

JAIME RACINES, Complainant, vs. JUDGE JOSE P. MORALLOS and SHERIFF III BENJAMIN CABUSAO, JR., Respondents.*A.M. No. MTJ-08-1698 (Formerly OCA I.P.I. No. 04-1523-MTJ). March 03, 2008*

Ponente: AUSTRIA-MARTINEZ, J.

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Complainant Jaime Racines (Racines) was required by the Court in its Resolution dated November 22, 2007 to show cause why he should not be held in contempt of court for filing a baseless and unfounded administrative case.

Racines filed on December 17, 2003, a Complaint against Judge Jose P. Morillos (Judge Morillos) and Sheriff Benjamin Cabusao, Jr. (Sheriff Cabusao) of the Metropolitan Trial Court (MTC), Branch 68 of Pasig City, for knowingly rendering an unjust judgment,[1] other deceits,[2] violation of the Anti-Graft and Corrupt Practices Act,[3] violation of Article 32 of the New Civil Code, Section 1, Article III of the 1987 Constitution, and the Code of Judicial Conduct.[4] The Court, finding the evaluation of the Office of the Court Administrator (OCA) to be in accord with law and the facts on record, affirmed its recommendation and dismissed Racines's complaint in the Resolution dated November 22, 2004. The Court held that there was nothing in the records to show that Judge Morillos was moved by improper motive when he rendered the decision in Civil Case No. 9681;[5] neither was there anything to show that Sheriff Cabusao used his position to influence the outcome of the decision; and in any event, the proper recourse was to elevate the case to a higher court for review, and not through an administrative case. The Court, in the said resolution also directed Racines to show cause within 10 days from receipt thereof, why he should not be held in contempt of court for filing an utterly baseless and unfounded administrative case.[6]

Racines through counsel, Atty. Onofre D. Manalad, filed a Motion for Reconsideration,[7] which the Court denied with finality in the Resolution dated March 2, 2005 for lack of substantial argument. The Resolution likewise admonished Racines and his counsel to desist from initiating baseless complaints.[8]

On March 29, 2005, the OCA received an Earnest Motion for Clarification[9] filed by Racines through Atty. Manalad which the Court treated as a second motion for reconsideration in the Resolution dated May 25, 2005. The Court denied the motion for being a prohibited pleading and directed that no further pleadings or motions shall be entertained in the case.[10]

On June 19, 2007, Racines by himself, filed a Pagpapaliwanag claiming: He received the Court's Resolution dated November 22, 2004 only on March 30, 2007 and he was able to file his explanation only at this time since he had to look for a lawyer who would explain it to him. The complaint and the other documents which Atty. Manalad prepared were all written in English and because he fully trusted Atty. Manalad, he immediately signed the same even though Atty. Manalad did not explain it to him. Had Atty. Manalad fully explained the documents to him, he would not have signed the same, as he had no intention of filing a baseless administrative case against respondents. If there was anyone who should be punished, it was Atty. Manalad because he deceived him into

filing a baseless administrative case.[11]

The Court required Atty. Manalad to comment on Racines's Pagpapaliwanag.[12]

In his Comment, Atty. Manalad avers that Racines is being used by Gerry Chua, lessor of the Viajeros Market and Chua's lawyer Atty. Edgardo Galvez against him (Atty. Manalad), since he is assisting the officers of the Pasig Fruits & Vegetables Vendors Association (PFVVA) in their cases against Chua. Racines, who was for several years a sergeant-at-arms of the PFVVA, was pirated by Chua to lead a group of goons to harass his co-vendors into giving up their stalls. Atty. Manalad claims that he would not have initiated an action against an incumbent trial court judge had no grievous correctible error been committed in bad faith at the expense of truth and justice. He also asserts that the allegations in the complaint against Judge Morillos are substantiated by the admission of the parties in their pleadings, and that he filed the charges against respondents at the instance of Racines who was even crying when he was pleading before Atty. Manalad for legal assistance.[13]

The Court finds both Racines and Atty. Manalad guilty of indirect contempt.

Persons guilty of any improper conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice may be punished for indirect contempt.[14] The Court, in the exercise of its inherent 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, may *motu proprio* initiate proceedings therefor.[15]

The Court has held that unsubstantiated charges serve no purpose other than to harass judges and cast doubt on the integrity of the entire judiciary.[16] The filing of clearly unfounded or malicious complaints seriously affects the efficiency of the members of the judiciary in administering fair, speedy and impartial justice.[17] The Court, mindful of the proliferation of unfounded or malicious administrative or criminal cases filed by losing litigants and disgruntled lawyers against members of the judiciary, therefore issued A.M. No. 03-10-01-SC[18] which took effect on November 4, 2003 with the aim of preventing or at least discouraging the filing of such cases to protect the orderly administration of justice.[19] It provides in paragraph 1 thereof that if upon informal preliminary inquiry it is found that the complaint is unfounded, baseless and merely intended to harass respondent, complainant may be required to show cause why he should not be held in contempt of court. And if the complainant is a lawyer, he may be further required to show cause why he or she should not be administratively sanctioned as a member of the Bar and as an officer of the court.

In the present case, Racines, through his lawyer Atty. Manalad filed a case against Judge Morillos and Sheriff Cabusao, imputing to them corrupt and criminal acts on the mere basis of Judge Morillos's decision. The complaint stated that Judge Morillos "distorted the facts" in his "anomalous decision" and committed the crimes of knowingly rendering an unjust judgment, causing undue injury to Racines, violation of the Anti-Graft and Corrupt Practices Act, and estafa by means of other deceits.[20] The complaint also questioned Judge Morillos's integrity, impartiality and professional competence, all on the basis of his decision on the ejectment favoring the plaintiff therein, Jellicom Manpower and Transport Services owned by Sheriff Cabusao, with Racines as defendant. The complaint also claims that Sheriff Cabusao, Judge Morillos and Gerry Chua, lessor of the property, conspired with one another in committing the wrongful acts for which they are liable to pay damages.[21]

Unfazed by the order of the Court directing Racines to show cause why he should not be held in contempt for filing a baseless complaint, Racines, through Atty. Manalad even filed two motions for reconsideration, reiterating their baseless claims.

Racines tries to escape liability by saying that Atty. Manalad did not explain the contents of the pleadings to him,

because if Atty. Manalad did, he would not have signed the same.

The Court is not convinced. It is presumed that a person intends the ordinary consequences of his voluntary act[22] and unless the requirements for proper substitution were made, a lawyer enjoys the presumption of authority given him by his client.[23] Racines does not deny that the signatures in the pleadings were his. He also does not claim that he was prevented by Atty. Manalad from reading the contents thereof. He only said that since he fully trusted Atty. Manalad he immediately signed the documents. From the foregoing, it is clear that Racines acquiesced and gave his stamp of approval to the pleadings filed in court. Considering however that he is not learned in the intricacies of law, the Court finds the penalty of reprimand with warning to be sufficient in his case.[24]

As to Atty. Manalad, the Court finds that a greater penalty is in order. As a member of the bar, he should know better than to file an unfounded administrative complaint.[25] He is bound by the Code of Professional Responsibility, and Rule 11.04 thereof states that a lawyer shall not attribute to a judge motives not supported by the records. Canon 11 also enjoins lawyers to observe and maintain the respect due to courts and to judicial officers and should insist on similar conduct by others.[26] His claim that he filed the charges against respondent at the instance of Racines cannot free him from liability. As the Court has pronounced, a client's cause does not permit an attorney to cross the line between liberty and license. Lawyers must always keep in perspective that since they are administrators of justice, oath-bound servants of society, their first duty is not to their clients, as many suppose, but to the administration of justice.[27] As a lawyer, he is an officer of the court with the duty to uphold its dignity and authority and not promote distrust in the administration of justice. For violating Section 3, Rule 71 of the 1997 Rules of Civil Procedure, the Court finds that a fine of five thousand pesos is proper in his case.[28]

WHEREFORE, the Court finds Jaime Racines and Atty. Onofre D. Manalad guilty of Indirect Contempt under Section 3, Rule 71 of the 1997 Rules of Civil Procedure. Atty. Onofre D. Manalad is ordered to pay a FINE of FIVE THOUSAND PESOS within ten (10) days from finality of herein Resolution, while Jaime Racines is REPRIMANDED. Both are STERNLY WARNED that a repetition of a similar act may warrant a more severe action by this Court.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Chico-Nazario, Nachura, and Reyes, JJ., concur.

[1] Revised Penal Code, Art. 204.

[2] Revised Penal Code, Art. 318.

[3] Republic Act No. 3019 (1960), Sec. 3, par. (e) and Sec. 4, par. (b).

[4] Rollo, p. 1.

[5] Entitled "Jellicom Manpower and Transport Services/Maribeth C. Gavino v. Jaime Racines and all persons claiming rights under him."

[6] Rollo, pp. 58-61.

[7] Id. at 61b-70.

[8] Id. at 87.

[9] Rollo, pp. 89-96.

[10] Id. at 97.

[11] Id. at 106-108.

[12] Resolution dated November 12, 2007, id. at 110.

[13] Rollo, pp. 111-116.

[14] Rules of Court, Rule 71, Sec. 3, par. (d).

[15] Urgent Appeal/Petition for Immediate Suspension & Dismissal of Judge Legaspi, RTC, Iloilo City, Branch 22, 453 Phil. 459, 466 (2003).

[16] Cruz v. Aliño-Hormachuelos, A.M. No. CA-04-38, March 31, 2004, 426 SCRA 573, 579.

[17] See A.M. No. 03-10-01-SC, "Resolution Prescribing Measures to Protect Members of the Judiciary from Baseless and Unfounded Administrative Complaints," dated October 14, 2003.

[18] October 14, 2003.

[19] Dayag v. Gonzales, A.M. No. RTJ-05-1903, June 27, 2006, 493 SCRA 51, 61-62; Diomampo v. Alpajora, A.M. No. RTJ-04-1880, October 19, 2004, 440 SCRA 534, 539; Fernandez v. Verzola, A.M. No. CA-04-40, August 13, 2004, 436 SCRA 369, 376.

[20] Rollo, p. 6.

[21] Id. at 6-8.

[22] Rules of Court, Rule 131, Sec. 3(c).

[23] Greater Metropolitan Manila Solid Waste Management Committee v. Jancom Environmental Corporation, G.R. No. 163663, June 30, 2006, 494 SCRA 280, 306.

[24] See Alcantara v. Ponce, G.R. No. 131547, December 15, 2005, 478 SCRA 27.

[25] Cruz v. Aliño-Hormachuelos, supra note 16.

[26] Fernandez v. Verzola, supra note 19, at 374.

[27] Cruz v. Aliño-Hormachuelos, supra note 16, at 581; citing Surigao Mineral Reservation Board v. Cloribel, G.R. No. L-27072, January 9, 1970, 31 SCRA 1.

[28] See Limbona v. Lee, G.R. 173290, November 20, 2006, 507 SCRA 452.

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