

ATTY. FELIXBERTO N. BOQUIREN, COMPLAINANT, VS. JUDGE EMPERATRIZ DEL ROSARIO--CRUZ; CLERK OF COURT MELINDA D. GATDULA; AND ATTY. SATURNINO V. BACTAD, RESPONDENTS.

A.C. No. MTJ-94-894. June 02, 1995

Ponente: FRANCISCO, J.

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FRANCISCO, J.:

This administrative complaint stemmed from Civil Case No. 111 entitled Alex Boquiren, et. al. vs. Mariano Gutierrez, for ejectment and damages, where complainant Atty. Felixberto N. Boquiren was the plaintiff's counsel, Atty. Saturnino V. Bactad, the defendant's counsel and the incumbent vice-governor of the province, and Judge Emperatriz del Rosario-Cruz and Atty. Melinda D. Gatdula, the judge and clerk of court respectively of the Municipal Trial Court, San Antonio, Zambales where the aforementioned civil case was docketed. Judge Cruz dismissed the ejectment suit due to plaintiff's lack of cause of action which complainant, Atty. Boquiren, seasonably appealed to the Regional Trial Court Branch 70 of Iba, Zambales. On July 5, 1993 Atty. Boquiren filed an administrative complaint against Judge Cruz and Atty. Gatdula for misconduct, partiality, serious nonfeasance, culpable dereliction of duty and ignorance of the law relative to the disposition of civil case no. 111.

On the other hand, Atty. Bactad, the defendant's counsel, was charged by the complainant with false representation and employing scheme to defeat the application of the Revised Rule on Summary Procedure the latter alleging Atty. Bactad's claim and false representation that a motion to dismiss is an allowable pleading under the Revised Rule on Summary Proceedings.

On January 26, 1994 the Court "DISMISSED the case without prejudice to the refiling of an administrative case at the proper time, it appearing that the case is on appeal with the Regional Trial Court, Branch 70, Iba, Zambales where relief is available". On February 18, 1994 complainant Atty. Boquiren filed a motion for its reconsideration.

On March 2, 1994 the Court dismissed the complaint for not having been verified and for its failure to show prima facie case against respondent Atty. Gatdula. In reaction thereto, complainant Atty. Boquiren filed a motion for reconsideration dated March 26, 1994.

We find these two motions for reconsideration devoid of merit.

Civil Case No. 111 from which the subject administrative complaint stemmed has distinct facts from the latter but the subject administrative complaint can hardly be taken into isolation. We deemed it proper, as we had properly resolved in our January 26, 1994 Resolution, to dismiss the subject administrative complaint without prejudice since Civil Case No. 111 is now on appeal with the Regional Trial Court, Branch 70, Iba, Zambales. Necessarily, the appeal of Civil Case No. 111 includes all incidents that occurred from the initial filing of the complaint for Forcible Entry and Detainer on June 5, 1992 up to the MTC Decision dated February 26, 1993 dismissing said complaint. In fact, a cursory reading of Atty. Boquiren's appeal before the Regional Trial Court shows that he

devoted at least twenty pages in his twenty-six page appeal statement detailing the incidents, perceived improper conduct, orders, proceedings, misrepresentation, misapprehension of facts, ignorance of the law and rules of procedure allegedly all evidencing the culpa-bility of the Judge, the Clerk of Court and the defendant's counsel for administrative offenses. We note that these are the same grounds that now constitute the bases of the subject administrative complaint. The issues and matters raised therein were purely judicial in nature which an appeal can adequately and properly address. The alleged errors committed by Judge Cruz relative to the disposition of a case are at best errors of judgment and can be amply remedied by any aggrieved party with-out recourse to the subject administrative complaint. Besides, it is a matter of public policy that in the absence of fraud, dishonesty or corruption, the acts of a judge in his judicial capacity are not subject to disciplinary action even though such acts are erroneous (*Revita v. Rimando*, 98 SCRA 619 [1980]). More important, any finding that this Court would make relative to the administrative complaint would undoubtedly influence and affect the outcome of Atty. Boquiren's appeal. Needless to say, this would constitute an unwarranted judicial interference and sway the Regional Trial Court's dispensation of the appeal which we cannot allow to happen.

The Court strongly notes the excessive prose employed by complainant Atty. Boquiren in his Motions for Reconsideration describing the Court's Resolutions as: "highly questionable"; "based on insufficient or incorrect reasons"; "a classic arbitrarily concluded resolution"; "a glaring violation of the Canons of Judicial Ethics"; "pregnant with aptness to mislead, deceptive, or delusive quality"; "patently erroneous"; "a BRAZEN LIE and MOCKERY OF JUSTICE" "classic carelessness, inef-ficiency, if not lack of industry on the part of Special Asst. to the Office of the Clerk of Court of the 3rd Div. and/or to the adjudication officer/office"; "mirror[ing] the Adjudicating Tribunal's and/ or its staff's BRAZEN MOCKERY OF JUSTICE with their gross violation of the PUBLIC INTEREST POLICY of the state". [Emphasis in the original]

It appears *prima facie* that the foregoing words are aimed at seriously undermining the integrity of this Court. Complain-ant seems to have forgotten his duty, as a lawyer and as an officer of the court, to observe and maintain the respect due to the courts and judicial officers (Canon 11, Code of Profes-sional Responsibility).

ACCORDINGLY, finding the motions for reconsideration without merit the same are hereby DISMISSED. Complainant Atty. Felixberto N. Boquiren, however, is hereby ordered to explain within five (5) days from receipt of this Resolution why he should not be cited for contempt and/or subject to disciplinary action.

SO ORDERED.

Feliciano, (Chairman), Romero, Melo, and Vitug, JJ., concur.

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