

EN BANC

[A.M. No. MTJ-16-1880 [Formerly OCA IPI No. 13-2565-MTJ], April 27, 2021]

**SUSAN R. ELGAR, VS. JUDGE SOLIMAN M. SANTOS, JR.,
MUNICIPAL CIRCUIT TRIAL COURT, NABUA-BATO, CAMARINES
SUR, RESPONDENT.**

R E S O L U T I O N

INTING, J.:

For resolution is the Motion for Partial Reconsideration^[1] dated August 28, 2020 filed by Judge Soliman M. Santos, Jr. (respondent), former Presiding Judge of the Municipal Trial Court, Nabua-Bato, Camarines Sur, now with, Branch 61, Regional Trial Court, Naga City, Camarines Sur. Respondent seeks a partial reconsideration of the Decision^[2] dated February 4, 2020 which found him guilty of violation of Supreme Court rules, directives and circulars, Simple Misconduct, Gross Inefficiency or Undue Delay, and Gross Ignorance of the law, and accordingly, imposed upon him fines in the total amount of P78,000.00.^[3]

The Antecedents

The case is rooted on a verified Complaint-Affidavit^[4] filed by Susan R. Elgar (complainant) on January 17, 2013 against respondent for gross ignorance of the law and violations of the Code of Judicial Conduct and Canons of Judicial Ethics. Respondent's alleged infractions arose from Special Proceedings No. 1870, entitled "*In Re: Petition for the Allowance of the Deed of Donation Mortis Causa by the Late Wenceslao Elgar.*"^[5]

In the Decision^[6] dated February 4, 2020, the Court found respondent administratively liable for:

1. failure to refer the case to the PMC as prescribed in A.M. No. 01-10-5-SC-PHILJA;
2. pressing the parties to enter into an amicable settlement through means that exceeded the bounds of propriety, *i.e.*, texting complainant's counsel, conducting an *ex parte* meeting with complainant and her counsel inside his chambers, and convincing the oppositor to settle amicably during their accidental meeting in Naga City;

3. causing undue delay in terminating the preliminary conference amounting to gross inefficiency;
4. issuing the Extended Order [dated December 19, 2012 wherein respondent unduly castigated complainant's counsel after the withdrawal of the petition, thereby exceeding the bounds of propriety; and
5. giving the oppositor the option of submitting his pre-trial brief in contravention of its mandatory nature as stated in Section 6, Rule 18 of the Rules of Court.^[7]

Accordingly, the Court deemed it proper to impose fines on respondent with a stern warning that a repetition of the same or similar acts in the future shall be dealt with more severely.

The dispositive portion of the Decision dated February 4, 2020 provides:

WHEREFORE, the Court finds Judge Soliman M. Santos, Jr., formerly of Municipal Circuit Trial Court, Nabua-Bato, Camarines Sur, and now of Regional Trial Court, Naga City, Branch 61 GUILTY of violation of Supreme Court rules, directives and circulars, simple misconduct, gross inefficiency or undue delay and gross ignorance of the law.

Judge Soliman M. Santos, Jr. is ORDERED to pay the following FINES: (1) P12,000.00 for failure to refer the case to the Philippine Mediation Center as prescribed in A.M. No. 01-10-5-SC- PHILJA; (2) P20,000.00 for pressing the parties to enter into an amicable settlement through means that exceeded the bounds of propriety; (3) P12,000.00 for causing undue delay in terminating the preliminary conference amounting to gross inefficiency; (4) P12,000.00 for issuing the Extended Order unduly castigating complainant's counsel after the withdrawal of the petition, thereby exceeding the bounds of propriety; and (5) P22,000.00 for giving the oppositor the option of submitting his pre-trial brief in contravention of its mandatory nature as stated in Section 6, Rule 18 of the Rules of Court.

Judge Soliman M. Santos, Jr. is STERNLY WARNED that a repetition of the same or similar acts in the future shall be dealt with more severely. Let a copy of this Decision be attached to his personal record.

SO ORDERED.^[8]

Motion for Partial Reconsideration

In his Motion for Partial Reconsideration,^[9] respondent prays that: (1) the findings of guilt and fines ordered for the first, fourth, and fifth offenses be reversed and set

aside; (2) the penalty of fine for the second offense be reduced to P12,000.00, leaving only this and the penalty of fine for the third offense of P12,000, or a total of P24,000.00 (instead of the original total fines of P78,000.000), which P24,000.00 or whatever amount may be deducted from his salary; (3) A.M. No. 03-10-01-SC, also known as "Resolution Prescribing Measures to Protect Members of the Judiciary from Baseless and Unfounded Administrative Complaints" dated October 14, 2003 be operationalized against complainant's counsel, Atty. Allen Grace Q. Villareal-Bermejo, as the real party-in-interest behind the administrative harassment suit; (4) the Decision dated February 4, 2020 be immediately removed from the Supreme Court website until a final ruling on this Motion for Partial Reconsideration; and (5) such further or other relief as may be deemed just or equitable be granted to him.

[10]

Issue

The main issue in this case is whether the Court should reconsider its Decision dated February 4, 2020 finding respondent guilty of violation of Supreme Court rules, directives, and circulars, Simple Misconduct, Gross Inefficiency or Undue Delay, and Gross Ignorance of the law, and imposing upon him fines in the total amount of P78,000.00.

The Court's Ruling

After a judicious study of the case, the Court partly grants respondent's Motion for Partial Reconsideration.

The Court finds no compelling reason to reverse its finding that respondent violated Supreme Court rules, directives, and circulars when he failed to refer the case to the Philippine Mediation Center (PMC) as prescribed in A.M. No. 01-10-5-SC-PHILJA. This is considering that the case before his *sala* is a mediatable case under A.M. No. 01-10-5-SC-PHILJA,^[11] i.e., a petition for the allowance of a deed of donation *mortis causa* which is governed by the rules on the Settlement of Estate of Deceased Persons under the Rules of Court. There is no merit in respondent's contention that the charge against him of failure to refer the case to the PMC was not alleged in the Complaint-Affidavit and, thus, violates his right to be informed of the charges against him. Suffice it to state that respondent's infraction of failing to refer the case to the PMC is so evident from the narration of both complainant and respondent in their respective submissions in this case as to what transpired in Special Proceedings No. 1870. Thus, the Court, in the exercise of its power to discipline judges, may properly penalize him for disregarding the mediation rules under A.M. No. 01-10-5-SC-PHILJA.

Further, the Court finds no reason to reverse its finding that respondent exceeded the bounds of propriety when he issued the Extended Order^[12] dated December 19, 2012 and unduly castigated complainant's counsel. Respondent should have been more prudent in his course of action and refrained from using his position to browbeat complainant's counsel just because the latter did not agree with him. Moreover, he should have avoided rendering the Extended Order considering that he already granted the withdrawal of the petition in Special Proceedings No. 1870.

Thus, there was no longer any occasion to issue the Extended Order.

However, as to respondent's act of giving the oppositor the option of submitting his pre-trial brief, the Court reconsiders its ruling and instead finds respondent guilty of violation of Supreme Court rules, directives, and circulars. While respondent is not justified in making the oppositor's submission of the pre-trial brief optional as provided in his Order^[13] dated August: 7, 2012, the Court is cognizant of respondent's previous Orders dated November 3, 2010^[14] and December 3, 2010, ^[15] directing the oppositor and his counsel to submit a pre-trial brief. Respondent even strongly reprimanded oppositor's counsel and ordered him to pay a fine of P1,000.00 for noncompliance with the Orders including those dated November 3, 2010 and December 3, 2010.^[16] To the mind of the Court, respondent was cognizant of the requirement of filing a pre-trial brief; however, he decided to relax the requirement considering the oppositor's previous submissions which purportedly had "some elements of a pre-trial brief." While respondent's actuation does not constitute gross ignorance of the law, respondent is still guilty of violation of Supreme Court rules, directives, and circulars.

Respondent invokes A.M. No. 03-10-01-SC,^[17] also known as the "Resolution Prescribing Measures to Protect Members of the Judiciary from Baseless and Unfounded Administrative Complaints" dated October 14, 2003, which provides:

NOW, THEREFORE, as one of such measures, the Court RESOLVES that:

1. If upon an informal preliminary inquiry by the Office of the Court Administrator, an administrative complaint against any Justice of the Court of Appeals or *Sandiganbayan* or any Judge of the lower courts filed in connection with a case in court is shown to be clearly unfounded and baseless and intended to harass the respondent, such a finding should be included in the report and recommendation of the Office of the Court Administrator. If the recommendation is approved or affirmed by the Court, the complainant may be required to show cause why he should not be held in contempt of court. If the complainant is a lawyer, he may further be required to show cause why he or she should not be administratively sanctioned as a member of the Bar and as an officer of the court.

Without doubt, the purpose of A.M. No. 03-10-01-SC is to protect judges from baseless and unfounded suits. However, A.M. No. 03-10-01-SC has no application in the case considering that the Court, based on the Complaint-Affidavit and the other submissions of the parties, finds respondent guilty of violation of Supreme Court rules, directives, and circulars, Simple Misconduct, and Gross Inefficiency or Undue Delay. Evidently, the complaint against respondent is not baseless and unfounded.

Lastly, respondent's plea that the Decision dated February 4, 2020 be immediately removed from the Supreme Court website until after there is a ruling on his Motion for Partial Reconsideration must also fail.