



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

ANNA LIZA VALMORES-
SALINAS,

Complainant,

- versus -

JUDGE CRISOLOGO S. BITAS,
Regional Trial Court, Branch 7,
Tacloban City,

Respondent.

A.M. No. RTJ-12-2335

[Formerly OCA I.P.I. No. 12-3829-RTJ]

Present:

VELASCO, JR., J., *Chairperson*,
PERALTA,
ABAD,
MENDOZA, and
LEONEN, JJ.

Promulgated:

March 18, 2013

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DECISION

PERALTA, J.:

This resolves the verified complaint¹ filed by petitioner on January 16, 2012 charging respondent Judge with Gross Ignorance of the Law, Conduct Unbecoming a Judge, Bias, Manifest Partiality and Impropriety relative to (1) TPO Case No. 2011-04-04, entitled *Anna Liza V. Salinas v. Roy Y. Salinas*, for Violence Against Women and their Children; and (2) Civil Case No. 2011-08-60, entitled *Roy Y. Salinas v. Anna Liza D. Valmores-Salinas*, for Declaration of Nullity of Marriage with Prayer for Issuance of a Temporary Restraining Order (TRO) and Preliminary Injunction.

The facts follow.

Petitioner filed a case for Violence Against Women and their Children (VAWC) with a Petition for the Issuance of a Temporary Protection Order (TPO), docketed as TPO Case No. 2011-04-04, against her husband Roy Salinas before the Regional Trial Court of Tacloban City which was

¹ Rollo, pp. 1-9.

presided by respondent Judge. Subsequently, respondent Judge rendered a Decision denying the petition for the issuance of a TPO filed by petitioner.

Meanwhile, respondent Judge heard Civil Case No. 2011-08-60, particularly Roy Salinas' prayer for a TRO and preliminary injunction.

After a chamber conference with both parties' counsels, respondent Judge immediately issued an Order appointing Mervyn Añover as the administrator of the spouses' community properties. Petitioner avers that she did not agree to the appointment of an administrator. In fact, during the chamber conference, her counsel had reservations regarding the qualifications of the administrator and reserved the right to question the jurisdiction of the court to adjudicate on the properties, considering that there was no list of properties attached to the petition.

Despite the foregoing, a Letter of Administration was still issued and released with an order *motu proprio* appointing Mervyn Añover as the administrator. Petitioner asserts that she and her counsel were not furnished copies of the order and the letter of administration. Aggrieved, petitioner filed a Motion for Reconsideration of the Order appointing Mervyn Añover as the administrator.

In response, Roy Salinas' counsel filed his comment on the motion, with motion to cite petitioner for indirect contempt for her defiance to the order of the court by disallowing Mervyn Añover to take over the management of Royal Grand Suites.

In an Order² dated December 14, 2011, respondent Judge summarily held petitioner in contempt of court for violating the court's order by disallowing the administrator to perform his duty and violating the injunction of the court to desist from getting the income of the businesses. Thus, petitioner was ordered to suffer a 5-day imprisonment.

Thereafter, petitioner filed the instant complaint alleging that the December 14, 2011 Order was in direct violation of Section 4, Rule 71 of the Revised Rules of Court, since there was neither an order nor any formal charge requiring her to show cause why she should not be punished for contempt. She asserts that no verified petition was initiated and there were no proceedings to determine whether her act was indeed contumacious.

In his Comment, respondent Judge explains that the court appointed the administrator to preserve the properties of the spouses, considering that some of the properties were already dissipated by petitioner and the

²*Id.* at 67.

amortizations to the Development Bank of the Philippines on the rest of the properties have not been paid. Respondent Judge alleges that petitioner filed the instant administrative case to harass him and to prevent the implementation of the court's Orders appointing Mervyn Añover as administrator and enjoining the Salinas spouses from managing their businesses and finding petitioner guilty of contempt of court.

In its Report³ dated September 11, 2012, the Office of the Court Administrator (OCA) recommended as follows:

It is respectfully recommended for the consideration of the Honorable Court that:

(1) the administrative case against Judge Crisologo S. Bitas, Branch 7, Regional Trial Court, Tacloban City, be **RE-DOCKETED** as a regular administrative matter; and

(2) respondent Judge Bitas be found **GUILTY** of **GROSS IGNORANCE OF THE LAW OR PROCEDURE**, and, accordingly, be **FINED** in the amount of Twenty-One Thousand Pesos (₱21,000.00) with a **STERN WARNING** that a repetition of the same or similar act shall be dealt with more severely.⁴

We sustain the findings of the Court Administrator.

To begin with, jurisprudence is replete with cases holding that errors, if any, committed by a judge in the exercise of his adjudicative functions cannot be corrected through administrative proceedings, but should instead be assailed through available judicial remedies. Disciplinary proceedings do not complement, supplement or substitute judicial remedies and, thus, cannot be pursued simultaneously with the judicial remedies accorded to parties aggrieved by their erroneous orders or judgments.⁵

Given this doctrine, the Court fully agrees with the OCA's report that the propriety of the decision denying petitioner's Petition for the Issuance of a TPO and the Order appointing Mr. Mervyn Añover as an administrator are judicial matters which are beyond the scope of administrative proceedings. If there were indeed errors in their issuance, petitioner should have resorted to judicial remedies and not to the filing of the instant administrative complaint. In fact, it is a matter of policy that it is only when there is fraud,

³ *Id.* at 71-77.

⁴ *Id.* at 77.

⁵ *Re: Verified Complaint of AMA Land, Inc. Against Hon. Danton Q. Bueser, Hon. Sesinando E. Villon, and Hon. Ricardo R. Rosario, Associate Justices of the Court of Appeals*, A.M. OCA I.P.I. No. 12-202-CA-J, January 15, 2013.

dishonesty or corruption that the acts of a judge in his judicial capacity are subject to disciplinary action, even though such acts are erroneous.⁶

Nevertheless, respondent Judge may be held administratively liable for summarily holding petitioner in contempt of court.

Sections 3 and 4, Rule 71 of the Rules of Court explicitly states:

Sec. 3. *Indirect contempt to be punished after charge and hearing.*
– After a charge in writing has been filed, and **an opportunity given to the respondent to comment thereon** within such period as may be fixed by the court and to be heard by himself or counsel, a person guilty of any of the following acts may be punished for indirect contempt:

X X X X

Section 4. *How proceedings commenced.* – Proceedings for indirect contempt may be initiated *motu proprio* by the court against which the contempt was committed by an order or any other formal charge **requiring the respondent to show cause why he should not be punished for contempt.**

In all other cases, **charges for indirect contempt shall be commenced by a verified petition with supporting particulars and certified true copies of documents or papers involved therein, and upon full compliance with the requirements for filing initiatory pleadings for civil actions in the court concerned.** If the contempt charges arose out of or are related to a principal action pending in the court, the petition for contempt shall allege that fact but said petition shall be docketed, heard and decided separately, unless the court in its discretion orders the consolidation of the contempt charge and the principal action for joint hearing and decision. (Emphasis supplied)

From the foregoing, it is clear that the following procedural requisites must be complied with before petitioner may be punished for indirect contempt: *First*, there must be an order requiring the petitioner to show cause why she should not be cited for contempt. *Second*, the petitioner must be given the opportunity to comment on the charge against her. *Third*, there must be a hearing and the court must investigate the charge and consider petitioner's answer. *Finally*, only if found guilty will petitioner be punished accordingly. What is most essential in indirect contempt cases, however, is that the alleged contemner be granted an opportunity to meet the charges against him and to be heard in his defenses.⁷

⁶ *Ernesto Hebron v. Judge Matias M. Garcia II, Regional Trial Court, Branch 19, Bacoor City, Cavite*, A.M. No. RTJ-12-2334, November 14, 2012, citing *Dadula v. Judge Ginete*, 493 Phil. 700 (2005).

⁷ *Isabelo Esperida, et al. v. Franco K. Jurado, Jr.*, G.R. No. 172538, April 25, 2012.

Here, it appears that Roy Salinas did not file a verified complaint, but instead initiated the indirect contempt through his Comment/Opposition to the Motion for Reconsideration with Motion to Cite Defendant for Indirect Contempt. Regardless of this fact, however, respondent Judge still issued an order peremptorily holding petitioner in contempt of court. Moreover, assuming that the contempt charge was initiated *motu proprio* by the Court, respondent Judge still failed to abide by the rules when he did not require petitioner to show cause why she should not be punished for contempt.

Plainly, respondent Judge's obstinate disregard of established rules of procedure amounts to gross ignorance of the law or procedure, since he disregarded the basic procedural requirements in instituting an indirect contempt charge.

However, this Court deems it proper to reduce the recommended fine imposed, considering that this is respondent Judge's first offense and that it is not uncommon for judges, even lawyers, to make unambiguous distinctions between direct and indirect contempt, and how the same are treated. Thus, it is but fair to reduce the recommended penalty from ₱21,000.00 to ₱10,000.00.

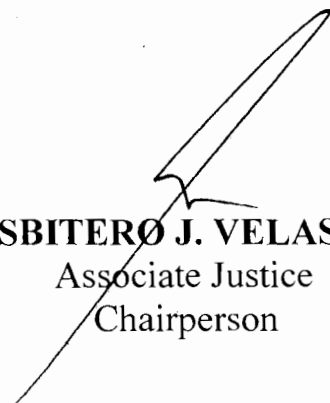
WHEREFORE, premises considered, respondent Judge **CRISOLOGO S. BITAS** is found **GUILTY OF GROSS IGNORANCE OF THE LAW OR PROCEDURE**, and accordingly, **FINED** in the amount of Ten Thousand Pesos (₱10,000.00), with a **STERN WARNING** that a repetition of the same or similar act shall be dealt with more severely.

SO ORDERED.

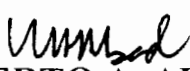


DIOSDADO M. PERALTA
Associate Justice

WE CONCUR:



PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson



ROBERTO A. ABAD
Associate Justice



JOSE CATRAL MENDOZA
Associate Justice



MARVIC MARIO VICTOR F. LEONEN
Associate Justice