

## THIRD DIVISION

**[ A.M. No. MTJ-08-1698 (Formerly OCA I.P.I. No. 04-1523-MTJ), March 03, 2008 ]**

**JAIME RACINES, Complainant, vs. JUDGE JOSE P. MORALLOS and SHERIFF III BENJAMIN CABUSAO, JR., Respondents.**

### R E S O L U T I O N

**AUSTRIA-MARTINEZ, J.:**

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,<sup>[1]</sup> other deceits,<sup>[2]</sup> violation of the Anti-Graft and Corrupt Practices Act,<sup>[3]</sup> violation of Article 32 of the New Civil Code, Section 1, Article III of the 1987 Constitution, and the Code of Judicial Conduct.<sup>[4]</sup> 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;<sup>[5]</sup> 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.<sup>[6]</sup>

Racines through counsel, Atty. Onofre D. Manalad, filed a Motion for Reconsideration,<sup>[7]</sup> 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.<sup>[8]</sup>

On March 29, 2005, the OCA received an Earnest Motion for Clarification<sup>[9]</sup> 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.<sup>[10]</sup>

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.<sup>[11]</sup>

The Court required Atty. Manalad to comment on Racines's *Pagpapaliwanag*.<sup>[12]</sup>

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.<sup>[13]</sup>

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.<sup>[14]</sup> 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.<sup>[15]</sup>

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.<sup>[16]</sup> 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.<sup>[17]</sup> 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<sup>[18]</sup> 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.<sup>[19]</sup> 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