GENARO SANTIAGO III, COMPLAINANT, VS. JUSTICE JUAN Q. ENRIQUEZ, JR. OF THE THIRTEENTH [13TH] DIVISION, COURT OF APPEALS, RESPONDENT.

A.M. No. CA-09-47-J [Formerly A.M. OCA IPI No. 08- 121-CA-J]. February 13, 2009

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

By Ist Indorsement[1] dated January 3, 2008, the Court Administrator referred to this Court's Clerk of Court for appropriate action the verified Complaint dated December 27, 2007,[2] with enclosures, of Genaro Santiago III (complainant) against Court of Appeals Justice Juan Q. Enriquez, Jr. (respondent), for gross ignorance of the law and jurisprudence and gross incompetence in connection with his rendering of alleged unjust judgment in CA-GR CV No. 84167, "Genaro C. Santiago III versus Republic of the Philippines," which was promulgated on December 3, 2007.[3]

The antecedent facts of the case follow:

Complainant filed before the Regional Trial Court (RTC) in Quezon City a Petition for Reconstitution of Lost/Destroyed Original Certificate of Title No. 56, registered in the name of Pantaleona Santiago and Blas Fajardo.

By Decision of September 2, 2004, Branch 220 of the Quezon City RTC granted the petition.[4] The Republic of the Philippines through the Office of the Solicitor General appealed the decision to the Court of Appeals where it was docketed as CA-GR CV No. 84167.

The case was raffled to Justice Marlene Gonzales-Sison (Justice Gonzales-Sison) of the appellate court's Thirteenth Division of which respondent was Chairperson. Completing the composition of the Division (of three) was Justice Vicente S.E. Veloso (Justice Veloso).

On July 11, 2007, Justice Gonzales-Sison submitted her Report,[5] which was used as basis for the Division's consultation and deliberation.[6] By letter of July 18, 2007 addressed to Justices Gonzales-Sison and Veloso, respondent expressed his dissent from the Report.[7] Justice Veloso, who originally concurred in the Report, requested Justice Gonzales-Sison, by letter of July 19, 2007, to take a second look at respondent's Dissenting Opinion,[8] as "the reasons [Justice Enriquez] gave are strong enough to be ignored by plain technicality."[9]

In view of his dissent, respondent requested on August 23, 2007 the Raffle Committee of the Court of Appeals to designate two associate justices to complete the composition of a Special Division of five.[10] The Raffle Committee, by Special Order dated August 24, 2007, designated Justices Edgardo P. Cruz (Justice Cruz) and Lucas P. Bersamin (Justice Bersamin) as additional members of the Special Division.[11]

Justice Veloso soon expressed his concurrence with respondent's Dissenting Opinion.[12] Justice Bersamin expressed his concurrence with the Report of Justice Gonzales-Sison,[13] while Justice Cruz expressed his concurrence with respondent's Dissenting Opinion.[14]

Respondent's Dissenting Opinion thus became the majority opinion of the Special Division and the Report-opinion of Justice Gonzales-Sison with which Justice Bersamin concurred became the Dissenting Opinion.

The Decision of the Special Division reversed and set aside the September 2, 2004 Decision of the Quezon City RTC. Complainant filed a Motion for Reconsideration which was received by the appellate court on December 20, 2007.[15] On December 27, 2008, complainant filed the present complaint.

On January 9, 2008, complainant filed a Motion for Disqualification and/or Inhibition [of respondent] pursuant to Paragraph 2, Section 1, Rule 137[16] on the ground that he (complainant) had filed this administrative complaint against respondent. The appellate court denied the motion by Resolution of April 20, 2008.[17]

In the present Complaint, complainant alleges, inter alia, that:

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> . . . despite the overwhelming evidence of complainant, all corroborated by several government agencies like the original duplicate certificate of OCT No. 56, certified copy of Decree No. 1275, PC Crime Laboratory report, Bureau of Lands record, tracing cloth of survey plan, blue print plan, certified technical description - all approved by the Bureau of Lands, among others and adduced and offered in evidence during trial, Associate Justice Enriquez deliberately twisted the law and existing jurisprudence to grant the appeal, to the extreme prejudice of complainant. For this reason, this administrative charge of GROSS IGNORANCE OF LAW/GROSS INCOMPETENCE is now being filed against respondent Associate Justice Juan Q. Enriquez, Jr. No one is above the law.[18] (Emphasis and italics in the original; underscoring supplied)

In compliance with this Court's Resolution of January 22, 2008,[19] respondent filed his Comment,[20] branding the complaint as "a mere nuisance," a "dirty tactic" in order to harass him for the purpose of making him inhibit from handling the case the decision on which was pending consideration. He denies any irregularities attendant to his arrival at the Decision which, he maintains, has factual and legal basis and is not contrary to law and jurisprudence.

At any rate, respondent contends that the administrative complaint was filed prematurely considering that complainant's motion for reconsideration of the Decision was pending, and that assuming that the Decision was indeed unjust and contrary to law, then Justices Cruz and Veloso, who concurred in his ponencia, should also be charged.

Finally, and at all events, respondent contends that the administrative complaint is not the proper forum for the determination of whether the Decision is erroneous or contrary to law and jurisprudence.

In compliance with the directive of the Court,[21] complainant filed a Reply dated 20, 2008 to respondent's Comment[22] in which he contends that the cases cited by respondent to support the Decision are not applicable.

The complaint is bereft of merit.

That cases cited to support a Decision are not applicable, and the appreciation of evidence and facts is erroneous, do not necessarily warrant the filing of an administrative complaint against a judge, unless the Decision is tainted with fraud, malice or dishonesty or with deliberate intent to cause injustice.[23]

> The remedy of the aggrieved party is not to file an administrative complaint against the judge, but to elevate the assailed decision or order to the higher court for review and correction. An administrative complaint is not an appropriate remedy where judicial recourse is still available, such as a motion for reconsideration, an appeal, or a petition for certiorari, unless the assailed order or decision is tainted with fraud, malice, or dishonesty...

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> The Court has to be shown acts or conduct of the judge clearly indicative of the arbitrariness or prejudice before the latter can be branded the stigma of being biased and partial. Thus, unless he is shown to have acted in bad faith or with deliberate intent to do an injustice, not every error or mistake that a judge commits in the performance of his duties renders him liable...The failure to interpret the law or to properly appreciate the evidence presented does not necessarily render a judge administratively liable.[24] (Italics in the original; underscoring supplied)

Assuming arguendo that respondent's citation of cases in support of the Decision and his appreciation of the facts and evidence were erroneous, since there is no showing that the Decision, reconsideration of which was still pending at the time the present complaint was filed, is tainted with fraud, malice or dishonesty or was rendered with deliberate intent to cause injustice, the complaint must be dismissed.

The principle of "judicial immunity" insulates judges, and even Justices of superior courts, from being held to account criminally, civilly or administratively for an erroneous decision rendered in good faith.[25] To hold otherwise would render judicial office untenable. No one called upon to try the facts or interpret the law in the process of administering justice could be infallible in his judgment.[26]

> . . . A judicial officer cannot be called to account in a civil action for acts done by him in the exercise of his judicial function, however erroneous. In the words of Alzua and Arnalot v. Johnson, " ... it is a general principle of the highest importance to the proper administration of justice that a judicial officer, in exercising the authority vested in him, shall be free to act upon his own convictions, without apprehension of personal consequences to himself." This concept of judicial immunity rests upon consideration of public policy, its purpose being to preserve the integrity and independence of the judiciary. This principle is of universal application and applies to all grades of judicial officers from the highest judge of the nation and to the lowest officer who sits as a court.[27] (Italics in the original; emphasis and underscoring supplied)

It bears particular stress in the present case that the filing of charges against a single member of a division of the appellate court is inappropriate. The Decision was not rendered by respondent in his individual capacity. It was a product of the consultations and deliberations by the Special Division of five. Consider the following pronouncement in Bautista v. Abdulwahid:[28]

> It is also imperative to state that the Resolution dated May 31, 2004 was not rendered by Justice Abdulwahid alone, in his individual capacity. The Court of Appeals is a collegiate court whose members reach their conclusions in consultation and accordingly render their collective judgment after due deliberation. Thus, we have held that a charge of violation of the Anti-Graft and Corrupt Practices Act on the ground that a collective decision is "unjust" cannot prosper. Consequently, the filing of charges against a single member of a division of the appellate court is inappropriate. [29] (Underscoring supplied)

In fine, while this Court will not shirk from its responsibility to discipline members of the bench if they err, it too will not hesitate to shield them if they are charged with unmeritorious charges that only serve to disrupt, rather than promote, the orderly administration of justice.

WHEREFORE, the complaint is DISMISSED.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Corona, Azcuna, Tinga, Chico-Nazario, Velasco, Jr., Nachura, Leonardo-De Castro, Brion, and Peralta, JJ., concur.

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[1] Rollo, p. 1.

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[2] Id. at 2-9.

[3] Id. at 10-20. Penned by Justice Juan Q. Enriquez, Jr. with the concurrence of Justices Edgardo P. Cruz and Vicente S.E. Veloso. Justices Lucas P. Bersamin and Marlene Gonzales-Sison dissented, with the latter writing a dissenting opinion.

[4] Decision, rollo, pp. 46-55.

[5] Id. at 58-74.

[6] Id. at 56.

[7] Id. at 92-93.

[8] Id. at 97-102.

[9] Id. at 94.

[10] Id. at 95.

[11] Id. at 96.

[12] Id. at 103.

[13] Id. at 104.

[14] Id. at 107-110.

[15] Id. at 123-135.

[16] Id. at 136-141.

[17] Id. at 142-144. Penned by Justice Juan Q. Enriquez, Jr. with the concurrence of Justices Edgardo P. Cruz, Lucas P. Bersamin, Vicente S.E. Veloso and Marlene Gonzales-Sison.

[18] Id. at 8

[19] Id. at 23.

[20] Id. at 36-45.

[21] Id. at 145.

[22] Id. at 152-155.

[23] Cortes v. Sandiganbayan, 467 Phil. 155 (2004).

[24] Id. at 162-163 (2004).

[25] Tan Tiac Chiong v. Hon. Cosico, 434 Phil. 753, 762 (2002).

[26] Fernandez v. Verzola, A.M. No. CA-04-40, August 13, 2004, 436 SCRA 369, 373.

[27] Pabalan v. Guevarra, A.M. No. 333-CJ, November 24, 1976, 74 SCRA 53, 58.

[28] A.M. OCA IPI No. 06-97-CA-J, May 2, 2006, 488 SCRA 428.

[29] Id. at 435-436. Vide Rondina v. Bello, Jr., A.M. No. CA-05-43, July 8, 2005, 463 SCRA 1, 12; Cortes v. Sandiganbayan, 467 Phil. 155, 162.

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