

THIRD DIVISION

[AM No. RTJ-99-1455, July 13, 1999]

REYNALDO DE VERA, COMPLAINANT, VS. JUDGE SANCHO A. DAMES II, REGIONAL TRIAL COURT OF CAMARINES NORTE, BRANCH 38, RESPONDENT.

DECISION

PANGANIBAN, J.:

Judges cannot be disciplined for every erroneous order or decision rendered in the absence of a clear showing of ill motive, malice or bad faith. This, however, is not a license for them to be negligent or abusive in performing their adjudicatory prerogatives. The absence of bad faith or malice will not totally exculpate them from charges of incompetence and ignorance of the law when they render decisions that are totally bereft of factual and legal bases.

The Case

Before this Court is a "Petition for Removal" dated November 24, 1997, filed by Reynaldo de Vera, charging Judge Sancho A. Dames II of the Regional Trial Court of Camarines Norte (Branch 38) with (1) serious misconduct, (2) premature release of decision and (3) knowingly rendering an unjust judgment in Criminal Case Nos. 6747, 6781 and 6782.

The Facts

In his Petition, complainant alleges the following:

"That on May 8, 1990, the undersigned complainant as public school teacher of the Camarines Norte High School in Daet, Camarines Norte and as president of the Camarines Norte High School Teachers Association reported in writing to the schools division superintendent of the Department of Education, Culture and Sports at Daet, Camarines Norte the treasure hunting and excavation that ha[d] been made within the premises of the school in which Fiscal Oscar J. Villafuerte, a prosecutor in the Office of the Provincial Prosecutor in Camarines Norte and his [kin were] involved. For said letter made by the undersigned complainant, Provincial Prosecutor Oscar J. Villafuerte filed three (3) cases of libel.

"The respondent, Judge Sancho Dames II, instead of dismissing the three (3) libel cases filed against the herein complainant considering that the letter [was] a privilege[d] communication, yet His Honor gave due course to said malicious criminal complaint; hence, the undersigned ha[d] to employ the services of a lawyer, who ably defended the undersigned complainant and after a long and tedious trial, the complainant's counsel

filed a Memorandum which was written and could have been the proper basis for the outright dismissal of the complaint for libel. Copy of the Memorandum is hereto attached as ANNEX `A';

"That with the filing of said Memorandum on February 19, 1993, the respondent Judge, if he [was] acting with justice, should have absolved the accused from the complaint as there [was] no evidence to justify conviction; but instead news spread that the judge ha[d] already convicted accused and that the judgment ha[d] been set for promulgation on June 25, 1993; however, as early as the last days of May 1993, the respondent Judge Dames long before the promulgation of his decision, prematurely released said judgment and had the same published in a local newspaper "BICOL POST" on June 4 and 10, 1993; said premature release of the judgment [was] improper, irregular, anomalous and contemptuous; consequently, the counsel for the herein complainant as accused filed a Petition for Contempt, copy of which is hereto attached as ANNEX "B";

"That on September 30, 1993, the herein complainant through his counsel filed a Motion for Inhibition of Judge Dames, copy of which is hereto attached as Annex "C";

"That on October 11, 1992, the respondent Judge unjustly denied the Motion for Inhibition; consequently, immediately upon receipt of said Order, the herein complainant through his counsel filed a Motion to Reconsider said Order, copy of which is hereto attached as ANNEX "D";

"That on November 5, 1993, respondent Judge issued an unjust Order denying the Motion for Reconsideration, copy of which is hereto attached as ANNEX "E"; thereafter, complainant's counsel, Atty. Rogelio Panotes withdrew as counsel of the accused thereby compelling herein complainant to hire the services of another counsel;

"That on January 21, 1994, the accused filed a Petition for Prohibition with prayer for Restraining Order and Preliminary Mandatory Injunction with the Court of Appeals and [the Petition] was docketed as CA-G.R. SP. No. 33112, copy for which is hereto attached as ANNEX "F";

"That on February 18, 1994, the respondent Judge, showing his undue interest in behalf of the complainants in the three (3) libel cases personally filed a Comment on the Petition when he [was] not supposed to file an answer or a comment unless expressly ordered to do so; and on March 15, 1994, the Court of Appeals while deploring the premature release of the decision long before the promulgation, denied the Petition for Prohibition; copy of said decision is hereto attached and made part hereof as ANNEX "G"

"That on April 15, 1994, the respondent Judge rendered a Decision dated April 15, 1994 convicting the accused of the three (3) charges of libel filed against him; and from the said Decision. the accused appealed and elevated the case to the Court of Appeals [and the case] was docketed as

CA-GR CR No. 17798; in his Brief, the accused seeking to overturn the judgment of the respondent Judge insisted that

`The lower Court erred in convicting the accused-appellant on the basis of speculations and inferences instead of acquitting him of the criminal charge of libel, it being uncontroverted that the letter communication [was] covered by the mantle of privileged communication.'

"The Office of the Solicitor General, after a careful and thorough study of the records, instead of filing an Appellee's Brief to sustain the judgment of conviction of the herein accused, filed a Manifestation and Motion recommending that the Decision of the respondent Judge be reversed and that the herein accused be acquitted of the crime charged in the three (3) complaints;

"In a Decision promulgated on July 31, 1997, a copy of which is hereto attached as ANNEX "H", the members of the Sixth Division of the Court of Appeals found the appeal of the accused to be meritorious; the Court of Appeals found the findings of the respondent Judge not supported by any factual and legal justification; the Court of Appeals took note of the fact that the trial court could not cite any legal and factual basis for its conclusions in the decision, consequently, the Court of Appeals ruled as follows

`WHEREFORE, the Decision of the Regional Trial Court of Daet, Camarines Norte, Branch 38, in Criminal Case Nos. 6747, 6781 and 6782 is hereby REVERSED, and accused-appellant REYNALDO V. DE VERA is hereby ACQUITTED of the crime (libel) charged.'

"From the foregoing, it is clear that the errors of respondent Judge are so gross and inexcusable[,] indicative of his conscious and deliberate intention to do an injustice against the accused for his findings of facts are not supported by any credible evidence on record for which he should be found guilty of serious misconduct and of rendering an unjust judgment."^[1]

On February 9, 1998, respondent filed his Comment addressed to Court Administrator Alfredo Benipayo, stating in part:

"And I am appealing to His Honor to be kindly liberal in the consideration of the arguments contained in the documents submitted, and to apply as well the following jurisprudence, to wit:

`1. The proper remedy against adverse orders of judges is not an administrative action against them. The Supreme Court views with extreme disapproval the filing [by] vengeful litigants of administrative complaints to harass, terrorize and annoy judges who disappointed them (Reyes v. Judge Valdez and Judge Farrales, ADM No. RTJ-97-87-148, 9 Oct. 90, En Banc, Minute Resolution);'

`2. To make a judge answerable to every disgruntled Tom,

Dick and Harry would make his life a living hell. The rule is that in the absence of FRAUD, DISHONESTY or CORRUPTION, the acts of a judge done in his judicial capacity are not subject to disciplinary action, even though such acts be erroneous (Gomez v. Judge Francisco A. Semolina, Adm. M. No. RTJ-90-488, 5 May 92 En Banc, Minute Resolution)."[2]

The *casus belli* of the present administrative case is the complainant's letter, which subsequently became the subject of the libel charge. The letter is quoted hereunder.

"May 8, 1990

Mrs. Priscilla G. Mariano
Schools Division Superintendent
DECS, Daet, Camarines Norte

THRU: The Assistant SDS

Madam:

"Yesterday, at about 9:00 in the morning, in front of the Principal's Office, in the presence of about a hundred enrolling students, some of them accompanied by their parents, elder brothers, sisters or relative[s], the guidance coordinator and about ten teachers were there, and within the hearing distance of the school employees, Mrs. Emma C. Avellana, the principal of CNNS castigated me shouting at the top of her voice: `Napakawalanghiya mo, Punyeta ka.' And other unprintables.

"Her allegation [was] that according to reports she received I [was] the one (daw) who [was] spreading information that she already found gold and treasures in the diggings they conducted which [were] endangering their lives. Then she threatened me [with] reprisals.

"I did not answer her back[;] instead I went directly inside the office to take up some problems about my advisory class.

"Immediately after that, I reported this incident to Assistant Schools Division Superintendent Agustin A. Dating, to ascertain if her treasure hunting conducted sometime in April 9-30, 1990 ha[d] the authorization and permission from the Division Office.

"I reported to Mr. Dating the not-so-secret excavation the families of certain Canuto, Fiscal Canuto, Fiscal Villafuerte, and relatives of Mrs. Avellana did in the guise of looking for water source to be used in the on-going school building constructions.

"The suspicions of CNNHS teachers and even outsiders were aroused because the digging [was] not so ordinary.

1. They [did] not allow even workers in the school constructions to peek at the site.

2. The principal stopped the on-going CAT Summer Training for Officers.
3. The digging was conducted [during] the Holy Week, on Saturdays and Sundays, and at night.
4. Two cars, red with plate number PJU 866 and blue owned by Fiscal Villafuerte [were] constantly seen parked in the vicinity of the diggings even at night.
5. The diggings [were] not handled by real laborers, but by the nephews of the principal. There [was] no program of work, yet according to Fiscal Villafuerte, they [used] culverts.
6. One high noon, a commotion was observed by the security guard[;] a car went to and from the Office of the Principal and the site of the digging.
7. *One time, almost midnight, a car was seen by a teacher xxx outside the gate, going in and out of the school ferrying something, after [which] another commotion was heard at the site of the digging.*
8. The digging [was] covered by tents and streamers, and the hole [was] so wide it could accommodate two cars side by side with a small tunnel underneath.
9. *Fiscal Villafuerte was acting like he [was] the foreman of the project.*
10. One time, a well known politician visited the digging site.

"These [were] just some of the queer observations that were reported to me, and I conducted personal investigations by virtue of my being the president of the Association, and I found more, which I am ready to inform you at the proper time.

"In view of the strong reasons above-mentioned, which caused the teachers to los[e] confidence [i]n our principal and her office, particularly the school security guards/watchm[e]n, as all of them are tasked primarily, to take the responsibility of securing the government school properties.

"As president of the Association, I am requesting an immediate conduct of investigation and to apply the full force of the law to those who violated it.

Very sincerely yours,

(SGD.)

REYNALDO V. DE VERA, JR.

President