

THIRD DIVISION

[G.R. NO. 163155, July 21, 2006]

**ALFREDO HILADO, MANUEL LACSON, JOSE MA. TUVILLA,
JOAQUIN LIMJAP, LOPEZ SUGAR CORPORATION AND FIRST
FARMERS HOLDING CORPORATION, PETITIONERS, VS. JUDGE
AMOR A. REYES, PRESIDING JUDGE, REGIONAL TRIAL COURT OF
MANILA, BRANCH 21 AND ADMINISTRATRIX JULITA CAMPOS
BENEDICTO, RESPONDENTS**

D E C I S I O N

CARPIO MORALES, J.:

The present petition is one for mandamus and prohibition.

Julita Campos Benedicto (private respondent), the surviving spouse of the deceased Roberto S. Benedicto, filed on May 25, 2000 a petition for issuance of letters of administration, docketed as Special Proceeding No. 00-97505, "*Intestate Estate of Roberto S. Benedicto*" (the case), before the Regional Trial Court (RTC) of Manila. The case was raffled to Branch 21 presided by Judge Amor A. Reyes (public respondent).

Private respondent was, by Order^[1] of August 2, 2000, appointed Administratrix of the estate of Benedicto (the estate), and letters of administration were thereafter issued in her favor.

Herein petitioners, Alfredo Hilado, Manuel Lacson, Jose M. Tuvilla, Joaquin Limjap, Lopez Sugar Corporation and First Farmers Holding Corporation had, during the lifetime of Benedicto, filed before the Bacolod City RTC two complaints for damages or collection of sums of money, docketed as Civil Case No. 95-9137 and Civil Case No. 111718, against Roberto Benedicto et al.^[2]

In the initial inventory of the estate which private respondent submitted on January 18, 2001^[3] in the case before the Manila RTC, she listed, among other liabilities of the estate, the claims of petitioners subject of the above-said Bacolod RTC cases as follows:

LIST OF LIABILITIES

DESCRIPTION	AMOUNT
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x x x x	
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<u>A claim of several sugar planters</u>	P136,045,772.50
which is presently the subject of [at P50.00 per US	
<u>Civil Case No. 95-9137</u>	entitled \$1.00]

Lacson et al. v. R.S. Benedicto et al., pending before Branch 44 of the Regional Trial Court in Bacolod City.

A claim filed by various sugar planters P35,198,697.40 which is presently [at P50.00 per US the subject of Civil Case No. \$1.00]

11178 entitled Lopez Sugar Corporation et al. v. R.S. Benedicto, et al., pending before Branch 41 of the Regional Trial Court in Bacolod City.^[4]

(Emphasis and underscoring supplied)

From January 2002 until November 2003, the Branch Clerk of Court of Branch 21 of the Manila RTC allowed petitioners through counsel Sedigo and Associates to regularly and periodically examine the records of the case and to secure certified true copies thereof.

By December 2003, however, Atty. Grace Carmel Paredes, an associate of petitioners' counsel, was denied access to the last folder-record of the case which, according to the court's clerical staff, could not be located and was probably inside the chambers of public respondent for safekeeping.^[5]

Petitioners' counsel thus requested public respondent, by letter^[6] of January 15, 2004, to allow Atty. Paredes to personally check the records of the case. Acting on the letter, the Officer-In- Charge/Legal Researcher of Branch 21 advised petitioners' counsel in writing that "per instruction of the Hon. Presiding Judge[,], only parties or those with authority from the parties are allowed to inquire or verify the status of the case pending in this Court," and that they may be "allowed to go over the records of the above-entitled case upon presentation of written authority from the [administratrix]."^[7]

On February 2, 2004, petitioners' counsel was served with a notice of hearing of the case on February 13, 2004.^[8] Petitioners' counsel thus attended such scheduled hearing during which he filed a Motion for Inhibition^[9] of public respondent on the ground of gross ignorance, dereliction of duty, and manifest partiality towards the administratrix. Public respondent, noting that an error was committed in the service to petitioners of the notice of hearing, ignored the motion of petitioners' counsel.^[10]

Intending to compare the list of properties in the estate's inventory all of which properties were appraised at a fair value of P100 million with the list of assets valued at P1 Billion said to have been ceded in 1990 to the decedent under his Compromise Agreement with the Presidential Commission on Good Government,^[11] petitioners' counsel sent the Branch Clerk of Court of Branch 21 of the Manila RTC a letter^[12] requesting to be furnished with certified true copies of the "updated inventory."

By still another letter,^[13] petitioners' counsel requested to be furnished with certified true copies of the order issued by the court during the hearing of February 13, 2004, as well as the transcript of stenographic notes taken thereon.^[14]

By Order^[15] of March 2, 2004, public respondent indicated why petitioners had no standing to file the Motion for Inhibition as well as to request for certified true copies of the above-indicated documents. Read the Order of March 2, 2004:

Perusal of the motion shows that the movant is asking this Court to act on their motion despite the denial of their Omnibus Motion to Intervene which to date remains pending resolution with the Court of Appeals.

As correctly pointed out by the Administratrix, said motion is filed by persons/entities who have no legal standing in the above-entitled case, hence they cannot ask anything from this Court, much more for this Court to act on pleadings filed or soon to be filed.

For the record, the Court received two (2) letters dated February 17 and 27, 2004 addressed to Atty. Maria Luisa Lesle G. Gonzales, the Branch Clerk of Court-asking that he be furnished with certified true copies of the updated inventory and Order issued by this Court on February 13, 2004 hearing as well as the corresponding transcript of stenographic notes within fifteen (15) days from receipt of said letters.

Considering that the movants were not allowed to intervene in the proceedings per order of this Court dated January 2, 2002, copies of all pleadings/orders filed/issued relative to this case may only be secured from the [Administratrix] and/or counsel.^[16] (Underscoring supplied)

Petitioners thus filed on April 30, 2004 before this Court the present petition for mandamus and prohibition to compel public respondent to allow them to access, examine, and obtain copies of any and all documents forming part of the records of the case and disqualify public respondent from further presiding thereover.

In their petition, petitioners contend that the records of the case are public records to which the public has the right to access, inspect and obtain official copies thereof, ^[17] recognition of which right is enjoined under Section 7, Article III of the Constitution and Section 2, Rule 135 and Section 11, Rule 136 of the Rules of Court.

Petitioners further contend that public respondent manifested her arbitrariness, malice and partiality through her blatant disregard of basic rules in the disposition and safekeeping of court records, and her denial of their right to access the records suffices to bar her from presiding over the case;^[18] and public respondent's incompetence, malice, bad faith and partiality are underscored by her failure to enforce for more than three years the requirement of the Rules of Court on the prompt submission by the administratrix of her final inventory and the filing of a periodic accounting of her administration.^[19]

By Comment^[20] filed on September 21, 2004, private respondent submits that the petition is fatally defective since petitioners failed to disclose in their certification of

non-forum shopping that they had earlier instituted an administrative complaint against public respondent which prayed for the same reliefs^[21] - for the disqualification of public respondent from presiding over the case and for the court docket to be opened for examination.

Private respondent further submits that the petition for prohibition should be dismissed since petitioners are not parties to the case, hence, they have no personality to file a motion for inhibition.^[22]

As to the alleged denial of petitioners' right to examine court records and participate in the proceedings, private respondent submits that this is not unqualifiedly true for petitioners must have secured a copy of the inventory of the assets and liabilities of the estate, they being aware of the declared fair value of the estate and their counsel was present during the February 13, 2004 hearing.^[23]

For consideration then are the following issues: (1) whether the present petition is fatally defective for failure of petitioners to disclose in the certificate of non-forum shopping that they had priorly instituted an administrative complaint against public respondent which prays for the same reliefs; (2) whether a writ of mandamus may issue to compel public respondent to allow petitioners to examine and obtain copies of any or all documents forming part of the records of the case; and (3) whether a writ of prohibition will issue in favor of petitioners, who are not parties to the case, to inhibit public respondent from presiding over the case.

As reflected above, petitioners had, before the filing of the present petition, filed an administrative complaint before this Court against public respondent, "*Alfredo Hilado, Lopez Sugar Corporation and First Farmers Holding Corporation v. Judge Amor A. Reyes, Regional Trial Court of Manila, Branch 21*," docketed as A.M. No. RTJ-05-1910.

Petitioners subsequently filed a supplemental^[24] and a second supplemental administrative complaint^[25] praying for 1) the imposition of appropriate disciplinary sanctions against public respondent for, among other things, denying them their right to access the docket of the case, and 2) the disqualification of public respondent from presiding over the case, which latter prayer was, however, subsequently withdrawn in a motion^[26] filed on April 30, 2004, the same day that the present petition was filed.

Denying the existence of forum shopping, petitioners argue that it "exists only where the elements of *litis pendencia* are present, or where a final judgment in one case will amount to *res judicata* in the other."^[27]

It is well settled that the doctrine of *res judicata* applies only to judicial or quasi-judicial proceedings, and not to the exercise of administrative powers.^[28]

The non-existence of forum shopping notwithstanding, this Court proscribes the filing of an administrative complaint before the exhaustion of judicial remedies against questioned errors of a judge in the exercise of its jurisdiction.

Resort to and exhaustion of judicial remedies are prerequisites for the taking of,

among other measures, an administrative complaint against the person of the judge concerned. So *Atty. Flores v. Hon. Abesamis*^[29] teaches:

x x x [T]he law provides ample judicial remedies against errors or irregularities being committed by a Trial Court in the exercise of its jurisdiction. The *ordinary remedies* against errors or irregularities which may be regarded as normal in nature (i.e., error in appreciation or admission of evidence, or in construction or application of procedural or substantive law or legal principle) include a motion for reconsideration (or after rendition of a judgment or final order, a motion for new trial), and appeal. The *extraordinary remedies* against error or irregularities which may be deemed extraordinary in character (i.e., whimsical, capricious, despotic exercise of power or neglect of duty, etc.) are *inter alia* the special civil actions of *certiorari*, *prohibition* or *mandamus*, or a motion for inhibition, a petition for change of venue, as the case may be.

x x x Resort to and exhaustion of these judicial remedies, as well as the entry of judgment in the corresponding action or proceeding, are **pre-requisites for the taking of other measures** against the persons of the judges concerned, whether of civil, **administrative**, or criminal nature. It is **only after the available judicial remedies have been exhausted** and the appellate tribunals have spoken with finality, that the door to an inquiry into his criminal, civil or administrative liability may be said to have opened, or closed.

x x x Law and logic decree that "administrative or criminal remedies are **neither alternative nor cumulative to judicial review** where such review is available, and must wait on the result thereof" Indeed, since judges must be free to judge, without pressure or influence from external forces or factors, they should not be subject to intimidation, the fear of civil, criminal or administrative sanctions for acts they may do and dispositions they may make in the performance of their duties and functions; x x x^[30] (Emphasis and underscoring supplied; citations omitted)

It is thus only after a questioned action of a judge in a pending case has been judicially resolved with finality that the door to an inquiry into his or her administrative liability may be said to have opened.

Parenthetically, during the pendency of the present petition or on April 15, 2005, the Second Division of this Court rendered a decision^[31] on the above-said administrative complaint filed by petitioners against public respondent.

On the merits of the petition for mandamus, Section 7 of Article III of the Constitution provides:

SECTION 7. The right of the people to information on **matters of public concern** shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, **subject to such limitations as may be provided by law.** (Emphasis and underscoring supplied)