EDITHA M. BAYONA, COMPLAINANT, VS. HON. AIDA THERESITA B. BASA-DIVIVA, PRESIDING JUDGE, MUNICIPAL CIRCUIT TRIAL COURT, STA. CRUZ-CANDELARIA, ZAMBALES, RESPONDENT.

OCA-IPI No. 20-3112-MTJ. November 03, 2025

Ponente: ROSARIO, J.

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ROSARIO, J.:

Editha M. Bayona (Bayona) filed with the Office of the Court Administrator (OCA) a Sinumpaang Salaysay ng Pagrereklamo[1] (Complaint) dated February 5, 2020, charging Hon. Aida Theresita B. Basa-Diviva (Judge Basa-Diviva), Presiding Judge of the Municipal Circuit Trial Court (MCTC), Sta. Cruz-Candelaria, Zambales, with dishonesty, violation of Republic Act No. 3019 or the Anti-Graft and Corrupt Practices Act, and gross ignorance of the law/procedure relative to the following cases:

1)

Criminal Case No. 5644, titled Republic of the Philippines v. Josefina Medida-House, for alarm and scandal;

2)

Criminal Case No. 5645, titled People of the Philippines v. Josefina Medida-House, for violation of Section 48(3) of Republic Act No. 9003 or the Ecological Solid Waste Management Act; and

3)

Criminal Case No. 5672, titled People of the Philippines v. Editha M. Bayona, for maltreatment/slight physical injuries by ill treatment.[2]

The OCA subsequently transmitted the Complaint to the Judicial Integrity Board (JIB) pursuant to the latter's Internal Rules.[3]

Acting thereon, the Office of the Executive Director of the JIB (OED-JIB) submitted a Report and Recommendation[4] with the following recommendations:

a)

the instant complaint be REDOCKETED as a regular administrative matter;

b)

respondent [Judge Basa-Diviva] be found guilty of violating Section 5, Canon 6 of the New Code of Conduct for the Philippine Judiciary, and that she be FINED in the amount of [PHP] 1,000.00;

c)

the other charges against [Judge Basa-Diviva] be DISMISSED for being judicial in nature and for lack of merit; and

d)

a copy of the Complaint of [Bayona], insofar [as] her accusations against Atty. Domingo A. Doctor, Jr. are concerned, be sent to the Office of the Bar Confidant for appropriate action.[5] (Emphasis in the original)

The Antecedents

The allegations and the counter-allegations of the parties and findings of the OED are summarized as follows:

[Bayona] claimed she was constrained to file the [Complaint] because of the way [Judge Basa-Diviva] has been handling the subject cases. She accused [Judge Basa-Diviva] of bullying and harassing her.

On September 13, 2018, [Judge Basa-Diviva] accepted and acted on a handwritten and un-notarized manifestation... filed by [Josefina Medida-House (House)] (the accused in Criminal Case Nos. 5644 and 5645) seeking the court's permission to leave the country on September 24, 2018. Bayona argued [that] the manifestation partakes of a counter-affidavit which should have complied with Rule 112, Section 3(c) of the Revised Rules of Court which requires the said counter-affidavit to be subscribed and sworn to and a copy of which sent to her.

[Bayona] also averred that she was deprived of her right to due process of law when [Judge Basa-Diviva] failed to provide her with a copy of the Order dated [January 25, 2019], setting the arraignment and pre-trial conference in Criminal Case No. 5672 on [February 4, 2019]... Judge Basa-Diviva did not give her, the accused in the said case, a chance to file a counter-affidavit, unlike [House] who was given copies of the informations in the [two] criminal cases against her and an opportunity to file a counter-affidavit.

[Bayona] added that the criminal complaint against her for unjust vexation did not undergo preliminary investigation.

On [February 14, 2019,] Judge Basa-Diviva issued an order directing both parties to engage a lawyer of their own choice considering that the [p]ublic [p]rosecutor cannot legally represent them due to conflict of interest. [Bayona] averred that [Judge Basa-Diviva] should not have issued the order because she was denied due process, there was no preliminary investigation, [House] submitted a forged document[,] and [House] left the country without any authority from the court, thus violating the rules on bail. She added that the public prosecutor failed to move for the cancellation of the bail bond of [House] and for the issuance of a warrant of arrest.

[Bayona] also accused [Judge Basa-Diviva] of violating the Order dated [February 14, 2019] when she was arraigned on [March 14, 2019] despite the absence of the private complainant House and her counsel.

[Bayona] added that [Judge Basa-Diviva] failed to implement her Order dated [March 14, 2019)... directing the issuance of a warrant for the arrest of [House] if she again fails to appear in the next hearing... During the next hearing on [July 11, 2019], despite the absence of accused House, [Judge Basa-Diviva] did not issue a warrant of arrest and merely re-scheduled the hearing.

Finally, [Bayona] lamented the numerous postponements in Criminal Case Nos. 5644 and 5645[,] adding that these were devoid of any valid reason.

The final paragraph in page 6 of the [C]omplaint referred to the alleged errors committed by Atty. Domingo A. Doctor, Jr., counsel for Bayona, during the proceedings in the criminal cases.

In a [Comment] dated [November 16, 2020,] [Judge Basa-Diviva] dismissed as baseless the charges against her. She denied committing any act of dishonesty in handling the cases involving [Bayona] and pointed out that the latter even admitted that the case against her has been dismissed.

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> She averred that there was nothing erroneous with her order allowing [House] to travel outside the country as the request was just and within the bounds of the law. Also, issuing a Hold-Departure Order, an act within the exclusive jurisdiction of the Regional Trial Court, would have reeked of ignorance of the law.
>
> Judge Basa-Diviva held as baseless the claim [that] she did not conduct a preliminary investigation, stressing that the duty falls under the responsibility of the [p]rovincial/[c]ity Prosecutor. Citing Administrative Matter No. 05-8-26-SC dated [August 30, 2005] which provides that the jurisdiction of [j]udges of [f]irst [l]evel [c]ourts, insofar as preliminary investigations are concerned, has been transferred to the [p]rovincial/[c]ity [p]rosecutor.
>
> On the other hand, the reasons for the postponement of the hearings can be attributed to the absence of either the accused or the [p]ublic [p]rosecutor.[6]

In a Report and Recommendation[7] dated March 9, 2022, the JIB adopted the OED's findings and recommendations with modification in that Judge Basa-Diviva should not be penalized but merely be admonished, as she should have been more circumspect in granting the postponement of scheduled hearings.[8]

We adopt the recommendation of the JIB.

Complainant charged the respondent judge with dishonesty, violation of Republic Act No. 3019, and gross ignorance of the law/procedure. However, a perusal of the records would show that there is no iota of evidence presented to prove such allegations. Complainant failed to clearly specify the acts of the respondent which would have constituted dishonesty, graft, and corrupt practices, as well as gross ignorance of the law/procedure.

With regard to the complainant's allegation that respondent wrongfully allowed House to travel abroad, We find that the respondent acted in the exercise of her judicial function. She limited her action on House's request to travel abroad.

In Pitney v. Judge Abrogar,[9] this Court emphasized that:

> As a matter of policy, the acts of a judge in [their] judicial capacity are not subject to disciplinary action. [They] cannot be subjected to liability—civil, criminal[,] or administrative—for any of [their] official acts, no matter how erroneous, as long as [they act] in good faith. Only judicial errors tainted with fraud, dishonesty, gross ignorance, bad faith, or deliberate intent to do injustice will be administratively sanctioned.[10] (Citation omitted)

Well settled is the rule that errors, if any, committed by judges in the exercise of their adjudicative functions cannot be corrected through administrative proceedings, but should instead be assailed through judicial remedies. Disciplinary proceedings against judges do not complement, supplement, or substitute judicial remedies, and an inquiry into their administrative liability arising from judicial acts may be made only after other available remedies have been settled.[11]

Assuming that respondent judge erred in issuing the assailed order, the matter remains judicial in nature. In the absence of fraud, dishonesty, or corruption, the acts of judges in their judicial capacity are not subject to disciplinary action even though such acts are erroneous.[12] It has to be shown that the acts or conducts of the judge are clearly indicative of arbitrariness or prejudice before the latter can be branded the stigma of being biased and partial.[13] To hold otherwise would 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 [their] judgment.[14]

Moreover, as correctly argued by the respondent in her Comment,[15] issuing a hold-departure order, an act within the exclusive jurisdiction of the Regional Trial Court,[16] would have reeked of ignorance of the law.[17] In Re: Occiano,[18] this Court held that:

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> The language of the [C]ircular is very simple. It is clear that respondent judge had indeed no authority to issue a hold-departure. order in Criminal [Case] Nos. 7353 and 7363, since the said cases do not fall within the jurisdiction of the Regional Trial Court.
>
> Respondent judge fully knows the coverage of the Circular. Yet, he refused to recognize and follow it. This is evident from his Comment wherein he declared that notwithstanding Circular No. 39-97, he firmly believed that he had the authority to issue the hold-departure order. This is not just grave abuse of authority amounting to a grave misconduct or a conduct prejudicial to the best interest of the service; it is disrespect for, and a willful violation of, a lawful circular of the highest court of the land to which he owes fealty.[19]

As to the respondent's alleged failure to conduct a preliminary investigation in the unjust vexation case against the complainant, We reiterate the rule established under Administrative Matter No. 05-8-26-SC,[20] which provides for the transfer of jurisdiction or power of the First Level Courts to conduct preliminary investigations to the Office of the Provincial or City Prosecutor. Thus, under the aforesaid rule, MCTC judges, like the respondent in this case, are no longer authorized to conduct preliminary investigations. Moreover, the crime of unjust vexation, being a light offense, does not require preliminary investigation.[21]

With regard to the complainant's allegation that the respondent had bullied and harassed her, We find that the same is not supported by any evidence on record. There is likewise no evidence to show that the respondent violated the complainant's right to due process. These are nothing but bare allegations unsupported by any evidence.

In criminal cases, there is nothing irregular with the arraignment of an accused in the absence of the private complainant. The latter need not be present in the arraignment unless required by the court.[22]

In administrative cases, the complainant bears the onus of proving the averments of the complaint by substantial evidence.[23] Only substantial evidence is required to warrant disciplinary sanctions in administrative proceedings.[24] Substantial evidence is defined as that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.[25] The standard of substantial evidence is satisfied when there is reasonable ground to believe that a person is responsible for the misconduct complained of, even if such evidence might not be overwhelming or even preponderant.[26] The rationale for the requirement that complaints against judges and justices of the judiciary must be accompanied by supporting evidence is to protect magistrates from the filing of flimsy and virtually unsubstantiated charges against them.[27]

In this case, the complainant failed to prove all of her allegations through substantial evidence. Moreover, the presumption that the respondent judge had performed her duties regularly will prevail. In the absence of proof, bare allegations cannot prevail over the presumption of regularity in the performance of official functions.[28]

Lastly, with regard to the respondent's postponement of several hearings, We are inclined to agree with the JIB's observation that there is no dear showing that the postponements were whimsical or capricious. We note that one postponement was caused by the absence of the complainant's witness. Thus, taking into consideration the respondent judge's untarnished reputation for 38 years (having compulsorily retired on December 28, 2021),[29] We agree that she should be merely admonished for her failure to exercise more caution in the grant of postponement of scheduled hearings.

Anent Bayona's complaint against her counsel, Atty. Domingo A. Doctor, Jr., the same should be referred to the Office of the Bar Confidant for appropriate action.

ACCORDINGLY, the March 9, 2022 Report and Recommendation of the Judicial Integrity Board is ADOPTED in full. The Complaint for dishonesty, violation of Republic Act No. 3019, and gross ignorance of the law/procedure against respondent, Hon. Aida Theresita B. Basa-Diviva, Presiding Judge of the Municipal Circuit

Trial Court, Sta. Cruz-Candelaria, Zambales, is DISMISSED for being judicial in nature and for lack of merit. Hon. Aida Theresita B. Basa-Diviva is ADMONISHED for having failed to exercise the necessary prudence in the grant of postponement of scheduled hearings.

The Complaint against Atty. Domingo A. Doctor, Jr. is referred to the Office of the Bar Confidant for appropriate action.

SO ORDERED.

Gesmundo, C.J. (Chairperson), Hernando, and Zalameda, JJ., concur.
Singh,[*] J., on leave.

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[*] Designated additional member vice J. Marquez, per Raffle dated September 13, 2022 (on leave).

[1] Rollo, pp. 2-9.

[2] Id. at 225.

[3] SC Administrative Matter No. 18-01-05-SC, December 15, 2020, Internal Rules of the Judicial Integrity Board.

[4] Rollo, pp. 225-231. The May 11, 2021 Report and Recommendation was signed by James D.V. Navarrete, Deputy Clerk of Court at-Large, Office of the Court Administrator and Acting Executive Director, Judicial Integrity Board; and Eduardo C. Tolentino, Acting SC Senior Chief Staff Officer, Research and Investigation Services, Judicial Integrity Board.

[5] Id. at 230-231.

[6] Id. at 225-227.

[7] Id. at 232-242. The March 9, 2022 Report and Recommendation was penned by Justice Rodolfo A. Ponferrada (Ret.) and concurred in by Justices Romeo J. Callejo, Sr. (Ret.), Angelina Sandoval-Gutierrez (Ret.), and Sesinando E. Villon (Ret.), Judicial Integrity Board, Supreme Court.

[8] Id. at 241.

[9] 461 Phil. 28 (2003) [Per J. Callejo, Sr., Second Division].

[10] Id. at 34. See also Republic v. Judge Caguioa, 608 Phil. 577, 607-608 (2009) [Per Curiam, En Banc].

[11] See Salcedo v. Judge Caguioa, 467 Phil. 20, 27 (2004) [Per J. Austria-Martirez, Second Division].

[12] Libarios v. Judge Dabalos, 276 Phil. 53, 61 (1991) [Per J. Padilla, En Banc].

[13] Rondina v. Justice Bello, Jr., 501 Phil. 319, 328 (2005) [Per J. Callejo, Sr., En Banc], citing Mayor Abdula v. Hon. Guiani, 382 Phil. 757, 769 (2000) [Per J. Gonzaga-Reyes, Third Division].

[14] Re: Letters of Lucena B. Rallos, 723 Phil. 1, 18 (2013) [Per J. Bersamin, En Banc], citing Pitney v. Judge Abrogar, 461 Phil. 28, 34 (2003) [Per J. Callejo, Sr., Second Division].

[15] Rollo, pp. 210-218.

[16] OCA Circular No. 39-97, June 19, 1997, Guidelines in the Issuance of Hold-Departure Orders.

[17] Rollo, pp. 213-214.

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[18] 431 Phil. 408 (2002) [Per J. Davide, Jr., First Division].

[19] Id. at 412.

[20] SC Administrative Matter No. 05-8-26-SC, August 30, 2005, Re: Amendment of Rules 112 and 114 of the Revised Rules on Criminal Procedure by Removing the Conduct of Preliminary Investigation from Judges of the First Level Courts.

[21] RULES OF COURT, Rule 112, sec. 2.

[22] RULES OF COURT, Rule 116, sec. 1(f).

[23] Lorenzana v. Judge Austria, 731 Phil. 82, 96 (2014) [Per J. Brion, Second Division].

[24] See Reyes v. Atty. Nieva, 794 Phil. 360, 379 (2016) [Per J. Perlas-Bernabe, En Banc].

[25] RULES OF COURT, Rule 133, sec. 5.

[26] Office of the Court Administrator v. Sidro, 860 Phil. 256, 264 (2019) [Per Curiam, En Banc].

[27] Re: Normandie B. Pizarro, 827 Phil. 645, 650-651 (2018) [Per J. Martirez, En Banc].

[28] Concerned Lawyers of Bulacan v. Judge Villalon-Pornillos, 609 Phil. 504, 518-519 (2009) [Per Curiam, En Banc].

[29] Per Personnel Management Information System.

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