

EN BANC

[A.M. No. RTJ-07-2083 (FORMERLY A.M. OCA IPI NO. 06-2489-RTJ), September 27, 2007]

BENJAMIN M. MINA, JR., COMPLAINANT, VS. JUDGE PEDRO B. CORALES, RTC, BRANCH 118, PASAY CITY, RESPONDENT.

DECISION

SANDOVAL-GUTIERREZ, J.:

This letter-complaint^[1] stemmed from Civil Case No. 01-0291 for abatement of nuisance, filed with the Regional Trial Court, Branch 118, Pasay City, presided by respondent Judge Pedro B. Corales. Plaintiffs were Ferdinand Cruz and Marciano Cruz. Impleaded as defendant was Benjamin M. Mina, Jr., complainant.

Complainant filed a motion to dismiss the complaint on the ground that plaintiff Ferdinand Cruz transferred his residence during the proceedings, hence, the complaint has become moot. Respondent judge denied the motion on the ground that although plaintiff transferred his residence, he can still pursue the case to recover damages.

Feeling aggrieved, complainant charged respondent judge with:

- 1) disbarment for denying without factual and legal basis his motion to dismiss the complaint despite the fact that there is no prayer for damages;
- 2) oppression, grave misconduct, gross ignorance of the law and violation of anti-graft and corrupt practices; and
- 3) violation of the Code of Judicial Conduct.

Required to comment on the complaint, respondent judge alleged, among others, that complainant has other judicial remedies. He prayed that the letter-complaint be dismissed.

In a Resolution dated June 27, 2006, this Court referred the case to Justice Rebecca D.G. Salvador of the Court of Appeals for investigation, report and recommendation. On November 14, 2006, Justice Salvador submitted her Report and Recommendation.

After a review of the records, specifically the Report and Recommendation of Justice Salvador, the Court RESOLVES to ADOPT and APPROVE her findings of fact and conclusions of law partly reproduced hereunder:

FINDINGS AND CONCLUSIONS

The complaint against respondent judge is patently devoid of merit.

In the case at bench, respondent judge is faulted by complainant for denying his motion to dismiss the complaint for abatement of nuisance against him on the ground that, by transferring his residence, plaintiff Ferdinand Cruz no longer stood to be affected by the acts complained of. It is complainant's position that respondent judge's refusal to dismiss the case in view of Article 697 of the **Civil Code of the Philippines** is bereft of factual and legal bases when considered in the light of the fact that said plaintiff's complaint did not seek indemnification for damages. It is essentially for this that complainant seeks to hold respondent judge liable for oppression, grave misconduct, gross ignorance of the law and violation of the **Anti-Graft and Corrupt Practices Act**.

Oppression, however, is a "misdemeanor committed by a public officer, who under color of his office, wrongfully inflict upon any person any bodily harm, imprisonment or other injury; it is an act of cruelty, severity or excessive use of authority." The word "misconduct" implies wrongful intention such that, for gross misconduct to exist, the judicial act complained of should be corrupt or inspired by an intention to violate the law or a persistent disregard of well known legal rules (*In the Matter of the Alleged Improper Conduct of Sandiganbayan Associate Justice Anacleto D. Badoy, Jr.*, 395 SCRA 231). Because it is such misconduct which affects a public officer's performance of his duties as such officer and his character as a private individual, there must be reliable evidence showing that the judicial acts complained of were corrupt or inspired by an intention to violate the law (*Campilan v. Campilan, Jr.*, 381 SCRA 494).

There is gross ignorance of the law, on the other hand, when a judge displays utter lack of familiarity with the rules, thereby eroding the public's confidence in the competence of our courts (*Guillen v. Canon*, 373 SCRA 70). To be held liable for gross ignorance of the law, the judge must be shown to have committed an error that was "gross or patent, deliberate or malicious", as well as a judge who – shown to have been motivated by bad faith, fraud dishonesty or corruption – ignored or contradicted or failed to apply settled law and jurisprudence (*Cabatingan, Sr. v. Arcueno*, 387 SCRA 532). This is likewise true of the charge of violation of the **Anti-Graft and Corrupt Practices Act** which was intended to promote morality in public administration (*Cavite Crusade for Good Government v. Cajigal*, 370 SCRA 423).

The record, however, shows that complainant did not even deign to prove his charges against respondent judge beyond the innuendos and insinuations in his letter-complaint. In administrative proceedings like the one at bench, it goes without saying that it is the complainant who has the burden of proving by substantial evidence the allegations in their complaint (*Araos v. Luna-Pison*, 378 SCRA 246). The standard of substantial evidence is satisfied only when there is reasonable ground to believe that respondent judge is responsible for the conduct complained of even if such evidence might not be overwhelming or even