



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
 Manila

FIRST DIVISION

MARIA MAGDALENA R. OCA-IPI No. 18-4887-RTJ
JOVEN,

Complainant, Present:

- versus -

GESMUNDO, *C.J., Chairperson,*
 HERNANDO,*
 INTING,**
 ZALAMEDA,
 ROSARIO, *JJ.*

HON. MONIQUE A.
QUISUMBING-IGNACIO,
 Presiding Judge, Branch 209,
 Regional Trial Court,
 Mandaluyong City, **VICTOR M.**
PE BENITO, Sheriff IV, and
ALFREDO MARCELO
BERMEJO, Administrative Aide
 IV, all of Branch 209, Regional
 Trial Court, Mandaluyong City,
 Respondents.

Promulgated:

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DECISION

ROSARIO, J.:

Before this Court is a Letter-Complaint¹ and Supplemental Complaint² (collectively, Complaint) filed by Maria Magdalena R. Joven (Joven) charging respondents Hon. Monique Quisumbing-Ignacio (Judge Quisumbing-Ignacio), Presiding Judge, Victor Pe Benito (Sheriff Pe Benito),

* On official business.

** Designated as additional Member in lieu of J. Marquez per Raffle dated August 22, 2023.

¹ *Rollo*, pp. 3-7.

² *Id.* at 13-40.

Sheriff IV, and Alfredo Marcelo Bermejo (Bermejo), Administrative Aide IV, all of Branch 209, Regional Trial Court (RTC), Mandaluyong City, with gross ignorance of the law, gross misconduct, conduct prejudicial to the best interest of the service, and violations of the New Code of Judicial Conduct, relative to Civil Case No. R-MND-18-00315-CV, titled “*Anna Marie Sison, represented by Attorney-in-Fact Rosario de Silva Perion v. Magdalena R. Joven (and all persons claiming rights under her)*,” a case for recovery of property with prayer for the issuance of preliminary mandatory injunction (the Civil Case).

The Facts

The facts of the case are lifted from the Report³ of the Judicial Integrity Board (JIB), as follows:

Anna Marie Sison (*Sison*), represented by her attorney-in-fact, Rosario de Silva Perion (*Perion*), filed the complaint in the Civil Case to recover possession of a parcel of land situated in Mandaluyong City, and covered by Transfer Certificate of Title No. 008-201000489. [Joven] was the defendant in the Civil Case.

During the hearing in the Civil Case on March 20, 2018, Judge Quisumbing-Ignacio tackled [two] incidents raised by the parties, i.e., Sison’s motion for the issuance of Writ of Preliminary Mandatory Injunction (Writ of Injunction); and [Joven]’s Omnibus Motion to Dismiss, which was incorporated in her verified Answer with Affirmative and Special Defenses with Counterclaim.

During the hearing on the motion for the issuance of the Writ of Injunction, [Joven]’s counsel objected to portions of Perion’s testimony, as narrated in her Judicial Affidavit for being leading and without basis. Thus, in her March 20, 2018 Order, Judge Quisumbing-Ignacio directed Perion: to file her “Comment on the Motion to Strike Out Certain Portions of the Judicial Affidavit of [Perion] (*Motion to Strike Out*),” which was made in open court; to file her Formal Offer of Evidence (*FOE*) relative to the motion for the issuance of a Writ of Injunction; and to file her Opposition to [Joven]’s Motion to Dismiss within [five] days therefrom, or until March 26, 2018. [Joven], on the other hand, was directed to file her Comment on the FOE, and to file her Reply to the Opposition, to be filed by Perion, within the same number of days from receipt thereof.

However, Perion filed her Opposition and her Comment to [Joven]’s Motion to Strike Out only on March 27, 2018. Thus, in her Reply, [Joven] also included therein a Motion to Expunge Comment/Opposition (*Motion to Expunge*).

In its May 9, 2018 Notice of Pre-Trial Conference, RTC Branch 209 scheduled the Pre-Trial Conference (*Pre-Trial*) on May 15, 2018, directing the parties in the Civil Case to submit their respective pre-trial briefs at least [three] days before the scheduled hearing, among others.

³ *Id.* at 283–295.

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During the Pre-Trial on May 15, 2018, only Perion's counsel appeared. Moreover, it was only then that she submitted the required pre-trial brief, without furnishing [Joven] or her counsel with a copy thereof. [Joven], on the other hand, submitted her pre-trial brief earlier on time and was present in court. Accordingly, [Joven]'s counsel moved for the outright dismissal of the case. However, Judge Quisumbing-Ignacio did not immediately rule on the motion and instead declared that the Civil Case should be first referred to mediation and Judicial Dispute Resolution.

In her May 15, 2018 Order, Judge Quisumbing-Ignacio cancelled the pre-trial and declared as submitted, the following motions of [Joven] for resolution: Omnibus Motion to Dismiss; Motion to Strike Out; and the open court Motion to Dismiss on the ground of plaintiff's (as represented by Perion) absence during the pre-trial and failure to submit a copy of the pre-trial brief on time.

[Joven] alleged that on May 30, 2018, she received [three] separate Orders from the RTC: the May 21, 2018 Order, denying all of Joven's motion to strike out certain portions of Perion's Judicial Affidavit; another May 21, 2018 Order, granting Perion's FOE; and the May 22, 2018 Order, denying [Joven]'s Omnibus Motion to Dismiss. [Joven] observed that in the issuance of the said Orders, Judge Quisumbing-Ignacio justified the shortcomings and corrected the errors in the pleadings filed by Perion.

In her June 4, 2018 Order, Judge Quisumbing-Ignacio denied [Joven]'s open court Motion to Dismiss the Civil Case, stating therein that Perion substantially complied with the requirements of the Rules of Court and that, since an earlier case involving the same subject matter was dismissed due to technicalities, the present Civil Case should now be decided on the merits. Thereafter, the Pre-Trial in the Civil Case was reset to July 24, 2018.

In a separate June 4, 2018 Order, Judge Quisumbing-Ignacio granted Perion's motion for the issuance of a Writ of Injunction, conditioned on her posting and court's approval of a bond in the amount of [PHP] 100,000.00.

On June 6, 2018, [Joven] was furnished with a copy of Perion's pleading [titled] "Compliance (with Very Urgent Request for Approval and Issuance of Writ of Preliminary Mandatory Injunction)" (*Compliance with Request for WPI*). Attached thereto as "Annex A" is a copy of the June 4, 2018 Order. [Joven] alleged that she was confused as to the nature of the said pleading as she had not yet received any court issuance relative to Perion's prayer for a Writ of Injunction.

In her June 7, 2018 Order, Judge Quisumbing-Ignacio issued the Writ of Preliminary Injunction.

On June 19, 2018, [Joven] filed a Motion for Reconsideration with Motion for Voluntary Inhibition. [Joven] claimed that she received copies of the [two] June 4, 2018 Orders only on June 13, 2018 through mail, while Perion received the same on June 5, 2018. [Joven] insisted that the belated receipt of the Orders effectively prevented her from pursuing the judicial remedies available to her.

[Joven] found it highly unusual that the Writ of Injunction was issued the day after Perion's filing of her Compliance with Request for WPI, essentially denying her the chance to oppose it. In addition, [Joven] also observed that all of her motions relative thereto were denied, while Perion's lone pleading, was immediately granted. [Joven] asserted that Judge Quisumbing-Ignacio's bias and partiality were further manifested when orders were sent to her through registered mail while those sent to Perion were served personally, despite the fact the offices of the counsels for both parties are in Mandaluyong City.

Since the Writ of Injunction was already issued, [Joven] filed a Motion to Recall Writ of Preliminary Injunction with Motion for Voluntary Inhibition (*Motion to Recall*), setting the hearing thereof on July 10, 2018. On that day, however, the scheduled hearing was reset to July 24, 2018 due to the delay in the delivery of the pertinent pleadings through regular mail.

On July 24, 2018, during the supposed hearing on [Joven]'s Motion to Recall, Judge Quisumbing-Ignacio ordered the parties to proceed with the pre-trial instead. [Joven]'s counsel at the time was appearing only by way of special appearance, for the sole purpose of her Motion to Recall. Nonetheless, the said counsel was ordered to read the pre-trial briefs already submitted so they could proceed with the pre-trial conference. Thereafter, Judge Quisumbing-Ignacio issued the Pre-Trial Order and set the trial dates for the plaintiff's presentation of evidence without referring the Civil Case for mediation or Judicial Dispute Resolution.

In her August 10, 2018 Order, Judge Quisumbing-Ignacio directed [Joven] to show cause why she should not be cited in contempt of court for disobeying the directives stated in the Writ of Injunction, which the latter received on August 13, 2018. From the records, it appears that the Writ of Injunction was served upon [Joven] on June 18, 2018.

In her August 17, 2018 Manifestation and Compliance, by way of response to the August 10, 2018 Order, [Joven] explained that due to the pendency of several incidents, the implementation of the Writ of Injunction should be suspended. Further, she stated that Sheriff Pe Benito did not go to her house for its implementation. In addition, [Joven] informed the court that her counsel of record just withdrew his appearance and she would need time to get a new one. Moreover, Judge Quisumbing-Ignacio has yet to refer the case to mediation or Judicial Dispute Resolution.

[Joven] opined that Judge Quisumbing-Ignacio was bent on having her evicted from the subject property, hence, her inaction on the pending incidents.

Thereafter, [Joven] filed a Motion To Set the Hearing for Judicial Dispute Resolution and Motion for Inhibition. [Joven] argued in the motion for inhibition that [Bermejo], who was detailed to RTC Branch 209 by the City of Mandaluyong, is related to Perion's counsel, Atty. Roberto C. Bermejo (Atty. Bermejo), thus, Judge Quisumbing-Ignacio cannot be expected to handle the Civil Case fairly. The hearing on both motions was set on a September 7, 2018, but was rescheduled on September 11, 2018.

In her September 11, 2018 Order, Judge Quisumbing-Ignacio referred the Civil Case to mediation. Upon the conclusion of the mediation hearing on September 18, 2018, [Joven] was immediately arrested by the police as soon as she exited the court room pursuant to a Warrant of Arrest issued by Judge Quisumbing-Ignacio on September 6, 2018 for [i]ndirect [c]ontempt of [c]ourt for her refusal to comply with the Writ of Injunction.

In her September 13, 2018 Order, Judge Quisumbing-Ignacio denied [Joven]'s motion for bail and ruled that the latter shall remain imprisoned until the directives of the Writ of Injunction are obeyed.

Finally, [Joven] concluded that the collective acts of the respondents in the case at bar caused her undue injury, and are in violation of Republic Act No. 3019 or the Anti-Graft and Corrupt Practices Act.

In her Comment, respondent Judge Quisumbing-Ignacio prayed for the immediate dismissal of the [C]omplaint for lack of merit, stressing at the outset, that in her October 8, 2018 Order, she had already inhibited from the Civil Case, as prayed for by [Joven] in the latter's several motions for inhibition.

Judge Quisumbing-Ignacio denied that she was merely getting back at [Joven], for the latter's filing of the instant administrative case when she issued the herein assailed Orders. She pointed out that she received the October 18, 2018 1st Indorsement from the Office of the Court Administrator (OCA), directing her to file her Comment on the letter of complaint, sometime in November 2018, while all of the Orders relative to the Civil Case, as assailed by [Joven] were issued prior to that date.

As to how the court issuances or processes were sent to the parties, Judge Quisumbing-Ignacio explained that Perion regularly made follow ups on the status of the Civil Case. Thus, whenever a court order or notice is issued, Atty. Bermejo or his representative would come to court to personally receive it. Judge Quisumbing-Ignacio further denied that Atty. Bermejo was personally close to the staff members of the RTC. She explained that her staff members, being government employees, were merely courteous to Atty. Bermejo but treated him like any other counsel for a litigant. In contrast, [Joven] and/or her counsel appeared to have been contented with receiving orders and notices through the mail.

With respect to the purported delay in the conduct of hearing, Judge Quisumbing-Ignacio asserted that she studies every folder of cases heard in her sala. But the sheer volume of her caseload and the fact that the hearings for civil cases in her court are limited to [one] day per week, the delay in the disposition of the numerous motions filed by both parties in the Civil Case is unavoidable.

As regards [Joven]'s Motion for Bail, Judge Quisumbing-Ignacio explained that the same was filed at around 4:30 [p.m.]. The motion was properly documented only on the following day when she immediately resolved it, although the same was denied for legal grounds stated therein.

Finally, Judge Quisumbing-Ignacio asserted that [Joven] had no intention to heed the orders of the court. [Joven] particularly refused to obey the directives of the Writ of Injunction, insisting that it was void due to

several pending motions that must be resolved first before the same should have been issued. What [Joven] failed to mention is that she flooded the court with numerous motions to prevent her eviction from the subject property by virtue of the said writ.

In his Comment, respondent Sheriff Pe Benito denied that he failed to serve the writ of injunction upon [Joven], and even denied that he had a role in its delayed service upon her. Sheriff Pe Benito emphasized that his role in the Civil Case was limited to serve the writ of injunction and the September 6, 2018 Order upon the parties in the Civil Case. All other court processes and issuances are mailed by the process server or personally claimed at the RTC's receiving area by the parties or their representatives.

In her March 8, 2019 Manifestation and Motion, Judge Quisumbing-Ignacio stated that [Joven] and Perion, in her capacity as attorney-in-fact of the plaintiff in the Civil Case, had already entered into a Compromise Agreement that was approved by RTC Branch 208, where the Civil Case was assigned after her inhibition, in its December 7, 2018 Order, and that complainant had already vacated the subject property.⁴ (Emphasis in the original, citations omitted)

Report of the JIB

In its Report,⁵ the JIB recommended that the administrative complaint against Judge Quisumbing-Ignacio, Sheriff Pe Benito, and Bermejo, be dismissed for lack of merit, and for being judicial in nature.⁶

The Court's Ruling

We adopt the recommendation of the JIB.

Time and again, this Court has ruled that the filing of an administrative complaint is not the proper remedy for every action of a judge considered "aberrant or irregular" especially when a judicial remedy exists.⁷

A perusal of the records of the case clearly shows that complainant Joven resorted to the filing of this administrative case merely to get back at Judge Quisumbing-Ignacio for the latter's alleged bias and partiality emanating from her denial of Joven's motions. However, what Joven failed to understand is that the assailed issuances of Judge Quisumbing-Ignacio were

⁴ *Id.* at 283–290.

⁵ *Id.* at 283–295. The June 30, 2023 Report was penned by First Regular Member Justice Seginando E. Villon (Ret.) and concurred in by Chairperson Justice Romeo J. Callejo, Sr. (Ret.), Vice Chairperson Justice Angelina Sandoval-Gutierrez (Ret.), Second Regular Member Justice Rodolfo A. Ponferrada (Ret.), and Third Regular Member Justice Cielito N. Mindaro-Grulla (Ret.) of the Judicial Integrity Board, Supreme Court, Manila.

⁶ *Id.* at 294.

⁷ *Santos v. Orlino* (Resolution) 357 Phil. 102, 108 (1998) [Per Chief Justice Narvasa, Third Division].

issued in the exercise of her judicial discretion, which is beyond the realm of administrative proceedings.

In *Biado v. Hon. Brawner-Cualing*,⁸ this Court held that:

“[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.” It must be underscored that “the acts of a judge in [their] judicial capacity are not subject to disciplinary action.” [They] cannot be civilly, criminally, or administratively liable for [their] official acts, “no matter how erroneous,” provided [they act] in good faith.⁹ (Citations omitted)

In *Bello III v. Judge Diaz*,¹⁰ We ruled that “disciplinary proceedings against judges do not complement, supplement or substitute judicial remedies, whether ordinary or extraordinary. An inquiry into their administrative liability arising from judicial acts may be made only after other available remedies have been settled.”¹¹

Likewise, in *Ala v. Judge Peras*,¹² We ruled that:

Until and unless there is an authoritative pronouncement that the questioned orders of the respondent Judges were indeed tainted by anomaly, there would be no ground to prosecute the respondent Judges, either administratively or criminally, for rendering them. Thus, an 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, for if subsequent developments prove the judge’s challenged act to be correct, there would be no occasion to proceed against [them] at all. *Thus, the charges being judicial in nature, the remedy of the complainant should have been with the proper court for the appropriate judicial action and not with the OCA by means of an administrative complaint.*¹³ (Emphasis supplied, citations omitted)

From the foregoing, the alleged errors raised by Joven pertain to Judge Quisumbing-Ignacio’s exercise of judicial discretion. Hence, these cannot be the proper subject of an administrative complaint but must be addressed through appropriate judicial remedies.

⁸ 805 Phil. 694 (2017) [Per J. Leonen, Second Division].

⁹ *Id.* at 701–702.

¹⁰ 459 Phil. 214 (2003) [Per J. Austria-Martinez, Second Division].

¹¹ *Id.* at 221–222.

¹² 676 Phil. 192 (2011) [Per J. Mendoza, Third Division].

¹³ *Id.* at 213–214.

In fact, as correctly noted by the JIB, Joven filed a petition for *certiorari* under Rule 65 before the Court of Appeals (CA) on September 17, 2018, docketed as CA-G.R. SP No. 157587, assailing the issuances of Judge Quisumbing-Ignacio. The CA dismissed the petition for being filed out of time.¹⁴ Clearly, Joven was aware of the available judicial remedies for her case. This bolsters the fact that her resort to the present administrative complaint is improper.

Moreover, We emphasize that complainant Joven miserably failed to substantiate her claims that Judge Quisumbing-Ignacio acted in bad faith, and with bias and partiality through substantial evidence or such amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion, even if other equally reasonable minds might conceivably opine otherwise.¹⁵ The standard of substantial evidence is satisfied when there is reasonable ground to believe that respondent is responsible for the misconduct complained of, even if such evidence might not be overwhelming or even preponderant.¹⁶

Bad faith and malice cannot be presumed just because the judgment or order rendered by a Judge is adverse to the complainant.¹⁷

In *Sampiano v. Judge Indar*,¹⁸ this Court defined bad faith in this wise:

Bad faith does not simply connote bad judgment or negligence; it imputes a dishonest purpose or some moral obliquity and conscious doing of a wrong; a breach of a sworn duty through some motive or intent or ill-will; it partakes of the nature of fraud. It contemplates a state of mind affirmatively operating with furtive design or some motive of self-interest or ill-will for ulterior purposes. Evident bad faith connotes a manifest deliberate intent on the part of the accused to do wrong or cause damage.¹⁹
(Citation omitted)

Before a judge can be held liable for deliberately rendering an unjust judgment or order, one must be able to show that such judgment or order is unjust and that it was issued with malicious intent to cause injustice to the aggrieved party.²⁰ In administrative proceedings, the burden of proof rests on the complainant, who must be able to support and prove by substantial evidence his or her accusations against respondent. This Joven failed to do.

¹⁴ *Rollo*, p. 292.

¹⁵ *Bughaw, Jr. v. Treasure Island Industrial Corp.*, 573 Phil. 435, 442 (2008) [Per J. Chico-Nazario, Third Division], citing *Vertudes v. Buenaflor*, 514 Phil. 399, 420 (2005) [Per J. Puno, Second Division].

¹⁶ *Mina, Jr. v. Judge Corales*, 560 Phil. 471, 475 (2007) [Per J. Sandoval-Gutierrez, *En Banc*], citing *Liquid v. Judge Camano, Jr.*, 435 Phil. 695, 706-707 (2002) [Per Ynares-Santiago, First Division].

¹⁷ See *Monticalbo v. Judge Maraya*, 664 Phil. 1, 9 (2011) [Per J. Mendoza, Second Division], citing *Salcedo v. Judge Bollozas*, 637 Phil. 27, 43 (2010) [Per J. Brion, Third Division].

¹⁸ 623 Phil. 495 (2009) [Per J. Leonardo-De Castro, First Division].

¹⁹ *Id.* at 509-510.


²⁰ *Ang v. Judge Asis*, 424 Phil. 105, 116 (2002) [Per J. Ynares-Santiago, First Division].

Apart from her bare allegations, Joven failed to produce any evidence that would show that the assailed orders and issuances were issued without basis, and with manifest partiality. Adequate proof, not mere conjectures or speculations, should be offered. Otherwise, the same deserves no consideration at all.

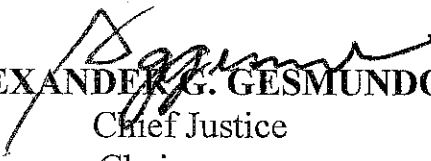
Anent Joven's allegations against Sheriff Pe Benito and Bermejo, she likewise failed to prove the same through substantial evidence. Sheriff Pe Benito's participation in the Civil Case was limited to his ministerial duty of serving the writ of injunction, and the September 6, 2018 Order upon Joven. With regard to Bermejo, Joven failed to show how his relation to Atty. Bermejo was a factor in the issuance of Judge Quisumbing-Ignacio's assailed issuances.

ACCORDINGLY, the Complaint for gross ignorance of the law, gross misconduct, conduct prejudicial to the best interest of the service, and violations of the New Code of Judicial Conduct against Hon. Monique A. Quisumbing-Ignacio, Presiding Judge, Victor Pe Benito, Sheriff IV, and Alfredo Marcelo Bermejo, Administrative Aide IV, all of Branch 209, Regional Trial Court, Mandaluyong City, is **DISMISSED** for lack of merit and for being judicial in nature.


SO ORDERED.

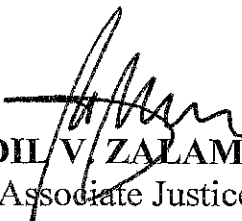

RICARDO R. ROSARIO
Associate Justice

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice
Chairperson

On Official Business
RAMON PAUL L. HERNANDO
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice


RODIL V. ZALAMEDA
Associate Justice