

## FIRST DIVISION

**[ A.M. NO. MTJ-05-1601 [OCA-IPI NO. 02-1213-MTJ], August 11, 2005 ]**

**MERCEDES G. DUDUACO, COMPLAINANT, VS. JUDGE LILY LYDIA A. LAQUINDANUM, MUNICIPAL CIRCUIT TRIAL COURT, KABACAN, NORTH COTABATO, RESPONDENT.**

### D E C I S I O N

**YNARES-SANTIAGO, J:**

On March 4, 2002, complainant Mercedes G. Duduaco charged<sup>[1]</sup> respondent Judge Lily Lydia A. Laquindanum<sup>[2]</sup> of the Municipal Circuit Trial Court of Kabacan-Carmen, North Cotabato with grave misconduct, abuse of judicial office and/or gross ignorance of the law.

Complainant alleged that on April 27, 2001, respondent brought her vehicle to the Toyota Service Center in Davao City (Toyota-Davao) for repairs and replacement of parts that were damaged due to a vehicular mishap.

Upon being advised that her vehicle is ready for pick-up, respondent went to Toyota-Davao on June 23, 2001 at around 11:00 a.m. She was met by Jeson M. Garao, a service advisor, who told her that the vehicle would be released upon payment of deductible franchise. Respondent allegedly refused to pay insisting that the same will be paid by the insurance company. She then asked to speak with the manager, herein complainant, but the latter was in a meeting.

At 3:00 p.m., respondent was referred to Randy A. Saragoza, Toyota-Davao's Administration and Marketing Head. Saragoza claimed that he tried to explain to respondent that the payment of the deductible franchise was upon instruction of the insurance company but the latter got angry and raised her voice while demanding to see the manager.

She was eventually referred to Vicente U. Yñez,<sup>[3]</sup> Service Department Manager, who alleged that respondent heatedly disagreed with him and shouted that she was a judge and insisted on seeing the manager. Upon being told that complainant was in a meeting, respondent furiously replied that she should be given preferential treatment over said meeting.<sup>[4]</sup>

At this point, respondent asked for a demand letter and upon presentation thereof, she paid the amount stated therein under protest.

Thereafter, Saragoza required respondent to sign the Release of Claim with Subrogation but she again refused. She allegedly became enraged and said that as a judge, she knew better than to sign a blank form. Yñez offered to fill in the blanks but respondent curtly informed him that she will not sign just the same.

Judge Laquindanum left the service center without the car. On July 4, 2001, she filed a case for Replevin, Damages and Attorney's Fees, with Prayer for the Issuance of a Writ of Replevin.<sup>[5]</sup>

In her Comment,<sup>[6]</sup> respondent denied that she threw her weight around and abused her judicial authority. She claimed that upon being informed by Garao about the deductible franchise, she instructed the latter to communicate with her insurer. After the lapse of two (2) hours, Garao told her that he could not contact the insurer's office because it was closed on Saturdays. She was referred to Saragoza and Yñez but when no agreement was reached, she suggested that they put in writing the demand for the deductible franchise before she would pay.

She eventually paid<sup>[7]</sup> the deductible franchise under protest. She averred that she requested for the execution of a demand letter<sup>[8]</sup> to serve as proof of her claim for refund. Thereafter, Garao brought out the vehicle and gave the key to her driver, who inspected the car to make sure that everything is in order. She then directed Salvador Caducoy to transfer her belongings from another vehicle.<sup>[9]</sup>

When respondent and her party were about to leave, Garao ran after them and told her that she needed to sign a release form.<sup>[10]</sup> She was given a blank Release of Claim with Subrogation<sup>[11]</sup> form which she refused to sign. When Saragoza advised her that the vehicle will not be released, she retorted that she will only sign if the form has been properly filled up. The parties were at an impasse when Yñez angrily said "*di fill up-an!*", then took back the form and went to his office but did not return.<sup>[12]</sup>

It was already 6:50 p.m. and respondent was still at the Toyota-Davao premises. She wrote a letter<sup>[13]</sup> to complainant detailing her ordeal. The letter was received by a lady employee who gave her another demand letter<sup>[14]</sup> stating that in addition to the payment of deductible franchise, she is also required to sign a release form which she refused because some portions were blank. She left Toyota-Davao without her car.

On July 19, 2001, Yñez, Saragoza together with complainant and Joe Linaza (Linaza) from FEB Mitsui Marine Insurance, Co., came to see respondent in her sala to apologize.<sup>[15]</sup>

In his report, the Investigating Justice of the Court of Appeals recommended<sup>[16]</sup> the dismissal of the complaint for lack of merit, insufficiency of evidence and reasonable doubt. He observed that respondent's refusal to pay the deductible franchise was not intended to violate the law. No fault can be attributed on respondent for refusing to sign a blank form. Had respondent grossly humiliated or berated Garao, Yñez or Saragoza, they would not have gone to her office, together with complainant and Linaza, to apologize.

The OCA adopted the Investigating Justice's recommendation with modification that complainant Duduaco be fined in the amount of P10,000.00 for filing this baseless harassment suit. The OCA opined that complainant's insistence on pursuing her

unsubstantiated charges despite lack of personal knowledge wasted the time and resources not only of respondent but also of the Investigating Justice and this Court.

We agree with the recommendations of the OCA.

In administrative proceedings, complainants have the burden of proving by substantial evidence the allegations in their complaints.<sup>[17]</sup> Administrative proceedings against judges are by nature, highly penal in character and are to be governed by the rules applicable to criminal cases. The quantum of proof required to support the administrative charges should thus be more substantial and they must be proven beyond reasonable doubt.<sup>[18]</sup>

To constitute gross ignorance of the law, the acts complained of must not only be contrary to existing law and jurisprudence but were motivated by bad faith, fraud, dishonesty and corruption.<sup>[19]</sup> On the other hand, misconduct is any unlawful conduct on the part of a person concerned in the administration of justice prejudicial to the rights of parties or to the right determination of the cause. It generally means wrongful, improper or unlawful conduct motivated by a premeditated, obstinate or intentional purpose.<sup>[20]</sup>

Respondent's refusal to pay the deductible franchise was justified. Her insistence that the demand to pay be in writing, together with her refusal to affix her signature in the blank form, did not amount to grave misconduct, abuse of judicial office or gross ignorance of the law. She was only exercising her legal right. Had respondent signed the blank form, she would be deemed to have waived her earlier protest and would have lost the right to claim for refund.

We agree with OCA's recommendation that complainant be sanctioned for filing this unfounded complaint. Indeed, no person should be penalized for the exercise of the right to litigate. This right, however, must be exercised in good faith.<sup>[21]</sup>

During the formal investigation, she admitted that she was absent when the event transpired on June 23, 2001,<sup>[22]</sup> which means that she has no personal and direct knowledge of the incident. Yet, in the verification portion of the complaint, she claimed that all the allegations therein were true and correct of her own knowledge and belief.<sup>[23]</sup> Significantly, she also went to respondent's office and apologized.

Human nature dictates that redress for a wrong done is ordinarily sought by the aggrieved with zeal. Yet, it appears that it was more than eight (8) months after the incident that complainant and Toyota-Davao filed this complaint against an alleged "erring" member of the bench. Verily, the delay militates against the veracity of their allegations.

Moreover, complainant filed the instant administrative case after Toyota-Davao lost possession of the vehicle in favor of respondent and after she refused to settle the replevin suit she filed against them. More specifically, the instant complaint was filed only on March 4, 2002 or about eight (8) months after respondent filed the replevin case and secured the writ on July 4, 2001. As the Investigating Justice fittingly observed, "the timing couldn't be worse."<sup>[24]</sup>