

SECOND DIVISION

[A.M. No. RTJ-09-2197 [FORMERLY OCA-I.P.I. NO. 08-3026-RTJ], April 13, 2011]

ANTONINO MONTICALBO, COMPLAINANT, VS. JUDGE CRESCENTE F. MARAYA, JR., REGIONAL TRIAL COURT, BRANCH 11, CALUBIAN, LEYTE, RESPONDENT.

DECISION

MENDOZA, J.:

This administrative case stemmed from a verified Complaint dated September 24, 2008 filed by complainant Antonino Monticalbo charging respondent Judge Crescente F. Maraya, Jr. of the Regional Trial Court, Branch 11, Calubian, Leyte, with gross ignorance of the law, gross incompetence and grave abuse of authority thru false representation.^[1]

Complainant Monticalbo is one of the defendants in a civil case for collection of a sum of money filed by Fatima Credit Cooperative against him and his wife before the 6th Municipal Circuit Trial Court of Calubian-San Isidro, Leyte (*MCTC*).^[2]

The case was dismissed by the said court in its February 1, 2008 Order on the ground that the representative of Fatima Credit Cooperative had no authority to prosecute the case.^[3] The MCTC, however, did not rule on the counterclaim of complainant Monticalbo for attorney's fees and litigation expenses. For said reason, he filed a motion for reconsideration which was, however, denied by the court.^[4]

Aggrieved, complainant elevated the case to the Regional Trial Court, Branch 11, Calubian, Leyte (*RTC*), where his appeal was docketed as Civil Case No. CN-89.^[5] He then filed a motion for extension of time to file a memorandum on appeal, which was granted by respondent judge in his Order dated June 25, 2008.^[6]

In his August 26, 2008 Order, respondent judge dismissed the appeal for having been filed out of time. He stated that:

Under the rules on Summary Procedure which was applied to govern the proceedings of this case, a motion for reconsideration is a prohibited pleading. Being a prohibited pleading, it will not suspend the period of appeal. (*Jaravata vs. CA G.R. No. 85467*, April 25, 1990, 3rd Division). Since the appealed Order was received by counsel for the defendants-appellants on February 13, 2008, the notice of appeal, not a motion for reconsideration, should have been filed within a period of 15 days which lapsed on February 29, 2008. As the Notice of Appeal was filed on March 31, 2008, the appeal was, therefore, filed out of time and the appealed

Order has become final and executory. The lapse of the appeal period deprives the courts of jurisdiction to alter the final judgment (Delgado vs. Republic, 164 SCRA 347).^[7]

Complainant Monticalbo imputes the following errors on the part of respondent judge: (1) respondent erred in ruling that Civil Case No. CN-89 is covered by the Rules on Summary Procedure, considering that the total claim of the plaintiff in the said case exceeded P10,000.00; (2) respondent, motivated by bad faith and corruption, cited the non-existent case of *Jaravata v. Court of Appeals* in his questioned Order; and (3) respondent accepted bribes in the form of food from plaintiff cooperative in Civil Case No. CN-89, through Margarito Costelo, Jr., then Sheriff of the trial court presided over by respondent judge, and Chairman of the Board and President of the said cooperative.^[8] Complainant further avers that he personally witnessed the respondent judge enjoying a drinking spree with Costelo and his other male staff members in a nipa hut annexed to the building of the trial court during office hours in the afternoons of July 9, 2008, August 6, 2008 and September 10, 2008.^[9]

In his Comment and Manifestations dated December 29, 2008, respondent judge refutes all the accusations hurled by complainant against him. He explains that he decided to dismiss complainant's appeal because it was filed out of time under the Rules on Summary Procedure. This decision was made in the exercise of the appellate jurisdiction of the MCTC and of his sound discretion.^[10] Secondly, he argues that complainant's accusation of bad faith and corruption is baseless and that the complaint was filed upon the urging of Atty. Alexander Lacaba, his counsel, in an attempt to get even with him (respondent judge) for having lost the appeal in the case.^[11] Lastly, respondent denies having participated in any drinking spree with his staff members or Costelo, who has been prohibited by his doctor from drinking alcoholic beverages. He claims that he only eats his meals in the nipa hut because he has to refrain from eating in public eateries for security reasons.^[12]

The administrative complaint was re-docketed as a regular administrative matter and referred to the Executive Justice of the Court of Appeals, Cebu City Station, for raffle among the justices thereat for investigation, report and recommendation.^[13]

On April 13, 2010, Associate Justice Edwin D. Sorongon issued his Report and Recommendation, the pertinent portion of which reads as follows:

In sum, it is recommended that respondent Judge be ABSOLVED from the charge of grave misconduct and corruption. However, the citation of a non-existent case by the respondent Judge in his assailed order of dismissal is tantamount to a misrepresentation and therefore reflect poorly on his esteemed position as a public officer in a court of justice, it is therefore recommended that he be ADMONISHED AND STRICTLY WARNED that a repetition thereof will be more severely dealt with.^[14]

The Court agrees with the findings of the Investigating Justice.

Grave Misconduct and Bribery

In order to merit disciplinary action, it must be established that respondent's actions were motivated by bad faith, dishonesty or hatred or were attended by fraud, dishonesty or corruption.^[15] In the absence of such proof, the decision or order in question is presumed to have been issued in

good faith by respondent judge.^[16] This was emphasized in the case of *Balsamo v. Judge Suan*,^[17] where the Court explained:

The Court has to be shown acts or conduct of the judge clearly indicative of arbitrariness or prejudice before the latter can be branded the stigma of being biased and partial. Thus, not every error or mistake that a judge commits in the performance of his duties renders him liable, unless he is shown to have acted in bad faith or with deliberate intent to do an injustice. Good faith and absence of malice, corrupt motives or improper considerations are sufficient defenses in which a judge charged with ignorance of the law can find refuge.^[18]

In cases where a judge is charged with bribery or grave misconduct, bias or partiality cannot be presumed. Neither can bad faith or malice be inferred just because the judgment or order rendered by respondent is adverse to complainant.

^[19] What constitutes bad faith has been expounded on in the case of *Sampiano v. Judge Indar*:^[20]

Bad faith does not simply connote bad judgment or negligence; it imputes a dishonest purpose or some moral obliquity and conscious doing of a wrong; a breach of a sworn duty through some motive or intent or ill-will; it partakes of the nature of fraud. It contemplates a state of mind affirmatively operating with furtive design or some motive of self-interest or ill-will for ulterior purposes. Evident bad faith connotes a manifest deliberate intent on the part of the accused to do wrong or cause damage.^[21]

Before a judge can be held liable for deliberately rendering an unjust judgment or order, one must be able to show that such judgment or order is unjust and that it was issued with malicious intent to cause injustice to the aggrieved party.^[22] Well-established is the rule in administrative proceedings that the burden of proof rests on the complainant, who must be able to

support and prove by substantial evidence his accusations against respondent.^[23] Substantial evidence, the quantum of proof required in administrative cases, is that amount of relevant evidence which a reasonable mind might accept as adequate to support a conclusion.^[24] Failure of the complainant to substantiate his claims will lead to the dismissal of the administrative complaint for lack of merit because, in the absence of evidence to the contrary, the presumption that a judge has regularly performed his duties will prevail.^[25]

In this case, complainant has nothing but mere assertions and conjectures to

buttress his allegations of grave misconduct and bribery on the part of respondent who, if complainant is to be believed, accepted bribes of food and engaged in drinking sprees with court employees during office hours. Contrary to complainant's statement, the Investigating Justice found that respondent was attending to his cases during the dates when he allegedly had those drinking sessions.

Time and again, this Court has held that charges based on mere suspicion and speculation cannot be given credence.^[26] Complainant miserably failed to substantiate his allegations of grave misconduct and bribery. He merely alleged hollow suppositions to shore up his Complaint. Consequently, this Court has no other option except to dismiss the administrative complaint for lack of merit.

Although the Court will never tolerate or condone any conduct, act or omission that would violate the norm of public accountability or diminish the people's faith in the judiciary, it will not hesitate to protect an innocent court employee against any groundless accusation or administrative charge which has no basis in fact or law.^[27] As succinctly put by Justice Quisumbing in the case of *Francisco v. Leyva*,^[28]

This Court will not shirk from its responsibility of imposing discipline upon employees of the Judiciary. At the same time, however, neither will we hesitate to shield the same employees from unfounded suits that only serve to disrupt rather than promote the orderly administration of justice.

^[29]

Gross Ignorance of the Law

Respondent judge can be held liable for gross ignorance of the law if it can be shown that he committed an error so gross and patent as to produce an inference of bad faith.^[30] In addition to this, the acts complained of must not only be contrary to existing law and jurisprudence, but should also be motivated by bad faith, fraud, dishonesty, and corruption.^[31]

Complainant Monticalbo insists that respondent judge erred in ruling that his counterclaim for attorney's fees and litigation expenses was covered by the Rules on Summary Procedure which provides that a motion for reconsideration is a prohibited pleading and will not toll the running of the period to appeal. To support his argument, complainant points out that his claim exceeds the P10,000.00 limit set in the Rule on Summary Procedure.

Complainant is mistaken.

A cursory reading of Section 1 of the Revised Rule on Summary Procedure clearly shows that complainant's claim is covered by the said rule which reads:

Section 1. Scope. - This rule shall govern the summary procedure in the Metropolitan Trial Courts, the Municipal Trial Courts in Cities, the Municipal Trial Courts, and the Municipal Circuit Trial Courts in the following cases falling within their jurisdiction: