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FIRST DIVISION

[A.M. No. RTJ-01-1626. August 28, 2001]

JOSELITO D. FRANI, *complainant, vs.* **JUDGE ERNESTO P. PAGAYATAN,** *respondent.*

SYNOPSIS

Complainant Joselito Frani was the defendant in SP Civil Case No. R-1105 for Injunction filed with the Regional Trial Court, Branch 46, San Jose, Occidental Mindoro, presided by respondent Judge Ernesto P. Pagayatan. He alleged that respondent judge rendered a decision in said case without conducting a pre-trial and trial. The decision was allegedly hastily issued after only twenty-nine (29) days from the commencement of the action. He further claimed that the respondent judge was moved by ill will and revenge when he precipitately denied the motion for reconsideration as he was allegedly piqued by the rumor being spread by a friend of the complainant that the court's decision was not fair. Thus, he charged the respondent judge with gross ignorance of the law/ serious misconduct and/or irregularity in rendering an obviously unjust decision. In his comment, respondent judge denied the charges against him. He nonetheless averred that several hearings were held on various dates in November 1998 regarding the merits of the case. Hence, the parties were given an opportunity to present their evidence before a decision was handed down on December 8, 1998. He averred that the nature of the action necessitated prompt action on his part, thus, he exerted effort to resolve the case as expeditiously as he could.

The Court ruled that the acts of a judge which pertain to his judicial functions are not subject to disciplinary power unless they are committed with fraud, dishonesty, corruption, or bad faith. For a judge to be held administratively liable for knowingly rendering an unjust judgment, the complainant must prove that the judgment is patently contrary to law or is not supported by the evidence and made with deliberate intent to perpetrate an injustice. The Court agreed with the observation of the investigating Justice that complainant in this case failed to adduce sufficient evidence to show that the Decision rendered

Supreme Court E-Library

by respondent judge in SP Civil Case No. R-1105 was tainted with bad faith or fraud. In the absence of such proof, the charges against respondent judge cannot prosper. Another reason why this administrative complaint cannot prosper is the fact that complainant had appealed the Decision of respondent judge in SP Civil Case No. R-1105 and the appeal is still pending with the Court of Appeals. An administrative complaint against a judge cannot be pursued simultaneously with the judicial remedies accorded to parties aggrieved by an erroneous judgment. Thus, the instant administrative complaint was DISMISSED.

SYLLABUS

1. **LEGAL AND JUDICIAL ETHICS; ADMINISTRATIVE CHARGES AGAINST JUDGES; ACTS OF A JUDGE WHICH PERTAIN TO HIS JUDICIAL FUNCTIONS ARE NOT SUBJECT TO DISCIPLINARY POWER; APPLIED IN CASE AT BAR.** — The acts of a judge which pertain to his judicial functions are not subject to disciplinary power unless they are committed with fraud, dishonesty, corruption or bad faith. For a judge to be held administratively liable for knowingly rendering an unjust judgment, the complainant must prove that the judgment is patently contrary to law or is not supported by the evidence and made with deliberate intent to perpetrate an injustice. We agree with the observation of the investigating Justice that complainant in this case failed to adduce sufficient evidence to show that the Decision rendered by respondent judge in SP Civil Case No. R-1105 was tainted with bad faith or fraud. In the absence of such proof the charges against respondent judge cannot prosper.

2. **ID.; ID.; CANNOT BE PURSUED SIMULTANEOUSLY WITH THE JUDICIAL REMEDIES ACCORDED TO AGGRIEVED PARTIES.** — Another reason why this administrative complaint cannot prosper is the fact that complainant has appealed the Decision of respondent judge in SP Civil Case No. R-1105 and the appeal is still pending with the Court of Appeals. An administrative complaint against a judge cannot be pursued simultaneously with the judicial remedies accorded to parties aggrieved by an erroneous judgment. The administrative or criminal remedies are neither alternative nor cumulative to judicial

Supreme Court E-Library

review where such review is available, and must wait on the result thereof. For until complainant's appeal is resolved and the case finally is terminated, the Court will have no basis to conclude whether or not respondent judge is indeed guilty of the charges of gross ignorance of the law and knowingly rendering an unjust judgment. x x x The pendency of complainant's appeal thus precludes us from looking into the errors committed by respondent judge in rendering the questioned Decision and whether those errors would make him administratively liable for gross ignorance of the law or knowingly rendering an unjust judgment.

3. ID.; JUDGES; ADVISED TO BE MORE PATIENT AND TOLERANT IN DEALING WITH INTRIGUES AFFECTING HIS OFFICE. — Nonetheless, we glean from the records of this case that respondent judge did lose his judicial composure when he scolded complainant's counsel in open court for the rumor allegedly being spread by a friend of the complainant in connection with his Decision in SP Civil Case No. R-1105. In this regard, we deem it proper to advise respondent judge to be more patient and tolerant in dealing with intrigues affecting his office and to avoid any public outbursts that may lead parties to conclude that the decisions rendered by him are tainted with bias or prejudice.

APPEARANCES OF COUNSEL

Eduardo T. Sierra for complainant.

D E C I S I O N

PUNO, *J.*:

This is an administrative complaint filed by Joselito D. Frani against Judge Ernesto P. Pagayatan of Regional Trial Court, Branch 46, San Jose, Occidental Mindoro for "Gross Ignorance of the Law/Serious Misconduct and/or Irregularity in rendering an obviously unjust decision" in relation to his Decision rendered in SP Civil Case No. R-1105 entitled *"Lolita Cordovez vs. Joselito Frani."*

Supreme Court E-Library

Complainant was the defendant in SP Civil Case No. R-1105 for Injunction with Prayer for Issuance of Temporary Restraining Order filed with the Regional Trial Court, Branch 46, San Jose, Occidental Mindoro, presided by respondent judge. He alleged that respondent judge rendered a decision in said case without conducting a pre-trial and trial. The decision was allegedly hastily issued after only twenty-nine (29) days from the commencement of the action. The motion for reconsideration was likewise denied after only one and a half months from its filing. Complainant claimed that respondent judge was moved by ill will and revenge when he precipitately denied the motion for reconsideration as he was allegedly piqued by the rumor being spread by a friend of the complainant that the court's Decision in SP Civil Case No. R-1105 was not fair. To support his allegation, complainant cited the remarks of respondent judge during the hearing held on January 26, 1999 on the motion for reconsideration, thus:[1]

"x x x x x x x x x

ATTY. CASTILLO:

> In so far as this petition for Indirect Contempt, Your Honor, since only the testimony of the complaining witness is our evidence to prove the charge we are now resting our case, Your Honor.

ATTY. VILLAMAR:

> I would like to mark this motion for joint trial in Civil Case No. R-1106 filed by no other than the defendant Sps. Aladin and Fredicanda Estores, et al., who is also the plaintiff in this case, Your Honor, we would like this to be marked as Exh. 'I', Your Honor.

ATTY. CASTILLO:

> I have not yet notified the defendant's counsel, I already made manifestation that I withdraw that pleading so I will just furnish a copy of my manifestation to the defendant's counsel, Your Honor.

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[1] Complaint, *Rollo*, pp. 2-3.

Supreme Court E-Library

ATTY. VILLAMAR:

> Nevertheless, this motion for joint trial is an evidence showing that as far as the plaintiff in this case is concerned they are of the belief that the judgment in Civil Case No. R-1105 is not yet final that is why they were asking . . .

COURT:

> They are not bound by the belief of anybody.

ATTY. VILLAMAR:

> It is their belief as far as they are concerned they believe that the decision is not yet final.

COURT:

> *There are people spreading rumor that this court is not rendering judgment fairly.*

ATTY. VILLAMAR:

> We are not aware of that, Your Honor, I will look into that matter, Your Honor.

COURT:

> *Spreading rumor that the decision of this court is not fair. I am now denying your motion for reconsideration and raise that to the higher court if you want.*

ATTY. VILLAMAR:

> I will look into that matter, Your Honor.

COURT:

> *As of today your motion is denied, submitted for resolution.*
>
> ORDER. After the termination of the testimony of the complaining witness, Lolita Gordovez, counsel for the plaintiff rests its case.
>
> SO ORDERED.
>
> San Jose, Occidental Mindoro, January 26, 1998."[2]

Respondent judge denied the charges against him. While he admitted that no pre-trial was held in connection with SP Civil Case No. R-1105, he explained that a pre-trial was not necessary

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[2] Exh. "F", *Rollo*, pp. 124-126.

Supreme Court E-Library

in said case because the action was not an ordinary suit but a "special civil action for injunction with prayer for issuance of temporary restraining order." He nonetheless averred that several hearings were held on various dates in November 1998 regarding the merits of the case. Hence, the parties were given an opportunity to present their respective evidence before a Decision was handed down on December 8, 1998. Furthermore, respondent judge said that there was nothing irregular about the fact that the case was decided after only twenty-nine (29) days from its commencement. He said that the nature of the action necessitated prompt action on his part, thus he exerted effort to resolve the case as expeditiously as he could.[3]

On March 12, 2001, we referred the administrative complaint to Justice Buenaventura J. Guerrero of the Court of Appeals for investigation, report and recommendation.[4]

Justice Guerrero submitted his Report[5] dated July 1, 2001 with the following findings and recommendation:

"Findings:

A. Gross Ignorance of the Law

To constitute gross ignorance of the law, the acts complained of must not only be contrary to existing law and jurisprudence, but were motivated by bad faith, fraud, dishonesty and corruption. 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 erroneous but, most importantly, it must also be established that he was moved by bad faith, dishonesty, hatred, or some other like motive.

While complainant has explained in his memorandum, synthesized earlier, why the proceedings held and the decision rendered in Civil Case No. R-1105 should make respondent culpable of gross ignorance of the law, miserably missing in his endeavor are citations of excerpts in the recorded proceedings leading to the decision and portions of

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[3] Comment, *Rollo*, p. 77.

[4] *Rollo*, p. 171.

[5] *Rollo*, pp. 240-254.

Supreme Court E-Library

the decision itself indicating that respondent was induced by bad faith, fraud, dishonesty, corruption, hatred and other like motive in the discharge of his judicial power. The failure is understandable: There really were no such episodes in the proceedings nor were there any in the decision itself. Of course, respondent could have erred in his finding of facts and conclusion of law. This circumstance is not enough. There must be persuasive proof that the error was tainted with the aforementioned qualifying circumstances.

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B. Serious Misconduct and/or Irregularity in Rendering an Obviously Unjust Decision

As a ground for disciplinary action against a judge, for serious misconduct to exist, there must be reliable evidence showing that the judicial acts complained of were corrupt or inspired by an intention to violate the law or were in persistent disregard of all well-known legal rules.

In his memorandum, as in the evidence in the administrative investigation, complainant has not imputed corruption to respondent nor has he demonstrated by convincing proof that respondent consciously meant to violate the law or persisted to disregard well-known legal rules. What should be emphasized here is the fact that complainant's motion for reconsideration has not cited any law or jurisprudence to support the plea that respondent grievously erred in his decision. Even the transcript of stenographic notes of the hearing of said motion on 26 January 1999 does not reflect complainant citing a provision of law or decision of the Supreme Court or any appellate court which would support his submission.

The transcript of stenographic notes of said hearing x x x provides a snapshot of a trial judge in the height of a hearing who feels unfairly maligned by unfounded rumors. Unfortunately, in the case of respondent, he lost his judicial composure. Instead of resorting to judicial remedies in the Rules of Court such as the contempt power, respondent instead provided a factual occasion for an irate litigant to attack not only the court ruling but the judge himself. It would be however, incorrect to posit that respondent denied the motion in the same hearing out of 'ill-will or revenge.' As borne out by the transcript, his ultimate ruling on the motion was that it was submitted for resolution. He never ruled on the motion for reconsideration by denying it in open court. Also, as the transcript bears out, he never

Supreme Court E-Library

ascribed the rumors to complainant. It would seem, however, that complainant felt alluded to as the source. Thus, he now avers that the ruling denying the motion for reconsideration was a product of ill-will or revenge.

Anent the claim that respondent violated Administrative Circular No. 20-95 dated September 12, 1995 of the Supreme Court in issuing the temporary restraining order, under situation then prevailing in the court station, since the other judge was temporarily detailed to another judicial station, respondent substantially complied with said administrative circular by setting the hearing on the prayer for writ of preliminary injunction immediately and conducting the hearing accordingly.

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Recommendation:

In the category of —

1) ignorance of the law — On the basis of the above discussion, respondent should be exonerated;

2) serious misconduct and/or irregularity in rendering an obviously unjust decision both arising from hearing and deciding Civil Case No. R-1105 — On the basis of the above discussion on the charge, respondent should be exonerated.

However, respondent should be given a STERN WARNING that future similar incidents of lapses in the exercise of his judicial power will be dealt with more severely."[6]

We adopt the findings of the investigating Justice.

The acts of a judge which pertain to his judicial functions are not subject to disciplinary power unless they are committed with fraud, dishonesty, corruption or bad faith.[7] For a judge to be held administratively liable for knowingly rendering an unjust judgment, the complainant must prove that the judgment is patently contrary to law or is not supported by the evidence and made

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[6] Report submitted by Justice Buenaventura J. Guerrero, pp. 10-15.

[7] *Ruiz vs. Bringas*, 330 SCRA 62 (2000); *Fule vs. Court of Appeals*, 286 SCRA 698 (1998).

Supreme Court E-Library

with deliberate intent to perpetrate an injustice.[8] We agree with the observation of the investigating Justice that complainant in this case failed to adduce sufficient evidence to show that the Decision rendered by respondent judge in SP Civil Case No. R-1105 was tainted with bad faith or fraud. In the absence of such proof the charges against respondent judge cannot prosper.

Another reason why this administrative complaint cannot prosper is the fact that complainant has appealed the Decision of respondent judge in SP Civil Case No. R-1105 and the appeal is still pending with the Court of Appeals. An administrative complaint against a judge cannot be pursued simultaneously with the judicial remedies accorded to parties aggrieved by an erroneous judgment. The administrative or criminal remedies are neither alternative nor cumulative to judicial review where such review is available, and must wait on the result thereof.[9] For until complainant's appeal is resolved and the case finally is terminated, the Court will have no basis to conclude whether or not respondent judge is indeed guilty of the charges of gross ignorance of the law and knowingly rendering an unjust judgment. We held in *Flores vs. Abesamis*:[10]

"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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[8] *Lumapas vs. Tamin*, 334 SCRA 391 (2000).

[9] *In Re: Joaquin T. Borromeo*, 241 SCRA 405 (1995).

[10] 275 SCRA 302 (1997).

Supreme Court E-Library

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-requisite for the taking of other measures against the persons of the judges concerned, whether civil, administrative, or criminal in nature. It is only after the available judicial remedies have been exhausted and the appellate tribunals have spoken with finality, that the door to an inquiry into his criminal, civil or administrative liability may be said to have opened, or closed."[11] (italics ours)

The pendency of complainant's appeal thus precludes us from looking into the errors committed by respondent judge in rendering the questioned Decision and whether those errors would make him administratively liable for gross ignorance of the law or knowingly rendering an unjust judgment.

Nonetheless, we glean from the records of this case that respondent judge did lose his judicial composure when he scolded complainant's counsel in open court for the rumor allegedly being spread by a friend of the complainant in connection with his Decision in SP Civil Case No. R-1105. In this regard, we deem it proper to advise respondent judge to be more patient and tolerant in dealing with intrigues affecting his office and to avoid any public outbursts that may lead parties to conclude that the decisions rendered by him are tainted with bias or prejudice.

IN VIEW WHEREOF, the administrative complaint against respondent Judge Ernesto P. Pagayatan is *DISMISSED*.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Kapunan, Pardo, and *Ynares-Santiago, JJ.,* concur.

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[11] At p. 316.