

BIENVENIDO P. JABAN, COMPLAINANT, VS. HON. SERAFIN R. CUEVAS, RESPONDENT.

Adm. Case No. 156-J. June 10, 1971

Ponente: BARREDO, J.

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BARREDO, J.:

Administrative complaint against the Honorable Serafin R. Cuevas, Judge of the Court of First Instance of Manila, Branch IV, filed by Atty. Bienvenido P. Jaban.

Briefly, the burden of the charge against respondent is that in the course of the proceedings in Special Proceedings No. 25876, the Testate Estate of Amadeo Matute, the respondent issued certain orders which frustrated in effect the efforts of complainant to recover from said estate, before the final accounting of the administration and distribution of the estates the amount of P1,000.00 which by final judgment in Civil Case No. 5985 of the Court of First Instance of Cebu, said complainant had been awarded as attorney's fees against Ramon A. Matute and Trinidad Matute, allegedly two of the heirs of said estate, inspite of the corresponding writ of execution issued in his favor and the orders of the two judges, the Honorables Arsenio Santos and Emig-dio V. Nietes, who had preceded respondent, approving the payment of said judgment and even threaten-ing the administrator, Matias Matute, with punishment for contempt should he fail to pay the same. Although, to some members of the Court, the writer of this opinion included, it was apparent upon a reading of the complaint that at most the respondent could be guilty only of an error of judgment correctible by appropriate judicial remedy and may not, therefore, be the subject of an administrative complaint, the other members were of the opinion, which prevailed, that it is best to find out what is re-spondent's explanation of his attitude in view, particularly, of the following allegations in the complaint:

“16. That not only the respondent judge negligently and inefficiently freezed and hold pending the motion of your undersigned complainant, dated March 25, 1969, for more than 90 days and the motion of April 15, 1966 held pending without any action for more than 3 years in violation of Sec. 5 of Rep. Act 296 BUT has ALSO deprived your undersigned com-plainant herein JUSTICE and denied of his RIGHTS to have the execution of judgment with meaning, FORCE and EFFECT, or making only our judgment in courts EMPTY, hollow, and FARCE.

“17. That the acts of the respondent judge violate his OATH of OFFICE mentioned in Sec. 23 of the Revised Administrative Code and Sec. 3 of Rep. Act 296, that he should perform his duties to the best of his ability, to be judicious, to be impartial, to obey all laws, LEGAL ORDERS and decrees promulgated by a duly constituted authorities of the Republic of the Philippines. And the final order of February 19, 1966, the writ of execution, the judgment of the Court of First Instance of Cebu, the Order of March 16, 1964, which the respondent judge has the duty to respect and obey for the proper administration of justice, were legal orders and judgment of a duly constituted authorities of the Republic of the Philippines.

“18. That it is the duty of the respondent judge NOT TO OBSTRUCT, DEGRADE, and IMPEDE the administration of justice or to degrade the execution of judgment of another court of record or another court of justice, whose execution of judgment is enforceable through the whole Philippines (Sec. 3, Rule 135, Rules of

Court).

"19. That because of the delay in the administration of justice and even in the enforcement of the writ of execution, where your undersigned complainant is appearing necessarily in the probate court of the Court of First Instance in Manila for several times and considering the transportation expenses involved from Cebu to Manila and Manila to Cebu plus other incidental expenses, your complainant little by little has spent more than P1,000.00, which is over and above his claim on the writ of execution of only P600.00, per Order of February 19, 1966, which is another mockery of justice.

"20. That the processes of the Court of First Instance in Manila for your undersigned complainant is very expensive and costly, and that in spite of the many efforts and expenses made, your respondent judge, for whatever personal reasons he has, had made it only empty, hollow, and without force and effect.

"21. That the undersigned complainant herein believes that the rise of criminality in our country is may be due to the fact that our people do not have faith, trust and confidence in some of our courts in the administration of justice. Proceedings are delayed, costly, and ending only a hollow judgment or a mockery of justice.

"22. That the undersigned complainant herein strongly believes that the respondent judge has shown unworthiness and/or to be incompetent to perform his duties of his office and/or has shown inefficiency and negligence which would undermine the faith and confidence of our people in our courts of justice."

and considering that allegedly, the estate has a gross monthly receipt of P158,000.00, whereas the amount of complainant's claim was only P1,000.00 which even dwindled later to P600.00. So We required respondent to answer the complaint.

In due time, albeit with the aid of two extensions, the respondent filed a lengthy and detailed explanation, supported with annexes. On November 27, 1969, the same date on which respondent filed his answer, the complainant filed also a "Withdrawal of Complaint" alleging:

"1. That the undersigned complainant has already received satisfaction of his claim on the writ of execution of judgment issued by the Court of First Instance of Cebu against the Estate of Amadeo Matute chargeable on the hereditary shares of the heirs of RAMON MATUTE and TRINIDAD MATUTE. The non-payment of such claim was the primary and basic cause of complaint and cry of injustice by the undersigned complainant.

"2. That after a review again of the records and of the facts of the above entitled case, taking special consideration of the voluminous records of the proceedings of the Estate of Amadeo Matute Olave in the respondent's court which at present is more than 10 volumes of records of the proceedings of the estate, the undersigned believes that human imperfections would make us sometimes sustain honest mistake, which mistakes may be in good faith believed to be valid and may also be correct in the long run. Thus, making an after thought of the case against the respondent, the undersigned complainant has the feeling at present that the respondent may be innocent of the charge of the acts which he might be acting in good faith to be valid taking into consi-deration the subsequent developments and the present injunction issued by the Supreme Court in the Estate of Amadeo Matute against the respondent judge.

"3. That to further proceed with the investigation of the charge would or may only result to waste of the valuable time of the respondent judge which he ought to devote to more productive work in the administration of justice in his court. And in the same manner, it would also mean more and further expenses of the undersigned complainant, who is presently living in Cebu, and to the government in conducting further the investigation after the undersigned complainant herein has manifested to have been satisfied and to have shown to have no interest in further prosecuting the case."

We could have ended this case upon the receipt of this withdrawal were it not for the prayer of respondent in his answer that "the complainant be subjected to disciplinary action for having misled this Court with his baseless and

unsupported allegations, thus wasting the valuable time of this Honorable Court which could have been devoted to the disposition of other more important matters in order to prevent the clogging of its docket. Respondent, likewise, prays for such other relief as may be just and equitable under the premises." In these premises, We have decided to resolve the merits of the complaint, dispensing, however, with any further hearing.

We find respondent's position and actuation to be very well taken. It is to be noted that complainant's motion for an order of payment from the funds of the estate still under administration of the court presided over by the respondent was not for a claim against the estate itself but against only two of the heirs allegedly entitled to participate in the ultimate distribution thereof. Neither the Rules of Court nor logic permit the consideration of claims of such nature except in the form of requests for payments of advances to the heirs of an estate, which obviously can be done only, first, when the movant's status as an heir or a person entitled to share in the estate is duly established or unquestioned and, second, if the condition of the estate would permit the same without causing prejudice or impairment of the shares of the other prospective distributees. The fact that complainant's claim was supported by a final judgment being enforced by a writ of execution gave it no preference over the claims against the estate itself, which according to the records of the special proceedings, per answer of respondent and not denied by complainant, exceed the known assets of the estate. According to respondent, complainant's allegation that the Matute Estate has a gross monthly income of P158,000.00 "is clearly a perversion of truth, having no factual basis whatsoever the same not being re-lected in any of the accounting reports submitted by any of the administrators of the said estate for any period of time, as in fact, for the year 1964 the said estate had but a cash balance of P1,817.12 as per report filed by the administrator, Matias S. Matute, on February 8, 1965, a copy of which is hereto attached and marked as Annex 1 of this Answer." In the same connection, respondent further states:

"11. The statement of the complainant that the estate has a monthly gross income of P158,200.00 is not only an exaggeration but a brazen lie purposely devised in order to mislead this Honorable Court and subserve his personal purpose and private interest. As previously stated in the early portion of this Answer, the last accounting submitted by the administrator of the aforesaid estate immediately prior to the filing of this claim for payment of P600.00 (Annex 1) speaks for itself. The financial condition of the estate is such that its income is not even sufficient enough to affect a settlement and liquidation of its debts and approved claims against the same. Why will the Probate Court therefore give priority or special attention and/or give due course for this unpaid claim for attorney's fees which, as previously stated, is a personal obligation of the heirs to whom said services were rendered? The fact that there is a writ of execution issued by the Court of First Instance of Cebu to enforce payment or satisfaction of said amount does not convert the same into that of a claim against the estate. It is still, and remains to be, a personal obligation or liability of the heirs concerned. No amount of writ of execution issued to enforce the same can convert it into that of a claim against the estate. But let it be assumed for the sake of argument that said amount of P600.00 became a liability of the estate because it is now the subject of a writ of execution, is not the proper remedy merely to file the same with the Probate Court for payment? What error does the Court commit by not compelling the administrator of the estate to pay the same in view of the non-payment of the too many claims still unsatisfied for lack of enough cash?"

Complainant's reliance on the previous orders of Judges Arsenio Santos and Emigdio V. Nietes is misplaced not only because the record does not show that before acting as they did, the said judges considered the actual total amount and the condition of the various claims against the estate, as revealed in the answer of respondent, but also because even complainant himself did not seem to have pressed hard enough to have said judges have their orders in his favor implemented during their incumbencies, which would have ended his difficulties whether rightly or wrongly, from the point of view of the proper procedure to be observed in such circumstances.

We also find as entirely unwarranted complainant's allegations that "respondent judge inefficiently freezed and held pending the motion - dated March 25, 1969, for more than 90 days and the motion of April 16, 1966 held

pending without any action for more than three years", thus giving the impression that respondent is responsible for the delay in the resolution of said motions. We see no reason to doubt the accuracy of respondent's statement of the causes why complainant's motion remained unresolv-ed. Incidentally, a great part of the period of delay complained of was before respondent's term yet. More specifically, respondent's answer states:

(Respondent)"admits that in the records of the aforesaid Special Proceedings a

'Motion to Authorize Special Administrator to Satisfy the Writ of Execution of the Court of First Instance of Cebu in Civil Case No. 5985 for the Sum of P1,000.00 in Favor of the Undersigned Complainant Against the Shares of Ramon S. Matute and Trinidad Matute in the Estate of Matute'

dated September 6, 1963 was received by the Court on September 20, 1963 thru registered mail. Said motion was set for hearing on September 21, 1963, when the Hon. Judge Arsenio Santos, Presiding Judge of Branch IV of the aforesaid Court was on leave being sickly at the time and the Hon. Judge Jesus Perez, now Associate Justice of the Court of Appeals, then temporarily presiding in said Branch, postponed the hearing of the said motion until such time as the movant desired. Copy of said order is likewise hereto attached and marked as Annex 2 of this Answer. Respondent further alleges that on November 19, 1963, complainant filed a motion to set said motion for hearing on November 29, 1963. On November 7, 1963, however, before the date of actual hearing, Julian V. Matute, administrator of the estate, died and as a consequence thereof, more specifically on December 11, 1963, the Hon. Judge Arsenio Santos, then Presiding Judge of Branch IV, appointed Carlos V. Matute as the new administrator.

x x x x

"5. Respondent admits paragraph 11 in that on February 19, 1966 Judge Emigdio V. Nietes, then Presiding Branch IV of the Court of First Instance of Manila issued an order in Sp. Proc. No. 25876 directing the administrator Matias S. Matute to pay within fifteen days from receipt of said order the remaining balance of P600.00 to satisfy the writ of execution issued in Civil Case No. 5985 of the Court of First Instance of Cebu and to show proof of such payment. In this connection, it must be stated, however, that earlier or more specifically on January 31, 1966 an order was issued by the same Judge ordering the removal of Matias S. Matute as co-administrator. Said order was appealed to the Court of Appeals and then to this Hon. Supreme Court where it now remains pending.

"6. Respondent denies paragraph 12 of the complaint insofar as it states that the administrator Matias S. Matute never 'pay nor comply with the order of February 19, 1966' for being without knowledge or information sufficient to form a belief as to the truth of the said allegation; but admits that on April 18, 1966 complainant filed an ex-parte motion to cite Matias S. Matute for contempt for failure to comply with the order of February 19, 1966 issued in the aforesaid Sp. Proc. No. 25876. In relation to said manifestation, the then Presiding Judge, Hon. Emigdio V. Nietes, issued an order dated April 23, 1966 holding in abeyance Court's resolution on complainant's motion of April 18, 1966 for lack of service of a copy thereof upon the respondent Matias S. Matute making it clear in the said order that said motion shall be heard upon further request of movant (complainant). Copy of said order is hereto attached and marked as Annex 3 of this Answer.

"7. Respondent vehemently denies the allegation appearing in paragraph 12 which states:

'The manifestation and motion of your complainant dated April 15, 1966, was never resolved and acted upon by your respondent Judge, for he has never received a copy of any order resolving such motion or manifestation, and said motion had been pending in Court for more than 3 years.'

the truth of the matter being that said manifestation and motion dated April 15, 1966 and filed on April 18, 1966 was resolved by the Court through the then Presiding Judge Nietes in his abovementioned order dated April 23, 1966. Copy of said order was sent to complainant by registered mail and since then complainant has never submitted nor presented proof of compliance with the said order (order of April 23, 1966 of Judge

Nietes) requiring him to show proof of service of a copy of his motion upon the respondent Matias S. Matute. Likewise, complainant has never requested nor filed a petition asking that said motion and manifestation filed on April 18, 1966 be set for hearing. Respondent further admits that part of paragraph 12 which alleges that this Court received on April 10, 1969 a pleading dated March 25, 1969, entitled 'Motion and Manifestation' with the following prayer:

'WHEREFORE, in view of the foregoing, the undersigned claimant movant most respectfully pray that this Honorable Court would compel obedience the administrator of its order of February 19, 1966 in favor of the undersigned claimant and to other just and equitable in the premises.'

"8. Respondent denies paragraph 13 of the complaint for being without knowledge or information sufficient to form a belief as to the truth of the allegation thereof, but states that per records of Sp. Proc. No. 25876 above referred to, administrator Matias S. Matute filed on April 18, 1969 a written opposition to the motion and manifestation of complainant dated March 25, 1969; that on April 21, 1969 complainant filed his answer and reply to said opposition and that on July 25, 1969 the undersigned respondent Judge issued an order denying the motion and manifestation of complainant dated March 25, 1969."

We deem it unnecessary to pass on respondent's affirmative defenses, since anyway, in completely exonerating him from the charges in this case, We are satisfied with the following explanations in his answer:

"x x x The order that the same (complainant's claim) be paid out of the shares of Ramon S. Matute and Trinidad Matute is premature and lacks enough legal basis in view of the unpaid debts and claims against the estate. The Court of First Instance of Manila is in no way subservient nor inferior to that of the Court of First Instance of Cebu such that the latter could order the former. It could not have been the intention of the Court of First Instance of Cebu in issuing the writ of execution under discussion that the Court of First Instance of Manila should be made subservient to the same. Such is not the judicial set-up ordained by our laws.

"13. Complainant likewise made a sweeping accusation against your respondent for allegedly being biased and over-partial to Matias S. Matute, the present administrator, and he bases his charges upon the denial of his motion to compel the latter to do something which is not sufficiently backed up by the law and jurisprudence on the point. Your respondent does not know said Matias S. Matute, personally. As a matter of fact, your respondent, sitting as Judge of the Probate Court of Manila, had time and again issued orders requiring said administrator to show cause why he should not be cited for contempt and your respondent had even ordered Matias S. Matute's arrest on several instances as borne out by the records of the said special proceedings. A copy of said order of arrest is hereto attached as Annex 5 and made part of this Answer. Your respondent had even debarred him temporarily from performing acts of administration of the Matute estate without previous authority from the aforesaid Probate Court in an order to that effect, a copy of which is hereto attached and marked as Annex 6 of this Answer. Respondent likewise had time and again required him to appear and ordered him to explain certain questionable transactions, even threatening the confiscation of his bond, as shown by the order of the Court of October 28, 1968, copy of which is likewise hereto attached and marked as Annex 7 of this Answer. On November 4, 1968, for failure of the said administrator to comply with the order of this Court, an order for his arrest was issued. There are many more incidents too numerous to be cited in here borne out by orders issued by your respondent as Presiding Judge of Branch IV of the Court of First Instance of Manila in his attempt to do justice not only to each and every heir but also to all those who may have an interest in the estate, which attest to the impartiality of this Court - the orders of January 13, 1969, January 25, 1969 and April 1, 1969, copies of which are hereto attached and marked as Annexes 8, 9 and 10, respectively. Needless to state that your respondent, in his capacity as Judge of the Court of First Instance of Manila, could not even be said to be liberal to the administrator or administrators of the Matute estate at any period of time.

"14. Likewise, your respondent is accused of inefficiency and incompetence and were it not for these charges, since it is violative of the rules of propriety and 'delicadeza', it would seem to be out of place to incorporate in

here, a production re-cord of your respondent as Presiding Judge of Branch IV of the Court of First Instance of Manila. The report of the Clerk of Court of the said Court for the years 1967-1968 and 1968-1969 (Annexes 11 and 12 of this Answer) had always listed your respondent as the top Judge, having disposed of the most number of cases for the periods covered and this has been consistently the pattern of productivity of your respondent within the short span of time that he has presided said Branch which covers a period of a little over two years. Of course, it may be argued that disposing of the most number of cases is no barometer of one's efficiency and competence as a CFI Judge. Hence, it becomes imperatively necessary for your respondent to mention in here, with all humility, that in his almost five years stay as CFI Judge dating as far back in his assignment in Nueva Ecija and notwithstanding that a substantial number of his decisions has been brought up on appeal either by certiorari or ordinary appeal, he has been reversed only twice, one of which reversals is still pending appeal from the judgment of the Court of Appeals to this Honorable Court. But let it be assumed that an error was committed by your respondent in deciding a case one way or the other, and more specifically in the instant case brought to light by the herein complainant, your respondent humbly submits that the remedy is not administrative in character. It was incumbent upon him as a member of the Bar and officer of the Court to ventilate this alleged erroneous or wrong order before our appellate courts just so the validity of the same may be passed upon and said ruling subjected to appellate review either by the Court of Appeals or by this Honorable Supreme Court. True, it is, that trial judges may have erred in their orders and decision for even the Court of Appeals has, on various occasions, been reversed by this Honorable Supreme Court. But is that enough to subject said judges and justices to administrative actions? For all we know, even members of this highest tribunal sometimes disagree on legal issues. Certainly advocates of both side of a legal controversy diametrically opposed to one another cannot be both cor-rect. How much more of the lowly judge of the Court of First Instance as your respondent?"

As regards respondent's prayer that complainant be dealt with administratively, it is Our opinion that the same may be considered should appropriate proceedings be filed for the purpose.

IN VIEW OF ALL THE FOREGOING, the administrative complaint in this case is dismissed. Let a copy of this resolution be furnished the Secretary of Justice.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Fernando, Teehankee, Villamor, and Makasiar, JJ., concur.

Ruiz Castro, J., took no part.

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