

PERFECTO K. ESTRADA, JR., COMPLAINANT, VS. JUDGE JAMES STEWART RAMON E. HIMALALOAN, MUNICIPAL TRIAL COURT, LOON, BOHOL, RESPONDENT.

A.M. No. MTJ-05-1617 (Formerly A.M. No. 02-1342-MTJ). November 18, 2005

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

The instant administrative case arose from the verified Letter-Complaint^[1] of Perfecto K. Estrada, Jr. charging Judge James Stewart Ramon Himalalalan, Municipal Trial Court (MTC), Loon, Bohol, with grave abuse of authority relative to three cases pending in his sala.

In Criminal Case No. 6719 for frustrated murder, the complainant is the victim and the private complainant. According to him, the respondent Judge committed an irregularity when he ordered the provisional release of the accused in his Order dated July 1, 2002 despite the arrest warrants issued by the Regional Trial Court (RTC), which had jurisdiction over the case.

Civil Case No. 253 for annulment of deed of donation, reconveyance of property and damages with prayer for preliminary injunction (where the complainant is the plaintiff) was originally tried by Judge Irma Zita Masamayor. The case was dismissed for lack of jurisdiction upon motion of the defendants, and the complainant filed a motion for reconsideration which was granted. The respondent Judge took over the case when he assumed office as presiding judge of MTC, Loon, Bohol. When the complainant rested his case sometime in early 2002 after presenting witnesses, the counsel for the defendants again filed a motion to dismiss for lack of jurisdiction. Despite the complainant's opposition thereto, the respondent Judge granted the motion. According to the complainant, the respondent judge could no longer dismiss the case since the ground "lack of jurisdiction" had already been addressed by the then presiding judge in the previous motion to dismiss.

Criminal Case No. 6650 was previously filed with the RTC of Tagbilaran City but was subsequently dismissed by Judge Pablo Magdoza for lack of jurisdiction. It was later filed in the sala of the respondent Judge. In his Order dated August 8, 2000, the respondent Judge dismissed the case for lack of jurisdiction after the presentation of the complainant's witnesses and documentary evidence. According to the complainant, it was highly irregular for the respondent Judge to dismiss the case due to lack of jurisdiction after two years had elapsed.

In his Comment, the respondent Judge averred that he was not the one who ordered the release of accused Fev and Faye Lara in Criminal Case No. 6719, but a designated family court. With regard to accused Visminda Estrada, the respondent Judge explained that the said accused filed her application for bail in MTC, Loon, Bohol pursuant to Section 17, Rule 114 of the Rules on Criminal Procedure, considering that she was detained in Loon, Bohol, PNP Jail. According to the respondent Judge, he granted the bail because he could not deny an accused of the constitutional right to bail. He further explained that he did not bypass the RTC since he acted on the application for bail of the accused before the arrest warrants were issued against the accused.

On the allegations concerning Civil Case No. 253, the respondent Judge averred that he dismissed the case based

on law and jurisprudence. He argued that lack of jurisdiction in a case can be raised at any stage of the proceedings. He pointed out that the complainant, as plaintiff therein, did not file any motion for reconsideration on the dismissal nor appealed the decision to a higher court.

As to Criminal Case No. 6650, the respondent Judge explained that his court initially took cognizance of the case since it was alleged in the information that the Social Security System (SSS) personal data record of the accused therein was submitted in Loon, Bohol. He gave the prosecution an opportunity to present evidence to prove the claim, but in the course of the trial, it was revealed that the said record had been actually submitted to the SSS Provincial Officer of Tagbilaran City. The respondent Judge averred that where the court has no jurisdiction over the subject matter or the nature of the action, lack of jurisdiction may be raised at any time, and the case dismissed on that ground.

The respondent Judge concluded that all his acts were based on the applicable law and jurisprudence, and he did not, in any way, gravely abuse his authority.

In its Report[2] dated August 27, 2003, the Office of the Court Administrator (OCA) opined that the provisional release order issued by the respondent Judge in favor of the accused in Criminal Case No. 6719 was pursuant to a bail application in accordance with the requirements of the Rules on Criminal Procedure. The OCA also opined that judges may have a different appreciation of facts and evidence, and are not bound to adopt rulings of previous judges; hence, to decide differently does not per se make such decision erroneous. Thus, the respondent Judge could dismiss Civil Case No. 253 for lack of jurisdiction contrary to the ruling of the previous judge. Anent Criminal Case No. 6650, the fact that the respondent Judge decided the case against the complainant does not necessarily imply that his decision is unjust or erroneous. Thus, the OCA recommended that the instant administrative matter be dismissed for lack of sufficient evidence to hold the respondent Judge administratively liable.

The Court then referred the matter to Executive Judge Fernando G. Fuentes III, Regional Trial Court, Tagbilaran City, for investigation, report and recommendation.[3]

In the meantime, the complainant, through counsel, filed a Manifestation[4] dated July 28, 2004 in the Office of the Executive Judge, to wit:

- After a serious talk with the undersigned counsel, Private Complainant has come to the realization that it is for the best interest of justice and fairness that Private Complainant will withdraw his complaint against Respondent Judge;
- The instant complaint sprung from the Private Complainant's queries addressed to the Supreme Court with regard to what happened to his Civil Case earlier dismissed by Respondent Judge for Lack of Jurisdiction of the subject matter of the case after eight years of trial;
- Private Complainant has now understood that jurisdiction over the subject matter cannot be waived and that the act of the Respondent Judge to dismiss the said case for lack of Jurisdiction was just and proper under such situation when the Municipal Trial Court has no jurisdiction to try the said civil case;
- In fact, Private Complainant has already filed before the 7th Judicial Region, Regional Trial Court, Branch 48, Tagbilaran City, a Civil Case, docketed as Civil Case No. 6745 for ANNULMENT OF DEED OF DONATION AND OF TCT NO. 21373, RECONVEYANCE OF PROPERTY AND DAMAGES, WITH PRAYER FOR PRELIMINARY INJUNCTION, involving the same property and the same parties;
- With regard to the two Criminal Cases, subject matter of this instant complaint, Private Complainant is already satisfied with the explanations set forth in the Comment earlier submitted by the respondent Judge for this instant case;

- Private Complainant has opted to withdraw his complaint against the respondent Judge after having been clarified of all the legal issues involved in this instant complaint;

WHEREFORE, in the interest of fairness and justice, it is most respectfully prayed of this Honorable Court that the Private Complainant be allowed to formally withdraw his complaint against the Respondent Judge for the speedy disposition of the instant complaint.

Executive Judge Fuentes thereafter submitted his Report dated January 7, 2005 with the following findings:

Verily, the instant administrative complaint arose out of the complainant's dissatisfaction of respondent Judge's issued ORDERS in Civil Case No. 253 and Criminal Cases Nos. 6650 and 6719.

In Civil Case No. 253 entitled, PERFECTO PARAGUA ESTRADA VS. DOMINADOR PAMPLONA ESTRADA, et al., For: ANNULMENT OF DEED OF DONATION, etc. it is actually an inherited case in the sala of the respondent judge which he ordered dismissed on the ground of lack of jurisdiction (Annex "2-C" of Exhibit "2".) Herein complainant was not a party but his father as the plaintiff therein and there was no appeal interposed to the order of dismissal. Besides, it is worthy to consider that for the same causes of action and practically the same parties with the complainant now as one of the plaintiffs, Civil Case No. 6745 had been filed and is now pending with the Regional Trial Court of Bohol, Branch 48.

In Criminal Case No. 6650, entitled, People v. Alexander Remoreras for Falsification of Public Document by a private person, herein complainant was the complaining witness. In respondent judge's Order dated July 8, 2002, the case was ordered dismissed for lack of jurisdiction but without prejudice to its filing at the proper venue (ANNEX "3-A" of EXHIBIT "2"). There was no appropriate relief for such Order of the respondent judge availed of by the prosecution as well.

In Criminal Case No. 6719 entitled People vs. VISMINDA ESTRADA, FEV LARA and FAYE LARA for FRUSTRATED HOMICIDE, it is now docketed as Criminal Case No. 11422 with the Regional Trial Court of Bohol, Branch 1 but for ATTEMPTED HOMICIDE, with the herein complainant as the offended party. It was initially filed with the respondent judge's sala for preliminary investigation, however, considering that out of the same incident the herein complainant filed another case for frustrated murder with the Office of the Provincial Prosecutor of Bohol against the same accused, respondent judge then referred the case to the Provincial Prosecutor of Bohol for its office to conduct the preliminary investigation (ANNEX "1-B" of EXHIBIT "2"). Respondent Judge's other action in this particular case was his Order dated July 1, 2002 (ANNEX "1-E" of EXHIBIT "2") for the provisional release of accused VISMINDA K. ESTRADA who put up bail pending the filing of the Information in court that was duly granted by then Executive Judge Raineldo T. Son. This is allowed under Section 17 (c), Rule 114 of the Revised Rules of Criminal Procedure.

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Upon perusal of all the evidence on hand in this administrative complaint, the undersigned finds nothing irregular committed by the respondent judge who acted in the issuance of the ORDERS in connection with Civil Case No. 253 and Criminal Cases Nos. 6650 and 6719 all in accordance with law and bereft of any taint of bad faith, fraud, malice or dishonesty.

WHEREFORE, based on the foregoing, it is most respectfully recommended that the instant complaint against respondent Judge James Steward Ramon E. Himalaloon, MTC-Loon, Bohol, be DISMISSED not merely on the basis of complainant's withdrawal of his complaint but for patently lack of merit.

The foregoing findings are well taken.

As a matter of policy, the acts of a judge in his judicial capacity are not subject to disciplinary action. He cannot be subjected to liability – civil, criminal or administrative, for any of his official acts, no matter how erroneous, as long as he acts in good faith.[5] 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.[6] Moreover, a judge's failure to interpret the law or to properly appreciate the evidence presented does not necessarily render him administratively liable.[7] More importantly, the filing of an administrative complaint against a judge is not an appropriate remedy where judicial recourse is still available. In the absence of fraud, malice or dishonesty in rendering the assailed decision or order, the remedy of the aggrieved party is to elevate the assailed decision or order to the higher court for review and correction.[8] As such, an administrative complaint against a judge cannot be pursued simultaneously with the judicial remedies accorded to parties aggrieved by his erroneous order or judgment. Disciplinary proceedings and criminal actions do not complement, supplement or substitute judicial remedies, whether ordinary or extraordinary. An inquiry into a judge's civil, criminal and/or administrative liability may be made only after the available remedies have been exhausted and decided with finality. In this case, not only did the complainant failed to avail of such remedies, but also later realized such failure and retracted his charges against the respondent Judge.

WHEREFORE, the instant administrative complaint against respondent Judge James Stewart Ramon E. Himalaloan is DISMISSED for lack of merit.

SO ORDERED.

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

[1] Rollo, pp. 1-5.

[2] Rollo, pp. 234-238.

[3] Rollo, p. 239.

[4] Exhibit "3."

[5] *Castaños v. Escaño, Jr.*, A.M. No. RTJ-93-955, 12 December 1995, 251 SCRA 174.

[6] *Sacmar v. Reyes-Carpio*, A.M. No. RTJ-03-1766, 28 March 2003, 400 SCRA 32.

[7] *Mina v. Gatdula*, A.M. No. MTJ-00-1264, 4 February 2002, 376 SCRA 1.

[8] *Pitney v. Abrogar*, A.M. No. RTJ-03-1748, 11 November 2003, 415 SCRA 377.

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