



Republic of the Philippines
Supreme Court
 Manila

SECOND DIVISION

DOMINADOR BIADO, MAMERTO BIADO, CARLITO DELA CRUZ, NORMA DELA CRUZ, DANILO DELA CRUZ, ROMULO MARANO SR., FRANCISCO PADILLA, LOLITA ABLIR AND SONNY TONGCALO,
 Complainants,

A.M. No. MTJ-17-1891
 [Formerly OCA IPI No. 15-2792-MTJ]

Present:

CARPIO, J., *Chairperson*,
 PERALTA,
 MENDOZA,
 LEONEN, and
 JARDELEZA, JJ.

-versus-

HON. MARIETTA S. BRAWNER-CUALING, PRESIDING JUDGE, MUNICIPAL CIRCUIT TRIAL COURT [MCTC], TUBA-SABLAN, BENGUET,

Respondents.

Promulgated:
 15 FEB 2017

X-----X

RESOLUTION

LEONEN, J.:

An administrative complaint is not the proper remedy for every action of a judge considered “aberrant or irregular” especially when a judicial remedy exists.¹

This is an administrative complaint² for gross ignorance of the law

¹ Santos v. Orlino (Resolution) 357 Phil. 102, 108 (1998) [Per Chief Justice Narvasa, Third Division].
² Rollo, pp. 2-5.

and manifest partiality relative to an ejectment case and damages docketed as Civil Case No. 302 against Judge Marietta S. Brawner-Cualing (respondent judge) of the Municipal Circuit Trial Court of Tuba- Sablan, Benguet. Complainants insist that respondent judge should be faulted for her cognizance of the civil case and her subsequent issuance of the assailed decision and writ of execution despite lack of jurisdiction.³

In their Joint Complaint Affidavit⁴ dated September 11, 2015 filed before the Office of the Court Administrator, Dominador Biado, Mamerto Biado, Carlito Dela Cruz, Norma Dela Cruz, Danilo Dela Cruz, Romulo Marano Sr., Francisco Padilla, Lolita Ablir and Sonny Tongcalo (complainants) stated that they were the defendants in Civil Case No. 302 entitled *Heirs of Cariño Sioco v. Dominador Biado et. al.*⁵ filed before the 5th Municipal Circuit Trial Court of Tuba-Sablan, Benguet,⁶ over which respondent judge presided.

On December 9, 2011, respondent judge issued a Decision⁷ in favor of the Heirs of Cariño Sioco.⁸ In her decision, respondent judge found that all the elements of unlawful detainer were present in the case.⁹ She directed the complainants to vacate the disputed lot and to “turn over the possession to the plaintiffs.”¹⁰ She also ordered them to pay monthly rental fees to the heirs until they vacated the premises.¹¹

Complainants appealed before the Regional Trial Court of La Trinidad, Benguet.¹² However, their appeal was dismissed due to their “failure to appear and participate in it.”¹³ Since there was no further appeal made, respondent judge’s decision became final and executory.¹⁴

On December 14, 2012, through motion of the prevailing party, respondent Judge issued an Order granting the Heirs of Cariño Sioco’s Motion for Execution.¹⁵ Similarly, she issued a Writ for Execution¹⁶

³ Id. at 99.

⁴ Id. at 2–5.

⁵ Id. at 99.

⁶ Id. at 2.

⁷ Id. at 6–15.

⁸ Id. at 2.

⁹ Id. at 99, OCA Report and Recommendation.

¹⁰ Id.

¹¹ Id.

¹² Id.

¹³ Id. at 97, Court of Appeals Resolution.

¹⁴ Id. at 99.

¹⁵ Id.

¹⁶ Id. at 16–18.

....

WHEREAS, on December 12, 2012, a MOTION FOR EXECUTION was received by the Court

WHEREAS, on December 14, 2012, an Order was issued by Hon. Marietta S. Brawner-Cualing, which states:

“Filed by plaintiff through counsel is a Motion for Execution stating that the Regional Trial Court, Branch 63, La Trinidad, Benguet issued an Order dated August 28, 2012, dismissing the Appeal of the

ordering the sheriff to cause the immediate implementation of the Decision.¹⁷

Complainants opposed the assailed decision and Writ of Execution, and claimed that respondent judge had no jurisdiction over the case.¹⁸ They insisted that the disputed property was not within the jurisdiction of Tuba-Sablan, Benguet but within Pangasinan.¹⁹ Moreover, there was an “existing boundary dispute between Pangasinan and Benguet.”²⁰ They asserted that they had already brought this matter to respondent judge’s attention and “sought deferment on the case pending the resolution of the boundary issue.”²¹ To bolster their claim, they even allegedly presented the Municipal Index Map of San Manuel, Pangasinan and the Land Clarification of Benguet and Pangasinan.²² However, these were ignored by the respondent judge.²³

Complainants averred that respondent judge should have at least “inquired by herself” on the exact location of the disputed property to determine if she had jurisdiction over the case.²⁴ Respondent judge showed her gross ignorance of the law and her manifest partiality against them for her failure to know the exact location of the disputed property.²⁵ For this reason, they were prompted to file this administrative case against her.

In her Comment²⁶ dated November 23, 2015, respondent judge denied the accusations relative to her alleged manifest partiality and gross ignorance of the law.²⁷ She claimed that this administrative complaint was a “mere ploy to divert the implementation of the decision in Civil Case No. 302,”²⁸ which already attained finality as of September 17, 2012, per Entry of Judgment dated January 23, 2013.²⁹ A Writ of Execution had already been issued, which complainants ignored.³⁰ A Writ of Demolition has likewise been issued after complainants failed to willingly remove their

defendants. Said Order of Dismissal was not appealed further by the Defendants.

Considering however that this case is for ejectment and damages and defendants did not file any Supersedeas Bond to stay the execution, the Motion for Execution is hereby granted. Issue Writ of Execution.

SO ORDERED.”

NOW THEREFORE, you are hereby commanded to cause immediately the execution of the Decision dated December 9, 2012, and to seize the goods and chattels of the said defendants, except such as by law are exempt and cause to be made the aforementioned sum together with your lawful fees.

¹⁷ Id. at 99.

¹⁸ Id.

¹⁹ Id. at 100.

²⁰ Id.

²¹ Id.

²² Id.

²³ Id.

²⁴ Id.

²⁵ Id.

²⁶ Id. at 22–33.

²⁷ Id. at 100.

²⁸ Id.

²⁹ Id. at 94.

³⁰ Id. at 100.

l

constructions.³¹ Instead of obeying the writ, complainants filed a Petition for Annulment of Judgment before the Court of Appeals docketed as CA-G.R. SP. No. 131838.³² Their petition, however, was dismissed³³ on October 4, 2013.

Due to complainants' "obstinate refusal" to comply with the Municipal Circuit Trial Court's order, the Heirs of Cariño Sioco filed a Petition for Indirect Contempt against them docketed as Special Civil Action Case No. 03, which has been pending resolution.³⁴

Respondent judge maintained that she had jurisdiction to rule over the case.³⁵ She relied on the plaintiff's complaint and the respondent's answer, which "categorically stated that both parties were residents and/or occupants of the parcels of land located at Barangay Ansangan, Tuba, Benguet,"³⁶ Several other documents³⁷ submitted by the complainants, showed that they acknowledged the fact that the disputed property was in Benguet and not in San Manuel, Pangasinan.³⁸

Contrary to complainants' assertion that they immediately raised the issue of lack of jurisdiction as soon as they learned about it, "it was only in their position paper, by way of a motion to dismiss, that complainants for the first time, questioned the court's lack of jurisdiction."³⁹ Also, respondent judge maintained that she did not ignore this issue and even ruled on the matter in her assailed decision.⁴⁰

The Office of the Court Administrator, through a Report dated June 28, 2016, recommended the dismissal of this case for being judicial in nature and for lack of merit.⁴¹

³¹ Id.

³² Id.

³³ Id. at 95–98. The Resolution was penned by Associate Justice Ramon A. Cruz and concurred in by Associate Justices Noel G. Tijam and Romeo F. Barza of the Seventh Division, Court of Appeal Manila.

The Decision states:

Even assuming that the remedy of annulment is proper, still the same will fail. The well-settled rule is that an annulment of judgment is not a relief to be granted indiscriminately by the courts. It is a recourse equitable in character, allowed only in exceptional cases as where there is no available or other adequate remedy. Therefore, one important condition for the availment of this remedy is that the petitioner failed to move for new trial in, or appeal from, or file a petition for relief against, or take other appropriate remedies assailing the questioned judgment or final order or resolution through no fault attributable to him. The records reveal that petitioners interposed an appeal before the RTC of La Trinidad, Benguet, Branch 63 which was dismissed because of their failure to appear and participate in it. Obviously, petitioners can no longer avail of this remedy.

³⁴ Id. at 100.

³⁵ Id.

³⁶ Id.

³⁷ Id. at 100–101. Including complainants' Pre-Trial Brief, Final Loan Agreement with the NIA and Certificate System Acceptance

³⁸ Id. at 101.

³⁹ Id. at 101.

⁴⁰ Id.

⁴¹ Id. at 103.

We affirm the recommendation.

I

This administrative complaint is due to respondent judge's cognizance of Civil Case No. 302 and her consequent issuance of the assailed Decision dated December 9, 2011 as well as the Writ of Execution. Complainants assert that these decisions were tainted with manifest partiality⁴² and that respondent judge's conduct constitutes gross ignorance of the law since she ruled on the case even though she had no jurisdiction over it.⁴³

"[A]n administrative complaint is not the appropriate remedy for every act of a Judge deemed aberrant or irregular where a judicial remedy exists and is available[.]"⁴⁴ It must be underscored that "the acts of a judge in his judicial capacity are not subject to disciplinary action."⁴⁵ He cannot be civilly, criminally, or administratively liable for his official acts, "no matter how erroneous," provided he acts in good faith.⁴⁶

In this case, it is apparent that the assailed orders relate to respondent judge's acts in her judicial capacity. These alleged errors, therefore, cannot be the proper subject of an administrative proceeding, but is only correctible through judicial remedies. Hence, what complainants should have done was to appeal the assailed orders to the higher court for review and not to file an administrative complaint against respondent judge. "Disciplinary proceedings and criminal actions do not complement, supplement or substitute judicial remedies, whether ordinary or extraordinary."⁴⁷

It is to be emphasized that the complainants initially filed a Petition for Annulment of Judgment before the Court of Appeals relative to the assailed orders. As correctly observed by the Office of the Court Administrator, this act showed complainants' recognition that the issues they were raising against respondent judge required judicial determination. Thus,

Finally, it must be pointed out that complainants elevated the alleged erroneous decision of herein respondent judge to the Court of Appeals by way of a Petition for Annulment of Judgment, which the appellate court dismissed in a Resolution dated 4 October 2013. To us, such actuation *is an indication that complainants indeed recognized that the issue that they were raising against respondent judge was one that was*

⁴² Id. at 102.

⁴³ Id.

⁴⁴ *Santos v. Orlino* (357 Phil. 102, 108 (1998) [Per Chief Justice Narvasa, Third Division].

⁴⁵ *Estrada Jr. v. Himalalooan*, 512 Phil. 1, 7 (2005) [Per Justice Callejo Sr., Second Division].

⁴⁶ Id.

⁴⁷ Id.

appropriate for judicial determination. Also noteworthy is the fact that after their petition for annulment of judgment was dismissed by the Court of Appeals, complainants sought recourse. On 17 September 2015, they filed an administrative complaint before this Office... (Emphasis supplied)

An issue of jurisdiction is a judicial matter,⁴⁸ which can only be decided upon through judicial remedies. A party's recourse, if prejudiced by a judge's orders in the course of a trial, is with the proper reviewing court and not with the Office of the Court Administrator, through an administrative complaint.⁴⁹

II

The complainants' imputation of gross ignorance of the law must also fail. "Gross ignorance transcends a simple error in the application of legal provisions. In the absence of fraud, dishonesty or corruption, the acts of a judge in his judicial capacity are generally not subject to disciplinary action, even though such acts are erroneous."⁵⁰

To be liable for gross ignorance of the law, the assailed orders of a judge, who acts in his official capacity, should not only be erroneous; it must be established that his actuation was attended by "bad faith, dishonesty, hatred" or other similar motive.⁵¹ In this case, complainants failed to do establish this. In their Joint-Complaint Affidavit, they merely claimed that:

11. It is very clear that MCTC-Tuba has no jurisdiction over the Subject Property. As a judge, Judge Brawner-Cualing should know this very well.
12. As an Officer of the Court charged with duty to dispense justice, Judge Brawner-Cualing should have proceeded with outmost(sic) care and diligence with the aforesaid ejectment case considering that her jurisdiction over the Subject Property is being disputed. At the very least, she should have inquired by herself as to the territorial jurisdiction or exact location of the Subject Property. But instead of doing this, Judge Brawner-Cualing proceeded in deciding the case with recklessness.
13. In deciding the case, despite the fact that MCTC-Tuba has no jurisdiction to try and hear the aforesaid ejectment case, Judge Brawner-Cualing has clearly showed gross partiality in favor of the plaintiffs.
14. We have executed this joint complaint-affidavit in order to attest to the truth of all the foregoing and to formally file a complaint against Judge

⁴⁸ *Rollo*, p. 102.

⁴⁹ *Hilario v. Ocampo III*, 422 Phil. 593, 606 (2001) [Per Justice Panganiban, Third Division].

⁵⁰ *Luna v. Mirafuente*. 508 Phil. 1, 7 (2005) [Per Justice Carpio-Morales, Third Division].

⁵¹ *Id.* at 8.

Marietta S. Brawner-Cualing for gross ignorance of the law.⁵²

In her Comment, respondent judge asserts that contrary to complainants' assertion that they immediately raised the issue of lack of jurisdiction as soon as they learned about it, "it was only in their position paper, by way of a motion to dismiss, that complainants for the first time, questioned the court's lack of jurisdiction."⁵³ Thus,

12. It would also be erroneous for the petitioners herein to state in paragraph 5⁵⁴ of their Joint Complaint Affidavit that it was only during the pendency of the ejectment case that they found out and verified that the subject property was located in San Manuel, Pangasinan and not in Tuba, Benguet because as early as August 26, 2010 in compliance by the plaintiffs in Civil Case No. 302, it would appear that they have already been raising the apparent location of the subject property to be in Pangasinan and not in Tuba, Benguet in an earlier Malicious Mischief case filed against them by Ruby Giron ... Nothing therefore would have precluded petitioners herein from amending their Answer to the Complaint in Civil Case No. 302 to raise at the start the issue that the Court Lacked any jurisdiction over the same because of the location of the subject property. It was therefore too late in the proceeding for the petitioners to raise ground in their Position Paper. **It would also be to the prejudice of the respondent to be declared gross ignorance of the law based on the ground that was never first place raised by petitioners.**⁵⁵ (Emphasis on the original)

Complainants oppose the assailed decision and Writ of Execution and claim that respondent judge has no jurisdiction over the case.⁵⁶ The disputed property is allegedly not within the jurisdiction of Tuba-Sablan, Benguet but in Pangasinan.⁵⁷ Complainants assert that while they have already brought the matter to respondent judge's attention, they were nevertheless ignored.⁵⁸

Contrary to complainants' claim, this issue was explicitly addressed by respondent judge in her December 9, 2011 Decision which read:

As a final note, defendant's claim that this case should be dismissed as it would appear that the subject parcel of land falls within the territorial jurisdiction of the Province of Pangasinan[.]

The Court however could not uphold this claim by the defendants because from the previous pleadings as well as their dealings entered into in

⁵² *Rollo*, p. 3.

⁵³ *Id.* at 101.

⁵⁴ *Id.* at 2.

1. During the pendency of the said ejectment case is a parcel of land located at **Barangay Ansagan, Municipality of San Manuel, Province of Pangasinan** (the "Subject Property") (Emphasis on the original)

⁵⁵ *Id.* at 27

⁵⁶ *Rollo*, p. 99.

⁵⁷ *Id.* at 100.

⁵⁸ *Id.* at 100.

connection with the property they are possessing, they have been representing themselves to be residents of Ansagan, Tuba, Benguet. Because of this representation, defendants were able to secure loan from NIA-CAR or from the Province of Benguet (Exhibits “1”, “2”, “3” and “4”). Defendants could not therefore state that they are under the territorial jurisdiction of the Province of Pangasinan considering that with the dismissal of this case, it would greatly favor them.

Moreover, the Land Classification Map appended to Exhibit “13” clearly states therein that “Municipal boundaries are not established nor located on the ground but are merely indicated hereon as taken from available references. Such political boundaries are for purposes of determining Administrative Jurisdiction of Forest District affected.”

Clearly, to claim that the subject property is within the territorial jurisdiction of the Province of Pangasinan concluding only on a map classifying the forest areas therein could not be accepted by the Court without any further evidence to that effect.”⁵⁹

Though there are opposing claims in this case, it is to be emphasized that in administrative proceedings, the burden of proof lies with the complainants.⁶⁰ Hence, the allegations in their complaints should be proven by substantial evidence.⁶¹ Thus,

While the Court will never tolerate or condone any conduct, act, or omission that would violate the norm of public accountability or diminish the people's faith in the judiciary, the quantum of proof necessary for a finding of guilt in administrative cases is substantial evidence or such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.”⁶²

III.

Similarly, complainants' assertion of respondent judge's manifest partiality against them cannot prosper. Manifest partiality pertains to “a clear, notorious or plain inclination or predilection to favor one side rather than the other.”⁶³ Thus, a mere imputation of bias and partiality against a judge is insufficient because “bias and partiality can never be presumed.”⁶⁴

Since “bad faith or malice cannot be inferred simply because the judgment is adverse to a party,”⁶⁵ it is incumbent upon the complainants to

⁵⁹ Id. at 14.

⁶⁰ *Umali, Jr. v. Hernandez*, IPI No. 15-35-SB-J, February 23, 2016, <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2016/february2016/15-35-SB-J.pdf>> 4 [Per Justice Brion, En Banc].

⁶¹ Id.

⁶² Id.

⁶³ *3-D Industries, Inc. v. Roxas*, 646 Phil. 422, 431 (2010) [Per Justice Carpio-Morales, En Banc].

⁶⁴ *People v. Aure*, 590 Phil. 848, 884 (2008) [Per Justice Chico-Nazario, Third Division].

⁶⁵ *Salcedo v. Bollozos*, 637 Phil. 27, 43 (2010) [Per Justice Brion, Third Division].

prove that respondent judge was manifestly partial against them. Their failure to prove this is fatal to their cause. Apart from their bare allegations, complainants offered no other independent proof to validate this allegation.⁶⁶

Complainants' failure to substantiate their claims in an administrative proceeding can cause the dismissal of the case for lack of merit.⁶⁷ "In the absence of evidence to the contrary, the presumption that a judge has regularly performed his duties will prevail."⁶⁸

WHEREFORE, this administrative complaint against Judge Marietta S. Brawner-Cualing is **DISMISSED** for lack of merit.

SO ORDERED.




MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:



ANTONIO T. CARPIO
Associate Justice
Chairperson



DIOSDADO M. PERALTA
Associate Justice



JOSE CATRAL MENDOZA
Associate Justice



FRANCIS H. JARDELEZA
Associate Justice

⁶⁶ *Rollo*, p. 102.

⁶⁷ *Monticalbo v. Judge Maraya, Jr.*, 664 Phil. 1, 10 (2011) [Per Justice Mendoza, Second Division].

⁶⁸ *Id.*

