

SECOND DIVISION

[**A.M. No. RTJ-05-1935 (formerly OCA IPI No. 00-976-RTJ), July 29, 2005**]

EVELYN SUAREZ-DE LEON, COMPLAINANT, VS. JUDGE SANTIAGO G. ESTRELLA, PAIRING JUDGE, REGIONAL TRIAL COURT, BRANCH 67, PASIG CITY, RESPONDENT.

RESOLUTION

AUSTRIA-MARTINEZ, J.:

This concerns the sworn letter-complaint dated June 17, 2000 filed with the Office of the Court Administrator (OCA) of this Court by Evelyn Suarez-De Leon charging respondent Judge Santiago Estrella of the Regional Trial Court (RTC) of Pasig City, Branch 67, with serious misconduct and gross ignorance of the law.^[1]

Complainant is one of the plaintiffs in Civil Case No. 51203, entitled, "*Danilo Suarez, et al. vs. Valente Raymundo, et al.*," filed with the RTC of Pasig, Branch 155, for annulment of judicial sale of several parcels of land.^[2] Subsequently, the trial court dismissed Civil Case No. 51203 for failure of the plaintiffs to prosecute. Complainant then moved for reconsideration of the order of dismissal. The trial court granted the motion and lifted the order of dismissal. Aggrieved by the trial court's decision, the defendants appealed to the Court of Appeals (CA). On July 27, 1990, the CA rendered a decision directing among others, the dismissal of Civil Case No. 51203. Complainant appealed to this Court. The case was docketed as G.R. No. 94918.^[3] On September 4, 1992, the Court rendered judgment, the dispositive portion of which reads:

WHEREFORE, the decision of the Court of Appeals dated July 27, 1990 as well as its Resolution of August 28, 1990 are hereby **REVERSED and set aside; and Civil Case No. 51203 is reinstated only to determine that portion which belongs to petitioners and to annul the sale with regard to said portion.**

SO ORDERED.^[4] (Emphasis supplied)

On January 22, 1996, the RTC of Pasig City, Branch 67, which was then presided over by Judge Apolinario B. Santos, issued an Order with the following dispositive portion:

WHEREFORE, premises considered, this court, implements the decision of the Supreme Court dated September 4, 1992 which mandates that:

"xxx and Civil Case No 51203 is reinstated only to determine that portion which belongs to petitioner and to annul the sale with regard to said portion. (p. 9, supra)"

In order to enforce such mandate of the Supreme Court, this court orders that:

. . .

d. Petitioner, including Teofista Suarez, are hereby ordered to submit to this court any evidence showing settlement of the estate of the deceased, Marcelo Suarez, in order for this court to determine the portion in the estate which belongs to Teofista Suarez.

SO ORDERED.^[5]

However, four years later or on January 11, 2000, herein respondent judge who was the pairing judge of RTC, Pasig City, Branch 67, issued an order dismissing Civil Case No. 51203, the dispositive portion of the order reads:

WHEREFORE, the foregoing premises considered this Court holds that in the light of the doctrine laid down in the case of "Heirs of Yaptinchay vs. Del Rosario, G.R. No. 124320, March 2, 1999" this case is dismissed without prejudice to the plaintiffs' filing a special proceeding consistent with said latest ruling.

SO ORDERED.^[6]

Herein complainant prays for the separation of respondent judge from the service contending that in issuing the above-quoted order of January 11, 2000, the latter has disregarded the decision of this Court in G.R. No. 94918 and, as such, has shown evident bad faith and gross ignorance of the law as well as manifest partiality in favor of the defendants in Civil Case No. 51203, to the damage and prejudice of complainant.

In his Comment, respondent judge contends that: the Decision of this Court, dated September 4, 1992, in G.R. No. 94918 directs the reinstatement of Civil Case No. 51203 for the purpose of determining the portions of the subject parcels of land which belong to the complainants therein and to annul the sale with regard to said portion; in consonance with the above-mentioned Decision, then presiding judge Apolinario B. Santos issued an Order dated January 22, 1996 directing that the complainants in Civil Case No. 51203 submit evidence showing settlement of the estate of the deceased Marcelo Suarez in order for the trial court to determine that portion in the estate which belongs to Teofista Suarez; no trial on the merits was ever conducted, that no evidence was presented to show that complainants are indeed the legitimate, compulsory and only heirs of the late Marcelo Suarez and, that the estate of the latter was already adjudicated to them; and on this basis, the Order of the trial court dated January 22, 1996 cannot be implemented. Respondent judge further contends that in the case of "*Heirs of Guido Yaptinchay vs. Del Rosario, et al.*,^[7] this Court ruled that declaration of heirship should be properly made in a special proceeding and not through an ordinary civil action, like Civil Case No. 51203. Respondent judge claims that the instant complaint is a creation of a disgruntled party-litigant who cannot accept a decision adverse to his own interests; and that the present complaint was filed for the sole purpose of harassing him who is only doing his best to help unclog the docket of a pairing

court.^[8]

In its report dated November 7, 2001, the OCA found no evidence to prove that respondent judge dismissed Civil Case No. 51203 because of corrupt or improper motive. However, it found that respondent erred in setting aside the final and executory judgment of this Court in G.R. No. 94918. Accordingly, the OCA recommended that the instant complaint be dismissed, but that respondent be admonished to be more careful in the future.^[9]

In a Resolution dated, December 5, 2001, this Court required the parties to manifest if they are willing to submit the case for resolution based on the pleadings already filed.^[10] Accordingly, on January 15, 2002, respondent judge submitted a Manifestation indicating his willingness to submit the case for resolution based on the pleadings already filed and without any further argument.

On the other hand, complainant failed to comply with this Court's Resolution of December 5, 2001.^[11] On March 19, 2003, this Court issued another Resolution requiring complainant to show cause why she should not be disciplinarily dealt with or held in contempt for such failure and to comply with the aforesaid resolution of December 5, 2001.^[12] Despite receipt of this Court's March 19, 2003 Resolution, complainant failed to comply with the directives contained therein. On May 16, 2005, the Court issued a Resolution considering the case submitted for resolution for failure of complainant to comply with the Resolution of the Court.

Hence, this Resolution.

Complainant claims that in dismissing Civil Case No. 51203, respondent judge has shown bad faith and manifest partiality in favor of defendants in said case.

We are not persuaded.

It is settled that in administrative proceedings, the burden of proof that the respondent committed the acts complained of rests on the complainant.^[13] In fact, if the complainant upon whom rests the burden of proving his cause of action fails to show in a satisfactory manner the facts upon which he bases his claim, the respondent is under no obligation to prove his exception or defense.^[14] Even in administrative cases, if a court employee or magistrate is to be disciplined for a grave offense, the evidence against him should be competent and should be derived from direct knowledge.^[15] In the absence of evidence to the contrary, the presumption that the respondent has regularly performed his duties will prevail.^[16] In the present case, complainant failed to substantiate her imputation of partiality and bad faith against respondent. Aside from her naked allegations, she failed to present any other evidence to prove her charges. Hence, the presumption that respondent regularly performed his duties prevails.

Complainant also asserts that respondent judge is guilty of gross ignorance of the law.

We do not agree.