441 Phil. 694

THIRD DIVISION

[A.M. No. MTJ-02-1402, December 04, 2002]

ABRAHAM L. MENDOVA, COMPLAINANT, VS. CRISANTO B. AFABLE, PRESIDING JUDGE, MUNICIPAL CIRCUIT TRIAL COURT, SAN JULIAN-SULAT, EASTERN SAMAR, RESPONDENT.

D E C I S I O N

SANDOVAL-GUTIERREZ, J.

In an affidavit-complaint dated July 1, 1999, Abraham L. Mendova charged Judge Crisanto B. Afable of the Municipal Circuit Trial Court of San Julian–Sulat, Eastern Samar, with ignorance of the law relative to Criminal Case No. 2198-98, "*People of the Philippines, Plaintiff, vs. Roberto Q. Palada, Accused*," for slight physical injuries.

Complainant Mendova alleged in his affidavit-complaint that on February 18, 1998 he filed with the Office of the Barangay Chairman of Poblacion San Julian, Eastern Samar a complaint for slight physical injuries against Robert Palada. Barangay Chairman Ronie D. Quintua, in his Certification dated April 19, 1999,[1] confirmed such fact. Pangkat Chairman Eufemia L. Cabago also certified in an undated "Minutes In Settling Disputes"[2] that the case was set for hearing on March 16, 22 and 29, 1998, but the parties failed to reach an amicable settlement.

On May 4, 1998, complainant filed with the Municipal Circuit Trial Court of San Julian –Sulat, Eastern Samar a complaint for slight physical injuries against Palada, docketed as Criminal Case No. 2198-98. On November 3, 1998, respondent judge rendered his Decision[3] dismissing the case on the ground of prescription, thus:

> "**Complaint in this case** dated April 20, 1998 was **filed with this Court on May 4, 1998**. The affidavits of complainant as well as prosecution witness Melvin C. Quiloña were subscribed and sworn to before the undersigned also on May 4, 1998.
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> "**The alleged offense took place on February 15, 1998. From the date of the commission of the alleged offense, more than two months have elapsed.**
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> "This is for slight physical injuries and is therefore a light offense.
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> "Under Art. 89 of the Revised Penal Code, criminal liability is totally extinguished by presciption of the crime.
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> "**Article 90 of the same Code provides that light offenses prescribe in two months. This being a light offense, the same should be considered as already having prescribed because the case against the accused was filed after two months.**

"LET, THEREFORE, this case be DISMISSED, the crime having already prescribed.

"SO ORDERED." (emphasis added)

On July 7, 1999, complainant filed with the Office of the Court Administrator an administrative complaint against respondent judge. He alleged that in dismissing the case, respondent judge showed his ignorance of the law when he did not apply the provisions of Section 410(c) of Republic Act No. 7160 (The Local Government Code of 1991), which state:

"Section 410. *Procedure for Amicable Settlement.* –

x x x x x x x x x

(c) ***Suspension of prescriptive period of offenses***. – While the dispute is under mediation, conciliation or arbitration, the prescriptive periods for offenses and causes of action under existing laws shall be **interrupted upon filing of the complaint with the Punong Barangay**. The prescriptive periods shall **resume upon receipt by the complainant** of the complaint or the **certificate of repudiation or of the certification to file action** issued by the Lupon or Pangkat Secretary: *Provided, however*, That such interruption shall not exceed sixty (60) days from the filing of the complaint with the punong barangay." (emphasis added)

Complainant further alleged that respondent's conduct caused him injury and grave injustice.

In his comment dated September 13, 1999, respondent admitted that his Decision being assailed by complainant "was wrong." According to him, "(w)hen I rendered the questioned decision, what entered my mind was the rule on prescription as provided under the Revised Penal Code. There was a mental lapse on my part caused by heavy workload," as he was likewise designated the Acting Presiding Judge of MCTC Llorente-Hernani, Eastern Samar.[4] He begged for kindness and understanding, stating that he has been a trial judge for 10 years and that this is the "first kind of mistake" he has ever committed.

In its Evaluation and Recommendation,[5] the Office of the Court Administrator, through Deputy Court Administrator Zenaida N. Elepaño, found respondent guilty as charged and recommended that he be fined P3,000.00 with a warning that a commission of similar acts will be dealt with more severely, thus:

"**EVALUATION**: It cannot be denied that respondent has been remiss in the dispensation of his adjudicatory functions. The court has not been wanting in its warnings that judges should endeavor to maintain at all times the confidence and high respect accorded to those who wield the gavel of justice. Judges are required to observe due care in the performance of their official duties. They are likewise charged with the knowledge of internal rules and procedures, especially those which relate to the scope of their authority (*Cuaresma vs. Aguilar*, 226 SCRA 73). Further, a judge owes it to the public and the administration of justice to know the law he is supposed to apply to a given controversy. He is called upon to exhibit more than just a cursory acquaintance with the statutes

> and procedural rules. There will be faith in the administration of justice only if there be a belief on the part of litigants that occupants of the bench can not justly be accused of a deficiency in their grasp of legal principles (*Libarios vs. Dabalos*, 199 SCRA 48)."

In a Resolution dated February 13, 2002, this Court ordered that this case be docketed as an administrative matter and required the parties to manifest, within 20 days from notice, whether they are submitting the case for decision on the basis of the pleadings/records already filed.

Both parties filed their respective manifestations that they are willing to have the case so decided. In his manifestation, respondent judge made the additional comment that the complainant did not allege bad faith or malice on his (respondent's) part in rendering the questioned decision.

The sole issue for our resolution is whether respondent judge is liable administratively for dismissing Criminal Case No. 2198-98 on the ground of prescription.

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 the 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.[6]

What we said in *Flores vs. Abesamis*[7] is illuminating:

> "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 a 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 actions of *certiorari*, prohibition or *mandamus*, or a motion for inhibition, a petition for change of venue, as the case may be.
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> "**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**