

## EN BANC

[ **A.M. No. CA-04-38 (OCA IPI No. 02-57-CA-J),  
March 31, 2004** ]

**FRANCISCO GALMAN CRUZ, APPELLEE, VS. JUSTICE PORTIA ALIÑO-HORMACHUELOS, JUDGE VICTORIA FERNANDEZ-BERNARDO, JUDGE CAESAR A. CASANOVA, JUDGE RENATO C. FRANCISCO, JUDGE MANUEL D. J. SYCIANGCO AND JUDGE ESTER R. CHUA-YU, APPELLANTS.**

### RESOLUTION

**AUSTRIA-MARTINEZ, J.:**

In a verified Complaint-Affidavit dated September 29, 2002, Francisco Galman Cruz charged Court of Appeals Justice Portia Aliño-Hormachuelos of the Court of Appeals, four presiding Judges of the Regional Trial Court (RTC) of Malolos, Bulacan, namely: Judge Victoria Fernandez-Bernardo (Branch 18), Judge Caesar A. Casanova (Branch 80), Judge Renato C. Francisco (Branch 19) and Judge Manuel D. J. Syciangco (Branch 6); and Judge Ester R. Chua-Yu of the Municipal Trial Court (MTC) of Bulacan, Bulacan (Branch 1) with Grave Misconduct and Gross Ignorance of the Law.

It appears that complainant was the defendant in Civil Case No. 94-98 for ejectment before the MTC of Malolos, Bulacan involving a parcel of land owned by the Province of Bulacan.<sup>[1]</sup> The complaint was filed by the then "provincial attorney", now respondent RTC Judge Syciangco, under a special power of attorney executed by then Governor Roberto Pagdanganan in favor of the Provincial General Services Officer, Engr. Romeo S. Castro.<sup>[2]</sup> Initially, the case was assigned to Branch 2 but when the presiding judge of said court was transferred to another court, respondent, then MTC, Judge Syciangco was appointed in his stead. Respondent Judge Syciangco immediately recused himself because he was the former counsel for the plaintiff. Civil Case No. 94-98 was then assigned to Branch 1, presided by Judge Mario Capellan who also inhibited himself on motion of the complainant. In view thereof, Executive Judge Natividad Dizon of the RTC of Malolos, Bulacan, designated respondent Judge Chua-Yu of the MTC of Bulacan, Bulacan, to try and decide said ejectment case.<sup>[3]</sup> On September 5, 1997, respondent Judge Chua-Yu rendered judgment ordering the ejectment of complainant.<sup>[4]</sup>

Complainant filed an appeal with the RTC of Malolos, Bulacan, docketed as RTC Case No. 884-M-97. The case was assigned to Branch 80 presided by respondent Judge Casanova. On March 3, 1999, respondent Judge Casanova affirmed the decision rendered by respondent Judge Chua-Yu.<sup>[5]</sup>

Dissatisfied, complainant filed a petition for review with the Court of Appeals, docketed as CA-G.R. SP No. 52309.<sup>[6]</sup> On February 28, 2000, respondent Justice Portia Aliño-Hormachuelos, as ponente affirmed the judgment of the lower court.<sup>[7]</sup>

Undaunted, complainant further appealed to this Court but the same was dismissed for having been filed out of time.

On October 15, 2001, complainant filed a petition for annulment of judgment with the RTC of Malolos, Bulacan, docketed as Civil Case No. 689-M-2001.<sup>[8]</sup> The case was raffled to Branch 19 presided by respondent Judge Francisco. On October 22, 2001, respondent Judge Francisco denied the prayer for temporary restraining order (TRO) and preliminary injunction.<sup>[9]</sup>

On October 29, 2001, complainant filed a motion for inhibition of respondent Judge Francisco.<sup>[10]</sup> He also filed a motion for reconsideration of the denial of the prayer for TRO. On November 5, 2001, respondent Judge Francisco voluntarily inhibited himself from the case. The case was transferred to Branch 18 presided by respondent Judge Fernandez-Bernardo. On January 3, 2002, respondent Judge Fernandez-Bernardo denied the motion for reconsideration.<sup>[11]</sup> On September 10, 2002, complainant filed a motion for voluntary inhibition of respondent Judge Fernandez-Bernardo. On October 1, 2002, respondent Judge Fernandez-Bernardo denied the motion for inhibition.<sup>[12]</sup>

On September 30, 2002, complainant filed the complaint-affidavit against the above-named respondents<sup>[13]</sup> with the following allegations:

Respondent Judge Syciangco, as the then "provincial attorney", acted in connivance with then Governor Pagdanganan in filing the complaint for ejectment which did not have the sanction of the Provincial Board. Respondent Judge Chua-Yu tried and decided the ejectment case although she did not have jurisdiction considering she was a not a judge of Malolos, Bulacan where the property was located. Respondent Judge Casanova affirmed the judgment of respondent Judge Chua-Yu. Respondent Justice Aliño-Hormachuelos affirmed the judgment of respondent Judge Casanova. Respondent Judge Francisco refused to grant a temporary restraining order (TRO). Respondent Judge Fernandez-Bernardo refused to issue a TRO based on his motion for reconsideration. All the respondents committed "misconduct and corruption, inefficient (sic) and gross inexcusable negligence; and simple violation of law on jurisdiction and fraud on administrative law; and knowingly rendering unjust judgment – void judgment."<sup>[14]</sup>

Required to comment, each of the respondents filed separate comments denying the allegations leveled against them. Respondent Judge Syciangco alleges that he is being charged for acts he performed when he was the Provincial Legal Officer of Bulacan. The other respondents aver that they acted in accordance with law and jurisprudence in deciding the case before them. All the respondents submit that the complaint is baseless and complainant should be sanctioned for filing an unfounded complain which robbed respondents of precious time which could otherwise have been devoted to the cases in court.

In its Evaluation Report dated January 29, 2003, the Office of the Court Administrator (OCA) recommended the dismissal of the complaint for lack of merit inasmuch as complainant questions the correctness of the decisions or orders issued by respondents which is not within the province of an administrative case. The OCA

further recommended that complainant be required to show cause why he should not be held in contempt of court.<sup>[15]</sup>

Approving the recommendation of the OCA, the Court, in a Resolution dated February 24, 2003, dismissed the complaint for lack of merit and required complainant to show cause why he should not be held in contempt of court.<sup>[16]</sup>

On March 21, 2003, complainant filed a motion for reconsideration of the dismissal of the complaint.<sup>[17]</sup> The Court denied the same in a Resolution dated July 8, 2003 and reiterated the Resolution dated February 24, 2003 requiring complainant to show cause why he should not be held in contempt of court.<sup>[18]</sup>

On August 4, 2003, complainant filed his compliance. He strongly reiterates that, with all honesty and belief, his complaint contains "full of proof of pieces of evidentiary facts" that would show a prima facie case against respondents which the Court should investigate. Complainant points out that it was former Governor Roberto Pagdanganan who ordered the filing of ejection case against him in the sala of Judge Syciangco who used to be the Legal Counsel of the Province of Bulacan. Complainant submits that this fact proves connivance, fraud and deception between Governor Pagdanganan and the judges of Bulacan which he made as one of his basis in filing the administrative case.<sup>[19]</sup>

In his Memorandum Report dated February 12, 2004, Court Administrator Presbitero J. Velasco, Jr. recommends that complainant be cited for contempt of court for filing an unfounded or baseless complaint. He opines:

Complainant's explanation is lacking in substance, and his theory of conspiracy is based on mere suspicion and speculation. The connection which complainant seeks to establish from the order to file ejection case against him and the decision reached in said case is tenuous, and that the conclusion he seeks to draw that there was conspiracy is without any basis.

... ..

Unfounded accusations or allegations or words tending to obstruct, embarrass or influence the court in administering justice or to bring it into disrepute have no place in a pleading. Their employment serves no useful purpose and on the contrary constitutes direct contempt of court or contempt in facie curiae and a violation of the lawyer's oath and a transgression of the canons of professional ethics, for which a lawyer like complainant may be administratively disciplined.

It is therefore appropriate to enjoin herein complainant and other members of the bar who file administrative complaints against members of the bench that they should do so after proper circumspection so as not to unduly burden the Court in the discharge of its function of administrative supervision over judges and court personnel.

The Court has meted the corresponding disciplinary measures against erring judges, including dismissal and suspension where warranted, and

welcomes the honest efforts of the Bar to assist it in the task. But lawyers like complainant should also bear in mind that they owe fidelity to courts as well as to their clients and that the filing of unfounded or frivolous charges against judges such as the one at hand as a means of harassing them whose decisions have not been to their liking will subject them to appropriate disciplinary action as officers of the court.

The Court finds the recommendation of the Court Administrator to be well taken.

The Court has consistently held that judges will not be held administratively liable for mere errors of judgment in their rulings or decisions absent a showing of malice or gross ignorance on their part. Bad faith or malice cannot be inferred simply because the judgment is adverse to a party. To hold a judge administratively accountable for every erroneous ruling or decision he renders, assuming that he has erred, would be nothing short of harassment and would make his position unbearable.<sup>[20]</sup> Much less can a judge be so held accountable where to all indications, as in this case, the judgment complained of is far from erroneous. The judgment in the ejectment case has gone through all the levels of review, it is high time that any doubts on the validity of the decision be laid to rest.

Furthermore, there is no cogent reason to delve into the allegations of connivance, fraud and deception between Governor Pagdanganan and the judges of Bulacan as they are not sustained by an iota of evidence but are only based on the unfounded perception of complainant. Familiarity between Governor Pagdanganan and the judges of Bulacan is insufficient proof, as connivance or conspiracy transcends companionship. This Court can not give credence to charges based on mere suspicion or speculation.<sup>[21]</sup> It is well settled that in administrative proceedings, the complainant has the burden of proving by substantial evidence the allegations in his complaint.<sup>[22]</sup> In the absence of contrary evidence, what will prevail is the presumption that the respondents have regularly performed their official duties,<sup>[23]</sup> as in this case.

A thorough review of the record also reveals that complainant has the penchant for calling for the inhibition of judges when he perceives the judge is partial or when he receives an unfavorable order or decision from a judge. In fact, the ejectment case passed through more than five different judges due to complainant's proclivity to file motions for inhibition. In doing so, complainant has shown that he was avidly shopping for judges favorable to his cause. His actuations caused needless clogging of court dockets and unnecessary duplication of litigation with all its attendant loss of time, effort, and money on the part of all concerned.

Complainant may strongly disagree with the decisions of the respondents but unsubstantiated allegations of grave misconduct and gross ignorance of the law serve no purpose other than to harass judges and cast doubt on the integrity of the entire judiciary. As a member of the bar for half a century,<sup>[24]</sup> complainant should know better than to file an unfounded administrative complaint.

Verily, this Court is once again called upon to reiterate that, although the Court will never tolerate or condone any act, conduct or omission that would violate the norm of public accountability or diminish the peoples' faith in the judiciary, neither will it hesitate to shield those under its employ from unfounded suits that only serve to