



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

NARCISO G. DULALIA

Complainant,

A.M. OCA I.P.I. No. 10-3492-RTJ

Present:

CARPIO, J.

Chairperson,

BRION,

DEL CASTILLO,

PEREZ, and

PERLAS-BERNABE, JJ.

- versus -

JUDGE AFABLE E. CAJIGAL,
Regional Trial Court, Branch 96,
Quezon City

Promulgated:

Respondent.

DEC 04 2013

Handwritten signature: HWCabala

X -----X

RESOLUTION

PEREZ, J.:

For resolution is the administrative complaint filed by Narciso G. Dulalia (complainant) charging Judge Afable E. Cajigal (respondent judge), Regional Trial Court (RTC), Branch 96, Quezon City with gross ignorance of the law and gross inefficiency.

ANTECEDENT FACTS

The complaint stemmed from Special Proceedings (SP) No. Q-01-45101, entitled *In the Matter of the Joint Settlement of the Intestate Estate of Sps. Emilio Z. Dulalia and Leonarda G. Dulalia and for Issuance of Letters of Administration*; SP No. Q-01-45814, entitled *In the Matter of the Testate*

Handwritten signature: R

Estate of the Deceased Leonarda Garcia Dulalia; and SP No. Q-02-46327, entitled *In the Matter of the Testate Estate of the Deceased Emilio Zuniga Dulalia*.

Complainant is one of the petitioners in the aforecited special proceeding cases pertaining to the joint settlement of the testate and intestate estates of his parents wherein he and his sister, Gilda Dulalia-Figueroa, vied for appointment as special and regular administrator.

Complainant claimed that since respondent judge's appointment as presiding judge of RTC, Branch 96, Quezon City, the latter has displayed gross inefficiency by failing to resolve within the prescribed period the following incidents:¹ (1) Manifestation and Motion dated 18 July 2005; (2) Urgent Ex-Parte Motion to Resolve dated 29 May 2006; (3) Urgent Motion to Resolve Pending Incident (to appoint Narciso G. Dulalia as special administrator pending litigation) dated 25 April 2002; (4) Omnibus Motion dated 4 June 2007; (5) Comment/Opposition with Application for Appointment as Special Administrator dated 22 June 2007; (6) Reply to Comment/Opposition with Application for Appointment as Special Administrator dated 10 July 2007; (7) Urgent Motion to Resolve the Application of Narciso G. Dulalia as Special Administrator dated 3 April 2008; and (8) Urgent Motion for the Appointment of Narciso G. Dulalia as Interim Administrator dated 8 September 2009.

On 12 January 2010, respondent judge issued an Order² appointing Gilda Dulalia-Figueroa as special administratrix of the estate.

Aggrieved, complainant filed on 18 February 2010 a Motion for Reconsideration. The motion was set for hearing on 25 February 2010. Complainant averred that from the filing of the motion until the filing of the instant complaint, respondent judge has yet to resolve the motion.

Complainant alleged that respondent judge is liable for gross inefficiency for his failure to resolve the pending incident within the required period. According to complainant, respondent judge not only failed to resolve the subject motion on time, he likewise ignored the basic rules and jurisprudence in the appointment of special administrators in accordance with the Supreme Court's ruling in *Co v. Rosario*.³ Thus, he maintained that respondent judge should also be held liable for gross ignorance of the law.

¹ *Rollo*, pp. 1-2.

² *Id.* at 70.

³ G.R. No. 160671, 30 April 2008, 553 SCRA 225.

On 27 August 2010, respondent judge was required by the Office of the Court Administrator (OCA) to comment on the verified complaint.

In his comment,⁴ respondent judge vehemently denied the allegations in the complaint. He averred that the complaint, which was filed by a disgruntled party who did not get a favorable action in his court, is purely personal and meant only to harass him. It has no basis in law and in fact, he claims.

Respondent judge maintained that he is not liable for gross ignorance of the law. He insisted that when he issues an order in a case, he sees to it that it is rendered within the mantle of the law and within the bounds of the rules. He alleged that he never incurred bad faith or abuse of authority in resolving legal issues filed before his sala.

He submitted that he is also not liable for gross inefficiency considering that the matter submitted before him cannot be resolved outright in view of the conflicting claims of the complainant and his siblings. The matter regarding the appointment of special administrator cannot be issued on a silver platter by the court without any hearing being conducted. He reiterated that the several motions filed by the complainant praying for his appointment as special administrator can be acted upon only after hearing the side of the other petitioners and after assessment of the fitness and qualifications of the applicants for appointment as regular administrator.

Respondent judge noted that on 12 January 2010, he issued an order appointing complainant's sister, Gilda Dulalia-Figueroa, as special administratrix in order to preserve the estate in the meantime until a regular administrator is appointed. In view of the order issued, complainant filed a motion for reconsideration.

Earlier or on 28 January 2008, complainant filed a petition for indirect contempt against his sister Gilda Dulalia-Figueroa, allegedly for the latter's violation of several orders of the court.

Respondent judge claimed that in the hearing of the petition for indirect contempt, he considered as incorporated the motion for reconsideration filed by complainant. But since the hearing was focused mainly on the petition for indirect contempt, the motion for reconsideration was left unresolved. He alleged that such omission was neither deliberate

⁴

Id. at 103-105.

nor done with malice. It was only due to inadvertence that the motion was not specifically resolved. He honestly believed that preferential attention should be given to the petition for indirect contempt before the court can focus itself on the estate proceeding, particularly the appointment of a regular administrator. Due to the supervening event, the estate proceeding remained untouched.

As regards the other motions assailed in the complaint, respondent judge reported that these were already resolved in view of the appointment of the special administratrix of the estate. Hence, there is no gross inefficiency to speak of.

REPORT AND RECOMMENDATION OF THE OFFICE OF THE COURT ADMINISTRATOR

In its Report⁵ dated 18 March 2013, the OCA concluded that the charge of gross ignorance of the law should be given scant consideration considering that as complainant himself has admitted, the propriety of respondent judge's decision was already raised in the motion for reconsideration. The OCA, however, found respondent judge liable for undue delay in resolving the motion for reconsideration filed by complainant and recommended that he be fined in the amount of Ten Thousand Pesos (₱10,000.00).

OUR RULING

First, we find the charges of ignorance of the law bereft of merit. It is clear that the respondent judge's order was issued in the proper exercise of his judicial functions, and as such, is not subject to administrative disciplinary action; especially considering that the complainant failed to establish bad faith on the part of respondent judge. Well entrenched is the rule that a judge may not be administratively sanctioned for 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.⁶

Complainant assails the propriety of the decision rendered by respondent judge. Complainant should be reminded that unfavorable rulings are not necessarily erroneous. Should he disagree with the court's ruling,

⁵ Id. at 118-120.

⁶ *Ceniza-Layese v. Asis*, A.M. No. RTJ-07-2034, 15 October 2008, 569 SCRA 51, 54-55.

there are judicial remedies available 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.⁷

Moreover, we have explained that administrative complaints against judges 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 have not yet been resolved with finality.⁸ In the instant case, complainant had in fact availed of the remedy of a motion for reconsideration prior to his filing of the administrative complaint.

On the charge of undue delay in resolving the motion for reconsideration, we find merit in the explanation of respondent judge. The Court is aware of the complexity of estate proceedings and the numerous motions filed in those cases. In the absence of any evidence to show any improper motive or reason that could have compelled respondent judge to delay the resolution of the motion, the delay could only be attributed to inadvertence, especially considering the overlapping motions filed by complainant. It is significant to note the report of respondent judge that he has already resolved the other motions assailed by complainant.

Be that as it may, respondent judge admitted that he may have inadvertently failed to categorically address the motion for reconsideration. Thus, the inescapable fact is that there was delay in the resolution of the pending incident.

The rules and jurisprudence are clear on the matter of delay. Failure to decide cases and other matters within the reglementary period constitutes gross inefficiency and warrants the imposition of administrative sanction against the erring magistrate.⁹ The penalty to be imposed on the judge varies depending on the attending circumstances of the case. In deciding the penalty to be imposed, the Court takes into consideration, among others, the

⁷ *Crisologo v. Daray*, A.M. No. RTJ-07-2036, 20 August 2008, 562 SCRA 382, 389.

⁸ *Rodriguez v. Judge Gatdula*, 442 Phil. 307, 312 (2002).

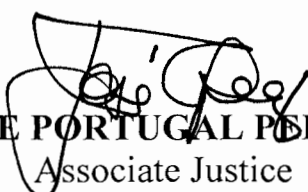
⁹ *OCA v. Santos*, A.M. No. MTJ-11-1787, 11 October 2012, 684 SCRA 1, 9; *Re: Cases Submitted for Decision before Hon. Meliton G. Emuslan, Former Judge, Regional Trial Court, Branch 47, Urdaneta City, Pangasinan*, A.M. No. RTJ-10-2226, 22 March 2010, 616 SCRA 280, 283; *Report on the Judicial Audit Conducted in the RTC, Branch 22, Kabacan, North Cotabato*, 468 Phil. 338, 345 (2004).

period of delay, damage suffered by the parties as a result of the delay; complexity of the case; number of years the judge has been in the service; the health and age of the judge; and the caseload of the court presided over by the judge.

In the instant case, we find it proper to mitigate the penalty to be imposed on respondent judge taking into consideration that this is his first infraction in his more than 15 years in the service; his age; the caseload of his court; and his candid admission of his infraction.

WHEREFORE, in light of the foregoing, the complaint of gross ignorance of the law against Judge Afable E. Cajigal, Regional Trial Court, Branch 96, Quezon City is **DISMISSED** for lack of merit. For his delay in resolving the pending motions in his court, Judge Cajigal is **ADMONISHED** to be more circumspect in the exercise of his judicial functions. He is warned that a commission of the same or similar offense in the future shall merit a more severe sanction from the Court. Judge Cajigal is reminded to be mindful of the reglementary periods for disposing pending incidents in his court to avoid delay in the dispensation of justice.

SO ORDERED.



JOSE PORTUGAL PEREZ
Associate Justice

WE CONCUR:


ANTONIO T. CARPIO
Associate Justice
Chairperson


ARTURO D. BRION
Associate Justice


MARIANO C. DEL CASTILLO
Associate Justice


ESTELA M. PERLAS-BERNABE
Associate Justice