

SPS. JOHN & ANNABELLE F. CHAN, COMPLAINANTS, VS. JUDGE JANE AURORA C. LANTION, RESPONDENT.

A.M. NO. RTJ-05-1945 [FORMERLY OCA I.P.I. NO.04-2010-RTJ]. August 25, 2005

Ponente: TINGA, J.

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TINGA, J.:

An administrative complaint was filed by the spouses John and Anabelle Chan against Judge Jane Aurora C. Lantion, charging the latter with Gross Ignorance of the Law, Incompetence, Lack of Integrity and Manifest Partiality.

In their verified Complaint[1] dated May 24, 2004, the Chan spouses allege that the order dated July 1, 2002 issued by respondent judge in Civil Case No. 99-0362 entitled "Spouses Bun Leng S. Chan v. Alfonso M. Martija" resolving that their motion for summary judgment was patently irrational, absurd and manifestly partial. The order granted the Chan spouses' motion for summary judgment, holding that there is "no genuine issue to any material fact that would require a full-blown trial," but directed the defendant to submit supporting affidavits to prove his claim for damages and the plaintiffs to submit countervailing evidence.[2]

The Chan spouses likewise aver that respondent judge has unjustly failed and refused to render a decision in the case despite defendant's submission of his supporting affidavits and the filing of their countervailing manifestation, and the filing of a motion for early resolution.

Moreover, the Chan spouses claim that respondent judge issued an order resolving their motion to dismiss in Civil Case No. 2000-0437 entitled "Erlinda de Jesus v. Spouses Bun S. Chan and Annabelle F. Chan" without directly, squarely, and specifically considering and passing upon the issues raised in the motion. The order held that the motion raised issues delving on the merits of the case and should be admitted as the answer to the complaint.

In her letter-comment[3] dated July 14, 2004, respondent judge maintains that there was nothing irregular in the proceedings taken in the cited cases. She claims that if the Chan spouses were dissatisfied with the orders she issued, they should have questioned the orders in the same proceedings, instead of filing an administrative charge against her.

She cites several reasons which account for the delay in the disposition of Civil Case No. 99-0362.

Further, she claims that the motion to dismiss filed by the Chan spouses in Civil Case No. 2000-0437 was admitted as their answer on account of the manifestation made by their counsel during the hearing on January 11, 2001 that the motion be adopted for that purpose. She has also allegedly inhibited herself from hearing the case despite the baselessness of the motion for inhibition filed by the Chan spouses.

Respondent judge also asserts that she did not issue the questioned orders to favor anyone as she does not have any special attachment to any of the party litigants. The filing of the instant complaint allegedly constitutes harassment.

Lastly, respondent judge invites the Court's attention to the fact that in her 11 years in the judiciary, she has resolved the cases submitted for decision within the mandatory period with the exception of only two (2) cases in which she requested and was granted an extension of time within which to make a decision. The delay in the resolution of Civil Case No. 99-0362 was allegedly inadvertent, unforeseen and unavoidable.

The Chan spouses filed a Reply[4] dated August 6, 2004, which respondent judge countered in her Rejoinder[5] dated August 27, 2004. The Chan spouses also filed a Sur-Rejoinder[6] dated September 28, 2004. All of these pleadings are essentially reiterations of their previous submissions.

The Office of the Court Administrator (OCA) submitted a report[7] dated March 17, 2005, recommending that respondent judge be admonished for her failure to decide Civil Case No. 99-0362 within the prescribed period, with warning that a repetition of a similar infraction shall be dealt with more severely, and that the other charges be dismissed for being judicial in nature.

We agree.

The Chan spouses challenge the order of respondent judge dated July 1, 2002 granting their motion for summary judgment. They claim that the order is absurd and irrational as it ordered the defendant to submit supporting affidavits to prove his claim for damages and the plaintiffs to present countervailing evidence, even as respondent judge had already ruled that there is no genuine issue in the case that would require a full-blown trial. They also question the order in Civil Case No. 2000-0437 admitting their motion to dismiss as their answer to the complaint.

The errors attributed to respondent judge pertaining, as they do, to the exercise of her adjudicative functions should have been assailed in judicial proceedings instead of in the present administrative case. In *Maquiran v. Grageda*,[8] we held:

As everyone knows, the 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 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 action of certiorari, prohibition or mandamus, or a motion for inhibition, a petition for change of venue, as the case may be.

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.

...

Law and logic decree that "administrative" or criminal remedies are neither alternative nor cumulative to judicial review where such review is available, and must wait on the result thereof. Indeed, since judges must be free to judge, without pressure or influence from external forces or factors, they should not be subject to intimidation, the fear of civil, criminal or administrative sanctions for acts they may do and dispositions they may make in the performance of their duties and functions; and it is sound rule, which must be recognized independently of statute, that judges are not generally liable for acts done within the scope of their jurisdiction and in good faith; and that exceptionally, prosecution of the judge can be had only if "there be a final

declaration by a competent court in some appropriate proceeding of the manifestly unjust character of the challenged judgment or order, and ** also evidence of malice or bad faith, ignorance of inexcusable negligence, on the part of the judge in rendering said judgment or order" or under the stringent circumstances set out in Article 32 of the Civil Code.

Notably, the Chan spouses did not file a motion for reconsideration or any other appropriate judicial relief, or elevate the cases to a higher court for review and correction. Their immediate resort to this Court by instituting an administrative case against respondent judge is impermissible, especially considering that the allegations in the complaint do not evince any malice, bad faith or corrupt motives on the part of respondent judge in rendering the questioned orders.

We reiterate the rule that not every error or mistake that a judge commits in the performance of his duties renders him liable, unless he is shown to have acted in bad faith or with deliberate intent to do an injustice. Good faith and absence of malice, corrupt motives or improper considerations are sufficient defenses in which a judge charged with ignorance of the law can find refuge.[9]

As regards the failure of respondent judge to resolve Civil Case No. 99-0362 within the period prescribed by law, we find the recommendation of the OCA to be well taken.

Records show that the last pleading filed in that case was the countervailing manifestation (on the defendant's affidavit supporting his claim for damages) which was filed

on August 14, 2002. On July 17, 2003, the Chan spouses filed a motion for early resolution of the case. However, it was only on April 29, 2004 when respondent judge rendered a decision.

The explanation proffered by respondent judge to account for the delay, i.e., the transfer of the branch clerk of court to the Office of the Provincial Prosecutor, the difficulty encountered by the legal researcher in studying some material points, heavy work load, and other circumstances allegedly beyond her control, does not absolve her from liability under Sec. 15(1), Art VIII of the 1987 Constitution, which provides that "[A]ll cases or matters filed after the effectivity of this constitution must be decided or resolved within twenty-four months from date of submission for the Supreme Court, and, unless reduced by the Supreme Court, twelve months for all lower collegiate courts, and three months for all other lower courts." It also does not suffice to excuse her breach of the New Code of Judicial Conduct for the Philippine Judiciary, which expressly requires judges to perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness.[10]

In Report on the Judicial audit Conducted in the RTC, Branch 16 of Laoag City, Presided by Judge Luis B. Bello, Jr.,[11] respondent judge failed to decide four (4) cases within the prescribed period. We appreciated as a mitigating circumstance the judge's diligence and effort to dispose of the pending cases in his sala and imposed the penalty of fine in the amount of P2,000.00 for his failure to decide four (4) cases within the prescribed ninety (90)-day period. In another case, we considered the fact that respondent had the lowest number of pending cases as a mitigating circumstance.[12]

Similarly, in this case, we note with favor the OCA's recommendation that the respondent judge's liability should be tempered because of the diligence she has heretofore shown in the performance of her duties as the Executive Judge of the RTC of Lipa City and as the Presiding Judge of Branch 13 of that court. We likewise note that the OCA has earlier made a recommendation for her retention as Executive Judge of the said court in recognition of her exemplary performance. We are also not unmindful of respondent judge's efficiency in disposing of the court's business as evidenced by the fact that she has

the least number of cases pending according to the latest monthly report of cases submitted to the Court by the

Court Management Office of the OCA. All of these circumstances mitigate respondent judge's liability.

WHEREFORE, respondent Judge Jane Aurora C. Lantion, RTC, Branch 13, Lipa City is hereby ADMONISHED for her failure to decide Civil Case No. 99-0362 within the prescribed period with a STERN WARNING that a repetition of a similar infraction in the future shall be dealt with more severely. All other charges are hereby DISMISSED.

SO ORDERED.

Puno,(Chairman), Austria-Martinez, Callejo, Sr., and Chico-Nazario, JJ., concur.

[1]Rollo, pp. 1-13.

[2]Id. at 24-25. The order, as worded, contains a typographical error. Instead of directing the plaintiffs to submit countervailing evidence (to the defendant's supporting affidavits to prove his claim for damages), it directed the defendants to submit countervailing evidence. Nonetheless, as seen from the complaint, plaintiffs did submit countervailing evidence pursuant to the order.

[3]Id. at 86-93.

[4]Id. at 94-101.

[5]Id. at 102-104.

[6]Id. at 107-110.

[7]Id. at 113-119.

[8]A.M. No. RTJ-04-1888, February 11, 2005, citing *Flores v. Abesamis*, 275 SCRA 302 (1997).

[9]*Balsamo v. Suan*, A.M. No. RTJ-01-1656, September 17, 2003, 411 SCRA 189.

[10]Rule 3.05 of the Code of Judicial Conduct (which has been superseded by the New Code which took effect on June 1, 2004) also requires judges to dispose of the court's business promptly and decide cases within the required periods.

[11]317 Phil. 618 (1995). See also *Re: Report on the Judicial Audit Conducted in the Regional Trial Court, Branch 68, Camiling, Tarlac*, March 19, 1999, 364 Phil. 530.

[12]*Ibid* citing *Abad v. Belen*, 240 SCRA 733 (1995).

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