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FIRST DIVISION

[A.M. No. RTJ-02-1677. February 28, 2002]

JERUSALINO V. ARAOS, *complainant, vs.* **JUDGE ROSALINA L. LUNA-PISON, in her capacity as Presiding Judge, Regional Trial Court, Branch 107, Quezon City,** *respondent.*

SYNOPSIS

Complainant Jerusalino V. Araos was charged with the crime of estafa under Article 315 of the Revised Penal Code and was convicted by respondent Judge Rosalina L. Lina-Pison with the crime of other deceits under Article 318 of the said Code. Complainant claimed that at the time of the filing of the information, the Metropolitan Trial Court had exclusive jurisdiction over the crime of estafa regardless of the imposable fine pursuant to the provision of Batas Pambansa Blg. 129. In her comment, respondent judge prayed for the dismissal of the complaint. She maintained that she decided the case with justice and equity being always the overriding consideration. She stressed that she had studied meticulously the case and that her decision was based on the facts and evidence presented and the law applicable to the offense charged. Subsequently, the Office of the Court Administrator (OCA) recommended the dismissal of the complaint.

The Court ruled that the recommendation of the OCA was well taken. In cases where the charges involved are misconduct in office, willful neglect, corruption, or incompetency, the general rules in regard to admissibility in evidence in criminal trials apply. In other words, the ground for the removal of a judicial officer should be established beyond reasonable doubt. In the case at bar, the record is bereft of any showing of a wrongful, improper or unlawful conduct on the part of respondent judge. Assuming for the nonce that respondent judge may have erred at all, the lapse would be a mere error of judgment. A judge may not be administratively charged for mere errors of judgment, in the absence of showing of any bad faith, malice or corrupt purpose. Indeed, it is settled that judges cannot be held to

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account criminally, civilly or administratively for an erroneous decision rendered in good faith.

SYLLABUS

1. **LEGAL AND JUDICIAL ETHICS; ADMINISTRATIVE CHARGES AGAINST JUDGES; ADMISSIBILITY OF EVIDENCE IN CRIMINAL TRIALS APPLY.** – In administrative proceedings, complainants have the burden of proving by substantial evidence the allegations in their complaints. In the absence of contrary evidence as in this case, what will prevail is the presumption that the respondent has regularly performed her duties. "x x x The Rules, even in an administrative case, demand that, if the respondent judge should be disciplined for grave misconduct or any graver offense, the evidence against him should be competent and should be derived from direct knowledge. The Judiciary to which the respondent belongs demands no less. Before any of its members could be faulted, it should only be after due investigation and after the presentation of competent evidence, especially since the charge is penal in character." In cases where the charges involved are misconduct in office, willful neglect, corruption, or incompetency, the general rules in regard to admissibility in evidence in criminal trials apply. In other words, the ground for the removal of a judicial officer should be established beyond reasonable doubt.

2. **ID.; ID.; GROSS MISCONDUCT; ELUCIDATED.** – 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. It generally means wrongful, improper or unlawful conduct motivated by a premeditated, obstinate or intentional purpose. 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 in bad faith.

3. **ID.; ID.; GROSS IGNORANCE OF THE LAW; JUDGMENT MUST BE MADE WITH CONSCIOUS AND DELIBERATE INTENT TO DO AN INJUSTICE.** – For liability to attach for ignorance of the law, the assailed order, decision or actuation of the judge in the performance of official duties must not only be found

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to be erroneous but, most importantly, it must be established that he was moved by bad faith, dishonesty, hatred or some other like motive. Similarly, a judge will be held administratively liable for rendering an unjust judgment – one which is contrary to law or jurisprudence or is not supported by evidence – when he acts in bad faith, malice, revenge or some other similar motive. In other words, in order to hold a judge liable for knowingly rendering an unjust judgment, it must be shown beyond reasonable doubt that the judgment *is* and that it was made with a *conscious* and *deliberate* intent to do an injustice. In fine, bad faith is the ground for liability in either or both offenses.

4. **ID.; ID.; ID.; ID.; NOT PRESENT IN CASE AT BAR.** – In the case at bar, the record is bereft of any showing of a wrongful, improper or unlawful conduct on the part of respondent judge. As observed by the Court of Appeals in its Resolution dated February 24, 1997 in CA-G.R. SP No. 43160: "x x x The painstaking analysis with which the respondent evaluated the evidence adduced by the prosecution and the well-reasoned conclusions arrived by her in the assailed resolution and order, cannot but negate any imputation of grave abuse of discretion on her part. *Quite the contrary, both resolution and order unmistakably speak of the care and meticulousness with which the said respondent addressed the issues raised in the petitioner's demurrer and motion for reconsideration."*

5. **ID.; ID.; JUDGE MAY NOT BE ADMINISTRATIVELY CHARGED FOR MERE ERRORS OF JUDGMENT.** – Assuming for the nonce that respondent judge may have erred at all, the lapse would be a mere error of judgment. A judge may not be administratively charged for mere errors of judgment, in the absence of showing of any bad faith, malice or corrupt purpose. Indeed, it is settled that judges cannot be held to account criminally, civilly or administratively for an erroneous decision rendered in good faith.

6. **ID.; ID.; BIAS AND PARTIALITY; DIVERGENCE OF OPINION BETWEEN A TRIAL JUDGE AND A PARTY'S COUNSEL IS NOT A PROOF THEREOF.** – As held in *Dionisio v. Escano,* if a party is prejudiced by the orders of a judge, his remedy lies with the proper court for the proper judicial action and not with the Office of the Court Administrator by means of an

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administrative complaint. Divergence of opinion between a trial judge and a party's counsel is not proof of bias and partiality.

7. ID.; ID.; COURT CANNOT GIVE CREDENCE TO CHARGES BASED ON MERE SUSPICION AND SPECULATION. – All told, the absence of any evidence showing that respondent Judge acted in bad faith, ill-will or malice reduces the charges against her into a mere indictment. We cannot, however, give credence to charges based on mere suspicion and speculation. We will never tolerate or condone any conduct, act or omission that would violate the norm of public accountability or diminish the people's faith in the judiciary. However, when an administrative charge against a Judge or court personnel holds no basis whatsoever in fact or in law, we will not hesitate to protect them against any groundless accusation that trifles with judicial processes. The Court will not shirk from its responsibility of imposing discipline upon all employees of the judiciary, but neither will it hesitate to shield them from unfounded suits that only serve to disrupt rather than promote the orderly administration of justice.

RESOLUTION

YNARES-SANTIAGO, *J.*:

A Complaint[1] was filed by Jerusalino V. Araos against Judge Rosalina Luna-Pison, Presiding Judge of the Regional Trial Court of Quezon City, Branch 107, for Graft and Corruption, Knowingly Rendering An Unjust Decision and Gross Ignorance of the Law.

Complainant is the accused in Criminal Case No. Q-91-26112 for Estafa as defined and penalized under Article 315 of the Revised Penal Code. He alleged that on January 25, 2000, respondent judge rendered a decision[2] convicting him of the crime of Other Deceits under Article 318 of the Revised Penal Code.

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[1] *Rollo*, p. 1.

[2] *Ibid.*, p. 53.

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Complainant alleged that at the time of the filing of the Information in Criminal Case No. Q-91-26112 on October 10, 1991, the Metropolitan Trial Court had exclusive jurisdiction over the crime of Estafa regardless of the imposable fine pursuant to the provisions of Batas Pambansa Blg. 129.

Moreover, complainant claims that he did not employ deceit or misrepresentation when he entered into an agreement with the private offended party for the construction of the latter's house. He further explained that the amount of ₱350,000.00 which was given to him by the private offended party was spent solely for the purchase of the required building materials.

On October 16, 2000, respondent Judge filed her Comment[3] praying that the complaint be dismissed averring, among others, that she merely inherited Criminal Case No. Q-91-26112 from Judge Delilah Vidallon-Magtolis who has been elevated to the Court of Appeals. Respondent contends that after the prosecution had presented all its evidence, complainant through counsel filed a Demurrer to Evidence dated May 9, 1999[4] which she denied in a Resolution dated September 11, 1996.[5] A motion for reconsideration thereto[6] was likewise denied by respondent in an Order dated January 8, 1997.[7]

Respondent Judge further states that complainant subsequently challenged the two (2) adverse orders against him before the Court of Appeals by way of a petition for *certiorari* with application for preliminary injunction docketed as CA-G.R. SP No. 43160.[8] The petition was denied due course in a Resolution dated February 24, 1997.[9]

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[3] *Id.*, p. 92.
[4] *Id.*, p. 153.
[5] *Id.*, p. 195.
[6] *Id.*, p. 218.
[7] *Id.*, p. 231.
[8] *Id.*, p. 235.
[9] *Id.*, p. 260.

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Complainant then filed before this Court a petition for review on *certiorari*, docketed as G.R. No. 128768.[10] On June 16, 1997, this Court denied the petition for failure to show reversible error on the part of the Court of Appeals.[11] The resolution attained finality and was thereafter entered in the Book of Entries of Judgments on September 2, 1997.[12]

Respondent Judge maintains that she decided the case with justice and equity being always the overriding consideration. She stressed that she had studied meticulously the case and that her decision was based on the facts and evidence presented and the law applicable to the offense charged.

The OCA recommended the dismissal of the complaint against respondent reasoning that the issues raised by complainant pertains to the respondent Judge's exercise of judicial discretion, and that the alleged want of jurisdiction of respondent judge had already been settled by the Court of Appeals and the Supreme Court, which upheld the jurisdiction of respondent judge over Criminal Case No. Q-91-26112.

The findings of the OCA are well-taken. In administrative proceedings, complainants have the burden of proving by substantial evidence the allegations in their complaints.[13] In the absence of contrary evidence as in this case, what will prevail is the presumption that the respondent has regularly performed her duties.[14]

xxx. The Rules, even in an administrative case, demand that, if the respondent judge should be disciplined for grave misconduct or any graver offense, the evidence against him should be competent and should be derived from direct knowledge. The Judiciary to which the respondent belongs demands no less. Before any of its members

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[10] *Id.*, p. 263.

[11] *Id.*

[12] *Id.*, p. 282.

[13] *Lorena v. Encomienda*, 302 SCRA 632 [1999]; *Cortes v. Agcaoili*, 294 SCRA 423 [1998].

[14] *Oniquit v. Binamira-Parcia*, 297 SCRA 354 [1998].

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could be faulted, it should only be after due investigation and after the presentation of competent evidence, especially since the charge is penal in character.[15]

In cases where the charges involved are misconduct in office, willful neglect, corruption, or incompetency, the general rules in regard to admissibility in evidence in criminal trials apply. In other words, the ground for the removal of a judicial officer should be established beyond reasonable doubt.[16]

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.[17] It generally means wrongful, improper or unlawful conduct motivated by a premeditated, obstinate or intentional purpose.[18] 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 in bad faith.[19]

For liability to attach for ignorance of the law, the assailed order, decision or actuation of the judge in the performance of official duties must not only be 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.[20] Similarly, a judge will be held administratively liable for rendering an unjust judgment – one which is contrary to law or jurisprudence or is not supported by evidence – when he acts in bad faith,

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[15] *OCA v. Judge Filomeno Pascual*, 259 SCRA 604 [1996].

[16] *Raquiza v. Castaneda, Jr.*, 81 SCRA 235 [1978].

[17] *Canson v. Garchitorena*, SB-99-9-J, 28 July 1999, 311 SCRA 268, citing Black's *Law Dictionary*, Fourth ed., p. 1150.

[18] *Ibid.*, p. 285, citing Words and Phrases, Vol. 27, p. 466, citing *Sewell v. Sharp, La App.*, 102 So 2d 259, 261.

[19] *Fernadez v. Español*, 289 SCRA 1, 7 [1998], citing *Roa, Sr. v. Imbing*, 231 SCRA 57, 61 [1994]; *Guillermo v. Reyes, Jr.*, 240 SCRA 154, 161 [1995]; *Alvarez v. Laquindamum*, 245 SCRA 501, 504 [1995]; *Bengzon v. Adaoag*, 250 SCRA 344, 348 [1995].

[20] *De la Cruz v. Concepcion*, 235 SCRA 597 [1994].

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malice, revenge or some other similar motive.[21] In other words, in order to hold a judge liable for knowingly rendering an unjust judgment, it must be shown beyond reasonable doubt that the judgment *is* and that it was made with a *conscious* and *deliberate* intent to do an injustice.[22] In fine, bad faith is the ground for liability in either or both offenses.[23]

In the case at bar, the record is bereft of any showing of a wrongful, improper or unlawful conduct on the part of respondent judge. As observed by the Court of Appeals in its Resolution dated February 24, 1997 in CA-G.R. SP No. 43160:

> xxx. The painstaking analysis with which the respondent evaluated the evidence adduced by the prosecution and the well-reasoned conclusions arrived by her in the assailed resolution and order, cannot but negate any imputation of grave abuse of discretion on her part. *Quite the contrary, both resolution and order unmistakably speak of the care and meticulousness with which the said respondent addressed the issues raised in the petitioner's demurrer and motion for reconsideration.*[24]

Assuming for the nonce that respondent judge may have erred at all, the lapse would be a mere error of judgment. A judge may not be administratively charged for mere errors of judgment, in the absence of showing of any bad faith malice or corrupt purpose.[25] Indeed, it is settled that judges cannot be held to account criminally, civilly or administratively for an erroneous decision rendered in good faith.[26]

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[21] *Guerrero v. Villamor*, 296 SCRA 88, 98 [1998].

[22] *Naval v. Panday*, 275 SCRA 654, 694 [1997], citing *Wingarts v. Mejia*, 242 SCRA 436 [1995]; *Basbacio v. Office of the Secretary, Department of Justice*, 238 SCRA 5 [1994]; *Louis Vuitton, S.A. v. Villanueva*, 216 SCRA 121 [1992].

[23] *Heirs of the late Nasser D. Yasin v. Felix*, 250 SCRA 545 [1995]

[24] *Rollo*, p. 262; italics provided.

[25] *Re: Judge Silverio S. Tayao, RTC Branch 143, Makati*, 229 SCRA 723 [1993].

[26] *In Re: Petition for Dismissal from Service and/or Disbarment of Judge Baltazar R. Dizon*, 173 SCRA 719 [1989].

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As held in *Dionisio v. Escano,*[27] if a party is prejudiced by the orders of a judge, his remedy lies with the proper court for the proper judicial action and not with the Office of the Court Administrator by means of an administrative complaint. Divergence of opinion between a trial judge and a party's counsel is not proof of bias and partiality.[28]

All told, the absence of any evidence showing that respondent Judge acted in bad faith, ill-will or malice reduces the charges against her into a mere indictment. We cannot, however, give credence to charges based on mere suspicion and speculation.[29]

We will never tolerate or condone any conduct, act or omission that would violate the norm of public accountability or diminish the people's faith in the judiciary.[30] However, when an administrative charge against a Judge or court personnel holds no basis whatsoever in fact or in law, we will not hesitate to protect them against any groundless accusation that trifles with judicial processes.[31] The Court will not shirk from its responsibility of imposing discipline upon all employees of the judiciary, but neither will it hesitate to shield them from unfounded suits that only serve to disrupt rather than promote the orderly administration of justice.[32]

WHEREFORE, in view of all the foregoing, the complaint against respondent Judge is *DISMISSED* for lack of merit.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Puno, and *Kapunan, JJ.,* concur.

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[27] 302 SCRA 411, 422 [1999].

[28] *Go v. CA*, 221 SCRA 397 [1993]; *Paredes v. Sandiganbayan*, 252 SCRA 541 [1996].

[29] *Lambino v. De Vera*, 275 SCRA 60 [1997].

[30] *Re: Report on the Judicial Audit, RTC Br. 117, Pasay City*, 291 SCRA 1 [1998].

[31] *Sarmiento v. Salamat*, A.M. No. P-01-1501, 4 September 2001, p. 11.

[32] *Francisco v. Leyva*, 304 SCRA 365 [1999].