Republic of the Philippines
Supreme Court
Manila

EN BANC

CLEMENTE F. ATOC,
Complainant,

- versus -

EDGARDO A. CAMELLO, OSCAR V. BADELLES and PERPETUA T. ATAL-PAÑO, Associate Justices, Court of Appeals, Cagayan de Oro City.
Respondents.

I.P.I. NO. 16-241-CA-J

Present:

SERENO, *C.J.*,
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,
BRION,
PERALTA,
BERSAMIN,
DEL CASTILLO,
PEREZ,
MENDOZA,
REYES,
PERLAS-BERNABE,
LEONEN,
JARDELEZA,
CAGUIOA, *JJ.*

Promulgated:
November 29, 2016

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DECISION

PEREZ, *J.*:

This refers to the verified complaint[1] dated 12 January 2016 filed by Clemente F. Atoc (complainant) charging Edgardo A. Camello (Justice Camello), Oscar V. Badelles (Justice Badelles) and Perpetua T. Atal-Paño (Justice Atal-Paño), all Associate Justices of the Court of Appeals (CA),

[1] *Rollo*, pp. 2-15.

Cagayan de Oro City, with gross ignorance of the law, gross violation of Attorney's oath, gross violation of Code of Professional Responsibility (Canon 1, Rules 7.03, 10.01, 10.03), gross violation of Code of Judicial Conduct (Canon 1, Rules 1.01 and 1.02; Canon 3, Rules 3.01 and 3.02), gross violation of Professional Ethics (22), gross violation of Code of Judicial Ethics (2,15,18,22 and 31), grave abuse of authority, gross misconduct, manifest partiality, gross violation of Sections 4(a), 4(b) and 4(c) of Republic Act (R.A.) No. 6713, and gross violation of Section 3(e) of R.A. No. 3019.

The complaint stemmed from the resolutions[2] the respondent justices issued in CA-G.R. SP Nos. 07072-MIN and 07073-MIN entitled "*Oscar S. Moreno and Glenn C. Bañez v. Hon. Conchita Carpio Morales in her capacity as the Ombudsman; Department of the Interior and Local Government represented by Hon. Mel Senen Sarmiento in his capacity as Secretary and William G. Guilani.*"

Culled from the records are the following antecedent facts:

On 13 March 2015,[3] William G. Guillani filed a complaint for grave abuse of authority, grave misconduct and violation of Republic Act No. 6713 against Oscar S. Moreno (Moreno) and Glenn C. Bañez (Bañez), in their capacity as City Mayor and Officer-in-charge Treasurer, respectively, of the Local Government Unit of Cagayan de Oro City, before the Office of the Ombudsman-Mindanao (OMB).

In a Decision dated 14 August 2015, the OMB found Moreno and Bañez administratively guilty of grave misconduct. The dispositive portion of the decision reads:

> WHEREFORE, the Office finds respondents Oscar S. Moreno and Glenn C. Bañez GUILTY of Grave Misconduct and are meted out the penalty of Dismissal from service, including the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits, and the perpetual disqualification for re-employment in the government service. Further, the charges of Grave Abuse of Authority and violation of R.A. No. 6713 are dismissed.[4] (Underlining omitted)

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2 Id. at 40-41 and 102-109.
3 Id. at 41
4 Id. at 42.

On 3 November 2015, the OMB furnished the Department of Interior and Local Government (DILG) copy of the decision for implementation of the order of dismissal against Moreno and Bañez.[5]

In order to stay the implementation of the OMB decision, Moreno and Bañez filed their respective Petitions for *Certiorari* with Extremely Urgent Prayer for Temporary Restraining Order (TRO) and/or Writ of Preliminary Injunction (WPI) on 11 November 2015.

On 12 November 2015, the DILG served a copy of the decision on Moreno.[6]

On even date, incumbent Vice Mayor Caesar Ian Acenas and Councilor Candy Darimbang were sworn in office and assumed the positions of City Mayor and Vice Mayor of Cagayan de Oro City, respectively.

On 13 November 2015, the CA issued a resolution granting Moreno and Bañez's prayer for issuance of a TRO. The TRO which is effective for a period of 60 days, unless sooner revoked, enjoined the DILG, its officers and agents and all persons acting under them, from enforcing, implementing and effecting the OMB decision which dismissed Moreno and Bañez from the service.[7]

On 17 November 2015, the DILG filed a Manifestation informing the CA that as of 6:12 in the evening of 12 November 2015, it has already implemented the OMB decision dismissing Moreno and Bañez from the service. The DILG averred that it was only on 13 November 2015 at around 7:32 in the evening that it received a copy of the CA resolution granting the TRO.[8]

On the same date, the DILG filed a second pleading denominated as Manifestation with Urgent Motion for Clarification. The motion seeks to clarify as to who should be recognized as Mayor of Cagayan de Oro City considering that the department received the CA Resolution on the granting of the TRO a day after the OMB decision was served and implemented against Moreno.[9]

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5 Id.
6 Id.
7 Id. at 44.
8 Id. at 45.
9 Id.

On 18 November 2015, the CA issued a resolution clarifying the validity and enforceability of the TRO it earlier issued. The CA ratiocinated that:

> In the instant case, the last actual, peaceable and uncontested condition before the DILG the assailed Ombudsman Decision is petitioner Oscar Moreno sitting as the elected Cagayan de Oro City Mayor and Glenn Bañez as the Officer-in-Charge of the City Treasurer's Office. Therefore, that is the situation sought to be upheld by the TRO pending the resolution of the injunction. The status existing at the time the present petition was filed before this [c]ourt was that the mayor and the officer-in-charge of the City Treasurer's office were herein [Moreno and Bañez]. That precisely is the status referred to in a TRO taking into account the litany of decisions defining how a TRO operates. To construe otherwise would counter settled jurisprudence. In fact, the DILG has correctly understood and captured the concept and essence of a restraining order. x x x"[10]

The dispositive portion of the resolution thus reads:

> In view thereof, there is nothing further to elucidate. The DILG appropriately acknowledged [Moreno and Bañez'] powers and authority by virtue of the TRO issued by this [c]ourt. That declaration of the DILG, a party to this case, is conclusive as to the *status quo* sought to be preserved by [o]ur TRO which binds all parties, agencies or persons concerned to refrain from doing any act or acts disruptive of the *status quo*.[11]

The aforesaid resolution was penned by Associate Justice Henri Jean Paul B. Inting with Associate Justices Camello and Pablito A. Perez concurring.

On 11 January 2016,[12] the CA, through Associate Justice Camello as ponente with the concurrence of Associate Justices Badelles and Atal-Paño, issued a Writ of Preliminary Injunction to be effective throughout the pendency of the action unless elsewhere revoked or modified, enjoining and preventing the respondent DILG, its officers, agents, and/or any person assisting it or acting for and in its behalf, from enforcing and implementing the 14 August 2015 decision of the OMB.

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10 Id. at 19.
11 Id.
12 Id. at 102-109.

Claiming that he was aggrieved by the resolutions issued by the CA in the subject cases, complainant, a resident of Cagayan de Oro City, filed a verified complaint against the respondent associate justices of the CA who issued the latest resolution praying that they be disbarred and their names be deleted as members of the Integrated Bar of the Philippines (IBP).

On 26 July 2016, this Court required the respondent associate justices to comment on the complaint.

In compliance with the Court's directive, the respondent associate justices submitted their Joint Comment[13] on 11 October 2016.

They reported that not so long after the CA issued the TRO dated 13 November 2015 on the subject case, complainant charged the members of the Special 22nd Division of the CA, which was then composed of Justices Camello, Henri Jean Paul B. Inting (Justice-in-charge), and Pablito A. Perez, with gross ignorance of the law, gross violation of attorney's oath, gross violation of the Code of Professional Responsibility, gross violation of the Code of Judicial Conduct, gross violation of professional ethics, gross violation of the Code of Judicial Ethics, grave abuse of authority, gross misconduct, manifest partiality, and violation of R.A. No. 3019. The complaint was docketed as I.P.I. No. 16-238-CA-J (Re: Verified Complaint of Clemente F. Atoc).

They further reported that when the CA upgraded the provisional remedy of TRO to a Writ of Preliminary Injunction on 11 January 2016, complainant hastily recycled his previous complaint against Justices Camello, Henri Jean Paul B. Inting and Pablito A. Perez and accused this time the members of the Special 22nd Division, now composed of herein respondent Justices Camello, Badelles and Atal-Paño, of the exact violations, based on the exact same circumstances, and raising the exact same issues. They noted that complainant even recycled in the subsequent complaint his original Verification and Certification of Non-Forum Shopping. Complainant certified that he has not filed any complaint involving the same issue/issues before the Supreme Court, Court of Appeals, any tribunal or agency, when he knows for a fact that I.P.I. No. 16-238-CA-J is still pending.

The respondent associate justices thus iterate the same plea for the dismissal of the utterly baseless complaint and adopts in regard to the instant

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13 Id. at (no proper pagination).

suit of complainant, the very same comment on complainant's complaint in I.P.I. No. 16-238-CA-J.

The respondent justices submit that case law has been consistent in its caveat that where judicial relief is still available, whether it be ordinary or extra-ordinary remedy, resort to administrative complaint is not allowed.[14] They maintain that the preclusive principle that bars parties to a pending suit from by-passing judicial remedies by resorting to administrative suits against judges applies even more to complainant who is not even a party or privy, but a total stranger to the pending petitions before the CA.[15]

We find the charges against respondent Associate Justices bereft of merit.

At the outset, it is clear that the assailed resolutions were issued by respondent Associate Justices in the proper exercise of their judicial functions. As such, these are not subject to administrative disciplinary action. Other than complainant's bare allegations, there were no evidence presented to show any wrong-doings or bad faith on the part of respondent associate justices. We have settled the rule that a judge may not be administratively sanctioned from mere errors of judgment in the absence of showing of any bad faith, fraud, malice, gross ignorance, corrupt purpose, or a deliberate intent to do an injustice on his or her part.[16] Judicial officers cannot be subjected to administrative disciplinary actions for their performance of duty in good faith.[17]

To be held liable for gross ignorance of the law, it must be shown that in the issuance of the assailed resolutions, the justices have committed an error that was gross or patent, deliberate or malicious.[18] In the instant case, it was shown that the justices based their findings on existing facts and jurisprudence. There was no proof presented to show that they were moved by ill-will or malicious intention to violate the law and extend favor to a party. In fact, their findings were thoroughly discussed in the *ratio decidendi* of the resolution.

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14 Id. at (no proper pagination); Joint comment.

15 Id. at 10.

16 *Ceniza-Layese v. Asis*, 590 Phil. 56, 60 (2008).

17 *Re: Complaint filed by Lucena B. Rallos against Justices Gabriel T. Ingles, Pamela Ann Maxino, and Carmelita S. Manahan*, 723 Phil. 1, 4 (2013).

18 *Zarate v. Balderian*, 386 Phil. 1, 8 (2000) citing In *Re: Joaquin T. Borromeo*, 311 Phil. 441 (1995).

In assailing the resolutions issued by the CA, complainant failed to realize that unfavorable rulings are not necessarily erroneous. If a party disagrees with a ruling of the court, assuming these were incorrect, there are judicial remedies available to them under the Rules of Court. As a matter of public policy, a judge cannot be subjected to liability for any of his official acts, no matter how erroneous, as long as he acts in good faith. 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 in his judgment.[19]

Moreover, we have explained that administrative complaints against magistrates cannot be pursued simultaneously with the judicial remedies accorded to parties aggrieved by the erroneous orders or judgments of the former. Administrative remedies are neither alternative to judicial review nor do they cumulate thereto, where such review is still available to the aggrieved parties and the cases not yet been resolved with finality.[20] Here, it is evident that the parties aggrieved by the resolution can avail or may have already availed of other judicial remedies. Quite significant is the fact that the instant administrative complaint was filed by someone who is not a party or privy to the case. As correctly noted by the respondent justices in their Joint-Comment, Atoc did not even disclose the capacity in which he brings the present administrative complaint.

Anent the determination on whether the respondent Associate Justices made an error in enjoining the decision of the OMB, the same would be squarely addressed by this Court the moment the issue is raised before it in a proper judicial proceeding. We cannot make a ruling in this administrative case on the correctness of the issuance of the injunction.[21]

We stated in the case of *Morales I v. CA Justices Real-Dimagiba, Lopez and Garcia*:[22]

> To press the point, the present Resolution should not be read as an allowance *carte blanche* for the issuance of TROs against the OMB's decision in criminal and administrative complaints against officials and employees of the government. Foremost, we did not rule on the validity of the issuance of the TRO by the respondent associate justices. What we said is that there is a relevant ruling in the *Binay, Jr.* case which removes the issuance by respondent associate justices from the ambit of gross

19 *Crisologo v. Daray*, 584 Phil. 366, 374 (2008).
20 *Rodriguez v. Gatdula*, 442 Phil. 307, 308 (2002).
21 See *Morales I v. CA Justices Real-Dimagiba, Lopez and Garcia*, I.P.I. No. 16-243-CA-J, 11 October 2016.
22 Id.

> ignorance of the law. Just as important, the validity of the issuance of a TRO, owing to the fact that a TRO is merely a provisional remedy which is an adjunct to a main suit, which in this case is the main petition of Mayor Gatchalian pending before the CA, is a judicial issue that cannot be categorically resolved in the instant administrative matter.
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> x x x x
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> The remedy against the issuance of the TRO is unarguably and by its very nature, resolvable only thru judicial procedures which are, a motion for reconsideration and, if such motion is denied, a special civil action of *certiorari* under Rule 65. It is the ruling granting the prayer for the writ of *certiorari* that a basis for an administrative action against the judge issuing the TRO may arise. Such happens when, from the decision on the validity of the issuance, there is a pronouncement that indicates gross ignorance of the law of the issuing judge. The instant administrative complaint cannot be a substitute for the aforesaid judicial remedies.

WHEREFORE, in view of the foregoing, the instant administrative complaint filed by Clemente F. Atoc against Associate Justices Edgardo A. Camello, Oscar V. Badelles and Perpetua T. Atal-Paño, all of the Court of Appeals, Cagayan de Oro City, is hereby **DISMISSED** for lack of merit.

SO ORDERED.

JOSE PORTUGAL PEREZ
Associate Justice

WE CONCUR:

MARIA LOURDES P. A. SERENO
Chief Justice

ANTONIO T. CARPIO
Associate Justice

PRESBITERO J. VELASCO, JR.
Associate Justice

TERESITA J. LEONARDO-DE CASTRO
Associate Justice

ARTURO D. BRION
Associate Justice

DIOSDADO M. PERALTA
Associate Justice

LUCAS P. BERSAMIN
Associate Justice

MARIANO C. DEL CASTILLO
Associate Justice

JOSE CATRAL MENDOZA
Associate Justice

BIENVENIDO L. REYES
Associate Justice

ESTELA M. PERLAS BERNABE
Associate Justice

MARVIC M.V.F. LEONEN
Associate Justice

FRANCIS H. JARDELEZA
Associate Justice

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

CERTIFIED XEROX COPY:

FELIPA B. ANAMA
CLERK OF COURT, EN BANC
SUPREME COURT