

FIRST DIVISION

[A.M. No. RTJ-15-2408 (Formerly OCA IPI No. 13-4134-RTJ), March 02, 2016]

FLORANTE A. MIANO, COMPLAINANT, VS. MA. ELLEN M. AGUILAR, RESPONDENT.

D E C I S I O N

PERLAS-BERNABE, J.:

The instant administrative case arose from a Verified Complaint^[1] dated September 10, 2013 filed by complainant Atty. Florante A. Miano (complainant) before the Office of the Court Administrator (OCA) charging respondent Ma. Ellen M. Aguilar (respondent), Presiding Judge of the Regional Trial Court (RTC) of Burgos, Pangasinan, Branch 70 (RTC-Burgos), with ignorance of the rules on inhibition and gross inefficiency relative to several pending cases in her *sala*.

The Facts

Complainant alleged that he filed motions for inhibition in several cases raffled to the *sala* of respondent, specifically Civil Case No. 173-B,^[2] entitled "*Florante A. Miano and Bernadette Atienza v. Romeo Migano*" (*Migano case*), and Criminal Case No. B-685,^[3] entitled "*People of the Philippines v. Nelson Mores y Madarang*" (*Madarang case*), which respondent granted.^[4] In the *Migano case*, complainant alleged^[5] as grounds for respondent's inhibition his being a "personal friend" of the latter, as in fact complainant - whom respondent called "Florams," a nickname only used by close and intimate friends - would often have dinners and/or lunches together with a common friend at respondent's house in Quezon City. Moreover, prior to respondent's appointment to the judiciary, one of her colleagues at the City Legal Office of Olongapo City, a certain Leonardo M. Miano, is a first cousin of complainant.^[6] The OCA was furnished a copy of the Order of Inhibition dated September 11, 2007.^[7]

Subsequently, however, respondent issued an Order^[8] dated October 11, 2007 (October 11, 2007 Order) in the *Migano case* directing that the proceedings therein be held in abeyance "until such time that a new Presiding Judge will be appointed by the Court Administrator to hear and decide this case."^[9] Complainant asserted that this constitutes ignorance of the rules on inhibition on the part of respondent because according to Administrative Matter (A.M.) No. 03-8-02-SC,^[10] where the judge in a single-branch RTC, such as RTC-Burgos where respondent presides, is disqualified or voluntarily inhibits from hearing a case, the Order of Inhibition shall be transmitted to the pairing judge who shall then hear and decide the case.^[11] Likewise, complainant contended that due to the issuance of the October 11, 2007 Order, the proceedings in the *Migano case* did not move from the time respondent

inhibited therefrom in 2007 up to the filing of the present administrative complaint.
[12]

Further, complainant accused respondent of gross inefficiency, citing various instances where the latter failed to resolve motions for inhibition within the 90-day period prescribed by law. Finally, he averred that respondent - surprisingly - *denied* his motions for inhibition in cases where the opposing counsel is a certain Atty. Sancho Abasta, Jr. (Atty. Abasta), who hails from the same province as her. In this regard, complainant claimed that respondent showed bias as she would usually grant motions for inhibition that he files before her court, except for the said cases handled by Atty. Abasta.[13]

In her comment,[14] respondent countered that: (a) she is aware of the rules on inhibition set forth in A.M. No. 03-8-02-SC and that the October 11, 2007 Order in the *Migano* case was only intended to inform the OCA of her inhibition therefrom; (b) her Branch Clerk of Court failed to transmit the records of the said case to the Executive Judge of the multi-*sala* court of RTC-Alaminos City, Pangasinan (RTC-Alaminos City), resulting in the delay in the proceedings therein; (c) her failure to resolve the motions filed by complainant within the 90-day period was due to heavy workload, especially considering that, aside from being the presiding judge of RTC-Burgos, she was also serving as acting presiding judge in RTC-Alaminos City, Branch 54 in behalf of Judge Benjamin Abella who already retired from service; and (d) complainant's motions for inhibition in cases where the opposing counsel is Atty. Abasta were *pro forma*, for which reason she denied the same, and the mere fact that she and Atty. Abasta hail from the same province is not enough justification for her inhibition.[15]

The OCA's Report and Recommendation

In a Report and Recommendation[16] dated August 20, 2014, the OCA found respondent guilty of Gross Ignorance of the Law/Procedure, Undue Delay in Issuing Orders in Several Cases, and Undue Delay in Transmitting the Records of a Case. Accordingly, the OCA recommended that she be meted the penalty of dismissal from service with forfeiture of all benefits and privileges, except accrued leave credits, if any, with prejudice to re-employment in any branch or instrumentality of the government, including government-owned or controlled corporations.[17]

The OCA found that respondent was indeed ignorant of the rules on inhibition, especially Section 8, Chapter V of A.M. No. 03-8-02-SC which provides that the Order of Inhibition should be transmitted to the pairing judge who shall be the one to hear and decide the case. Her ignorance of such rules was highlighted when she violated the same by issuing the October 11, 2007 Order in the *Migano* case which was not solely intended to inform the OCA of her inhibition therefrom, but also "to hold the case in abeyance until such time that a new Presiding Judge will be appointed by the Court Administrator."[18] Worse, she caused undue delay in transmitting the records of the said case to the appropriate pairing court as such transmittal was effected only six (6) years after her inhibition therefrom.[19]

Anent the issue of respondent's failure to resolve motions for inhibition within the prescribed period, the OCA found that while her caseload was indeed heavy during

the time she failed to resolve said motions, she made no effort to seek for an extension of time to resolve them. In this relation, the OCA pointed out that in such instances, all that respondent needed to do was to request and justify an extension of time to decide the cases and the Court would have granted such request, but she failed to do so.^[20]

The Issue Before the Court

The issue for the Court's resolution is whether or not grounds exist to dismiss respondent from service, as recommended by the OCA.

The Court's Ruling

The Court concurs with the OCA in finding respondent guilty of Undue Delay in Issuing Orders in Several Cases and Undue Delay in Transmitting the Records of a Case, but differs from its finding that respondent should likewise be held guilty of Gross Ignorance of the Law/Procedure.

To be able to render substantial justice and maintain public confidence in the legal system, judges should be embodiments of competence, integrity and independence. Judges are also expected to exhibit more than just a cursory acquaintance with statutes and procedural rules and to apply them properly in all good faith. They are likewise expected to demonstrate mastery of the principles of law, keep abreast of prevailing jurisprudence, and discharge their duties in accordance therewith.^[21]

Corollary thereto, the Court has ruled that when a judge displays an utter lack of familiarity with the rules, he erodes the public's confidence in the competence of our courts. Such is gross ignorance of the law. However, gross ignorance of the law is more than an erroneous application of legal provisions.^[22] Not every error or mistake that a judge commits in the performance of his duties renders him liable, unless he is shown to have acted in bad faith or with deliberate intent to do an injustice.^[23] To constitute gross ignorance of the law and for administrative liability to attach, it is not enough that the decision, order or actuation of the judge in the performance of his official duties is contrary to existing law and jurisprudence. It must also be proven that he was moved by bad faith, fraud, dishonesty, or corruption or had committed an error so egregious that it amounted to bad faith.^[24]

Section 8, Chapter V of A.M. No. 03-8-02-SC states in part:

Section 8. Raffle and re-assignment of cases in ordinary courts where judge is disqualified or voluntarily inhibits himself/herself from hearing case. - x x x.

x x x x

(c) Where the judge in a single-branch RTC is disqualified or voluntarily inhibits himself/herself, the Order of Inhibition shall be transmitted to the pairing judge who shall then hear and decide the case. The determination of the pairing judge shall be in accordance with Annex "A" hereof.

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