

## **EN BANC**

**[ A.M. NO. RTJ-05-1925 (A.M. OCA IPI NO. 00-989-RTJ), June 26, 2006 ]**

**GRACE F. MUNSAYAC C. DE VILLA, LILY F. MUNSAYAC- SUNGA,  
AND ROY PETER F. MUNSAYAC, COMPLAINANTS, VS. JUDGE  
ANTONIO C. REYES, RESPONDENT.**

**[A. M. NO. RTJ-05-1926 (A.M. OCA IPI NO. 01-1248-RTJ)]**

**RAMON K. ILUSORIO, COMPLAINANT, VS. JUDGE ANTONIO C.  
REYES, RTC, BRANCH 61, BAGUIO CITY, RESPONDENT.**

**[A. M. NO. RTJ-05-1927 (A.M. OCA IPI NO. 02-1435-RTJ)]**

**JUDGE RUBEN C. AYSON, COMPLAINANT, VS. RTC JUDGES OF  
BAGUIO CITY, RESPONDENTS.**

**[A. M. NO. RTJ-05-1928 (A.M. OCA IPI NO. 02-1485-RTJ)]**

**JUDGE CLARENCE VILLANUEVA, COMPLAINANT, VS. JUDGE  
RUBEN C. AYSON, RESPONDENT.**

**[A.M. NO. RTJ-05-1929 (A.M. OCA IPI NO. 02-1552-RTJ)]**

**JUDGE RUBEN C. AYSON, COMPLAINANT, VS. JUDGE ABRAHAM  
BORRETA, RESPONDENT.**

**[A. M. NO. RTJ-05-1930 (A.M. OCA IPI NO. 02-1559-RTJ)]**

**ATTY. CRISTETA R. CALUZA-FLORES, COMPLAINANT, VS. JUDGE  
AMADO S. CAGUIOA, RESPONDENT.**

**[A. M. NO. P-05-2020 (A.M. OCA IPI NO. 02-1358-P)]**

**HON. AMADO S. CAGUIOA COMPLAINANT, VS. ATTY. CRISTETA  
R. CALUZA-FLORES, RESPONDENT.**

## **D E C I S I O N**

### **PER CURIAM:**

Before the Court are these administrative matters most of which are offshoots of the disapproval by Hon. Antonio C. Reyes, as Executive Judge of the Regional Trial Court (RTC) of Baguio City, of the January 24, 2002 order of inhibition issued by RTC Judge Ruben C. Ayson of the same city, Branch 6, in Civil Case No. 5140-R entitled *Sps. Espirita Malecdan, et al., Plaintiffs, versus Mabel Joan Tadoan, et al.,*

*Defendants*, in which the latter inhibited himself from hearing the case.<sup>[1]</sup> Obviously resenting the aforementioned disapproval action, Judge Ayson issued, on the same date, another order<sup>[2]</sup> in which he not only delved on the issue of inhibition, but dwelt on matters alien therefrom and proceeded to ascribe on his colleagues in Baguio City what to him are acts constituting misconduct, corruption and immorality. Named as erring officials were RTC Judges Amado S. Caguioa, Antonio Esteves, Clarence J. Villanueva, Abraham B. Borreta, Edilberto T. Claravall and Antonio C. Reyes of Branch Nos. 4, 5, 7, 59, 60, and 61, respectively.

Judge Ayson's exposé contained in his Order of January 24, 2002 found its way into the pages of *The Daily Inquirer*, among other dailies, and eventually reached the Court which, thru the Office of the Court Administrator (OCA), then asked the judges mentioned in said order to comment thereon. Thereafter, Judge Ayson, as directed by the Court, formalized his complaint against his colleagues thru an *Affidavit* dated May 13, 2002.<sup>[3]</sup> In it, Judge Ayson made specific reference to the separate administrative complaints for serious misconduct initiated by Ramon K. Ilusorio, on one hand, and Dr. Grace Munsayac-de Villa, *et al.*, on the other, against Judge Antonio C. Reyes.

In the ensuing formal investigation conducted, Judge Ayson would adopt his affidavit-complaint, marked as Exhibit "A", as part of his direct testimony in all the cases subject of A.M. OCA IPI No. 02-1435-RTJ.

Subsequent developments saw Atty. Cristeta Caluza-Flores, Clerk of Court of Branch 4, joining the fray by filing an administrative case against the presiding judge (Judge Caguioa) of that branch. And consequent to the filing by Atty. Flores of her complaint and by Judge Ayson of his affidavit-complaint aforestated and the bill of particulars thereto, countercharges were also instituted.

Per an *en banc* Resolution of October 15, 2002, the Court directed Court of Appeals Associate Justice Godardo A. Jacinto to conduct a formal investigation on the aforementioned charges and counter-charges and to include in the probe the complaints of private parties against Judge Antonio C. Reyes and thereafter to submit his report and recommendation. Following a marathon joint hearings, the Investigating Justice submitted a 72-paged *Consolidated Report*<sup>[4]</sup> dated May 27, 2003 on the sworn complaints which, upon the OCA's recommendation, were each redocketed as a regular administrative matter.

**I. A. M. NO. RTJ-05-1925 (A.M. OCA IPI No. 00-989-RTJ): Grace F. Munsayac-De Villa, et al. Complainants, vs. Judge Antonio C. Reyes, Respondent -**

Albeit previously ordered dismissed *via* a Resolution dated April 22, 2002 (Exh. "5"-Reyes),<sup>[5]</sup> the Court, in an *en banc* resolution of July 16, 2002, ordered the inclusion of this case in the formal investigation of A.M. OCA IPI No. 02-1435-RTJ (Judge Ruben C. Ayson vs. RTC Judges of Baguio City), with a directive for the Investigating Justice to allow the introduction of evidence thereon.

In their verified complaint filed on July 12, 2000 (Exh. "W"), Grace F. Munsayac-de Villa, *et al.*, charged respondent Judge Reyes with Serious Misconduct and Inefficiency. The grounds for the Munsayac complaint arose from the proceedings in

Special Proc. (SP) No. 704-R for the issuance of letters of administration where complainants, Grace M. De Villa, Lily M. Sunga and Roy Peter Munsayac, were petitioners. In sum, the complaint alleges that the respondent judge exhibited extreme hostility against complainants and manifest partiality towards the oppositors in SP No. 704-R, and took unusual interest in the case. Respondent's unreasonable delay in resolving a motion for his inhibition and for gross ignorance of the law form the basis for the charge of serious inefficiency.

Specifically, the complaint asks that respondent Judge Reyes, as the presiding judge in whose sala SP No. 704-R was pending, be adjudged administratively liable for -

- (1) Issuing, without giving herein complainants, as petitioners in said proceedings an opportunity to be heard, unjust and oppressive orders which, among others, (a) directed them to release P3 Million to the oppositors, (b) declared, as part of the estate, properties that complainants claimed to be their own, and (c) directed them and certain third parties to produce documents of accounts;
- (2) Issuing, without hearing, arrest orders against Grace F. M. de Villa and Lily M. Sunga for alleged violation of his orders;
- (3) Refusing to act on complainants' request for inhibition and insisting on hearing SP. No. 704-R even after a *Motion for Inhibition* was filed;
- (4) Unjustifiably failing to act on a *Motion* filed by certain corporations which were not parties to the case, to make a limited appearance; and
- (5) Issuing orders against complainants without giving them time to hire another counsel.

After identifying the complaint she and her co-complainants filed against the respondent judge and the perceived unjust and oppressive orders he issued in S.P. No. 704-R, complainant Grace Munsayac M. de Villa testified on the respondent judge's refusal to act on their request for inhibition.

In his *Comment*,<sup>[6]</sup> Judge Reyes denied the various charges hurled against him by the Munsayacs, explaining, at the outset, that it was the court's duty to determine the extent and worth of the estate of the deceased spouses Gelacio Munsayac, Sr. and Vicenta F. Munsayac. The respondent judge also alleged that, consequent to his issuance, at the instance of the oppositors, of *subpoena* to different banks, the following material events transpired:

1. Jewelry items apparently placed by the decedents in a safety deposit box at the Allied Bank were uncovered. This led to the issuance by the court of a freeze order.
2. The Branch Manager of the United Coconut Planters Bank (UCPB) testified in court that complainants de Villa and Sunga were able to

transfer their mother's P13,506,343.33 deposits -- contained in UCPB Investment Confirmation (IC) No. 0666 of Trust Account No. TA-2966 in the name of "Vicenta Munsayac or Grace M. de Villa or Lily M. Sunga" -- into their own personal accounts immediately after their mother's death and that at its maturity date on May 22, 1995, IC No. 0666 was "rolled-over under three (3) different Investment Confirmations," which appeared to be in the name of only "Grace M. de Villa or Lily Sunga;"

3. That upon being summoned by the court to shed light on what happened to the name of Vicenta Munsayac in the 3 ICs, the UCPB Bank Manager testified that Vicenta's name in the 3 original certificates were erased by a bank manager in connivance with and upon order of de Villa and Sunga.

In the light of what appeared to be attempts to deceive other heirs, Judge Reyes issued an order dated May 4, 2000 granting the *Motion* of the Special Administrator for complainants de Villa and Sunga to turn over the amount of P13,506,343.33, inclusive of accrued interest, in *custodia legis* for the benefit of the estate of Vicenta F. Munsayac, the heirs and the government. It was, according to the respondent judge, complainant de Villa's and Sunga's refusal to comply with said order, as reiterated in another order of May 24, 2000 with a contempt proviso, followed by de Villa's open court manifestation on June 1, 2000, that she was not ready to comply with the order, that impelled him to order de Villa's arrest. Continuing, the respondent judge related that de Villa was immediately released thereafter when she and her two (2) siblings made an undertaking to comply with the court's order; that when they still failed to comply, he issued another order dated June 22, 2000 for their arrest.

Among other documents, Judge Reyes attached to his *Comment* machine copies of the Agency Safekeeping Certificate No. 006311 dated April 22, 1995 in the amount of P15,298,835.95 and Agency Safekeeping Certificate No. 006326 dated April 28, 1995 in the amounts of P2,894,705.31 and P116,116.71 of the Philippine Banking Corporation, Baguio City (Annexes "H" and "I" to *Comment*), which show that the said amounts belonged to the late Vicenta Munsayac and, therefore, formed part of her estate.

In the same *Comment*, Judge Reyes cites Section 8, Rule 71 of the Rules of Court<sup>[7]</sup> to justify the arrest order he issued against complainant de Villa who refused to comply with his previous orders, which was within her power to perform. According to the respondent judge, complainant de Villa herself forced his hand to issue the first arrest order when she failed to keep her undertaking to bring to the court certification of bank deposits that were previously in her late mother's name. With respect to his order dated August 17, 1999, granting the plea of Nora and Gelacio Munsayac, Jr. for a P1 Million cash advance each, the respondent judge offered the following explanations for the grant, *viz*:

- a) Nora, the daughter of the decedents, was a very sick woman needing immediate medical attention;
- b) Gelacio, Jr. manifested having no other means of livelihood, all the family corporations being under the

full control of his co-heirs de Villa, Sunga and Roy;

- c) That his order provided that the amounts advanced will be credited to Nora and Gelacio, Jr.'s shares in the estate of their deceased parents; and
- d) That there was enough money for all the children and the cash advances could have been very well provided for were it not for de Villa and Sunga's surreptitious withdrawals of decedent Vicenta Munsayac's money in the bank.

Anent the issue of his inhibition, the respondent judge submitted, as required, a Comment to the OCA therein stressing that the matter of inhibition and the legality of his orders have been raised by complainants de Villa, *et al.*, before the Court of Appeals (CA) in a petition for certiorari, docketed thereat as CA G.R. SP. No. 55193, which was resolved against the petitioners therein in a decision promulgated on February 23, 2001 (Exhs. "22," "22-a"-Reyes). Judge Reyes thus claims that it was due to the said petition which involved, among others, the issue of inhibition which prompted him to refrain from acting on the corresponding motion for inhibition.

Finally, the respondent judge denied issuing the disputed orders without notice to herein complainants, stating that the records of the case will attest to the fact of sending and the receipt of such notices by every counsel of record.

From the evidence adduced, the Court is unable to make out a case for serious misconduct and inefficiency against respondent Judge Reyes. As it were, the basic Munsayac complaint links the respondent judge's culpability to several orders he issued in SP. No. 704-R, which complainants claim to be unjust, to call for the issuance of warrants of arrest issued against two of them, and to the respondent's refusal to act on a request for inhibition. As above discussed, however, the respondent judge has explained at length and with some measure of plausibility the circumstances under which the various orders complained of were issued by him and the reasons for their issuance.

To begin with, not one of the various orders complained of can, on their face, be rightly tagged as unjust. It cannot be over-emphasized that these orders were issued in a case over which Judge Reyes had jurisdiction. Accordingly, complainants' appropriate recourse therefrom would have been to raise the issue of the validity of such orders to the CA or this Court in a certiorari proceedings and not in an administrative case. For, an administrative complaint is not the appropriate remedy for every judicial act of a judge deemed aberrant or irregular where a judicial remedy exists and is available.<sup>[8]</sup>

Militating further against the complaint is the fact that there is no competent evidence to show that Judge Reyes issued the orders in question with malice or in bad faith or for some fraudulent, corrupt or dishonest motive. We can allow that some of such orders may have been unjustified or even erroneous, albeit the circumstances leading to their issuance tend to argue against such conclusion. At any event, the respondent judge, or any public officer for that matter, is not amenable to disciplinary action for his orders, even if erroneous, if that be the case, absent proof that malice or bad faith attended the issuance thereof.<sup>[9]</sup> This is so