

## SECOND DIVISION

**[ A.M. No. MTJ-04-1552 [Formerly OCA IPI No. 02-1317-MTJ], December 16, 2004 ]**

**DANTE M. QUINDOZA, COMPLAINANT, VS. JUDGE EMMANUEL G. BANZON, RESPONDENT.**

### D E C I S I O N

**TINGA, J,:**

On August 9, 2002, the Office of the Court Administrator (OCA) received the *Letter-Complaint*<sup>[1]</sup> dated August 1, 2002 filed by complainant Dante M. Quindoza against Judge Emmanuel G. Banzon, Presiding Judge of the Municipal Trial Court (MTC) of Mariveles, Bataan. Complainant charges respondent with gross ignorance of the law and grave abuse of discretion in connection with respondent's disposition of Criminal Cases Nos. 02-7325, 02-7326, and 02-7332, all entitled "*People of the Philippines v. Dante Quindoza, et al.*" for Qualified Trespass to Dwelling and Light Coercion.

The antecedents follow.

On May 8 and 22, 2002 respectively, complainant ordered the disconnection of the water and electrical service of the housing unit illegally occupied by Renato Caralipio (Caralipio),<sup>[2]</sup> and the electrical services of the housing unit of Hermito de Asis (de Asis) for non-settlement of accounts with the Philippine Economic Zone Authority and expiration of lease.<sup>[3]</sup> Because of the incidents, criminal cases were filed against the complainant with the court of respondent judge. Criminal Cases Nos. 02-7325 and 02-7326 stemmed from the incident involving Caralipio's house,<sup>[4]</sup> while Criminal Case No. 02-7332 related to the disconnection of electric service in the house occupied by de Asis.<sup>[5]</sup>

On June 4, 2002, the complainant filed an *Urgent Motion to Quash* in the three criminal cases on the grounds of lack of jurisdiction and failure to allege an offense. Complainant averred that he is the incumbent Zone Administrator of the Bataan Economic Zone (BEZ) and that his position has a salary grade "28" under Republic Act (R.A.) No. 6758.<sup>[6]</sup> He contended that it is not respondent's court but the Sandiganbayan which has jurisdiction over the three criminal cases.

Complainant claims that in open court during the hearing of his motion to quash in Criminal Cases Nos. 02-7325 and 02-7326 on June 20, 2002, respondent ordered his incarceration, without right to file bail, until such time that he shall have ordered the reconnection of the water and electrical services of Caralipio and de Asis. According to the complainant, respondent should not have ordered the reconnection of electricity in de Asis's housing unit during the hearings in Criminal Cases Nos. 02-7325 and 02-7326 because the disconnection incident relating to de Asis is the subject of the third case, Criminal Case No. 02-7332, and the motion to quash

therein was to be conducted on June 27, 2002 yet.<sup>[7]</sup> He also points out that it was erroneous for the respondent judge to include the reconnection of the water services in de Asis's house because only the disconnection of electricity was complained of in Criminal Case No. 02-7332.<sup>[8]</sup> Complainant further avers that he made a formal written request<sup>[9]</sup> for a copy of the transcript of stenographic notes of the June 20, 2002 hearing in Criminal Cases Nos. 02-7325 and 02-7326 to avail of the proper judicial remedies but respondent refused to release the transcript. He prays that his pending cases be reassigned to another court and that respondent judge be ordered to inhibit himself from handling any case involving BEZ or any of its officers and employees.<sup>[10]</sup>

The OCA indorsed the complaint and required respondent to file his comment thereon.<sup>[11]</sup>

Thereafter, respondent submitted his *Comment* dated September 20, 2002 and another *Comment* on November 29, 2002. Respondent has not disputed complainant's allegations in the latter's September 20, 2002 *Comment*. He argues, however, that it is improper and premature for complainant to insinuate bias and improper conduct on his part when the issues which gave rise to the *Letter-Complaint* are still being ventilated in court.<sup>[12]</sup> He asserts that complainant should have appealed the assailed order instead of filing an administrative case against him because as the Court held in *Barroso v. Arche*,<sup>[13]</sup> when a litigant disagrees with a ruling of the judge the proper remedy is not to file an administrative complaint but an appeal which points out the errors in the decision.<sup>[14]</sup> Respondent further claims that complainant was arbitrary in effecting the disconnection of water and electrical services of residents within the BEZ alleging that complainant disconnected the electrical and water supplies of the occupants who could not afford to file a case against him, without even bothering to explain the disconnections although they were effected in violation of due process of law.<sup>[15]</sup> Respondent prays that the complaint against him be dismissed and that complainant instead be held administratively and criminally liable for his illegal acts.<sup>[16]</sup>

Complainant submitted on October 25, 2002 his *Reply*, pointing out that respondent judge failed to refute the charges against him but instead made unsubstantiated allegations against the complainant.

On March 3, 2004, the OCA submitted its *Memorandum*, recommending that respondent be fined Twenty Thousand Pesos (P20,000.00) for oppression and abuse of authority, and gross ignorance of the law.

On August 4, 2004, the Court required the parties to manifest whether they would be willing to submit the case based on the pleadings filed within ten (10) days from notice. Both parties complied and replied in the affirmative,<sup>[17]</sup> with respondent adducing additional documents and arguments in his defense.

The Court agrees with the findings and recommendation of the OCA.

Section 4(1) of Presidential Decree No. 1606 as amended by R.A. No. 8249<sup>[18]</sup> clearly provides that employees of the executive branch classified as Grade "27" or