



# PHILJA E-Alerts

The PHILJA Electronic Alerts is published by the Research, Publications and Linkages Office of the Philippine Judicial Academy, with office at the 3rd Floor of the Supreme Court Centennial Building, Padre Faura Street corner Taft Avenue, Manila.

Tel. No: 02 5529524 Fax No: 02 5529621

**E-mail address**

philja@sc.judiciary.gov.ph  
research\_philja@yahoo.com

**Website address**

<http://philja.judiciary.gov.ph>

**PHILIPPINE JUDICIAL ACADEMY**

Justice Adolfo S. Azcuna  
*Chancellor*

Dean Sedfrey M. Candelaria  
*Head, Research, Publications  
and Linkages Office*

Atty. Ma. Melissa R. Dimson-Bautista  
*Editor*

Editorial, Research and Circulation  
*Research, Publications  
and Linkages Office*

Issue 16-10  
October 2016

## JUSTICES

**Gross Ignorance of the Law and Jurisprudence; Judicial officers cannot be subjected to administrative disciplinary actions for their performance of duty in good faith and in the absence of proof that their act is motivated by bad faith, fraud, dishonesty or corruption in ignoring, contradicting or failing to apply settled law and jurisprudence**

x x x The complaint was intended as a judicial remedy. It was aimed at halting the subsequent issuance by respondent associate justices of a Writ of Preliminary Injunction. It is evident that complainant was aware that the instant administrative complaint would have been dismissed outright had it been filed by one of the parties in the OMB case. We have previously explained that administrative complaints against magistrates cannot be pursued simultaneously with the judicial remedies accorded to parties aggrieved by the erroneous orders or judgments of the former. Administrative remedies are neither alternative to judicial review nor do they cumulate thereto, where such review is still available to the aggrieved parties and the cases not yet been resolved with finality. The parties in interest in the OMB case should have availed of judicial remedies instead of complainant herein filing an administrative case against respondent associate justices. Since the issuance of a TRO is judicial in nature, the parties could have opted to file a motion to lift the TRO or a motion for reconsideration or could have sought recourse from this Court.

At the outset, it is clear that the assailed resolutions were issued by respondent justices in the proper exercise of their judicial functions. As such, these are not subject to administrative disciplinary action. Other than complainant's bare allegations, there were no evidence presented to show any wrong-doings or bad faith on the part of respondent justices. We have settled the rule that a judge may not be administratively sanctioned from mere errors of judgment in the absence of showing of any bad faith, fraud, malice, gross ignorance, corrupt purpose, or a deliberate intent to do an injustice on his or her part. Judicial officers cannot be subjected to administrative disciplinary actions for their performance of duty in good faith.

The complaint was anchored on the provisions of the Rules of Procedure of the Office of the Ombudsman. It should be noted that the issuances of the OMB, particularly A.O. No. 7, otherwise known as, the "Ombudsman Rules of Procedure" emanated from RA No. 6770, otherwise known as "The Ombudsman Act of 1989." Section 14 thereof provides:

**SEC. 14. Restrictions.** – No writ of injunction shall be issued by any court to delay an investigation being conducted by the Ombudsman under this Act, unless there is a *prima facie* evidence that the subject matter of the investigation is outside the jurisdiction of the Office of the Ombudsman.

**No court shall hear any appeal or application for remedy against the decision or findings of the Ombudsman, except the Supreme Court, on pure question of law.**

The Fifteenth Division of the CA is not without basis in acting on the petition of Mayor Gatchalian. In the decision in *Carpio-Morales v. Binay, Jr.*, this Court declared the second paragraph of Section 14 of RA No. 6770 **UNCONSTITUTIONAL**, while the policy against the issuance of provisional injunctive writs by courts other than the Supreme Court to enjoin an investigation conducted by the Office of the Ombudsman under the first paragraph of the said provision was **DECLARED** ineffective until the Court adopts the same as part of the rules of procedure through an administrative circular duly issued therefor.

Although the case of Erwin Binay, Jr. pertains to a preventive suspension, the pronouncement therein may arguably apply to any other OMB case since this Court did not make any distinction. The doctrine laid down in the case is that the CA has the authority to issue TRO and injunctive writs in the exercise of its certiorari jurisdiction conferred to it under Section 9(1), Chapter I of Batas Pambansa 129, as amended. In arriving at the decision in the *Binay, Jr.* case, the Court cited in part the case of *Smothers v. Lewis*, to wit:

x x x In the exercise of this power, a court, when necessary in order to protect or preserve the subject matter of the litigation, to protect its jurisdiction and to make its judgment effective, may grant or issue a temporary injunction in aid of or ancillary to the principal action.

The control over this inherent judicial power, in this particular instance the injunction, is exclusively within the constitutional realm of the courts. As such, it is not within the purview of the legislature to grant or deny the power nor is it within the purview of the legislature to shape or fashion circumstances under which this inherently judicial power may be or may not be granted or denied.

x x x x

We reiterate our previously adopted language, “x x x a court, once having obtained jurisdiction of a cause of action, has, as incidental to its general jurisdiction, inherent power to do all things reasonably necessary to the administration of justice in the case before it x x x” **This includes the inherent power to issue injunctions.**

The determination, therefore, on whether there was error on the part of the respondent associate justices in issuing the TRO or whether the CA justices can now enjoin all decisions of the OMB would have to be squarely addressed by this Court the moment the issue is raised before it in a proper judicial proceeding. It should be consequentially clear that we are not making a ruling in this administrative case on the correctness of the issuance of a TRO. x x x.

In order to be held administratively liable it must be shown that the respondent associate justices have been motivated by bad faith, fraud, dishonesty or corruption in ignoring, contradicting or failing to apply settled law and jurisprudence. No such ill motivation was shown, nay alleged, to have caused the issuance of the TRO.

The Court dismissed the administrative complaint against the respondent justices for lack of merit. **[I.P.I. No. 16-243-CA-J, October 11, 2016]**

## **JUDGES**

- **Gross Misconduct; Violation of Supreme Court Rules, Directives and Circulars; Undue Delay in Rendering a Decision or Order; Undue Delay in the Submission of Monthly Reports**

Respondent judge does not dispute the results of the inventory and judicial audit conducted by the Audit Team. Instead, he cites his poor health condition as the cause of his failure to timely

decide on cases and resolve incidents, and to file his comments to the memoranda issued to him by the OCA. x x x.

x x x x

As the OCA did, we find respondent judge's reasons to be inadequate. Usually, we consider the poor health condition of a judge as a mitigating circumstance in determining the impossible administrative penalty. However, in this case, respondent judge knew from the start of his career in the Judiciary that he is afflicted with the illnesses mentioned in his letter-explanation but never bothered to inform this Court early on about his condition. Aware of his condition, respondent judge could have simply asked this Court for a reasonable extension of time to dispose of his cases. The Court, cognizant of the heavy case load of some of our judges and mindful of the difficulties they encounter in the disposition of their cases, is almost always disposed to grant such requests on meritorious grounds.

Because of his silence, the litigants before respondent judge's court have long suffered from the delays in his disposition and resolution of cases and incidents and, thus, ultimately tainted the image of the Judiciary. We have stressed that "delay in case disposition is a major culprit in the erosion of public faith and confidence in the judiciary and the lowering of its standards." For this reason, we cannot apply as mitigating circumstance the poor state of respondent judge's health in the resolution of the present administrative matter.

For gross misconduct; violation of Supreme Court rules, directives and circulars; undue delay in rendering a decision or order, and undue delay in the submission of monthly reports, respondent judge was fined in the amount of P65,000. **[A.M. No. 15-09-314-RTC, April 19, 2016]**