THIRD DIVISION

[A.M. No. RTJ-00-1586, October 24, 2003]

THELMA C. BALDADO, COMPLAINANT, VS. JUDGE ARNULFO O. BUGTAS, REGIONAL TRIAL COURT, BRANCH 2, BORONGAN, EASTERN SAMAR, RESPONDENT.

D E C I S I O N

PANGANIBAN, J.:

A judge who promulgates a decision in which the *fallo* is totally unsupported by the text violates the Code of Judicial Conduct. In the present case, respondent's negligence is shown by his propensity to make rash, uninformed and unstudied rulings, thereby making him liable to administrative sanction.

Statement of the Case and the Facts

In a Complaint-Affidavit[1] dated February 11, 2000, Thelma C. Baldado — who was then the mayor of Sulat, Eastern Samar — charged Judge Arnulfo O. Bugtas[2] with gross ignorance of the law, gross negligence, manifest partiality, and bribery and corruption relative to Election Protest Case No. 01-98. She prayed for various sanctions as follows:

"The Honorable Judge Bugtas should, therefore, be meted out the sanction of dismissal from service, disbarment from the practice of law, and other penalty applicable, for various acts which placed the dignity of the bench and the bar in disrepute, as follows:

"1. For gross ignorance of the law and rendering an unjust judgment by ignoring the rules of the Omnibus Election Code, particularly, in the appreciation of ballots, thus, enabling Zacate to win by a single vote at all cost;

"2. For gross negligence unworthy of an impartial judge in promulgating the August 13, 1999 Decision, which held that Zacate won by one (1) vote as against complainant Baldado. However, in the body of said decision, there was actually a tie, each contender was left with 2,637 votes;

"3. For his manifest partiality unworthy of a dispenser of justice in promulgating the Supplemental Decision dated August 27, 1999, which invalidated six (6) ballots of the complainant in Precinct 1-A, Barangay A-et, and four (4) ballots of Zacate in Precinct 4-A, Barangay Del Remedio, thus, substantially amending the first decision so that he can have a reason to declare Zacate the winner by two (2) votes over the complainant for the position of mayor of Sulat, Eastern Samar, in the May 11, 1998 elections;

"4. For his manifest partiality in promulgating a Resolution dated October 11, 1999, which reconsidered the denial in the Supplemental Decision of Zacate's motion for execution pending appeal and directed the sheriff to execute the judgment just so he (Judge Bugtas) could install Zacate as mayor of Sulat, Eastern Samar, at all cost;

"5. For being guilty of grave abuse of judicial authority, bribery, dishonesty, violations of the Anti-Graft and Corrupt Practices Law (R.A. 3019), and grave misconduct."[3]

In response to the directive of Deputy Court Administrator Bernardo T. Ponferrada, respondent filed his Comment,[4] in which he stated in part:

"The accusations of complainant in Pars. 28-1 to 5 of same Complaint-Affidavit are highly improbable and without basis, but purely blatant lies and a sinister move to harass and oust him from the service in retaliation of the adverse decision of her case before him. Nothing in the acts of the Presiding Judge from the commencement of the case up to the time when the case was terminated shows ignorance of the law as may be justified by a gross or patent error, malicious, deliberate or in bad faith. For what had came out was a result of a diligent study and proper evaluation of the case based on honest application of the rules. The Presiding Judge endeavored diligently in ascertaining the facts and the applicable laws unswayed by partisan interest, public opinion and without fear for his dear life knowing fully well that complainant and her husband had long dominated the political supremacy in said municipality. For, otherwise, if fear would prevail, no more judge in the country would stand to be visible in representing the law and merit respect and confidence of the people. To this Presiding Judge, it is not enough that a party throws some tenuous allegations of partiality of the judge. No less than imperative is that it is the judge's sacred duty to administer justice without fear or favor. Herein complainant only shows her gross irresponsibility in imputing upon this Presiding Judge the alleged commission of said offenses without valid basis but purely based on personal motive to harass him, and the lawyer who assisted her in the preparation of herein Complaint-Affidavit should have, under his oath as a lawyer, prevented her from making these wild accusations. The doctrine that a judge cannot be held to account or answer criminally, civilly and administratively for an erroneous decisi[o]n rendered by him good faith remains a law."[5]

On August 28, 2000, the Court referred the case to the Court of Appeals (CA) for investigation, report and recommendation.[6] The matter was raffled to Associate Justice Bienvenido L. Reyes, who conducted hearings thereon. On January 23, 2002, he submitted his Report,[7] which was referred to the Office of the Court Administrator (OCA) for evaluation and recommendation.

In its own Report and Recommendation dated April 22, 2002, the OCA[8] summarized the facts of the case as follows:

"1. On 13 August 1999, a decision dated 3 August 1999 was promulgated by respondent judge in Election Protest Case No. 01-98. Both parties

received a copy of the judgment on the same date;

"2. In his decision, respondent judge invalidated 321 votes for protestee Baldado (herein complainant) and likewise nullified 82 votes for protestant Zacate. In the final tally, Zacate won over Baldado by a margin of one (1) vote;

"3. On 13 August 1999, complainant interposed an appeal from the judgment. Zacate, on the other hand, filed on 14 August 1999 a motion for immediate execution of the appealed judgment;

"4. On 16 August 1999, complainant Baldado filed an opposition to the motion for immediate execution pending appeal on the ground that the court had already lost jurisdiction over the case inasmuch as she had already perfected her appeal to the COMELEC, as evidenced by the notice of appeal and the payment of the necessary appellate docket fees on 13 August 1999;

5. On 24 August 1999 Baldado filed an urgent motion for clarificatory judgment stating that the lower court erred in computing the invalid votes for protestant Zacate which should have been 82 and not only 81. Had it been properly deducted, Baldado and Zacate would have garnered the same number of votes, resulting in a tie;

"6. On 27 August 1999, Zacate filed a supplemental memorandum in which he alleged that respondent failed to take into consideration the number of votes declared valid for protestant, which, if included, would increase his lead not by merely one vote but by twenty-one (21) votes;

"7. As a result, respondent issued a supplemental Decision wherein he admitted having committed a 'clerical error' when he failed to deduct one vote from those earned by protestant Zacate. In this new appreciation of ballots, respondent invalidated six (6) votes for complainant-protestee and four (4) votes for protestant. He thereafter pronounced Zacate the winner by two (2) votes. However, in the same supplemental decision, he denied Zacate's motion for execution pending appeal;

"8. Pursuant to the order embodied in the Supplemental Decision, the branch clerk of the trial court transmitted on 27 August 1999, the complete records of the election protest case to the COMELEC, which received the same on 6 September 1999;

"9. Protestant Zacate received a copy of the Supplemental Decision which denied his motion for execution pending appeal on 1 September 1999. Six days later, Zacate filed a belated Motion for Partial Reconsideration of the Supplemental Decision with respect to the denial of his motion for discretionary execution;

"10. On 9 September 1999, complainant filed an opposition to the motion for partial reconsideration, averring that the trial court had already lost jurisdiction over the case in view of the fact that it no longer had possession of the original records which had already been forwarded to the COMELEC;

"11. However, on 11 October 1999, respondent judge issued a resolution granting Zacate's motion for reconsideration. Likewise, without Zacate filing a motion for the execution of the supplemental decision, respondent ordered the issuance of a writ of execution of the said decision pending appeal and directed the sheriff to install Zacate as mayor of Sulat, Easter[n] Samar."[9]

Findings and Recommendation of the Office of the Court Administrator

Like Justice Reyes, the OCA found respondent guilty of violating Section 2 of Rule 39 of the Rules of Court on discretionary execution. It further opined that "[t]he law (Sec. 2, Rule 39, Rules of Court) violated by Judge Bugtas is so basic that not to be aware of [it] constitutes gross ignorance of the law."[10]

The OCA, however, found that "[a]s to the charge of bribery and corruption, complainant failed to substantiate the charges in connection therewith."[11]

It recommended that respondent judge "be FINED in the amount of TWENTY-FIVE THOUSAND PESOS (P25,000.00) for gross ignorance of the law in connection with Election Protest Case No. 01-98 and WARNED that a repetition of the same or similar acts in the future shall be dealt with more severely."[12]

The Court's Ruling

The Court partly agrees with the findings of the OCA.

Administrative Liability

Gross Ignorance of the Law

Complainant condemns the act of respondent in granting execution pending appeal in Election Protest Case No. 01-98 despite the fact that his court was no longer in possession of the records thereof.

Section 2 of Rule 39 of the Rules of Court, which was allegedly violated by respondent, states:

"Sec. 2. *Discretionary execution* —

"(a) *Execution of a judgment or final order pending appeal.* — On motion of the prevailing party with notice to the adverse party filed in the trial court while it has jurisdiction over the case and is in possession of either the original record or the record on appeal, as the case may be, at the time of the filing of such motion, said court may, in its discretion, order execution of a judgment or final order even before the expiration of the period to appeal.

"After the trial court has lost jurisdiction, the motion for execution pending appeal may be filed in the appellate court.

"Discretionary execution may only issue upon good reasons to be stated in a special order after due hearing."

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