

FIRST DIVISION

[A.M. NO. MTJ-06-1626, March 17, 2006]

JULIANITO M. SALVADOR, COMPLAINANT, VS. JUDGE MANUEL Q. LIMSIACO, JR., 4TH MUNICIPAL CIRCUIT TRIAL COURT, VALLADOLID, NEGROS OCCIDENTAL, RESPONDENT

D E C I S I O N

CALLEJO, SR., J.:

The instant administrative matter refers to charges of knowingly rendering unjust judgment and gross ignorance of the law against Judge Manuel Q. Limsiaco, Jr., 4th Municipal Circuit Trial Court, Valladolid, Negros Occidental, relative to Civil Case No. 01-005-V for unlawful detainer.

In his verified Complaint^[1] dated May 4, 2004, Julianito M. Salvador narrated that he was plaintiff in said case which was raffled to respondent Judge's sala. On February 28, 2003, he filed an administrative case against respondent Judge for obstruction of justice, undue delay and gross inefficiency (docketed as A.M. No. OCA IPI No. 03-1380-MTJ), and in a 1st Indorsement,^[2] the latter was required to submit his comment on the complaint and show cause why he should not be disbarred or otherwise administratively sanctioned as a member of the bar for violation of Canon 12 of the Code of Professional Responsibility. Complainant alleged that respondent Judge responded to the complaint by deciding Civil Case No. 01-005-V in favor of defendants therein. He further claimed, among others, that such decision of respondent Judge was unjust, contrary to law, not supported by evidence, and tainted with bad faith. Complainant further asserted that the May 21, 2003 Decision was rendered only after a show cause order was issued by the Court, and by the time it was rendered, was already 11 months delayed.

Thereafter, complainant filed several motions and pleadings^[3] urging the Court to resolve the instant administrative matter. Respondent Judge, for his part, was twice required to submit his comment on the complaint against him — in a 1st Indorsement dated May 25, 2004 and in a Tracer Letter dated September 8, 2004. ^[4] Thereafter, the Court issued a Resolution on July 11, 2005 directing respondent Judge to show cause why he should not be disciplinarily dealt with for refusing to submit his comment.

On September 22, 2005, respondent Judge finally submitted his Comment. He apologized for not submitting his comment sooner, since he finds the instant letter-complaint as pure harassment, very annoying, and a mere repetition of a prior letter-complaint filed by the same complainant. As can be gleaned from the assailed decision in the said civil case, the allegation that he rendered an unjust judgment is a malicious and highly libelous imputation. Respondent Judge was likewise quick to point out that defendants in the unlawful detainer case had already demolished their house and vacated complainant's lot, and as such, the latter already "had his way."

In its Report dated December 28, 2005, the OCA made the following recommendation:

In gist, the complaint raises the issue of undue delay in rendering a decision and that the decision is an unjust judgment tainted with bad faith. The allegation of undue delay in rendering a decision or judgment is subsumed to the prior complaint docketed as OCA IPI No. 03-1380-MTJ for Neglect of Duty, currently pending resolution, which raised the same issue of violation of the Rules of Summary Procedures. Thus, this issue is best threshed out in OCA IPI No. 03-1380-MTJ.

Anent the allegation that the 21 May 2003 decision being an unjust judgment tainted with bad faith, such has no factual and legal basis. Complainant has not shown by substantial evidence the alleged bad faith. Errors of judgment, appreciation of facts and applicable law *per se* are not badges of bad faith or malice. Well settled is the rule that in the absence of fraud, dishonesty or corruption, erroneous acts of a judge in his judicial capacity are not subject to disciplinary action, for no magistrate is infallible. To merit disciplinary action, the error or mistake committed by the judge should be patent, gross, malicious, deliberate or done in bad faith, and absent a clear showing that the judge has acted arrantly, the issue becomes judicial in character and would not properly warrant the imposition of administrative punishment. Thus, the alleged errors of respondent are best impugned through the judicial remedy of appeal which complainant has availed of. In fact, on 7 May 2004, the RTC, Branch 62 of Bago City resolved the appeal in favor of complainant and reversed respondent's decision.

However, we find utterly flimsy the reasons raised by respondent on his long refusal of over one year to submit the required comment. He must be strongly warned not to abuse, by utter disregard of our directives, administrative processes. The instant administrative complaint could have been resolved much sooner had respondent timely submitted his comment.

We respectfully submit for consideration of the Honorable Court our recommendations that the instant administrative complaint be **DISMISSED** for lack of merit, and respondent Judge Manuel Q. Limsiaco[, Jr.] be **STRONGLY WARNED** to timely heed to whatever directives he receives relative to administrative cases against him.^[5]

We agree with the foregoing recommendation.

It is settled that a judge's failure to interpret the law or to properly appreciate the evidence presented does not necessarily render him administratively liable.^[6] Only judicial errors tainted with fraud, dishonesty, gross ignorance, bad faith, or deliberate intent to do an injustice will be administratively sanctioned.^[7] To hold otherwise would be to render judicial office untenable, for no one called upon to try the facts or interpret the law in the process of administering justice can be infallible in his judgment.^[8] As we held in *Balsamo v. Suan*:^[9]