

THIRD DIVISION

[A.M. No. RTJ-12-2335 [Formerly OCA I.P.I. No. 12-3829-RTJ], March 18, 2013]

**ANNA LIZA VALMORES-SALINAS, COMPLAINANT, VS. JUDGE
CRISOLOGO S. BITAS, REGIONAL TRIAL COURT, BRANCH 7,
TACLOBAN CITY, RESPONDENT.**

DECISION

PERALTA, J.:

This resolves the verified complaint^[1] filed by petitioner on January 16, 2012 charging respondent Judge with Gross Ignorance of the Law, Conduct Unbecoming a Judge, Bias, Manifest Partiality and Impropriety relative to (1) TPO Case No. 2011-04-04, entitled *Anna Liza V. Salinas v. Roy Y. Salinas*, for Violence Against Women and their Children; and (2) Civil Case No. 2011-08-60, entitled *Roy Y. Salinas v. Anna Liza D. Valmores-Salinas*, for Declaration of Nullity of Marriage with Prayer for Issuance of a Temporary Restraining Order (TRO) and Preliminary Injunction.

The facts follow.

Petitioner filed a case for Violence Against Women and their Children (VAWC) with a Petition for the Issuance of a Temporary Protection Order (TPO), docketed as TPO Case No. 2011-04-04, against her husband Roy Salinas before the Regional Trial Court of Tacloban City which was presided by respondent Judge. Subsequently, respondent Judge rendered a Decision denying the petition for the issuance of a TPO filed by petitioner.

Meanwhile, respondent Judge heard Civil Case No. 2011-08-60, particularly Roy Salinas' prayer for a TRO and preliminary injunction.

After a chamber conference with both parties' counsels, respondent Judge immediately issued an Order appointing Mervyn Añover as the administrator of the spouses' community properties. Petitioner avers that she did not agree to the appointment of an administrator. In fact, during the chamber conference, her counsel had reservations regarding the qualifications of the administrator and reserved the right to question the jurisdiction of the court to adjudicate on the properties, considering that there was no list of properties attached to the petition.

Despite the foregoing, a Letter of Administration was still issued and released with an order *motu proprio* appointing Mervyn Añover as the administrator. Petitioner asserts that she and her counsel were not furnished copies of the order and the letter of administration. Aggrieved, petitioner filed a Motion for Reconsideration of the Order appointing Mervyn Añover as the administrator.

In response, Roy Salinas' counsel filed his comment on the motion, with motion to

cite petitioner for indirect contempt for her defiance to the order of the court by disallowing Mervyn Añover to take over the management of Royal Grand Suites.

In an Order^[2] dated December 14, 2011, respondent Judge summarily held petitioner in contempt of court for violating the court's order by disallowing the administrator to perform his duty and violating the injunction of the court to desist from getting the income of the businesses. Thus, petitioner was ordered to suffer a 5-day imprisonment.

Thereafter, petitioner filed the instant complaint alleging that the December 14, 2011 Order was in direct violation of Section 4, Rule 71 of the Revised Rules of Court, since there was neither an order nor any formal charge requiring her to show cause why she should not be punished for contempt. She asserts that no verified petition was initiated and there were no proceedings to determine whether her act was indeed contumacious.

In his Comment, respondent Judge explains that the court appointed the administrator to preserve the properties of the spouses, considering that some of the properties were already dissipated by petitioner and the amortizations to the Development Bank of the Philippines on the rest of the properties have not been paid. Respondent Judge alleges that petitioner filed the instant administrative case to harass him and to prevent the implementation of the court's Orders appointing Mervyn Añover as administrator and enjoining the Salinas spouses from managing their businesses and finding petitioner guilty of contempt of court.

In its Report^[3] dated September 11, 2012, the Office of the Court Administrator (OCA) recommended as follows:

It is respectfully recommended for the consideration of the Honorable Court that:

(1) the administrative case against Judge Crisologo S. Bitas, Branch 7, Regional Trial Court, Tacloban City, be **RE-DOCKETED** as a regular administrative matter; and

(2) respondent Judge Bitas be found **GUILTY** of **GROSS IGNORANCE OF THE LAW OR PROCEDURE**, and, accordingly, be **FINED** in the amount of Twenty-One Thousand Pesos (P21,000.00) with a **STERN WARNING** that a repetition of the same or similar act shall be dealt with more severely.^[4]

We sustain the findings of the Court Administrator.

To begin with, 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 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.^[5]