

THIRD DIVISION

[A.M. No. RTJ-09-2176, April 20, 2009]

PROSECUTOR JORGE D. BACULI, COMPLAINANT, VS. JUDGE MEDEL ARNALDO B. BELEN, REGIONAL TRIAL COURT, BRANCH 36, CALAMBA CITY, LAGUNA, RESPONDENT.

DECISION

NACHURA, J.:

Before this Court is a verified Complaint^[1] dated May 8, 2008 of Prosecutor Jorge D. Baculi (complainant) charging Judge Medel Arnaldo B. Belen (respondent), Presiding Judge of the Regional Trial Court (RTC) of Calamba City, Laguna, Branch 36, with Grave Misconduct, Misbehavior, Gross Ignorance of the Law, Disbarment, Grave Abuse of Authority, Harassment, Oppressive and Malicious Conduct, and Violation of: (1) Articles 204 and 206 of the Revised Penal Code; (2) Republic Act (R.A.) No. 6713; (3) Code of Judicial Conduct; (4) Supreme Court (SC) Administrative Circular No. 1-88; (5) The Anti-Graft and Corrupt Practices Act; and (6) Section 1, Article XI of the 1987 Constitution, relative to Criminal Case No. 13240-2005-C entitled *People of the Philippines v. Jay Ballestrinos* for Frustrated Homicide.

The facts, as summarized by the Office of the Court Administrator (OCA), and which we adopt, are as follows:

Complainant Prosecutor Baculi states that he is the Provincial Prosecutor of Zambales detailed in Calamba, Laguna. On 1 April 2005, he filed against the accused Jay Ballestrinos [accused] an information for frustrated homicide docketed as Criminal Case No. 13240-2005-C.

In an Order dated 18 May 2005, respondent Judge Medel Arnaldo B. Belen directed the complainant to submit evidence that the notice of preliminary investigation was duly served and received by the accused. On 23 May 2005, complainant Baculi, through a Joint Manifestation/Comment, informed the court that despite several opportunities given, the accused failed to submit his counter-affidavit.

On 7 February 2006, respondent Judge Belen directed herein complainant Baculi to explain why he should not be cited in contempt of court for making unfounded statements in his pleadings.

In the course of the proceedings, complainant Baculi filed several pleadings (i.e. ^[1] *Motion to Dismiss and/or Cancel Proceedings with Voluntary Inhibition* and ^[2] *Urgent Reiterative Motion to Dismiss and/or Hold in Abeyance the Proceedings and/or Resolution of the Citation for Contempt with Voluntary Inhibition and Complaints for Gross Ignorance of the Law, Grave Misconduct, Abuse of Authority and Acts Unbecoming a*

In an Order dated 11 December 2006, respondent Judge Belen granted complainant Baculi's motion to reschedule the hearing to 8 and 15 February 2007. In a Decision dated 18 December 2006, respondent Judge Belen found complainant Baculi guilty of direct contempt of court for making scurrilous and contumacious statements in the latter's Urgent Reiterative Motion, the pertinent portion of the decision reads:

WHEREFORE, the Court finds respondent Jorge Baculi GUILTY of direct contempt and sentenced him to pay the fine of ONE THOUSAND FIVE HUNDRED (P1,500.00) PESOS and to suffer imprisonment of ONE (1) DAY.

The bail for the provisional liberty of the accused is fixed at P500.00.

SO ORDERED.

In another Decision dated 7 June 2007, complainant Baculi was cited for indirect contempt of court and sentenced to pay a fine of Twenty Thousand Pesos (P20,000.00) and to suffer imprisonment of three (3) days. Complainant Baculi filed a Notice of Appeal with Motion and Manifestation dated 5 July 2007 praying that the execution of the decision finding him guilty of indirect contempt be suspended pending his appeal.

Respondent Judge Belen, in an Order dated 6 August 2007, directed complainant Baculi to post, within two (2) days from receipt thereof, a supersedeas bond of Thirty Five Thousand Pesos (P35,000.00) in order to stay the execution of the Decisions dated 18 December 2006 and 7 June 2007. Complainant Baculi moved for a reduction of the bond but the same was treated as a mere scrap of paper for failure to comply with the notice of hearing under Rule 15 of the Rules of Court.

Respondent Judge Belen, in an Order dated 20 August 2007, directed the clerk of court to issue the Writ of Execution and a Warrant of Arrest to implement the decision of 18 December 2006 and 7 June 2007. Said order also directed the Philippine National Police to assist the branch sheriff in the enforcement of the Warrant.

On 5 October 2007, complainant Baculi filed an Ex-Parte Motion to Resolve Motions (i.e. ^[1] Manifestation/Motion and Notice of Appeal with Motion/Manifestation both dated 5 July 2007 and Motion for Reconsideration dated 21 August 2007) which motion was considered *functus officio* in an Order dated 9 October 2007 considering that the subject motions were already resolved in the Order of 6 August 2007.

Complainant Baculi, on 24 October 2007, moved that the Order dated 20 August 2007 be set aside. On 26 October 2007, he again filed a Manifestation with Motion arguing that his motion for reconsideration

dated 21 August 2007 complied with the rules on notice of hearing.

In his twin Orders of 24 March 2008, respondent Judge Belen declared that the Decisions dated 18 December 2006 and 7 June 2007 are final and executory.

On 28 April 2008, complainant Baculi filed a Motion for Reconsideration and to Set Aside Decisions of December 18, 2006 and June 7, 2007 and all Orders of March 24, 2008.

Thereafter, complainant filed the instant Complaint, asseverating, among others, that respondent violated Section 7, Rule 71 of the Rules of Court and prevailing jurisprudence in holding him liable for indirect contempt because the use of contemptuous language in a pleading, if submitted before the same judge, would constitute only direct contempt of court; that complainant's conviction had no basis because the pleadings in question did not contain any vulgar, vile or unethical statements that would be an affront to the dignity of the court; that the supersedeas bond of P35,000.00 fixed by the court to stay the execution was excessive, confiscatory and unconscionable; and that respondent was induced by revenge and ill motive, since it was complainant who indicted respondent in a libel case filed by one Prosecutor Ma. Victoria Sunega-Lagman, docketed as Criminal Case No. 15332-SP, now pending before the RTC, Branch 32, San Pablo City. Thus, complainant charges respondent with abuse of the court's power to cite persons for contempt.

Moreover, complainant claims that respondent is suffering from "power complex" and other psychiatric, emotional and mental disorders because the latter has an inordinate feeling of superiority and shows no remorse for his wrongdoings. Complainant also posits that respondent incurred delay when the latter failed to resolve his Manifestations/Motions dated October 23 and 24, 2007 within the reglementary period. Lastly, complainant argues that the twin Orders of March 24, 2008, which declared the Decisions dated December 12, 2006 and June 7, 2007 final and executory, were procedurally infirm considering that his Manifestations/Motions dated October 23 and 24, 2007 are still pending resolution before the court.

In his Comment^[2] dated June 11, 2008, respondent denies that the contempt proceedings against complainant were motivated by revenge. He asserts that he would not have initiated the same, had complainant not filed pleadings that were contemptuous in nature. Respondent presupposes that since complainant did not appeal the Decisions dated December 18, 2006 and June 7, 2007 to the Court of Appeals, the decisions already became final and executory. Respondent claims that he issued the said decisions and orders strictly in the performance of his judicial functions, and cannot be held administratively liable in the absence of a declaration from a competent tribunal that those decisions and orders suffered from legal infirmities or were tainted with grave abuse of authority. Respondent argues that, pursuant to prevailing jurisprudence, complainant should first exhaust judicial remedies before coming to the OCA by way of an administrative complaint.

We fully agree with the submission of the OCA that in the absence of fraud, bad faith, evil intention or corrupt motive, the complainant may not be allowed to question the judiciousness of the decisions rendered and orders issued by the