

## THIRD DIVISION

[ A.M. No. MTJ-00-1252, December 17, 2002 ]

**NELSON RODRIGUEZ AND RICARDO CAMACHO, COMPLAINANTS,  
VS. JUDGE RODOLFO S. GATDULA, RESPONDENT.**

### D E C I S I O N

**SANDOVAL-GUTIERREZ, J.:**

An administrative complaint against a judge cannot be pursued simultaneously with the judicial remedies accorded to parties aggrieved by his erroneous order or judgment. Administrative remedies are neither alternative nor cumulative to judicial review where such review is available to the aggrieved parties and the same has not yet been resolved with finality. For until there is a final declaration by the appellate court that the challenged order or judgment is manifestly erroneous, there will be no basis to conclude whether respondent judge is administratively liable. This doctrine set out in *In Re: Joaquin T. Borromeo*,<sup>[1]</sup> and subsequently reiterated in several cases<sup>[2]</sup> by this Court, find application to the instant administrative complaint against Judge Rodolfo S. Gatdula of the Municipal Trial Court (MTC) of Balanga, Bataan. He is being charged with gross ignorance of the law, gross negligence and/or abuse of authority<sup>[3]</sup> in connection with his orders and decision in Civil Case No. 1701.

On November 25, 1994, Mariveles Pawnshop Corporation, represented by Natividad Candido, filed with the MTC of Balanga, Bataan a complaint for forcible entry against Ricardo Camacho and Marilou Hernandez, docketed as Civil Case No. 1701. The complaint alleges *inter alia* that Natividad Candido is the President and General Manager of Mariveles Pawnshop Corporation; and that defendants, by means of strategy and stealth, took possession and control over its pawnshop stall in Balanga, Bataan.

In their answer, defendants alleged that Natividad had been ousted from her position as President of plaintiff corporation and that Camacho replaced her as General Manager of its Balanga branch; and that Natividad has no authority to file the forcible entry suit on behalf of plaintiff corporation.

On February 22, 1995, defendants filed a motion to dismiss the complaint contending in essence that the court has no jurisdiction over the case because it involves an intra-corporate dispute which was then within the original and exclusive jurisdiction of the Securities and Exchange Commission (SEC).

On March 8, 1995, respondent judge denied the motion to set the above motion for hearing.

On April 16, 1997, he rendered a decision in favor of plaintiff corporation, the dispositive portion of which reads:

"WHEREFORE, judgment is hereby rendered, ordering the defendants and their representatives to immediately vacate the premises of Mariveles Pawnshop Inc., located at the Plaza Arcade, Balanga, Bataan, and to restore to plaintiff Natividad Candido the full possession thereof including all articles and money found therein, valued at P2,000,000.00 and to pay rental which is fixed at P8,000.00 per month beginning July 21, 1994.

"The counterclaim of the defendants are hereby dismissed, they not being substantiated by evidence.

"Cost against the defendants."<sup>[4]</sup>

Subsequently, plaintiff filed a motion for execution of the decision on the ground that the defendants failed to post supersedeas bond representing the rentals due. In the meantime, defendants seasonably filed a notice of appeal.

On June 5, 1997, respondent issued an Order granting plaintiff's motion for execution due to defendants' failure to post a supersedeas bond.

On June 9, 1997, defendants filed a petition for certiorari with the Regional Trial Court (RTC) of Balanga, Bataan, assailing the MTC order directing the issuance of a writ of execution. On the same date, Camacho, claiming to be the vice-president of plaintiff corporation, and Nelson Rodriguez, claiming to be the incumbent president of the same corporation, filed with this Court the instant administrative complaint against respondent judge for ignorance of the law, alleging that he:

- 1) failed to resolve their motion to dismiss the complaint on the ground of lack of jurisdiction since it involves an intra-corporate dispute;
- 2) erred in requiring defendants to post a supersedeas bond amounting to Two Million (P2,000,000.00) Pesos to stay the execution of his decision; and
- 3) awarded possession of the pawnshop to Natividad alone, notwithstanding that the real plaintiff in the case is Mariveles Pawnshop, Inc.<sup>[5]</sup>

In a letter<sup>[6]</sup> dated September 1, 1997, addressed to then Court Administrator Alfredo L. Benipayo, respondent judge denied the administrative charges, contending that defendants never alleged in their pleadings submitted to his court that the issue involves an intra-corporate dispute. When he awarded possession of the disputed pawnshop stall to Natividad, it was in her capacity as President and General Manager of plaintiff corporation. Moreover, he issued the writ of execution because defendants' counsel manifested that his clients would not file a supersedeas bond together with their notice of appeal.

On December 1, 1999, the Office of the Court Administrator (OCA), through then Court Administrator Alfredo L. Benipayo, found that respondent judge's actions "were not free from the appearance of impropriety" and recommended that he be fined Ten Thousand (P10,000.00) Pesos.

In a Resolution<sup>[7]</sup> dated January 19, 2000, this Court ordered that this case be docketed as an administrative matter and required the parties to manifest, within

twenty (20) days from notice, whether they are submitting the case for decision on the basis of the pleadings already submitted.

Both parties filed their respective manifestations that they are willing to have the case so decided.

The main issue for our resolution is whether the instant administrative complaint for gross ignorance of the law is permissible in light of the filing by complainants of a notice of appeal and a petition for *certiorari* assailing respondent judge's decision and his order of execution.

Recently, this Court, in *Abraham L. Mendova vs. Crisanto B. Afable, Presiding Judge, Municipal Circuit Trial Court, San Julian-Sulat, Eastern Samar*,<sup>[8]</sup> pertinently ruled:

"It is axiomatic, as this Court has repeatedly stressed, that an administrative complaint is not the appropriate remedy for every irregular or erroneous order or decision issued by a judge where a judicial remedy is available, such as a motion for reconsideration, or an appeal. For, obviously, if subsequent developments prove the judge's challenged act to be correct, there would be no occasion to proceed against him at all. Besides, to hold a judge administratively accountable for every erroneous ruling or decision he renders, assuming he has erred, would be nothing short of harassment and would make his position doubly unbearable. To hold otherwise would be to render judicial office untenable, for no one called upon to try facts or interpret the law in the process of administering justice can be infallible in his judgment. It is only where the error is so gross, deliberate and malicious, or incurred with evident bad faith that administrative sanctions may be imposed against the erring judge."<sup>[9]</sup> (emphasis ours)

*Mendova cites Flores vs. Abesamis*,<sup>[10]</sup> wherein this Court held:

"As everyone knows, the 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 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 action of certiorari, prohibition or mandamus, or a motion for inhibition, a petition for change of venue, as the case may be.

"Now, the established doctrine and policy is that disciplinary proceedings and criminal actions against Judges are not complementary or suppletory of, nor a substitute for, these judicial remedies, whether ordinary or extraordinary. 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