

GUADALUPE DE LUNA DIOMAMPO COMPLAINANT, VS. JUDGE VIRGILIO C. ALPAJORA, REGIONAL TRIAL COURT, BRANCH 59, LUCENA CITY, RESPONDENT.

A.M. No. RTJ-04-1880 (formerly A.M. OCA IPI. No. 04-1962-RTJ). October 19, 2004

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

This instant administrative case arose when Guadalupe de Luna Diomampo filed an “Affidavit of Complaint” dated February 23, 2004 charging Judge Virgilio C. Alpajora, Regional Trial Court (RTC) of Lucena City, Branch 59, for knowingly rendering an unjust order, gross ignorance of the law, and grave misconduct.

The complainant had also apparently filed a complaint against Sheriffs Roberto Ebuna and Ramon Faller of Branch 60 and Branch 53, Lucena City, respectively. The complainant narrated, as follows:

- That last January 28, 2004, I received the Comment of Judge Norma Sia to my complaint and in her answer she mentioned that the complaints filed against Sheriffs Ramon Faller and Roberto Ebuna were dismissed by the court.

Attached is a copy of the comment of Judge Sia as ANNEX “B.”

- That I am not aware that my complaints against Roberto Ebuna was (sic) dismissed by order of the Court, because last May 5, 2003 and November 16, 2003, I requested the Office of the Court Administrator to please investigate the complaints filed the year (sic) 1998, 1999, 2000 and 2001 against Sheriff Roberto Ebuna for Trespassing, Malicious Mischief, Abuse of Authority, Grave Misconduct, Incompetence, Conduct Unbecoming as (sic) a Public Official, Violation of Human Rights, Harassment, Perjury and Damages.

Attached is the copy of the letter of request dated May 5, 2003 and November 16, 2003 as Annex “C.”

- That the complainant in this (sic) cases was not notified by the investigating court that there is an ongoing investigation of the complaints filed against Sheriff Roberto Ebuna.

- Due to non-appearance of the herein complainant, I was deprived of my right to be heard, present my evidences, in support of my complaint, to hear the testimonies of Sheriff Roberto Ebuna in defense to my complaints and give my comments to their false, fabricated answers.

- That the investigating court, for unknown reason resolved the case hurriedly, thus, dismissing the case without due notice to the complainant, in effect, a denial of due process.

- That the action done by [the] investigating court clearly constituted Knowingly Rendering an Unjust Order, Gross Ignorance of the Law, Grave Misconduct and Violating my Right to Due Process.

I am executing this complaint in (sic) attest to the truth of the foregoing facts and to pray that appropriate action be made against Judge Alfajora (sic) in the interest of substantial justice and public service, failing to exercise his judicial function in accordance with the Canon of Judicial Ethics. That he be dismissed from his judicial service.

That due to the unawareness of the investigation of the complaints filed against Sheriff Roberto Ebuna, the plaintiff suffered great damaged (sic) which affected me morally, emotionally, mentally, spiritually, physical and personally.

The complainant alleged that the instant complaint is in addition to another which she filed on January 22, 2004[1] against Judge Alpajora.

In his Comment dated April 13, 2004, Judge Alpajora averred that he has never investigated any administrative complaint filed by the complainant against Sheriff Ebuna. According to him, the instant administrative matter is clearly a harassment case, and pointed out that the complainant has the propensity of filing such cases against the RTC judges and court personnel of Lucena City.

In its Report dated August 6, 2004, the Court Administrator made the following evaluation:

We agree with Judge Alpajora that Ms. Guadalupe de Luna Diomampo has the propensity of filing administrative complaints against judges and court personnel.

Records from the Legal Office, Office of the Court Administrator reveal that Ms. Diomampo has filed ten (10) administrative complaints against judges and court personnel of RTC, Lucena City. In fact, most of these cases are but a repetition of cases already pending or resolved by the Court. Records further reveal that indeed, Judge Alpajora had no participation in the investigation of cases against Sheriff Roberto Ebuna. There were two administrative cases filed against Sheriff Ebuna, A.M. OCA IPI No. 99-593-P and A.M. OCA IPI No. 99-630-P. These cases involved one and the same matter. Thus, the Court in a Resolution dated 5 June 2002, cancelled from the Docket Book of the Court Administrator A.M. OCA IPI No. 99-593-P. In the same resolution, the Court dismissed A.M. OCA IPI No. 99-593-P.

It can be implied from the complaints that Ms. Diomampo is a disgruntled party whose property was made the subject of a foreclosure proceeding. The administrative cases filed against the sheriffs who had a hand in the foreclosure proceeding were dismissed after the Court's finding that there was nothing anomalous in the conduct of the proceeding.

As regards the instant complaint against Judge Alpajora, Ms. Diomampo may have been misled to believe that respondent judge was responsible for the dismissal of the complaints against the sheriffs since he is a judge of the Regional Trial Court of Lucena City.[2]

The Court Administrator, thus, recommended that the instant complaint be dismissed for lack of merit, and that the complainant be "reminded to refrain from filing administrative complaints involving the same matter." The OCA enjoined the Court not to entertain further pleadings from the complainant regarding the same matter.

The findings and recommendation of the Court Administrator are well-taken, as the instant administrative complaint is clearly and utterly devoid of basis.

It must be stressed that any administrative complaint leveled against a judge must always be examined with a discriminating eye, for its consequential effects are by their nature highly penal, such that the respondent stands to face the sanction of dismissal and/or disbarment.[3] Thus, the Court cannot give credence to charges based on mere suspicion and speculation.[4] As champion – at other times tormentor – of trial and appellate judges, this Court must be unrelenting in weeding the judiciary of unscrupulous judges, but it must also be quick in dismissing administrative complaints which serve no other purpose than to harass them.[5] While it is our duty to investigate and determine the truth behind every matter in complaints against judges and other court personnel, it is also our duty to see to it that they are protected and exonerated from baseless administrative charges. The Court will not shirk from its responsibility of imposing discipline upon its magistrates, but neither will it hesitate to shield them from unfounded suits that serve to disrupt rather than promote the orderly administration of justice.[6] When the

complainant, as in the case at bar, relies on mere conjectures and suppositions and fails to substantiate her claim, the administrative complaint must be dismissed for lack of merit.[7]

A perusal of the complaint itself will reveal that the complainant did not indicate the particular acts of Judge Alpajora which, to her mind, were in violation of the Code of Judicial Conduct. This is contrary to the mandate of Section 1, Rule 140[8] of the Revised Rules of Court on the Discipline of Judges and Special Courts and Justices of the Court of Appeals and the Sandiganbayan, thus:

Section 1. Proceedings for the discipline of Judges of regular and special courts and Justices of the Court of Appeals and the Sandiganbayan may be instituted motu proprio by the Supreme Court or upon verified complaint, supported by affidavits of persons who have personal knowledge of the facts alleged therein or by documents which may substantiate said allegations, or upon anonymous complaint, supported by public records of indubitable integrity. The complaint shall be in writing and shall state clearly and concisely the acts and omissions constituting violations of standards of conduct prescribed for Judges by law, the Rules of Court, or the Code of Judicial Conduct.

Hence, the absence of allegations of specific acts and/or omissions violated by the respondent in an administrative case, as in the case at bar, is highly irregular,[9] and raises doubts as to the veracity of the charges made therein.

The Court has recognized “the proliferation of unfounded or malicious administrative or criminal cases against members of the judiciary for purposes of harassment.” Thus, we issued A.M. No. 03-10-01-SC[10] which took effect on November 3, 2003. It reads in part:

- If upon an informal preliminary inquiry by the Office of the Court Administrator, an administrative complaint against any Justice of the Court of Appeals or Sandiganbayan or any Judge of the lower courts filed in connection with a case in court is shown to be clearly unfounded and baseless and intended to harass the respondent, such a finding should be included in the report and recommendation of the Office of the Court Administrator. If the recommendation is approved or affirmed by the Court, the complainant may be required to show cause why he should not be held in contempt of court. If the complainant is a lawyer, he may further be required to show cause why he or she should not be administratively sanctioned as a member of the Bar and as an officer of the court.

WHEREFORE, the complaint against Judge Virgilio C. Alpajora is DISMISSED for lack of merit. The complainant, Guadalupe de Luna Diomampo, is hereby required to SHOW CAUSE within ten (10) days from receipt hereof why she should not be held in contempt of court.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, and Tinga, JJ., concur.
Chico-Nazario, J., on leave.

[1] Annex “A.”

[2] Report, p. 2.

[3] Felicidad B. Dadizon v. Judge Enrique C. Asis, A.M. No. RTJ-03-1760, January 15, 2004.

[4] Araos v. Luna-Pison, 378 SCRA 246 (2002).

[5] Tan Tiac Chiong v. Cosico, 385 SCRA 509 (2002).

[6] Inocencio M. Montes v. Judge Efren B. Mallare, A.M. No. MTJ-04-1528, February 6, 2004.

[7] See Atty. Rex J.M.A. Fernandez v. Court of Appeals Associate Justices Eubolo G. Verzola, Martin S. Villarama, Jr., and Mario L. Guariña III, A.M. No. CA-04-40, August 13, 2004; see also Associate Leonides T. Cortes v. Sandiganbayan Justices Minita V. Chico-Nazario, Ma. Cristina G. Cortez-Estrada and Rodolfo G. Palattao, A.M. No. SB-04-11-J, February 13, 2004.

[8] As amended by SC Adm. Memo. 01-8-10, promulgated September 11, 2001.

[9] See Atty. Rex J.M.A. Fernandez v. Court of Appeals Associate Justices Eubolo G. Verzola, Martin S. Villarama, Jr., and Mario L. Guariña III, A.M. No. CA-04-40, August 13, 2004.

[10] Entitled “Resolution Prescribing Measures To Protect Members Of The Judiciary From Baseless And Unfounded Administrative Complaints.”

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