

ERNESTO DENORE, COMPLAINANT, VS. JUDGE AMADO B. CASTAÑO OF THE COURT OF AGRARIAN RELATIONS, CAGAYAN DE ORO CITY BRANCH V, (DETAILED AT ILIGAN CITY BRANCH VI), RESPONDENT.

A.M. No. 1926-CAR. March 17, 1981

Ponente: AQUINO, J.

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AQUINO, J.:

Ernesto Denore in his verified complaint in the Tagalog vernacular dated May 25, 1978 charged Judge Amado B. Castaño with having acted with abuse of authority and having perpetrated a miscarriage of justice when he rendered a supposedly unjust and baseless decision in CAR Cases Nos. 75 and 81 of the Court of Agrarian Relations of Lanao del Norte.

Judge Castaño in that decision ordered Denore to pay the spouses Ernesto Mendoza and Elena Celecio damages consisting of the sums of P27,000 as "unearned shares", P9,291 for the house and improvements, P2,000 for labor and cultivation, P5,000 as moral damages, P200 as exemplary damages and P5,000 as attorney's fees (pp. 43-44, Rollo of L-46597-8, Denore vs. Court of Appeals).

That decision was affirmed by the Court of Appeals in its judgment of November 2, 1976 in Mendoza vs. Denore and Denore vs. Mendoza, CA-G.R. Nos. SP-04281-82.

This Court in its resolution of August 19, 1977 denied the petition for the review of that decision (Denore vs. Court of Appeals, *supra*).

Denore's urgent petition filed on March 20, 1978 "upang isaysay, linawin at isaad ang buong kaganapan sa harap ng Poong Maykapal-at umabot ng katarungan sa Kataas-taasang Hukuman ng Republika ng Pilipinas" was not entertained by this Court. Also not entertained was Denore's "Kalatas" dated August 5, 1978 to correct an alleged miscarriage of justice.

Denore had to pay more than sixty thousand pesos to redeem his land from the purchaser at the auction sale (pp. 256-7, SC Rollo).

Judge Castaño did not deal specifically with the allegations in the administrative complaint because of his unfamiliarity with the Tagalog dialect.

We cannot entertain Denore's administrative complaint because he wants us in this administrative case to pass upon the correctness of respondent's decision which is already *res judicata* or has become the law of the case.

Although Denore is not reconciled to the correctness of that decision and although, if his grievances are to be believed, he is allegedly the victim of an outrageous injustice, he cannot seek redress in this administrative case.

Before we can discipline the respondent for having rendered knowingly an unjust decision, it must be shown that he acted maliciously and corruptly or with conscious and deliberate intent to do an injustice (In re Climaco, Adm. Case No. 134-J, Jan. 21, 1974, 55 SCRA 107, 119).

Or as stated by Justice Malcolm, the judge should have "acted partially, or maliciously, or corruptly, or arbitrarily, or oppressively." (In re Impeachment of Horrilleno, 43 Phil. 212, 215). There is no such showing in the complaint.

WHEREFORE, this case is dismissed and considered closed.

SO ORDERED.

Barredo (Chairman), Concepcion Jr., Fernandez and De Castro, JJ., concur.

Abad Santos, J., took no part.

Fernandez, J., was designated to sit in the Second Division.

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