

## FIRST DIVISION

[ A.M. No. RTJ-01-1626, August 28, 2001 ]

**JOSELITO D. FRANI, COMPLAINANT, VS. JUDGE ERNESTO P. PAGAYATAN, RESPONDENT.**

### D E C I S I O N

**PUNO, J.:**

This is an administrative complaint filed by Joselito D. Frani against Judge Ernesto P. Pagayatan of Regional Trial Court, Branch 46, San Jose, Occidental Mindoro for "Gross Ignorance of the Law/Serious Misconduct and/or Irregularity in rendering an obviously unjust decision" in relation to his Decision rendered in SP Civil Case No. R-1105 entitled "**Lolita Cordovez vs. Joselito Frani.**"

Complainant was the defendant in SP Civil Case No. R-1105 for Injunction with Prayer for Issuance of Temporary Restraining Order filed with the Regional Trial Court, Branch 46, San Jose, Occidental Mindoro, presided by respondent judge. He alleged that respondent judge rendered a decision in said case without conducting a pre-trial and trial. The decision was allegedly hastily issued after only twenty-nine (29) days from the commencement of the action. The motion for reconsideration was likewise denied after only one and a half months from its filing. Complainant claimed that respondent judge was moved by ill will and revenge when he precipitately denied the motion for reconsideration as he was allegedly piqued by the rumor being spread by a friend of the complainant that the court's Decision in SP Civil Case No. R-1105 was not fair. To support his allegation, complainant cited the remarks of respondent judge during the hearing held on January 26, 1999 on the motion for reconsideration, thus:<sup>[1]</sup>

"x x x  
x

x x x

x x

ATTY. CASTILLO:

In so far as this petition for Indirect Contempt, Your Honor, since only the testimony of the complaining witness is our evidence to prove the charge we are now resting our case, Your Honor.

ATTY. VILLAMAR:

I would like to mark this motion for joint trial in Civil Case No. R-1106 filed by no other than the defendant Sps. Aladin and Fredicanda Estores, et al., who is also the plaintiff in this case, Your Honor, we would like this to be marked as Exh. `I', Your Honor.

ATTY. CASTILLO:

I have not yet notified the defendant's counsel, I already made manifestation that I withdraw that pleading so I will just furnish a copy of my manifestation to the defendant's counsel, Your Honor.

ATTY. VILLAMAR:

Nevertheless, this motion for joint trial is an evidence showing that as far as the plaintiff in this case is concerned they are of the belief that the judgment in Civil Case No. R-1105 is not yet final that is why they were asking . . .

COURT:

They are not bound by the belief of anybody.

ATTY. VILLAMAR:

It is their belief as far as they are concerned they believe that the decision is not yet final.

**COURT:**

**There are people spreading rumor that this court is not rendering judgment fairly.**

ATTY. VILLAMAR:

We are not aware of that, Your Honor, I will look into that matter, Your Honor.

**COURT:**

**Spreading rumor that the decision of this court is not fair. I am now denying your motion for reconsideration and raise that to the higher court if you want.**

ATTY. VILLAMAR:

I will look into that matter, Your Honor.

**COURT:**

**As of today your motion is denied, submitted for resolution.**

ORDER. After the termination of the testimony of the complaining witness, Lolita Gordovez, counsel for the plaintiff rests its case.

SO ORDERED.

San Jose, Occidental Mindoro, January 26, 1998."<sup>[2]</sup>

Respondent judge denied the charges against him. While he admitted that no pre-trial was held in connection with SP Civil Case No. R-1105, he explained that a pre-trial was not necessary in said case because the action was not an ordinary suit but a "special civil action for injunction with prayer for issuance of temporary restraining order." He nonetheless averred that several hearings were held on various dates in November 1998 regarding the merits of the case. Hence, the parties were given an opportunity to present their respective evidence before a Decision was handed down on December 8, 1998. Furthermore, respondent judge said that there was nothing irregular about the fact that the case was decided after only twenty-nine (29) days from its commencement. He said that the nature of the action necessitated prompt action on his part, thus he exerted effort to resolve the case as expeditiously as he could.<sup>[3]</sup>

On March 12, 2001, we referred the administrative complaint to Justice Buenaventura J. Guerrero of the Court of Appeals for investigation, report and recommendation.<sup>[4]</sup>

Justice Guerrero submitted his Report<sup>[5]</sup> dated July 1, 2001 with the following findings and recommendation:

"Findings:

A. Gross Ignorance of the Law

To constitute gross ignorance of the law, the acts complained of must not only be contrary to existing law and jurisprudence, but were motivated by bad faith, fraud, dishonesty and corruption. For liability to attach for ignorance of the law, the assailed order, decision or actuation of the judge in the performance of official duties must not only be found erroneous but, most importantly, it must also be established that he was moved by bad faith, dishonesty, hatred, or some other like motive.

While complainant has explained in his memorandum, synthesized earlier, why the proceedings held and the decision rendered in Civil Case No. R-1105 should make respondent culpable of gross ignorance of the law, miserably missing in his endeavor are citations of excerpts in the recorded proceedings leading to the decision and portions of the decision itself indicating that respondent was induced by bad faith, fraud, dishonesty, corruption, hatred and other like motive in the discharge of his judicial power. The failure is understandable: There really were no such episodes in the proceedings nor were there any in the decision itself. Of course, respondent could have erred in his finding of facts and conclusion of law. This circumstance is not enough. There must be persuasive proof that the error was tainted with the aforementioned qualifying circumstances.