

URGENT APPEAL/PETITION FOR IMMEDIATE SUSPENSION & DISMISSAL OF JUDGE EMILIO B. LEGASPI, REGIONAL TRIAL COURT, ILOILO CITY, BRANCH 22.

A.M. No. 01-1-15-RTC. July 10, 2003

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

In a verified letter complaint[1] dated April 24, 2000, Rolando R. Mijares charged Judge Emilio B. Legaspi, Regional Trial Court of Iloilo City, Branch 22, with Gross Ignorance of the Law, Incompetence, Falsification and Corruption. Complainant alleged that Judge Legaspi failed to resolve more than 200 cases submitted for decision assigned to him within the reglementary period of ninety days while he was detailed as Presiding Judge of the RTC of San Jose, Antique, Branch 10; that he rendered judgment in favor of a multi-millionaire Chinese businessman in consideration of five hundred thousand to one million pesos and a Mercedes Benz vehicle; and that in Civil Case No. 2639, entitled “Ernesto L. Villavert, Plaintiffs versus Nenita Mijares, et al., Defendants”, he erroneously entertained an appeal and reversed the order of the Municipal Trial Court of San Jose, Antique which denied[2] the execution of the judgment by compromise therein.

In his Comment,[3] Judge Legaspi claimed that Mijares was ill-motivated when he instituted this complaint because of the adverse decision he rendered in Civil Case No. 2639[4] against him and his wife. He denied the allegation that he failed to resolve 195 cases submitted for decision, explaining that while he was detailed in Antique, only eight cases were assigned to him since the other cases were ordered re-raffled among the RTC judges of Kalibo, Aklan who had lesser caseloads, per this Court’s Resolution in A.M. No. 98-6-201-RTC.[5] He decided the said eight cases within the ninety-day period counted from the time the last pleading was filed.[6] When he returned to the RTC of Iloilo City, Branch 22, there were sixty-eight cases assigned to his court which had accumulated during his detail in Antique. As a result thereof, he was temporarily relieved of his trial work by this Court in order to concentrate in deciding said cases, which he was able to resolve within the 90-day period.[7] He was, however, unable to decide two cases because he was assigned Judge of RTC, Kabankalan City, Branch 61. Nevertheless, he resolved these two cases within ten days from receipt of this Court’s Resolution ordering him to do so.[8]

He vehemently denied having received money and a Mercedes Benz vehicle from a Chinese businessman in exchange for a favorable judgment. He asserted that his two lawyer sons and a daughter who is a U.S.-based registered nurse gave the vehicle to him as a birthday present. He declared that he lived a comfortable life even before he joined the judiciary. His wife is a well-accomplished private medical practitioner in Antique, his other daughter is a doctor of medicine, while his other son is a law graduate.

In his Reply, complainant emphasized Judge Legaspi’s error in entertaining the appeal of the MTC’s Order which denied the Motion for Execution of the Judgment by Compromise, in violation of the settled principle that an interlocutory order is not appealable. He also alleged that Judge Legaspi employed coercion on his court

personnel so that the certification and the monthly reports would reflect that no case was left undecided within the 90-day period.

Furthermore, complainant questioned the sound discretion of this Court in ordering the re-affle of the cases left unresolved by Judge Legaspi in the RTC of Iloilo City, Branch 22, while he was detailed presiding Judge of RTC of San Jose, Antique, Branch 10. He assailed the act of this Court in tolerating Judge Legaspi's ineptitude and insinuated that there must be someone "up there" protecting and coddling Judge Legaspi.[9]

On February 19, 2001, the Urgent Appeal/Petition was dismissed for lack of merit and complainant was ordered to show cause why he should not be cited for indirect contempt for wasting the time of the judiciary.[10]

Complainant filed his explanation stating that his intention in filing the complaint was not to waste the time of the Court but as part of his crusade to clean up the judiciary. He reiterated his belief that this Court will not tolerate fraud, dishonesty and corrupt practices.

On August 29, 2001, the February 19, 2001 Resolution was recalled in view of the gravity and seriousness of the charges. The case was referred to Justice Delilah Vidallon-Magtolis of the Court of Appeals for investigation, report and recommendation.[11]

On February 6, 2002, Justice Magtolis submitted her report recommending that Judge Legaspi be exonerated of the charges against him for lack of a showing of malice or bad faith.[12] The case was thereafter referred to the OCA for evaluation. The OCA recommended that the Urgent Appeal/Petition for Immediate Suspension and Dismissal filed against Judge Legaspi be dismissed for lack of merit, but that complainant Rolando R. Mijares be found guilty of indirect contempt and fined in the amount of P1,000.00.

The recommendation of the OCA is well taken.

The records show that there were seventy-eight cases assigned to Judge Legaspi, all of which were resolved by him, according to the Reports of Compliance and the Certifications issued by the respective Branch Clerks of Courts. Anent the raffle of some of the cases of Judge Legaspi to other judges of Kalibo, Aklan, this Court in the exercise of its administrative supervision over lower courts, may order their re-affle considering that they have accumulated in Judge Legaspi's court while he was detailed at the RTC of Aklan.

With regard the charge of falsification, the record is bereft of any evidence to conclusively show that Judge Legaspi falsified his Reports of Compliance with the Resolutions of this Court. The Certifications issued by the respective clerks of court corroborate said Reports.

Anent the charge of corruption, Section 1, Rule 140 of the Rules of Court requires that complaints against judges must be supported by the affidavits of persons who have personal knowledge of the acts therein alleged and must also be accompanied by copies of pertinent documents to substantiate the allegations. In the case at bar, except for complainant's bare allegations, surmises, suspicions and rhetorics, no competent evidence was presented to prove that Judge Legaspi committed corruption.

Regarding the charge of ignorance of the law, the settled doctrine is that judges are not administratively responsible for what they may do in the exercise of their judicial functions when acting within their legal powers and jurisdiction.[13] A judge may not be held administratively accountable for every erroneous order or decision he renders.[14] To hold otherwise would be to 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 his judgment.[15] For a judge to be held administratively liable for ignorance of the law, the error must be gross or patent, deliberate and malicious, or incurred with evident bad faith.[16] Bad faith does not simply connote bad judgment or negligence;

it imputes a dishonest purpose or some moral obliquity and conscious doing of a wrong; a breach of a sworn duty through some motive or intent or ill-will; it partakes of the nature of fraud.[17] It contemplates a state of mind affirmatively operating with furtive design or some motive of self-interest or ill-will for ulterior purposes.[18]

While this Court will never tolerate or condone any act, conduct or omission that would violate the norm of public accountability or diminish the peoples' faith in the judiciary, neither will it hesitate to shield those under its employ from unfounded suits that only serve to disrupt rather than promote the orderly administration of justice.[19]

In the instant case, any perceived error which Judge Legaspi may have committed in entertaining the appeal of the order of the Municipal Trial Court, denying the motion for execution in Civil Case No. 872, can only be deemed an error in judgment which is more properly the subject of an appeal or petition for certiorari, as the case may be, and not this administrative charge against respondent judge.

Finally, we agree with the Court Administrator that complainant was guilty of indirect contempt of court. Section 3 (d) of Rule 71 of the 1997 Rules of Civil Procedure, provides:

Indirect contempt to be punished after charge and hearing. — After a charge in writing has been filed, and an opportunity given to the respondent to comment thereon within such period as may be fixed by the court and to be heard by himself or counsel, a person guilty of any of the following acts may be punished for indirect contempt:

xxx

xxx

xxx

(d) Any improper conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice.

This Court may *motu proprio* initiate proceedings for indirect contempt. Inherent in courts is the power to control, in furtherance of justice, the conduct of its ministerial officers, and of all other persons in any manner connected with a case before it, in every manner appertaining thereto.[20]

In *Surigao Mineral Reservation Board, et al. v. Cloribel, etc., et al.*, [21] we held that the use of language tending to degrade the administration of justice constitutes indirect contempt.

In the case at bar, complainant made the following insinuation:

Apparently, petitioner was in quandary why Judge Legaspi was given premium of being "sitting-pretty," despite of his glaring "ineptitude", instead of choking himself of the High Tribunal's wrath of hell, while those who failed to resolve their few cases within 90-days period their salaries were suspended? Isn't equal justice the equivalent of "pantay-pantay lahat", or are some, with big connections, or "padrino", more equal than others? Or, maybe because, Judge Legaspi have someone "up there" to protect and coddle him?[22]

The foregoing statements constitute contemptuous conduct. Complainant's imputation that this Court protects one of its own is malicious and offends the dignity of the Judiciary. His explanation that he made those statements merely as part of a crusade to clean up the judiciary is unavailing. Indeed, this can be done even without making malicious imputations on the Court. For this, complainant must be sentenced to pay a fine of P1,000.00.

WHEREFORE, in view of the foregoing, the complaint against Judge Emilio B. Legaspi for gross ignorance of

the law, incompetence, falsification and corruption, is DISMISSED for lack of merit. Complainant Rolando R. Mijares is found guilty of indirect contempt and is FINED in the amount of One Thousand Pesos (P1,000.00) with the warning that a repetition of the same or similar offense shall be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Vitug, Carpio, and Azcuna, JJ., concur.

[1] Rollo, pp. 12-14.

[2] Rollo, p. 27.

[3] Rollo, p. 16.

[4] Rollo, p. 21.

[5] Re: Report on the Judicial Audit in the Regional Trial Court, Branches 10, 11 and 12, San Juan, Municipal Circuit Trial Court, Sibalom-San Remigio-Belison; and Municipal Circuit Trial Court, Patnongon-Bugasong-Valderrama, all in the Province of Antique.

[6] Rollo, pp. 41-42.

[7] Rollo, pp. 43-46.

[8] Rollo, pp. 47-48.

[9] Rollo, p. 7.

[10] Rollo, pp. 58-59.

[11] Rollo, pp. 67-68.

[12] Report, p. 14.

[13] Alzua, et al. v. Johnson, 21 Phil. 308, 326 [1912].

[14] Rodrigo v. Quijano, etc., A.M. No. 731-MJ, 9 September 1977, 79 SCRA 10.

[15] Lopez v. Corpuz, A.M. No. 425 MJ, 31 August 1977, 78 SCRA 374; Pilipinas Bank v. Tirona-Liwag, A.M. No. CA-90-11, 18 October 1990, 190 SCRA 834.

[16] Quizon v. Balthazar, Jr., A.C. No. 532-MJ, 25 July 1975, 65 SCRA 293.

[17] Spiegel v. Beacon Participation, 8 NE 2nd Series 895, 1007.

[18] Air France v. Carrascoso, 124 Phil. 722 [1996].

[19] Sarmiento v. Salamat, A.M. No. P-01-1501, 4 September 2001, 364 SCRA 301, 310.

[20] Surigao Mineral Reservation Board, et al. v. Cloribel, etc., et al., G.R. No. L-27072, January 9, 1970.

[21] Supra.

[22] Rollo, p. 9.

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