IGNACIO E. MAYLAS, JR., COMPLAINANT, VS. JUDGE MANUEL L. SESE, REGIONAL TRIAL COURT OF MASBATE CITY, BRANCH 45, RESPONDENT.

A.M. NO. RTJ-06-2012 [OCA-IPI NO. 04-2106-RTJ]. August 04, 2006

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

In this administrative complaint, respondent Judge Manuel L. Sese of the Regional Trial Court of Masbate City, Branch 45, was charged by complainant Ignacio E. Maylas, Jr. with gross ignorance of the law, incompetence, violation and willful disregard of the Rules of Court in connection with Criminal Case No. 10911 entitled People v. PSI Jeremias A. Sanchez and SPOI Emilio G. Quime.

Complainant alleged that the accused in Criminal Case No. 10911 filed a Motion to Quash on the ground that the facts alleged do not constitute an offense. However, on October 14, 2003, respondent judge granted the motion to quash not on the ground alleged by the accused but on lack of probable cause.

The motion for reconsideration filed by the public prosecutor was denied by the respondent judge; hence, a petition for certiorari was filed before the Court of Appeals which was docketed as CA-G.R. SP No. 82283. On August 30, 2004, the Court of Appeals rendered a Decision[1] the dispositive portion of which reads:

> WHEREFORE, premises considered, the present petition is hereby GIVEN DUE COURSE and the writ prayed for accordingly GRANTED. The assailed Orders dated October 14, 2003 and December 3, 2003 dismissing Criminal Case No. 10911 and denying the motion for reconsideration filed by the public prosecutor, respectively, are hereby both ANNULLED and SET ASIDE. Criminal Case No. 10911 is hereby REINSTATED and the Regional Trial Court of Masbate City, Branch 45 is hereby DIRECTED to continue with the proceedings in accordance with the provisions of the Revised Rules of Criminal Procedure, as amended (effective December 1, 2000).
>
> SO ORDERED.

In his Comment, respondent judge alleged that the assailed Order was issued after careful evaluation of the information and relevant pieces of evidence; that he was merely exercising his adjudicative functions so he cannot be administratively charged; that the complaint did not impute malice or bad faith on his part; that the filing of the complaint is premature because judicial remedies are available.

In the Report dated June 19, 2006, the Office of the Court Administrator (OCA) found that while the Order of the respondent was reversed by the Court of Appeals, the same could not be the basis for administrative sanction. Respondent should not be disciplined on account of an error of judgment which is judicial in nature, in the absence of fraud, dishonesty or corruption. The OCA thus recommended that the instant administrative case be dismissed for lack of merit.

We agree with the findings and recommendation of the OCA.

Plainly, the error attributed to respondent judge pertains to the exercise of his adjudicative functions. As a matter of policy, in the absence of fraud, dishonesty and corruption, the acts of a judge in his official capacity are not subject to disciplinary action. 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. Only judicial errors tainted with fraud, dishonesty, gross ignorance, bad faith or deliberate intent to do an injustice will be administratively sanctioned. Settled is the rule that errors committed by a judge in the exercise of his adjudicative functions cannot be corrected through administrative proceedings, but should instead be assailed through judicial remedies.[2]

Section 2, Rule 117 of the Rules of Court mandates that, in a motion to quash, the court shall not consider any ground other than those stated in the motion, except lack of jurisdiction over the offense charged. In Criminal Case No. 10911, respondent judge erred when he considered a ground not raised by the accused. As found by the Court of Appeals, the error in issuing the assailed Order dated October 14, 2003 is tantamount to grave abuse of discretion. However, grave abuse of discretion alone is not a ground for disciplinary proceedings. The filing of an administrative complaint is not the proper remedy for the correction of actions of a judge perceived to have gone beyond the norms of propriety, where a sufficient judicial remedy exists,[3] thus:

> [T]he law provides ample judicial remedies against errors or irregularities being committed by a Trial Court in the exercise of its jurisdiction. The ordinary remedies against errors or irregularities which may be regarded as normal in nature (i.e., error in appreciation or admission of evidence, or in construction or application of procedural or substantive law or legal principle) include a motion for reconsideration (or after rendition of a judgment or final order, a motion for new trial), and appeal. The extraordinary remedies against error or irregularities which may be deemed extraordinary in character (i.e., whimsical, capricious, despotic exercise of power or neglect of duty, etc.) are inter alia the special civil actions of certiorari, prohibition or mandamus, or a motion for inhibition, a petition for change of venue, as the case may be.
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> Now, the established doctrine and policy is that disciplinary proceedings and criminal actions against Judges are not complementary or suppletory of, nor a substitute for, these judicial remedies, whether ordinary or extraordinary. Resort to and exhaustion of these judicial remedies, as well as the entry of judgment in the corresponding action or proceeding, are pre-requisites for the taking of other measures against the persons of the judges concerned, whether of civil, administrative, or criminal nature. It is only after the available judicial remedies have been exhausted and the appellate tribunals have spoken with finality, that the door to an inquiry into his criminal, civil or administrative liability may be said to have opened, or closed.[4]

Even granting that respondent judge erred in the issuance of the assailed Order, he could not be held administratively liable considering that there is no proof that such error of judgment was tainted with bias or partiality, fraud, dishonesty, bad faith, deliberate intent to do an injustice, or gross ignorance. To merit disciplinary action, the error or mistake must be gross or patent, malicious, deliberate or in bad faith. In the absence of a showing to the contrary, defective or erroneous decision or order is presumed to have been issued in good faith.[5] As noted by the OCA, the complaint did not impute malice or bad faith on the part of respondent judge hence, he is presumed to have acted in good faith. Moreover, in his Comment, respondent claimed that he issued the assailed Order after a careful examination of the records of the case.

WHEREFORE, in view of the foregoing, the instant administrative case against Judge Manuel L. Sese of the Regional Trial Court of Masbate City, Branch 45, is DISMISSED for lack of merit.

SO ORDERED.

Panganiban, C.J., (Chairperson), Austria-Martinez, Callejo, Sr., and Chico-Nazario, JJ., concur.

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[1] Penned by Associate Justice Martin S. Villarama, Jr. and concurred in by Associate Justices Edgardo F. Sundiam and Japar B. Dimaampao.[2] Planas v. Reyes, A.M. No. RTJ-05-1905, February 23, 2005, 452 SCRA 146, 155.

[3] Barbers v. Laguio, Jr., A.M. No. RTJ-00-1568, February 15, 2001, 351 SCRA 606, 618.

[4] Flores v. Abesamis, A.M. No. SC-96-1, July 10, 1997, 275 SCRA 302, 316.

[5] Planas v. Reyes, supra at 159.

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