

## EN BANC

[ OCA IPI No. 12-204-CA-J, March 11, 2014 ]

**RE: VERIFIED COMPLAINT FOR DISBARMENT OF AMA LAND, INC.  
(REPRESENTED BY JOSEPH B. USITA) AGAINST COURT OF  
APPEALS ASSOCIATE JUSTICES HON. DANTON Q. BUESER, HON.  
SESINANDO E. VILLON AND HON. RICARDO R. ROSARIO.**

### D E C I S I O N

#### **BERSAMIN, J.:**

Unfounded administrative charges against sitting judges truly degrade their judicial office, and interfere with the due performance of their work for the Judiciary. The complainant may be held liable for indirect contempt of court as a means of vindicating the integrity and reputation of the judges and the Judiciary.

AMA Land, Inc., (AMALI) brought this administrative complaint against Associate Justice Danton Q. Bueser, Associate Justice Sesinando E. Villon and Associate Justice Ricardo R. Rosario, all members of the Court of Appeals (CA), charging them with knowingly rendering an unjust judgment, gross misconduct, and violation of their oaths on account of their promulgation of the decision in C.A.-G.R. SP No. 118994 entitled *Wack Wack Residents Association, Inc. v. The Honorable Regional Trial Court of Pasig City, Branch 264, Assigned in San Juan, and AMA Land, Inc.*

#### **Antecedents**

AMALI is the owner and developer of the 37-storey condominium project located along Epifanio Delos Santos Avenue corner Fordham Street in Wack Wack, Mandaluyong City.<sup>[1]</sup> Due to the project's location, AMALI would have to use Fordham Street as an access road and staging area for the construction activities. In that regard, AMALI needed the consent of the Wack Wack Residents Association, Inc. (WWRAI). Accordingly, AMALI sent a notice to WWRAI, which ignored the notice. Left with no option, AMALI set up a field office along Fordham Street that it enclosed with a temporary fence. WWRAI allegedly tried to demolish the field office and set up a fence to deny access to AMALI's construction workers, which prompted AMALI to file a petition for the enforcement of an easement of right of way in the Regional Trial Court (RTC) in Pasig City. The petition, which included an application for a temporary restraining order (TRO) and/or writ of preliminary mandatory injunction (WPMI), was docketed as Civil Case No. 65668.<sup>[2]</sup> On July 24, 1997, the RTC granted AMALI's prayer for the WPMI.<sup>[3]</sup>

In the meantime, AMALI converted the condominium project into a 34-storey building of mixed use (to be known as the AMA Residences) after AMALI's petition for corporate rehabilitation was approved.<sup>[4]</sup>

On January 26, 2010, WWRAI filed in Civil Case No. 65668 an urgent motion to set

for hearing its prayer for a TRO and/or writ of preliminary injunction (WPI) contained in its answer. The denial of the prayer for injunction by the RTC impelled WWRAI to bring a petition for *certiorari* with an application for a TRO and/or writ of preliminary injunction in the CA to enjoin the RTC from proceeding in Civil Case No. 65668.<sup>[5]</sup>

After hearing, the CA issued a TRO, which prompted AMALI to file an Urgent Motion to Lift and/or Dissolve Temporary Restraining Order and later on a Compliance and Motion for Reconsideration.

On July 28, 2011, the CA issued a preliminary injunction and required AMALI to file its Comment. AMALI complied and filed a Comment which also served as its motion for partial reconsideration of the July 28, 2011 Resolution. On October 12, 2011, AMALI filed an Urgent Motion to Resolve and to Approve Counterbond. Allegedly, these motions were left unresolved when the CA Tenth Division, which included Associate Justices Bueser and Rosario, required the parties to submit their respective memoranda.<sup>[6]</sup>

On June 14, 2012, the Special Former Tenth Division of the CA promulgated a decision granting the petition of WWRAI.<sup>[7]</sup>

AMALI consequently filed a petition for review on *certiorari* in this Court, docketed as G.R. No. 202342, entitled *AMA Land, Inc. v. Wack Wack Residents Association, Inc.*<sup>[8]</sup>

AMALI then brought this administrative complaint, alleging that respondent Justices had conspired with the counsels of WWRAI, namely: Atty. Archibald F. de Mata and Atty. Myra Jennifer D. Jaud-Fetizanan, in rendering an unjust judgment. AMALI stated that the decision of the CA had been rendered in bad faith and with conscious and deliberate intent to favor WWRAI, and to cause grave injustice to AMALI. In thereby knowingly rendering an unjust judgment, respondent Justices were guilty of gross misconduct, and violated Canon 1, Rule 1.01 and Canon 1, Rules 10.01 and 10.03 of the *Code of Professional Responsibility*, as well as Section 27, Rule 138 of the Rules of Court.

### **Issue**

Are the respondent Justices liable for knowingly rendering an unjust judgment and violating Canon 1, Rule 1.01; Canon 10, Rules 10.01 and 10.03 of the *Code of Professional Responsibility*; and Section 27, Rule 138 of the *Rules of Court*?

### **Ruling**

The administrative complaint is bereft of merit.

In administrative proceedings, the complainant has the burden of proving the allegations of the complaint by substantial evidence.<sup>[9]</sup> Failure to do so will lead to the dismissal of the complaint for its lack of merit. This is because an administrative charge against any official of the Judiciary must be supported by at least substantial evidence.<sup>[10]</sup> But when the charge equates to a criminal offense, such that the judicial officer may suffer the heavy sanctions of dismissal from the service, the

showing of culpability on the part of the judicial officer should be nothing short of proof beyond reasonable doubt, especially because the charge is penal in character.  
[11]

AMALI fell short of the requirements for establishing its charge of knowingly rendering an unjust judgment against respondent Justices.

Knowingly rendering an unjust judgment constitutes a serious criminal offense. Article 204, *Revised Penal Code*, provides that any judge who “knowingly render[s] an unjust judgment in any case submitted to him for decision” is punished with *prision mayor* and perpetual absolute disqualification. To commit the offense, the offender must be a judge who is adequately shown to have rendered an unjust judgment, not one who merely committed an error of judgment or taken the unpopular side of a controversial point of law.<sup>[12]</sup> The term knowingly means “sure knowledge, conscious and deliberate intention to do an injustice.”<sup>[13]</sup> Thus, the complainant must not only prove beyond reasonable doubt that the judgment is patently contrary to law or not supported by the evidence but that it was also made with deliberate intent to perpetrate an injustice. Good faith and the absence of malice, corrupt motives or improper consideration are sufficient defenses that will shield a judge from the charge of rendering an unjust decision.<sup>[14]</sup> In other words, the judge was motivated by hatred, revenge, greed or some other similar motive in issuing the judgment.<sup>[15]</sup> Bad faith is, therefore, the ground for liability.<sup>[16]</sup> The failure of the judge to correctly interpret the law or to properly appreciate the evidence presented does not necessarily render him administratively liable.<sup>[17]</sup>

But who is to determine and declare that the judgment or final order that the judicial officer knowingly rendered or issued was unjust? May such determination and declaration be made in administrative investigations and proceedings like a preliminary investigation by the public prosecutor? The answers to these queries are obvious – only a superior court acting by virtue of either its appellate or supervisory jurisdiction over the judicial actions involved may make such determination and declaration. Otherwise, the public prosecutor or administrative hearing officer may be usurping a basic judicial power of review or supervision lodged by the Constitution or by law elsewhere in the appellate court.

Moreover, AMALI’s allegations directly attacked the validity of the proceedings in the CA through an administrative complaint. The attack in this manner reflected the pernicious practice by disgruntled litigants and their lawyers of resorting to administrative charges against sitting judges instead of exhausting all their available remedies. We do not tolerate the practice. In *Re: Verified Complaint of Engr. Oscar L. Ongjoco, Chairman of the Board/CEO of FH-GYMN Multi-Purpose and Transport Service Cooperative, against Hon. Juan Q. Enriquez, Jr., Hon. Ramon M. Bato, Jr. and Hon. Florito S. Macalino, Associate Justices, Court of Appeals*,<sup>[18]</sup> we emphatically held that the filing of administrative complaints or even threats of the filing subverted and undermined the independence of the Judiciary, to wit:

It is evident to us that Ongjoco’s objective in filing the administrative complaint was to take respondent Justices to task for the regular performance of their sworn duty of upholding the rule of law. **He would thereby lay the groundwork for getting back at them for not favoring his unworthy cause. Such actuations cannot be tolerated**

**at all, for even a mere threat of administrative investigation and prosecution made against a judge to influence or intimidate him in his regular performance of the judicial office always subverts and undermines the independence of the Judiciary.**

**We seize this occasion, therefore, to stress once again that disciplinary proceedings and criminal actions brought against any judge in relation to the performance of his official functions are neither complementary to nor suppletory of appropriate judicial remedies, nor a substitute for such remedies. Any party who may feel aggrieved should resort to these remedies, and exhaust them, instead of resorting to disciplinary proceedings and criminal actions.** (Bold emphasis supplied)

It appears that AMALI is prone to bringing charges against judicial officers who rule against it in its cases. That impression is not at all devoid of basis. The complaint herein is actually the second one that AMALI has brought against respondent Justices in relation to the performance of their judicial duty in the same case. In its first complaint entitled *Re: Verified Complaint of AMA Land, Inc. against Hon. Danton Q. Bueser, Hon. Sesinando E. Villon and Hon. Ricardo R. Rosario, Associate Justices of the Court of Appeals*,<sup>[19]</sup> AMALI accused respondent Justices of: (a) dishonesty and violation of Republic Act No. 3019, gross misconduct, and knowingly rendering an unjust judgment or order, in violation of Section 8, Rule 140 of the *Rules of Court*; and (b) violating provisions of the *New Code of Judicial Conduct*. The Court dismissed the first complaint upon finding that it centered on the propriety of the interlocutory orders issued by respondent Justices in C.A.-G.R. SP No. 118994. The Court appropriately observed:

A perusal of the records of the case as well as the parties' respective allegations disclosed that the acts complained of relate to the validity of the proceedings before the respondent CA Justices and the propriety of their orders in CA-G.R. SP No. 118994 which were done in the exercise of their judicial functions. Jurisprudence is replete with cases holding that errors, if any, committed by a judge in the exercise of his adjudicative functions cannot be corrected through administrative proceedings, but should instead be assailed through available judicial remedies. Disciplinary proceedings against justices do not complement, supplement or substitute judicial remedies and, thus, cannot be pursued simultaneously with the judicial remedies accorded to parties aggrieved by their erroneous orders or judgments.

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**In this case, AMALI had already filed a petition for review on *certiorari* challenging the questioned order of the respondent CA justices which is still pending final action by the Court. Consequently, a decision on the validity of the proceedings and propriety of the orders of the respondent CA Justices in this administrative proceeding would be premature. Besides, even if the subject decision or portions thereof turn out to be erroneous, administrative liability will only attach upon proof that the actions of the respondent CA Justices were motivated by bad**