

## **FIRST DIVISION**

**[ A.M. No. RTJ-02-1742, September 11, 2003 ]**

**AVELINA MADULA, COMPLAINANT, VS. JUDGE RUTH CRUZ SANTOS, REGIONAL TRIAL COURT, BRANCH 72, ANTIPOLO CITY, RESPONDENT.**

### ***RESOLUTION***

**YNARES-SANTIAGO, J.:**

On February 20, 2001, Avelina Madula filed a complaint for forcible entry against the spouses Carmelito and Rose Clarin, docketed as Civil Case No. 14-01.<sup>[1]</sup> The case was raffled to the Municipal Trial Court of Antipolo, City, Branch 1, then presided by Judge Ruth Cruz Santos.

Subsequently, complainant filed a motion for preliminary mandatory injunction. On April 25, 2001, respondent judge denied the motion for failure to show a clear and existing right to the injunction.<sup>[2]</sup>

Complainant alleged that a preliminary conference was scheduled on May 30, 2001, at which defendants or their counsel failed to appear. Hence, complainant filed a "Motion to Render Judgment for Failure of Defendants to Appear in the Preliminary Conference,"<sup>[3]</sup> pursuant to Section 7, in relation to Section 6, of the Revised Rule on Summary Procedure.

Without resolving the Motion to Render Judgment, respondent judge, on September 3, 2001, voluntarily inhibited herself from the case, to wit:

Parties are hereby informed that the Presiding Judge is inhibiting herself from sitting in this case considering that when the item of Legal Researcher was published by the Supreme Court, the wife of [defense counsel] Atty. John Alex Villena was one of the applicants and her application was forwarded to the Supreme Court last August 29, 2001.

In view thereof, the court finds that it would be more proper to inhibit herself from handling this case.<sup>[4]</sup>

Complainant filed an "Opposition to Voluntary Inhibition of Presiding Judge Ruth C. Santos."<sup>[5]</sup> On October 24, 2001, respondent judge issued an Order reiterating her decision to voluntarily inhibit from trying the case.<sup>[6]</sup>

Thus, complainant filed with this Court a sworn administrative complaint charging respondent judge with serious neglect of duty, grave misconduct, gross incompetence and gross ignorance of basic laws and elementary rules. Complainant alleges that respondent should be held administratively liable for her refusal to render judgment against defendants in Civil Case No. 14-01, despite their failure to

appear at the preliminary conference; that she intentionally delayed the disposition of the case when she inhibited herself from taking cognizance of the same; that respondent failed to resolve the Motion to Render Judgment despite the lapse of five months; that the reason for the inhibition is not among the grounds mentioned in Rule 137, Section 1 of the Rules of Court or in Rule 3.12 of the Code of Judicial Conduct; and that respondent lacked the fitness and adequate ability to satisfactorily perform her duties as presiding magistrate.<sup>[7]</sup>

Respondent judge filed her Comment on July 2, 2002. She averred that, contrary to complainant's allegation, the setting on May 30, 2001 was not for preliminary conference, but for hearing on complainant's motion for reconsideration of the denial of her motion for preliminary mandatory injunction. Hence, respondent judge issued an Order on the said date directing defendants to comment on the said motion for reconsideration. In other words, no preliminary conference has yet been held in the case. She contends that she endorsed to the Supreme Court for approval the application of Ana Tomasa Villena for the position of Legal Researcher in her branch. Ms. Villena is the wife of Atty. John Alex Villena, defense counsel in Civil Case No. 04-01. Given this circumstance, respondent judge voluntarily inhibited herself from trying the case in order to avoid any suspicion of bias or partiality towards the spouse of her Legal Researcher in the event of a decision adverse to complainant. Considering her finding that complainant failed to show a clear right to a preliminary mandatory injunction, this possibility was not unlikely.<sup>[8]</sup>

The case was referred to the Office of the Court Administrator for evaluation, report and recommendation. In his Report dated November 11, 2002, the Court Administrator recommended that respondent judge be ordered to pay a fine in the sum of Two Thousand Pesos (P2,000.00) and admonished to be more circumspect in the performance of her judicial functions with a warning that a repetition of the same or similar acts in the future will be dealt with more severely.<sup>[9]</sup>

On December 18, 2002, the parties were required to manifest whether they are willing to submit the case for resolution on the basis of the pleadings filed. Respondent filed her Manifestation stating that she was willing to submit additional pleading in support of her comment. Subsequently, respondent judge filed her Supplemental Comment.

To date, complainant has not manifested her willingness to submit the case for resolution on the basis of the pleadings filed and is, thus, deemed to have waived the filing of said manifestation.

Meanwhile, respondent wrote a letter to this Court dated March 14, 2003, stating that Avelina Madula "is a perennial complainant in several cases before the Office of the Court Administrator," some of which were already dismissed by this Court. Respondent judge sought to point out complainant's proclivity to file administrative cases against judges who rendered resolutions or judgments adverse to her.

After a careful deliberation of the issues in this case, we do not agree with the recommendation of the Court Administrator. The complaint against respondent judge should be dismissed for lack of merit.

Misconduct is defined as 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.<sup>[10]</sup> It generally means wrongful, improper or unlawful conduct motivated by a premeditated, obstinate or intentional purpose.<sup>[11]</sup> To justify the taking of drastic disciplinary action, as is what is sought by complainant in this case, the law requires that the error or mistake must be gross or patent, malicious, deliberate or committed in bad faith.<sup>[12]</sup> For liability to attach, the assailed order, decision or actuation of the judge in the performance of official duties must not only found to be erroneous but, most importantly, it must be established that he was moved by bad faith, dishonesty, hatred or some other like motive.<sup>[13]</sup>

In the case at bar, the record is bereft of any persuasive showing of a wrongful, improper or unlawful conduct on the part of respondent judge, other than complainant's bare allegation of wrongdoing.

Indeed, even assuming *arguendo* that respondent judge may have erred at all, the lapse would be an error of judgment. A judge may not be administratively charged for mere errors of judgment in the absence of proof that the act complained of constitutes bad faith, malice, corrupt practice,<sup>[14]</sup> or gross ignorance of the law. It is settled that judges can not be held to account criminally, civilly or administratively for an erroneous decision rendered in good faith.<sup>[15]</sup>

The rule on disqualification of judges is laid down in Rule 137, Section 1 of the Rules of Court, which reads:

*Disqualification of judges.* – No judge or judicial officer shall sit in any case in which he, or his wife or child, is pecuniarily interested as heir, legatee, creditor, or otherwise, or in which he is related to either party within the sixth degree of consanguinity or affinity, or to counsel within the fourth degree, computed according to the rules of civil law, or in which he has been executor, administrator, guardian, trustee or counsel, or in which he has presided in any inferior court when his ruling or decision is the subject of review, without the written consent of all parties in interest, signed by them and entered upon the record.

A judge may, in the exercise of his sound discretion, disqualify himself from sitting in a case, for just and valid reasons other than those mentioned above.

While the second paragraph does not expressly enumerate the specific grounds for inhibition and leaves it to the sound discretion of the judge, such should be based on just and valid reasons.<sup>[16]</sup> The import of the rule on voluntary inhibition of judges is that the decision on whether or not to inhibit is left to the sound discretion and conscience of the trial judge based on his rational and logical assessment of the circumstances prevailing in the case brought before him. It points out to members of the bench that outside of pecuniary interest, relationship or previous participation in the matter that calls for adjudication, there might be other causes that could conceivably erode the trait of objectivity, thus calling for inhibition. Indeed, the factors that lead to preferences and predilections are many and varied.<sup>[17]</sup>

In *Gutang v. Court of Appeals*,<sup>[18]</sup> it was held: