-213 in a Resolution dated July 18, 1989.) Complainant did not heed this admonition.

In his Comment in RTJ-89-361, and his Compliance by way of comment in RTJ-89-355, the respondent judge asked that the other administrative cases by the same complainant be consolidated. Complainant, in his Reply in RTJ-89-355, made a similar request.

The Court directed the Office of the Court Administrator (OCA) to gather all charges filed by the complainant against the respondent judge and thereafter consolidated six (6) administrative complaints: RTJ-89-331 (which recites ten [10] causes of action), RTJ-89-355, RTJ-89-361, RTJ-89-362, RTJ-89-439, and RTJ-89-438.

Subsequent to the June 20, 1989 admonition, complainant continued to file charges against respondent. He also threatened to bring more cases, as evidenced by the following: (1) a Manifestation dated March 1, 1990 (submitted to respondent judge in relation to two civil cases), which reads:

Counsel will make it appear on record that if the motion and joint motion will not be acted (upon) on March 21, 1990 as scheduled he will be forced much to his regret to file the following administrative and criminal complaints against the presiding judge, namely:

1. violation of his oath;
2. falsification under Art. 171 of the Revised Penal Code;
3. knowingly rendering an unlawful order;
4. maliciously delaying the administration of justice;
5. grave misconduct x x x.

(2) his Reply to RTJ-89-361 dated May 18, 1990:

It is respectfully submitted, that the respondent has made Branch 68 as his personal court thus making it as a court for his friends, the rich, powerful and influential and against his foes, the poor and powerless. This claim will be discussed lengthily in the next administrative charge which complainant will file against the respondent [underscoring supplied.]

(3) his letter to the Court dated August 8, 1990, opposing respondent's application for disability benefits because of the "pendency of administrative cases against him filed by me and some more will follow as soon as I consolidate my evidences" [underscoring supplied.]

In a memorandum dated July 13, 1990, the OCA, after enumerating some of the charges, noted that complainant's persistent filing of administrative cases against respondent "signif(ies) a desire to unjustifiably bring respondent to public disdain and ridicule." Also brought to the attention of the Court was complainant's letter dated June 7, 1990, which contains accusations that respondent has a "conspirator" in the Office of the Clerk of Court. The conspirator allegedly inserted inconsistent a words in a final Court resolution, and supplied lies in respondent's comment. From the foregoing, the OCA recommended that complainant be strongly reprimanded, if not suspended from the practice of law for three (3) months.

A careful study of the charges in these complaints, the Comment in RTJ-89-361, the Compliance filed by respondent in RTJ-89-355, the records of the consolidated cases, and the memorandum of the OCA dated July 13, 1990, clearly reveals that all but three cases* can be dismissed outright because: (1) the complainant failed to establish prima facie cases; (2) the complainant filed administrative cases as substitute for the appropriate remedy in rulings adverse to him; and (3) the complaints involve the appropriate exercise of respondent's discretionary authority.

First, no prima facie cases have been established in: (1) the Seventh Cause of Action in RTJ-89-331, since the same grounds have already been found to be without merit by the Court in *Prudencio Penticostes, Sr. v. DBP, et al.* [G.R. No. 89620, July 13, 1990]; (2) RTJ-89-361, which charges respondent with falsification of three separate orders in three different cases, since no indication of such falsification can be gleaned from the record; and (3) RTJ-89-438, which takes issue with the order to archive Civil Case No. 280, "pending resolution of the matters raised by complainant in the Supreme Court," there being nothing irregular in such order.

Second, in the First, Second and Fifth Causes of Action in RTJ-89-331 (which arose from respondent's dismissal of Civil Case Nos. 198, 234, and 205, respectively), the complainant resorted to the filing of administrative complaints against respondent judge instead of availing of the appropriate legal remedies from the adverse rulings, i.e., by motion for reconsideration, appeal or petition for review or for certiorari.

Third, the complainant challenges the due exercise by respondent judge of his discretion in the following instances: (1) RTJ-89-331, the Third Cause of Action, the order denying a motion to declare defendants in contempt, and the order deferring action on a motion for an accounting of harvests; the Fourth Cause of Action, the denial of a motion to dismiss; the Sixth Cause of Action, the denial of a motion for inhibition and two motions for reconsideration; the Eighth Cause of Action, the order setting aside an order of dismissal; the Ninth Cause of Action, the order granting a motion for reconsideration; the Tenth Cause of Action, the denial of a motion for inhibition; (2) RTJ-89-362, separate orders setting aside the amended complaints in Civil Case Nos. 228, 253, 255, which complaints were amended to implead respondent as co-defendant for his alleged use of his judicial powers to prejudice complainant during the proceedings of the aforesaid cases; (3) RTJ-89-355, direct contempt orders; and (4) RTJ-89-439, the failure of respondent judge to strike out the answer in two civil cases.

Considering the nature, frequency and indiscriminate filing of groundless charges and despite the admonition previously given by resolution of the Court dated June 20, 1989, which the complainant willfully ignored and disobeyed by manifesting the intent to file more of the same, the complainant imposed upon the time, resources and forbearance of the Court and diverted the energies of the respondent judge who has been called upon to comment and defend his every action. This is not to say that a judge may not be answerable for violation of the law and the Code of Judicial Conduct, but not every order or ruling adverse to a party can be made the basis for an

administrative charge.

As a member of the bar, the complainant has responsibilities to the judiciary. The Code of Professional Responsibility and the rules thereunder impose obligations on the lawyer in relation to the court: Canon 10 states that a lawyer owes candor, fairness and good faith to the court. Canon 11 provides that a lawyer shall observe and maintain the respect due to the court and to judicial officers, while Canon 12 mandates that a lawyer shall exert every effort and consider it his duty to assist in the speedy and efficient administration of justice. Through his imprudent filing of administrative cases against respondent judge, complainant has transgressed the provisions of the Code of Professional Responsibility and miserably failed to observe conduct expected of a member of the bar under the Code and in accordance with his lawyer's oath.

WHEREFORE, having found the charges above-mentioned to be absolutely without basis, the Court Resolved to:

(1) DISMISS outright the following complaints: RTJ-89-331; RTJ-89-362; RTJ-89-438; and RTJ-89-355; RTJ-89-361 and RTJ-89-439 are likewise dismissed, except as to charges for which comment has been required; and

(2) IMPOSE upon complainant a FINE of One Thousand Pesos (P1,000.00) payable within ten (10) day from receipt of this Resolution, or IMPRISONMENT of ten (10) days in the local jail in case of failure to pay the fine within the time appointed; and

(3) SUSPEND complainant from the practice of law for one (1) year for his willful disregard and disobedience of the admonition made by the Court in RTJ-89-294, and his violation of Canons 10, 11 and 12 of the Code of Professional Responsibility, with a stern warning that a repetition of the same will be dealt with more severely. The suspension shall take effect from the date of receipt of this Resolution. Let copies of this Resolution be circulated to all courts of this country for their information and guidance, and spread in the personal record of Atty. Penticostes.

SO ORDERED.

Fernan, C.J., Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Feliciano, Gancayco, Padilla, Bidin, Sarmiento, Cortes, Grino-Aquino, Medialdea, and Regalado, JJ., concur.

Paras, J., on leave.

* The respondent has been required to comment on the following cases which will be consolidated and dealt with in a separate resolution: 1) alleged falsification of his certificate of service for the months of March to May 1989, contained in RTJ-89-350, and the month of June 1989, contained in RTJ-89-439; and 2) alleged use of the sala of Branch 68 as his personal living quarters, and alleged use of the services of the court janitor as his personal help, contained in RTJ-89-361.

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