

**GAUDENCIO S. URBINA AND VEDASTO B. GESMUNDO,
COMPLAINANTS, VS. JUDGE MAXIMO A. MACEREN, RESPONDENT.***A.C. No. 288-J. June 19, 1974*

Ponente: TEEHANKEE, J.

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After the Court's resolution of February 6, 1974 dismissing the complaint "for failure to make out a prima facie case without prejudice to respondent's filing a separate administrative complaint for unwarranted harassment against complainant Atty. Vedasto B. Gesmundo as sought in respondent's comment," there were belatedly reported to the Court (a) the verified Joint motion for suspension and/or to declare respondent and Atty. Marcial Esguerra in contempt of court" filed by complainant Gaudencio S. Urbina on December 27, 1973 for allegedly having made through said complainant's former counsel, Atty. Marcial Esguerra, grave threats against complainant's life if he (complainant) did not withdraw his complaints against respondent* and (b) the 1st Indorsement dated December 5, 1973 and received on January 9, 1974 of Assistant Executive Secretary Ronaldo B. Zamora of the Office of the President referring for comment complainant Gesmundo's letter of October 31, 1973 submitting his "objection to re-appointment" of respondent judge, both of which were referred to respondent for comment as per the Court's resolution of February 19, 1974.

In respondent's comment of March 8, 1974, he submitted the ten-page dismissal dated March 5, 1974 by the acting provincial fiscal of Laguna of complainant Urbina's criminal complaint against respondent for "Knowingly Rendering an Unjust Judgment" wherein the fiscal correctly ruled that "(T)he decision of the respondent that is claimed to be unjust is now pending appeal. The question therefore of whether or not it is unjust is sub-judice. It would not be proper for this Office at this time to determine whether or not the said decision is unjust, " and that assuming that he as a mere fiscal and a non-judicial officer could pass in judgment upon the justness or unjustness of respondent's decision complained of as unjust by the losing party (who has appealed the same to a higher court), there was no basis for concluding that the respondent judge knew that his judgment was unjust. Not only does he believe that his judgment is just and correct; his view that a probate court cannot decide questions involving title or ownership of real properties is well supported by the long line of decisions of the Supreme Court cited in his comment." (at pages 9-10).

Respondent convincingly denies as pointless the alleged threat thru Atty. Esguerra against complainant Urbina's life to compel him to withdraw his charges in this administrative complaint since there would remain another complainant in the person of Atty. Gesmundo.

Respondent did admit that in a chance meeting in the courthouse with Atty. Esguerra, he requested the latter should he meet his former client (Urbina) who alone filed the criminal complaint for "knowingly rendering an unjust judgment" to inform Urbina that "respondent bears no ill will against him and if he feels aggrieved by the decision why not limit his action to an ordinary appeal to the higher courts as he has already done." Respondent categorically denied having made any threats whatsoever against Urbina, directly or through another, confident as he was (although harassed) that the criminal complaint would ultimately be, as in fact it was, dismissed by the

fiscal for being without basis in law and in fact.

Respondent further submitted the corroborative affidavit of Atty. Esguerra, stating that he merely telephoned Urbina to suggest that the pending appeal rather than the criminal complaint for allegedly knowingly rendering an unjust judgment was his proper recourse against respondent's adverse decision, and unqualifiedly stating that he never made any threats nor went to Urbina's house and that "The statements I allegedly made as stated in the affidavit of Gaudencio Urbina did not come from my lips."

While there are thus conflicting factual averments on the part of complainant and respondent, the Court is satisfied from the factual background of the administrative complaint which it has already dismissed previously for not making out a prima facie case and from the baselessness of the criminal complaint for allegedly "knowingly rendering an unjust judgment" which has also been correctly dismissed by the fiscal, that the complainant's charge of threats cannot be sustained, resting as it does flimsily on complainant's bare assertion as against the respondent's categorical denial supported by Atty. Esguerra's affidavit. In the light of ordinary human conduct and experience, it is difficult to give any inherent credence to the complaint for it would have been extremely foolhardy and pointless for respondent to have asked Atty. Esguerra to make the alleged threats against complainant. The Court finds respondent's comment to be satisfactory and will not subject respondent to further needless harassment and distraction if it were to give due course to the complaint-motion, as insisted by complainant in his reply to comment.

It is appropriate to enjoin complainants and members of the bar who file administrative complaints against judges of inferior courts that they should do so after proper circumspection and without the use of disrespectful language and offensive personalities, so as not to unduly burden the Court in the discharge of its function of administrative supervision over inferior court judges and court personnel. The Court has meted the corresponding disciplinary measures against erring judges, including dismissal and suspension where warranted, and welcomes the honest efforts of the bar to assist it in the task. But lawyers should also bear in mind that they owe fidelity to the courts as well as to their clients and that the filing on behalf of disgruntled litigants of unfounded or frivolous charges against inferior court judges and the use of offensive and intemperate language as a means of harassing judges whose decisions have not been to their liking (irrespective of the law and jurisprudence on the matter) will subject them to appropriate disciplinary action as officers of the Court.

The Court has consistently held that judges will not be held administratively liable for mere errors of judgment in their rulings or decisions absent a showing of malice or gross ignorance on their part. As stressed by the now Chief Justice in *Dizon vs. de Borja*, 37 SCRA 46, 52, "(T)o hold a judge administratively accountable for every erroneous ruling or decision he renders, assuming that he has erred, would be nothing short of harassment and would make his position unbearable." Much less can a judge be so held accountable where to all indications, as in this case, his verdict complained of (and now pending review on appeal) is far from erroneous.

ACCORDINGLY, complainant Urbina's "joint motion" is denied.

The clerk of court is directed to furnish Assistant Executive Secretary Ronaldo B. Zamora of the Office of the President with a copy of this resolution as well as of the previous resolution of February 6, 1974, by way of reply to his 1st indorsement dated December 5, 1973,

SO ORDERED.

Makalintal, C.J., Zaldivar, Castro, Fernando, Barredo, Makasiar, Antonio, Esguerra, Fernandez, Muñoz Palma, and Aquino, JJ., concur.

* Complainant-movant Urbina submitted two affidavits executed at Manila on December 14, and December 16, 1973 relating that a person identifying himself as Atty. Esguerra made two telephone threats against him, saying "Mr. Urbina, mag-withdraw ka sa iyong habla laban kay Judge Maceren; kung hindi, ipaliligpit kayo namin," and followed up with a personal visit to his residence saying that "Ikaw naman ay hindi siyang talagang kalaban ni Judge, kundi si Atty. Gesmundo; Kaya't kailangang-kailangan ni Judge Maceren na mag-withdraw ka sa iyong dalawang habla sa kanya; Pag-kinalaban ninyo ang Judge, nañgañanib kayo;" but that on all occasions he flatly replied that it was his right to complain and he would not withdraw his complaints.

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