

HON. JUDGE ADRIANO R. VILLAMOR, PETITIONER, VS. HON. JUDGE BERNARDO LL. SALAS AND GEORGE CARLOS, RESPONDENTS.

G.R. No. 101041. November 13, 1991

Ponente: GRINO-AQUINO, J.

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GRINO-AQUINO, J.:

In 1977, Civil Case No. B-398 (Gloria Naval vs. George Carlos) for recovery of ownership of a parcel of coconut land was filed and subsequently raffled to the sala of the petitioner, Judge Adriano Villamor. While the civil case was pending there, respondent Carlos filed Criminal Cases Nos. N-989, N-990, N-991, N-992 and N-993 for qualified theft against Gloria Naval and her helpers. The criminal cases were also assigned to the sala of Judge Villamor.

Due to the pendency of Civil Case No. B-398, the criminal cases were temporarily archived.

After trial in Civil Case No. B-398, a decision was rendered in favor of Naval who was declared the lawful owner and possessor of the disputed land. Carlos was ordered to vacate the land.

Thereafter, respondent Carlos, through counsel, moved to activate the archived criminal cases. Having declared Naval the lawful owner and possessor of the contested land in Civil Case No. B-398, Judge Villamor dismissed the criminal cases against her and her co-accused.

Judge Villamor likewise granted execution pending appeal of his decision in Civil Case No. B-398. This order was challenged by Carlos in the Court of Appeals and in this Court, both without success.

Afterwards, Carlos filed an administrative case, A.M. No. RTJ-87-105, against Judge Villamor, charging him with having issued illegal orders and an unjust decision in Civil Case No. B-398. On November 21, 1988, this Court, in an En Banc resolution, summarily dismissed the administrative case.

Dissatisfied with the outcome of the administrative case, respondent Carlos filed a civil action for damages (Civil Case No. CEB-6478) against Judge Villamor for knowingly rendering an unjust judgment when he dismissed the five (5) criminal cases against Naval, et al.

The summons in Civil Case No. CEB-6478 was served upon Judge Villamor on December 10, 1987. The next day (December 11, 1987), instead of answering the complaint, Judge Villamor issued in Criminal Cases Nos. N-0989 to 0993 an order of direct contempt against Carlos and his lawyer, Attorney Antonio T. Guerrero, "for degrading the respect and dignity of the court through the use of derogatory and contemptuous language before the court," and sentenced each of them to suffer the penalty of imprisonment for five (5) days and to pay a fine of P500.

Carlos immediately filed in this Court a petition for certiorari with a prayer for the issuance of a writ of preliminary injunction against the Judge (G.R. Nos. 82238-42). We promptly restrained Judge Villamor from enforcing his Order of Contempt against Carlos and Attorney Guerrero. On November 13, 1989, we annulled the contempt order. (See pp. 26-34, Rollo of G.R. No. 101041.)

Back to Civil Case No. CEB-6478: Judge Villamor filed a motion to dismiss the complaint for lack of jurisdiction. The trial court granted the motion. The order of dismissal was affirmed by the Court of Appeals (CA-G.R. CV No. 20657, June 26, 1990). Carlos appealed to this Court which also denied the petition. (p. 125, Rollo of G.R. No. 101296.)

Unfazed by these setbacks, Carlos and his counsel, Attorney Antonio Guerrero, filed separate complaints for damages against Judge Villamor for knowingly rendering an unjust order of contempt.

Attorney Guerrero's complaint for damages (Civil Case No. CEB-8802) was raffled to Branch 21, Regional Trial Court, Cebu City, presided over by Judge Peary G. Aleonar. Carlos' complaint for damages was docketed as Civil Case No. CEB-8823 and raffled to Branch 8, Regional Trial Court of Cebu City presided over by Judge Bernardo LL. Salas.

On March 30, 1990, Judge Villamor filed a motion to dismiss Civil Case No. CEB-8802 but it was denied by Judge Aleonar (p. 33, Rollo of G.R. No. 101296).

Hence, this petition for certiorari and prohibition with restraining order docketed as G.R. No. 101296.

On September 19, 1991, this Court issued a temporary restraining order against Judge Aleonar to stop him from proceeding in Civil Case No. CEB-8802 (pp. 45-46, Rollo of G.R. No. 101296).

On May 20, 1991, a Manifestation was filed by Judge Villamor praying Judge Salas to dismiss Civil Case No. CEB-8823 but the motion was denied by respondent Judge on July 2, 1991 (pp. 13-16, Rollo of G.R. No. 101041).

Hence, this second petition for certiorari and prohibition with restraining order (G.R. No. 101041).

On August 21, 1991, a Resolution was issued by this Court: 1) temporarily restraining Judge Salas from further proceeding in Civil Case No. CEB-8823; and 2) granting the petitioner's prayer that this case be consolidated with G.R. No. 101296 (pp. 37-39, Rollo of G.R. No. 101041).

The sole issue here is: whether or not Judges Aleonar and Salas may take cognizance of the actions for damages against Judge Villamor for allegedly having rendered an unjust order of direct contempt against Carlos and Attorney Guerrero which this Court subsequently annulled.

The answer is no.

As very aptly held by this Court in a Resolution it issued in connection with a previous case filed by respondent Carlos against Judge Villamor, over a similar action for "Damages and Attorney's Fees Arising From Rendering an Unjust Judgment," in dismissing the five (5) criminal cases for qualified theft which he (respondent Carlos) had filed against Gloria P. Naval and others -

"Indeed, no Regional Trial Court can pass upon and scrutinize, and much less declare as unjust a judgment of another Regional Trial Court and sentence the judge thereof liable for damages without running afoul with the principle that only the higher appellate courts, namely, the Court of Appeals and the Supreme Court, are vested with authority to review and correct errors of the trial courts." (George D. Carlos vs. CA, G.R. No. 95560, November 5, 1990; p. 125, Rollo of G.R. No. 101296.)

To allow respondent Judges Aleonar and Salas to proceed with the trial of the actions for damages against the petitioner, a co-equal judge of a co-equal court would in effect permit a court to review and interfere with the judgment of a co-equal court over which it has no appellate jurisdiction or power of review. The various branches of a Court of First Instance (now the Regional Trial Court) being co-equal, may not interfere with each other's

cases, judgments and orders (Parco vs. Court of Appeals, 111 SCRA 262).

This Court has already ruled that only after the Appellate Court, in a final judgment, has found that a trial judge's errors were committed deliberately and in bad faith may a charge of knowingly rendering an unjust decision be levelled against the latter (Garcia vs. Alconcel, 111 SCRA 178; Sta. Maria vs. Ubay, 87 SCRA 179; Gahol vs. Riodique, 64 SCRA 494).

Nowhere in this Court's decision annulling Judge Villamor's order of direct contempt (G.R. Nos. 82238-42, November 13, 1989) can there be found a declaration that the erroneous order was rendered maliciously or with conscious and deliberate intent to commit an injustice. In fact, a previous order of direct contempt issued by Judge Villamor against Carlos' former counsel was sustained by this Court (Jaynes C. Abarrientos, et al. vs. Judge Villamor, G.R. No. 82237, June 1, 1988).

At most, the order of direct contempt which we nullified may only be considered an error of judgment for which Judge Villamor may not be held criminally or civilly liable to the respondents.

A judge is not liable for an erroneous decision in the absence of malice or wrongful conduct in rendering it (Barroso vs. Arche, 67 SCRA 161).

WHEREFORE, the consolidated petitions for certiorari are GRANTED. Civil Cases Nos. CEB-8802 and CEB-8823, respectively, pending in the salas of respondents Judge Peary G. Aleonar and Judge Bernardo LL. Salas, are hereby dismissed. The temporary restraining orders issued by this Court in these cases are hereby made permanent. No costs.

SO ORDERED.

Narvasa, (Chairman), Cruz, Feliciano, and Medialdea, JJ., concur.

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