

THIRD DIVISION

[A.M. No. RTJ-00-1554, June 01, 2000]

SIMEON B. GANZON II, COMPLAINANT, VS. JUDGE JULIAN Y. EREÑO, REGIONAL TRIAL COURT, BRANCH 27, ILOILO CITY, RESPONDENT.

RESOLUTION

VITUG, J.:

In a verified complaint, dated 27 February 1998, Simeon B. Ganzon II charged Judge Julian Y. Ereño of the Regional Trial Court of Iloilo City, Branch 27, with having knowingly rendered an unjust judgment, unreasonable delay in the administration of justice and gross inefficiency/neglect in the performance of duty relative to Election Protest Cases No. 10-1995 and No. 10-1995-A. Election Protest Case No. 10-1995 ("Simeon B. Ganzon II vs. Cresenciano Duremdes, Sr.") challenged the result of the May 1995 election for the mayoralty post in the Municipality of Balasan, Iloilo, while Election Protest Case No. 10-1995-A ("Juber Pasco vs. Susan Bedro") assailed the election result for the vice-mayorality position. According to complainant, the consolidated decision handed down by respondent Judge in the election protest cases was contrary to law, not supported by evidence, and rendered with conscious and deliberate intent to do an injustice to a party litigant, asseverating that while the basis of the judgment was that no votes should be considered in favor of either party in Precinct No. 5-1-A, yet Annex B^[1] of the decision would show that respondent Judge credited candidates for vice-mayor with votes coming from said precinct. In addition, complainant claimed, the tabulation of the election results^[2] indicated certain inconsistencies and deductions of votes from those garnered by each candidate which were unsupported either by the stenographic notes or by any explanation, thereby making it difficult for complainant to figure out the meaning of the decision of respondent judge for purposes of appeal.

Respondent Judge was also put to task by complainant for delaying the resolution of pending incidents in the protest cases and for entertaining various motions and pleadings from the protestee which were just intended to delay the disposition of the cases. Complainant called attention to the fact that while the election protests were filed on 18 August 1995 with respondent Judge taking cognizance of the cases on 11 September 1995, the protests, however, were decided only on 17 September 1997.

Finally, complainant bewailed the failure of respondent judge to exert efforts in ascertaining the correct figures in the computation of votes from the contested precincts. Complainant claimed that he had yet to prod the court and its personnel in the transcription of the stenographic notes, which were ultimately completed only on 22 April 1997 or four months after the termination of the revision of the ballots on 22 December 1996.

Respondent Judge denied the charges and questioned the motive of complainant in filing the administrative case considering that the election protest cases were decided on 17 September 1997 while the administrative case was filed much belatedly on 04 March 1998, just a week before he was due to retire. He stated, in passing, that complainant was known for his propensity for filing administrative cases.

In response to the charge that he had knowingly rendered an unjust judgment, respondent Judge averred that he did disallow the mayoralty candidates to be credited with votes coming from Precinct 5-1-A and allowed the vice-mayoralty candidates to be credited with votes from the same precinct but only with respect to those agreed upon by the candidates themselves as so appearing on the tally board.

Relative to the delay in the disposition of the case, respondent Judge, while acknowledging the time imperatives in election cases, countered, however, that all other vital matters involved had likewise to be carefully considered in order to avoid any possible injustice to a party. He explained that before the cases were assigned to his *sala*, there was a pending motion to dismiss on the ground that mayoralty and vice-mayoralty protest cases could not be joined, and it was he who prevailed upon the protestees to allow the protestants (herein complainant among them) to amend the election protest, which they finally did on 29 January 1996, in order to hasten their disposition. Still, thereafter, motions for his inhibition and for transfer of venue were filed due to his alleged "closeness" to a relative of complainant.

The Office of the Court Administrator, to which the case was referred for investigation, report and recommendation, recommended that the complaint be so docketed as an administrative matter, that the charges, with the exception of the case for unreasonable delay in the administration of justice, be dismissed, and that respondent be meted a fine in the amount of P5,000.00.

In the resolution of the Court on 24 March 1999, the parties were required to manifest whether they would be willing to submit the case for resolution on the basis of the pleadings and documents on record. On 21 July 1999, respondent Judge responded affirmatively. Complainant failed to comply with the resolution constraining the Court to require counsel for complainant to show cause why she should not be disciplinarily dealt with for ignoring the directive. Counsel for complainant thereupon submitted her explanation and manifestation that complainant was submitting the case for resolution on the basis of the pleadings and documents on file. Finding the explanation not fully satisfactory, the Court, in its 15th December 1999 resolution, admonished counsel and resolved to docket the case.

The Court adopts the report of the OCA.

In order to justify a disciplinary action against a judge, or to render him accountable, for an unjust judgment, the error or mistake must be gross or patent, malicious or deliberate, or done in bad faith;^[3] any other rule can subject him to undue risks, untold anxiety, and inordinate harassment, or the like, that could make his job miserable and unbearable. As so observed by the OCA -

"x x x To be liable therefor, it must be shown beyond reasonable doubt that the judgment is unjust and that it was made with conscious and