

## SECOND DIVISION

**[ A.M. No. RTJ-03-1790 (OCA IPI No. 02-1411-RTJ), July 31, 2003 ]**

**PABLO B. FRANCISCO, PRESIDING JUDGE, RTC-BR. 26, STA. CRUZ, LAGUNA, COMPLAINANT, VS. HILARIO F. CORCUERA, PRESIDING JUDGE, RTC-BR. 25, BIÑAN, LAGUNA, RESPONDENT.**

### DECISION

**BELLOSILLO, J.:**

This is judging the judges. Judge Pablo B. Francisco, Presiding Judge, RTC-Br. 26, Sta. Cruz, Laguna, filed an administrative complaint against respondent Judge Hilario F. Corcuera, Presiding Judge, RTC-Br.25, Biñan, Laguna. The complaint arose from the order of Judge Corcuera granting new trial to the applicant in Land Registration Case No. B-568. Complainant averred that sometime in 1996, while he was the Acting Presiding Judge of RTC-Br. 25, Biñan, Laguna, SCIENCE PARK of the Philippines, Inc., filed an application for registration of five (5) parcels of land located in Cabuyao, Laguna. Applicant SCIENCE PARK claimed that these parcels constituted accretions to its 93.15-hectare property. After hearing, the application was denied by complainant Judge ratiocinating that the subject property could not have arisen from the gradual accumulation of soil brought about by the current of Diezmo River. SCIENCE PARK timely moved for reconsideration but was denied by complainant. Hence, SCIENCE PARK forthwith moved for new trial so it could adduce additional evidence to augment its application.

While SCIENCE PARK's motion for new trial was pending consideration, respondent Judge was returned to his permanent station at RTC-Br. 25 and complainant Judge was relieved of his detail thereat as Acting Presiding Judge and transferred to the adjoining RTC-Br. 24. Sometime thereafter, complainant Francisco alleged that respondent Corcuera informed him of the former's desire to reopen SCIENCE PARK's land registration case. On 14 April 1998 respondent granted the motion for new trial and reopened the case.

On 14 May 1998 complainant wrote respondent advising the latter that under Sec. 2 of Supreme Court Adm. Circ. No. 5-98<sup>[1]</sup> motions for reconsideration and new trial filed after a decision had been rendered shall be resolved by the Acting Presiding Judge who penned the original decision.

On 10 June 1998, despite the *Order* of 14 April 1998 reopening the case, complainant issued a contrary order denying SCIENCE PARK's prayer for new trial.

On 6 August 1999, after respondent received the evidence of the parties where the government was represented by the Solicitor General's Office, respondent Judge rendered a decision granting the application of SCIENCE PARK and confirming its title over the subject property applied for registration.

Complainant, in attempting to clinch his complaint, expressed suspicion that respondent played a major part in the conspiracy to "harass (him) while he was on detail in RTC-Br. 25, Biñan, Laguna, so (he) would return to (his) permanent post in Santa Cruz, Laguna, and thus be eliminated as the most potent obstacle to the registration of said parcels of land in the name of SCIENCE PARK." Complainant cited Adm. Matter No. OCA-IPI-98-511-P filed by several court employees as proof of respondent's alleged pattern of harassment perpetrated against him.<sup>[2]</sup>

When asked to comment, respondent Judge Corcuera explained that he was originally appointed as Presiding Judge of RTC-Br. 25, Biñan, Laguna. However, by virtue of Adm. Order No. 178-94 dated 19 October 1994 he was detailed to RTC-Br. 27, Sta. Cruz, Laguna, as its Acting Presiding Judge. Three and a-half years later, or on 23 January 1998, he was directed by then Court Administrator Alfredo Benipayo to return to his official station. Accordingly, on 2 February 1998 he assumed his regular duties as Presiding Judge of RTC-Br. 25. Corcuera contended that complainant Judge, after having been removed from RTC-Br. 25 and detailed to RTC-Br. 24, was already bereft of authority to entertain and hear the motion for new trial filed by SCIENCE PARK. Corcuera insisted that in *Cases Left Undecided by Judge Sergio D. Mabunay, RTC-Br. 24, Manila*,<sup>[3]</sup> the Supreme Court emphatically held that when a presiding judge is transferred to another station he leaves behind all cases he tried with the branch to which they belong and it is the judge who takes over this branch who inherits all these cases and assumes full responsibility for them.

Lastly, Corcuera averred that he acted without malice or evil intention in granting SCIENCE PARK's motion for new trial. He surmised that complainant vented his ire on him after being refused issuance of certified true copies of certain court documents filed before Br. 25.<sup>[4]</sup>

Complainant denied filing the complaint out of ill will and spite against respondent. He tried to strengthen his position by quoting an excerpt of the answer to him of then Court Administrator Benipayo in reply to his query regarding cases decided by him before he left Br. 25, viz:

"However, cases submitted for decision before you as Acting Presiding Judge thereof shall be decided by you within the reglementary period."<sup>[5]</sup>

Interestingly, the full text of the letter of Court Administrator Alfredo L. Benipayo dated 17 April 1998 referred to by complainant explaining par. 3 (apparently referring to par. 2) of Adm. Circ. No. 5-98, states:

"Please be informed that par. 3 (sic) of Administrative Circular No. 5-98 refers to regular appointments and not to designations of judges as Acting/Assisting Judges. In your case, you were not appointed as regular judge of Branch 24 but merely designated as Acting Presiding Judge. Pursuant to said circular, Judge Corcuera should continue trying the cases you already tried in Branch 25. However, cases submitted for decision before you as Acting Presiding Judge thereof shall be decided by you within the reglementary period."<sup>[6]</sup>

Respondent Judge insisted that complainant could not feign ignorance of the 14 April 1998 *Order* granting SCIENCE PARK's motion for new trial inasmuch as he had been sufficiently informed by the former of its issuance. Besides, on 9 June 1998 complainant borrowed the records of the land registration case and could not deny seeing the *Order* granting new trial. Respondent also protested that complainant had taken upon himself the liberty to ask the Clerk of Court of RTC-Br. 25 for the records of the land registration case "without extending the least courtesy of informing (him)." Corcuera also claimed that his authority as Presiding Judge of RTC-Br. 25 was again undermined when complainant directed the same Clerk of Court to serve upon the parties his (Francisco) 10 June 1998 *Order* denying SCIENCE PARK's motion for new trial.<sup>[7]</sup>

After an evaluation of the records of the case, Court Administrator Justice Presbiterio J. Velasco, Jr. found respondent Judge Hilario Corcuera guilty of violating Sec. 2 of Adm. Circ. 5-98. The finding was grounded on the ratiocination that *Mabunay*<sup>[8]</sup> could not be applied to the present controversy since it was promulgated by the Court *en banc* much later. Thus, Justice Velasco recommended that respondent Judge be fined P10,000.00 with a warning that a repetition of the same or similar act would be dealt with more severely. He also urged that complainant Judge Pablo B. Francisco be advised to be more assiduous and circumspect in the performance of his regular duties.<sup>[9]</sup>

The observation that a judge is not fortune's child has led us once to caution ourselves against being "*too hasty in condemning our judges, much less in imposing on them unreasonable, if not unwarranted, sanctions.*"<sup>[10]</sup> While we scrutinize every complaint filed against judges, we do not hesitate to clear a judge's name from any undeserved imputation if the accusation is inherently flawed. That is the least we can do to ease the demands of judicial toil. So it must be in this proceeding against respondent Judge Hilario F. Corcuera.

For the present charge of gross misconduct to prosper it must be shown that the judicial act complained of was corrupt, or inspired by an intention to violate the law, or at least, in persistent and intentional disregard of well-known legal rules.<sup>[11]</sup> It becomes imperative for us to determine whether respondent Judge's issuance of the *Order* granting new trial was done whimsically, capriciously, maliciously and without jurisdiction, and we see none of this to condemn respondent Judge.

It need not be stressed that a permanent presiding judge has full authority over all cases pending over his official station. Thus, par. 2 of SC Adm. Circ. 5-98 should not be construed as to deprive a permanent presiding judge of his authority to rule on motions for new trial and reconsideration of decisions rendered by the former acting/assisting judge. Rather, the aforesaid circular should be interpreted only as a grant of authority to acting/assisting judges to decide motions for reconsideration and new trial in the event that the permanent presiding judge who returns to his branch, or who is permanently appointed thereat as the case may be, decides not to act on such motions for some reason or other, e.g., his unfamiliarity with the factual antecedents of the decision, order or resolution sought to be reopened or reconsidered. Even then, the authority may apply only with the prior conformity of the permanent presiding judge who feels that the acting/assisting judge who earlier heard the case may have better knowledge of the facts.