

SECOND DIVISION

[A.M. No. RTJ-04-1866, July 30, 2004]

**ESTER B. CEPEDA, COMPLAINANT, VS. JUDGE LORETO
CLORIBEL-PURUGGANAN,^[*] REGIONAL TRIAL COURT, BRANCH
3, TUGUEGARAO CITY, RESPONDENT.**

RESOLUTION

CALLEJO, SR., J.:

The instant administrative complaint arose from the verified Letter- Complaint^[1] of Ester B. Cepeda dated March 30, 2003, charging Judge Loreto Cloribel-Purugganan, Regional Trial Court, Branch 3, Tuguegarao City, with grave abuse of authority and gross ignorance of the law relative to Civil Case No. 018^[2] for unlawful detainer and damages.

The complainant averred that she was the prevailing party in the aforementioned case, decided by the Municipal Trial Court of Baggao, Cagayan. The case was, thereafter, affirmed by the Regional Trial Court of Tuguegarao, Cagayan, docketed as Civil Case No. 4570. The defendants then elevated the case to the Court of Appeals on review, which appeal was, however, dismissed for failure to pay the required docket fees. Entry of judgment^[3] was then made in the Book of Entries of Judgment on October 24, 1995, the case having become final and executory on June 4, 1995. The complainant's Motion for Execution^[4] was granted on October 19, 2002, but the writ therefor remained unsatisfied because while the RTC Decision dated July 28, 1993 contained an order to vacate the premises, there was no mention to destroy, demolish or remove the improvements introduced by the defendant-lessees which included their respective houses. As such, the complainant, through counsel, filed a Motion for Special Order for a Demolition^[5] in the MTC, which the judge granted in a Resolution^[6] dated August 27, 2002.

The complainant narrated that the defendants thereafter filed Civil Case No. 6055^[7] for Annulment of Writ of Execution and Writ of Demolition, with Application for a Writ of Preliminary Prohibitory Injunction and Restraining Order, with Damages, which was raffled to the *sa/a* of the respondent judge. A day prior to the scheduled demolition of the improvements, the respondent judge allegedly summoned and verbally ordered Sheriff Silvino Malano of the Office of the Clerk of Court to desist from implementing the Writ of Demolition. The complainant averred that the respondent judge decided to inquire into the merit of the Motion for Temporary Restraining Order on the flimsy excuse that the defendants in Civil Case No. 6055 went to her and wept. Consequently, the respondent judge issued an Order^[8] dated November 27, 2002 postponing the implementation of the demolition order. The complainant claimed that the postponement order was interlocutory in nature, which was manifestly unjust and knowingly rendered by the respondent judge, thus,

violative of Article 206 of the Revised Penal Code. A reading of the complaint in Civil Case No. 6055 with its attachments would reveal that there was no justification for the issuance of the interlocutory order in question. As such, in issuing the said order, the respondent judge was guilty of grave abuse of authority amounting to gross ignorance of the law.

The complainant also alleged that the respondent judge conveniently absented herself during scheduled hearings twice, and failed to inform the complainant's counsel of the reason for her failure to attend the hearings. The complainant narrated that they later discovered that the respondent was "surreptitiously" working for a leave of absence and was no longer holding office, as she planned to leave for the United States to join her husband and perhaps to eventually retire from the judiciary.

The respondent, for her part, vehemently denied the charges for being false, frivolous, baseless and self-serving. She stressed that she only issued a written order for the postponement of the demolition so that the relevant facts could be heard in open court, and maintained the *status quo* until both parties could be heard. The respondent averred that she also relied on Supreme Court Circular No. 20-95 dated September 12, 1995 which proscribed courts from acting on applications for restraining orders without a summary hearing. The respondent further averred that she honestly believed that considering the circumstances surrounding the case, she was just and fair to all the parties concerned. Even assuming that the order she issued was incorrect, it could, at most, be considered a mere error of judgment. Finally, the respondent averred that the complainant and her counsel were well aware that she went on leave and eventually applied for retirement.^[9]

In the meantime, the respondent retired from the judiciary on June 30, 2003. In a Resolution dated February 11, 2004, the Court resolved the respondent's request for the release of her optional retirement benefits and to retain the amount of ten thousand pesos (P10,000.00) to answer for whatever penalty that may be imposed upon her.^[10]

In a Report dated April 2, 2004,^[11] the Office of the Court Administrator found that the respondent judge did not act with malice when she issued the questioned order and recommended that the instant administrative case be dismissed for lack of merit, on the ground of prematurity. The Court Administrator reasoned that the question of the validity of the interlocutory order issued by the respondent judge should be resolved through a judicial proceeding, through a petition for *certiorari*.

We agree.

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.^[12] Only judicial errors tainted with fraud, dishonesty, gross ignorance, bad faith, or deliberate intent to do an injustice will be administratively sanctioned.^[13] 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