



Republic of the Philippines
Supreme Court
Manila

EN BANC

**Re: VERIFIED COMPLAINT
FOR DISBARMENT OF AMA
LAND, INC. (REPRESENTED
BY JOSEPH B. USITA) AGAINST
COURT OF APPEALS
ASSOCIATE JUSTICES
HON. DANTON Q. BUESER,
HON. SESINANDO E. VILLON
AND HON. RICARDO R.
ROSARIO.**

OCA IPI No. 12-204-CA-J

Present:

SERENO, *C.J.*,
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,
BRION,
PERALTA,
BERSAMIN,
DEL CASTILLO,
ABAD,
VILLARAMA, JR.,
PEREZ,
MENDOZA,
REYES,
PERLAS-BERNABE, and
LEONEN, *JJ.*

Promulgated:

March 11, 2014

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DECISION

BERSAMIN, J.:

Unfounded administrative charges against sitting judges truly degrade their judicial office, and interfere with the due performance of their work for the Judiciary. The complainant may be held liable for indirect contempt of court as a means of vindicating the integrity and reputation of the judges and the Judiciary.

AMA Land, Inc., (AMALI) brought this administrative complaint against Associate Justice Danton Q. Bueser, Associate Justice Sesinando E. Villon and Associate Justice Ricardo R. Rosario, all members of the Court of Appeals (CA), charging them with knowingly rendering an unjust judgment, gross misconduct, and violation of their oaths on account of their promulgation of the decision in C.A.-G.R. SP No. 118994 entitled *Wack Wack Residents Association, Inc. v. The Honorable Regional Trial Court of Pasig City, Branch 264, Assigned in San Juan, and AMA Land, Inc.*

Antecedents

AMALI is the owner and developer of the 37-storey condominium project located along Epifanio Delos Santos Avenue corner Fordham Street in Wack Wack, Mandaluyong City.¹ Due to the project's location, AMALI would have to use Fordham Street as an access road and staging area for the construction activities. In that regard, AMALI needed the consent of the Wack Wack Residents Association, Inc. (WWRAI). Accordingly, AMALI sent a notice to WWRAI, which ignored the notice. Left with no option, AMALI set up a field office along Fordham Street that it enclosed with a temporary fence. WWRAI allegedly tried to demolish the field office and set up a fence to deny access to AMALI's construction workers, which prompted AMALI to file a petition for the enforcement of an easement of right of way in the Regional Trial Court (RTC) in Pasig City. The petition, which included an application for a temporary restraining order (TRO) and/or writ of preliminary mandatory injunction (WPMI), was docketed as Civil Case No. 65668.² On July 24, 1997, the RTC granted AMALI's prayer for the WPMI.³

In the meantime, AMALI converted the condominium project into a 34-storey building of mixed use (to be known as the AMA Residences) after AMALI's petition for corporate rehabilitation was approved.⁴

On January 26, 2010, WWRAI filed in Civil Case No. 65668 an urgent motion to set for hearing its prayer for a TRO and/or writ of preliminary injunction (WPI) contained in its answer. The denial of the prayer for injunction by the RTC impelled WWRAI to bring a petition for *certiorari* with an application for a TRO and/or writ of preliminary injunction in the CA to enjoin the RTC from proceeding in Civil Case No. 65668.⁵

¹ *Rollo*, p. 5.

² *Id.* at 7-8.

³ *Id.* at 176-183.

⁴ *Id.* at 11.

⁵ *Id.* at 12-13.

After hearing, the CA issued a TRO, which prompted AMALI to file an Urgent Motion to Lift and/or Dissolve Temporary Restraining Order and later on a Compliance and Motion for Reconsideration.

On July 28, 2011, the CA issued a preliminary injunction and required AMALI to file its Comment. AMALI complied and filed a Comment which also served as its motion for partial reconsideration of the July 28, 2011 Resolution. On October 12, 2011, AMALI filed an Urgent Motion to Resolve and to Approve Counterbond. Allegedly, these motions were left unresolved when the CA Tenth Division, which included Associate Justices Bueser and Rosario, required the parties to submit their respective memoranda.⁶

On June 14, 2012, the Special Former Tenth Division of the CA promulgated a decision granting the petition of WWRAI.⁷

AMALI consequently filed a petition for review on *certiorari* in this Court, docketed as G.R. No. 202342, entitled *AMA Land, Inc. v. Wack Wack Residents Association, Inc.*⁸

AMALI then brought this administrative complaint, alleging that respondent Justices had conspired with the counsels of WWRAI, namely: Atty. Archibald F. de Mata and Atty. Myra Jennifer D. Jaud-Fetizanan, in rendering an unjust judgment. AMALI stated that the decision of the CA had been rendered in bad faith and with conscious and deliberate intent to favor WWRAI, and to cause grave injustice to AMALI. In thereby knowingly rendering an unjust judgment, respondent Justices were guilty of gross misconduct, and violated Canon 1, Rule 1.01 and Canon 1, Rules 10.01 and 10.03 of the *Code of Professional Responsibility*, as well as Section 27, Rule 138 of the Rules of Court.

Issue

Are the respondent Justices liable for knowingly rendering an unjust judgment and violating Canon 1, Rule 1.01; Canon 10, Rules 10.01 and 10.03 of the *Code of Professional Responsibility*; and Section 27, Rule 138 of the *Rules of Court*?

Ruling

The administrative complaint is bereft of merit.

⁶ Id. at 13-15.

⁷ Id. at 57-71.

⁸ Id. at 546-588.

In administrative proceedings, the complainant has the burden of proving the allegations of the complaint by substantial evidence.⁹ Failure to do so will lead to the dismissal of the complaint for its lack of merit. This is because an administrative charge against any official of the Judiciary must be supported by at least substantial evidence.¹⁰ But when the charge equates to a criminal offense, such that the judicial officer may suffer the heavy sanctions of dismissal from the service, the showing of culpability on the part of the judicial officer should be nothing short of proof beyond reasonable doubt, especially because the charge is penal in character.¹¹

AMALI fell short of the requirements for establishing its charge of knowingly rendering an unjust judgment against respondent Justices.

Knowingly rendering an unjust judgment constitutes a serious criminal offense. Article 204, *Revised Penal Code*, provides that any judge who “knowingly render[s] an unjust judgment in any case submitted to him for decision” is punished with *prision mayor* and perpetual absolute disqualification. To commit the offense, the offender must be a judge who is adequately shown to have rendered an unjust judgment, not one who merely committed an error of judgment or taken the unpopular side of a controversial point of law.¹² The term knowingly means “sure knowledge, conscious and deliberate intention to do an injustice.”¹³ Thus, the complainant must not only prove beyond reasonable doubt that the judgment is patently contrary to law or not supported by the evidence but that it was also made with deliberate intent to perpetrate an injustice. Good faith and the absence of malice, corrupt motives or improper consideration are sufficient defenses that will shield a judge from the charge of rendering an unjust decision.¹⁴ In other words, the judge was motivated by hatred, revenge, greed or some other similar motive in issuing the judgment.¹⁵ Bad faith is, therefore, the ground for liability.¹⁶ The failure of the judge to correctly interpret the law or to properly appreciate the evidence presented does not necessarily render him administratively liable.¹⁷

But who is to determine and declare that the judgment or final order that the judicial officer knowingly rendered or issued was unjust? May such

⁹ *Datuin, Jr. v. Soriano*, A.M. No. RTJ-01-1640, October 15, 2002, 391 SCRA 1, 5.

¹⁰ *Santos v. Tanciongco*, A.M. No. MTJ-06-1631, September 30, 2008, 567 SCRA 134, 138; *Kilat v. Macias*, A.M. No. RTJ-05-1960, October 25, 2005, 464 SCRA 101, 110.

¹¹ See *Office of the Court Administrator v. Pascual*, Adm. Mat. No. MTJ-93-783, July 29, 1996, 259 SCRA 604, 612-613; *Raquiza v. Castañeda, Jr.*, January 31, 1978, 81 SCRA 235, 224.

¹² Regalado, *Criminal Law Conspectus*, First Edition (2000), National Book Store, Inc., p. 409.

¹³ Guevara, *Commentaries on the Revised Penal Code of the Philippines*, Fourth Edition (1946), Filipino Book Dealers' Association, Manila, p. 418.

¹⁴ *Basa Air Base Savings & Loan Association, Inc. v. Pimentel, Jr.*, A.M. No. RTJ-01-1648, August 22, 2002, 387 SCRA 542, 548.

¹⁵ *Guerrero v. Villamor*, A.M. No. RTJ-90-617, September 25, 1998, 296 SCRA 88, 98.

¹⁶ Guevara, *supra* at 418.

¹⁷ *Sacmar v. Reyes-Carpio*, A.M. No. RTJ-03-1766, March 28, 2003, 400 SCRA 32, 35.

determination and declaration be made in administrative investigations and proceedings like a preliminary investigation by the public prosecutor? The answers to these queries are obvious – only a superior court acting by virtue of either its appellate or supervisory jurisdiction over the judicial actions involved may make such determination and declaration. Otherwise, the public prosecutor or administrative hearing officer may be usurping a basic judicial power of review or supervision lodged by the Constitution or by law elsewhere in the appellate court.

Moreover, AMALI's allegations directly attacked the validity of the proceedings in the CA through an administrative complaint. The attack in this manner reflected the pernicious practice by disgruntled litigants and their lawyers of resorting to administrative charges against sitting judges instead of exhausting all their available remedies. We do not tolerate the practice. In *Re: Verified Complaint of Engr. Oscar L. Ongjoco, Chairman of the Board/CEO of FH-GYMN Multi-Purpose and Transport Service Cooperative, against Hon. Juan Q. Enriquez, Jr., Hon. Ramon M. Bato, Jr. and Hon. Florito S. Macalino, Associate Justices, Court of Appeals*,¹⁸ we emphatically held that the filing of administrative complaints or even threats of the filing subverted and undermined the independence of the Judiciary, to wit:

It is evident to us that Ongjoco's objective in filing the administrative complaint was to take respondent Justices to task for the regular performance of their sworn duty of upholding the rule of law. He would thereby lay the groundwork for getting back at them for not favoring his unworthy cause. Such actuations cannot be tolerated at all, for even a mere threat of administrative investigation and prosecution made against a judge to influence or intimidate him in his regular performance of the judicial office always subverts and undermines the independence of the Judiciary.

We seize this occasion, therefore, to stress once again that disciplinary proceedings and criminal actions brought against any judge in relation to the performance of his official functions are neither complementary to nor suppletory of appropriate judicial remedies, nor a substitute for such remedies. Any party who may feel aggrieved should resort to these remedies, and exhaust them, instead of resorting to disciplinary proceedings and criminal actions. (Bold emphasis supplied)

It appears that AMALI is prone to bringing charges against judicial officers who rule against it in its cases. That impression is not at all devoid of basis. The complaint herein is actually the second one that AMALI has brought against respondent Justices in relation to the performance of their judicial duty in the same case. In its first complaint entitled *Re: Verified Complaint of AMA Land, Inc. against Hon. Danton Q. Bueser, Hon.*

¹⁸

A.M. OCA IPI No. 11-184-CA-J, January 31, 2012, 664 SCRA 465.

Sesinando E. Villon and Hon. Ricardo R. Rosario, Associate Justices of the Court of Appeals,¹⁹ AMALI accused respondent Justices of: (a) dishonesty and violation of Republic Act No. 3019, gross misconduct, and knowingly rendering an unjust judgment or order, in violation of Section 8, Rule 140 of the *Rules of Court*; and (b) violating provisions of the *New Code of Judicial Conduct*. The Court dismissed the first complaint upon finding that it centered on the propriety of the interlocutory orders issued by respondent Justices in C.A.-G.R. SP No. 118994. The Court appropriately observed:

A perusal of the records of the case as well as the parties' respective allegations disclosed that the acts complained of relate to the validity of the proceedings before the respondent CA Justices and the propriety of their orders in CA-G.R. SP No. 118994 which were done in the exercise of their judicial functions. Jurisprudence is replete with cases holding that errors, if any, committed by a judge in the exercise of his adjudicative functions cannot be corrected through administrative proceedings, but should instead be assailed through available judicial remedies. Disciplinary proceedings against justices do not complement, supplement or substitute judicial remedies and, thus, cannot be pursued simultaneously with the judicial remedies accorded to parties aggrieved by their erroneous orders or judgments.

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In this case, AMALI had already filed a petition for review on certiorari challenging the questioned order of the respondent CA justices which is still pending final action by the Court. Consequently, a decision on the validity of the proceedings and propriety of the orders of the respondent CA Justices in this administrative proceeding would be premature. Besides, even if the subject decision or portions thereof turn out to be erroneous, administrative liability will only attach upon proof that the actions of the respondent CA Justices were motivated by bad faith, dishonesty or hatred, or attended by fraud or corruption, which were not sufficiently shown to exist in this case. Neither was bias as well as partiality established. Acts or conduct of the judge clearly indicative of arbitrariness or prejudice must be clearly shown before he can be branded the stigma of being biased and partial. In the same vein, bad faith or malice cannot be inferred simply because the judgment or order is adverse to a party. Here, other than AMALI's bare and self-serving claim that respondent CA Justices "conspired with WWRAI's counsel in knowingly and in bad faith rendering an unjust judgment and in committing xxx other misconduct," no act clearly indicative of bias and partiality was alleged except for the claim that respondent CA Justices misapplied the law and jurisprudence. Thus, the presumption that the respondent judge has regularly performed his duties shall prevail. Moreover, the matters raised are best addressed to the evaluation of the Court in the resolution of AMALI's petition for review on *certiorari*.

Finally, resort to administrative disciplinary action prior to the final resolution of the judicial issues involved constitutes an abuse of court processes that serves to disrupt rather than promote the orderly

¹⁹ A.M. OCA IPI No. 12-202-CA-J, January 15, 2013, 688 SCRA 507.

administration of justice and further clog the courts' dockets. Those who seek relief from the courts must not be allowed to ignore basic legal rules and abuse of court processes in their efforts to vindicate their rights. (Bold emphasis supplied)

This administrative case is no different from the first. They are identical, with the complaint herein containing only a few but insignificant changes in relation to the first. Both were intended to intimidate or to disparage respondent Justices in the performance of their judicial functions.

The filing of the meritless administrative complaints by AMALI was not only repulsive, but also an outright disrespect of the authority of the CA and of this Court. Unfounded administrative charges against judges truly degrade the judicial office, and interfere with the due performance of their work for the Judiciary. Although the Court did not then deem fit to hold in the first administrative case AMALI or its representative personally responsible for the unfounded charges brought against respondent Justices, it is now time, proper and imperative to do so in order to uphold the dignity and reputation of respondent Justices, of the CA itself, and of the rest of the Judiciary. AMALI and its representatives have thereby demonstrated their penchant for harassment of the judges who did not do its bidding, and they have not stopped doing so even if the latter were sitting judges. To tolerate the actuations of AMALI and its representatives would be to reward them with undeserved impunity for an obviously wrong attitude towards the Court and its judicial officers.

Indeed, no judicial officer should have to fear or apprehend being held to account or to answer for performing his judicial functions and office because such performance is a matter of public duty and responsibility. The office and duty to render and administer justice area function of sovereignty, and should not be simply taken for granted. As a recognized commentator on public offices and public officers has written:²⁰

It is a general principle, abundantly sustained by authority and reason, that no civil action can be sustained against a judicial officer for the recovery of damages by one claiming to have been injured by the officer's judicial action within his jurisdiction. **From the very nature of the case, the officer is called upon by law to exercise his judgment in the matter, and the law holds his duty to the individual to be performed when he has exercised it, however erroneous or disastrous in its consequences it may appear either to the party or to others.**

A number of reasons, any one of them sufficient, have been advanced in support of this rule. Thus it is said of the judge: "His doing justice as between particular individuals, when they have a controversy before him, is not the end and object which were in view

²⁰ Floyd R. Mechem, *A Treatise on the Law of Public Offices and Officers*, 1890, Callaghan and Co., Chicago, §619 (bold underscoring supplied for emphasis).

when his court was created, and he was selected to preside over or sit in it. Courts are created on public grounds; they are to do justice as between suitors, to the end that peace and order may prevail in the political society, and that rights may be protected and preserved. The duty is public, and the end to be accomplished is public; the individual advantage or loss results from the proper and thorough or improper and imperfect performance of a duty for which his controversy is only the occasion. The judge performs his duty to the public by doing justice between individuals, or, if he fails to do justice as between individuals, he may be called to account by the State in such form and before such tribunal as the law may have provided. But as the duty neglected is not a duty to the individual, civil redress, as for an individual injury, is not admissible.”²¹

Accordingly, we now demand that AMALI’s authorized representative, Joseph B. Usita, its Senior Assistant Vice President, and the Members of the Board of Directors of AMALI who had authorized Usita to file the present complaint, to show cause in writing why they should not be held in indirect contempt of court for bringing the unfounded and baseless charges against respondent Justices not only once but twice. To be clear, the filing of unfounded and baseless administrative charges against sitting judicial officers may constitute indirect contempt under Section 3(d), Rule 71 of the *Rules of Court*, to wit:

Section 3. *Indirect contempt to be punished after charge and hearing.* — After a charge in writing has been filed, and an opportunity given to the respondent to comment thereon within such period as may be fixed by the court and to be heard by himself or counsel, a person guilty of any of the following acts may be punished for indirect contempt:

(a) Misbehavior of an officer of a court in the performance of his official duties or in his official transactions;

(b) Disobedience of or resistance to a lawful writ, process, order, or judgment of a court, including the act of a person who, after being dispossessed or ejected from any real property by the judgment or process of any court of competent jurisdiction, enters or attempts or induces another to enter into or upon such real property, for the purpose of executing acts of ownership or possession, or in any manner disturbs the possession given to the person adjudged to be entitled thereto;

(c) Any abuse of or any unlawful interference with the processes or proceedings of a court not constituting direct contempt under section 1 of this Rule;

(d) Any improper conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice;

²¹ At §619; the quotation is from Cooley on Torts (1st Edition) 380 (bold underscoring supplied for emphasis).

(e) Assuming to be an attorney or an officer of a court, and acting as such without authority;

(f) Failure to obey a subpoena duly served;

(g) The rescue, or attempted rescue, of a person or property in the custody of an officer by virtue of an order or process of a court held by him.

But nothing in this section shall be so construed as to prevent the court from issuing process to bring the respondent into court, or from holding him in custody pending such proceedings. (3a)

Anent indirect contempt, the Court said in *Lorenzo Shipping Corporation v. Distribution Management Association of the Philippines*:²²

Contempt of court has been defined as a willful disregard or disobedience of a public authority. In its broad sense, contempt is a disregard of, or disobedience to, the rules or orders of a legislative or judicial body or an interruption of its proceedings by disorderly behavior or insolent language in its presence or so near thereto as to disturb its proceedings or to impair the respect due to such a body. In its restricted and more usual sense, contempt comprehends a despising of the authority, justice, or dignity of a court. The phrase *contempt of court* is generic, embracing within its legal signification a variety of different acts.

The power to punish for contempt is inherent in all courts, and need not be specifically granted by statute. It lies at the core of the administration of a judicial system. Indeed, there ought to be no question that courts have the power by virtue of their very creation to impose silence, respect, and decorum in their presence, submission to their lawful mandates, and to preserve themselves and their officers from the approach and insults of pollution. The power to punish for contempt essentially exists for the preservation of order in judicial proceedings and for the enforcement of judgments, orders, and mandates of the courts, and, consequently, for the due administration of justice. The reason behind the power to punish for contempt is that respect of the courts guarantees the stability of their institution; without such guarantee, the institution of the courts would be resting on a very shaky foundation.²³ (Bold emphasis supplied)

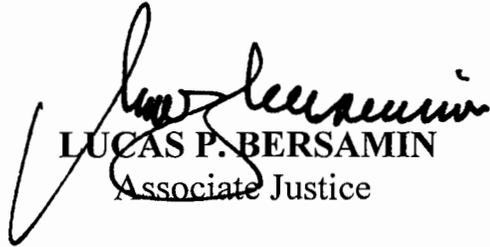
ACCORDINGLY, the Court (a) **DISMISSES** the administrative complaint against Associate Justice Danton Q. Bueser, Associate Justice Sesinando E. Villon and Associate Justice Ricardo R. Rosario for its utter lack of merit; and (b) **ORDERS** Joseph B. Usita, the Senior Assistant Vice President of AMA Land, Inc., and all the members of the Board of Directors of AMA Land, Inc. who had authorized Usita to bring the administrative complaint against respondent Associate Justices to show cause in writing within 10 days from notice why they should not be punished for indirect

²² G.R. No. 155849, August 31, 2011, 656 SCRA 331.

²³ Id. at 342-344.

contempt of court for degrading the judicial office of respondent Associate Justices, and for interfering with the due performance of their work for the Judiciary.

SO ORDERED.


LUCAS P. BERSAMIN
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice


ANTONIO T. CARPIO
Associate Justice


PRESBITERO J. VELASCO, JR.
Associate Justice

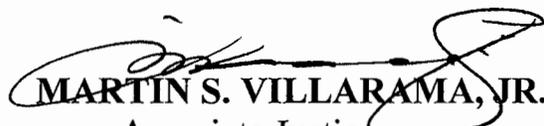

TERESITA J. LEONARDO-DE CASTRO
Associate Justice


ARTURO D. BRION
Associate Justice


DIOSDADO M. PERALTA
Associate Justice

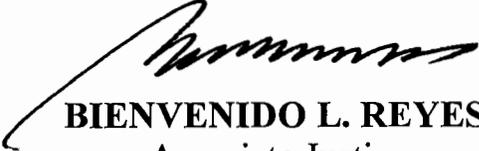

MARIANO C. DEL CASTILLO
Associate Justice


ROBERTO A. ABAD
Associate Justice


MARTIN S. VILLARAMA, JR.
Associate Justice


JOSE PORTUGAL PEREZ
Associate Justice


JOSE CATRAL MENDOZA
Associate Justice


BIENVENIDO L. REYES
Associate Justice


ESTELA M. PERLAS-BERNABE
Associate Justice


MARVIC MARIO VICTOR F. LEONEN
Associate Justice