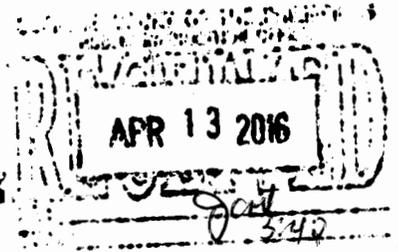


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Republic of the Philippines  
Supreme Court  
Manila



FIRST DIVISION

**FLORANTE A. MIANO,**  
Complainant,

**A.M. No. RTJ-15-2408**  
(Formerly OCA IPI No. 13-4134-RTJ)

Present:

- versus -

SERENO, *C.J.*, Chairperson,  
LEONARDO-DE CASTRO,  
BERSAMIN,  
PERLAS-BERNABE, and  
CAGUIOA, *JJ.*

**MA. ELLEN M. AGUILAR,**  
Respondent.

Promulgated:

MAR 02 2016

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DECISION

**PERLAS-BERNABE, J.:**

The instant administrative case arose from a Verified Complaint<sup>1</sup> dated September 10, 2013 filed by complainant Atty. Florante A. Miano (complainant) before the Office of the Court Administrator (OCA) charging respondent Ma. Ellen M. Aguilar (respondent), Presiding Judge of the Regional Trial Court (RTC) of Burgos, Pangasinan, Branch 70 (RTC-Burgos), with ignorance of the rules on inhibition and gross inefficiency relative to several pending cases in her *sala*.

<sup>1</sup> Rollo, pp. 1-5.

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### The Facts

Complainant alleged that he filed motions for inhibition in several cases raffled to the *sala* of respondent, specifically Civil Case No. 173-B,<sup>2</sup> entitled “*Florante A. Miano and Bernadette Atienza v. Romeo Migano*” (*Migano case*), and Criminal Case No. B-685,<sup>3</sup> entitled “*People of the Philippines v. Nelson Mores y Madarang*” (*Madarang case*), which respondent granted.<sup>4</sup> In the *Migano case*, complainant alleged<sup>5</sup> as grounds for respondent’s inhibition his being a “personal friend” of the latter, as in fact complainant – whom respondent called “Florams,” a nickname only used by close and intimate friends – would often have dinners and/or lunches together with a common friend at respondent’s house in Quezon City. Moreover, prior to respondent’s appointment to the judiciary, one of her colleagues at the City Legal Office of Olongapo City, a certain Leonardo M. Miano, is a first cousin of complainant.<sup>6</sup> The OCA was furnished a copy of the Order of Inhibition dated September 11, 2007.<sup>7</sup>

Subsequently, however, respondent issued an Order<sup>8</sup> dated October 11, 2007 (October 11, 2007 Order) in the *Migano case* directing that the proceedings therein be held in abeyance “until such time that a new Presiding Judge will be appointed by the Court Administrator to hear and decide this case.”<sup>9</sup> Complainant asserted that this constitutes ignorance of the rules on inhibition on the part of respondent because according to Administrative Matter (A.M.) No. 03-8-02-SC,<sup>10</sup> where the judge in a single-branch RTC, such as RTC-Burgos where respondent presides, is disqualified or voluntarily inhibits from hearing a case, the Order of Inhibition shall be transmitted to the pairing judge who shall then hear and decide the case.<sup>11</sup> Likewise, complainant contended that due to the issuance of the October 11, 2007 Order, the proceedings in the *Migano case* did not

<sup>2</sup> See *id.* at 6.

<sup>3</sup> See *id.* at 14.

<sup>4</sup> See Orders dated September 11, 2007 (*id.* at 12) and February 21, 2012 (*id.* at 14).

<sup>5</sup> See Motion for Inhibition dated August 31, 2007; *id.* at 6-11.

<sup>6</sup> See *id.* at 8-9.

<sup>7</sup> See Order dated October 11, 2007; *id.* at 13.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Entitled “GUIDELINES ON THE SELECTION AND DESIGNATION OF EXECUTIVE JUDGES AND DEFINING THEIR POWERS, PREROGATIVES AND DUTIES” (February 15, 2004).

<sup>11</sup> Section 8, Chapter V of A.M. No. 03-8-02-SC provides:

SEC. 8. *Raffle and re-assignment of cases in ordinary courts where judge is disqualified or voluntarily inhibits himself/herself from hearing case.* – x x x.

x x x x

(c) Where the judge in a single-branch RTC is disqualified or voluntarily inhibits himself/herself, the Order of Inhibition shall be transmitted to the pairing judge who shall then hear and decide the case. The determination of the pairing judge shall be in accordance with Annex “A” hereof.

x x x x

move from the time respondent inhibited therefrom in 2007 up to the filing of the present administrative complaint.<sup>12</sup>

Further, complainant accused respondent of gross inefficiency, citing various instances where the latter failed to resolve motions for inhibition within the 90-day period prescribed by law. Finally, he averred that respondent – surprisingly – *denied* his motions for inhibition in cases where the opposing counsel is a certain Atty. Sancho Abasta, Jr. (Atty. Abasta), who hails from the same province as her. In this regard, complainant claimed that respondent showed bias as she would usually grant motions for inhibition that he files before her court, except for the said cases handled by Atty. Abasta.<sup>13</sup>

In her comment,<sup>14</sup> respondent countered that: (a) she is aware of the rules on inhibition set forth in A.M. No. 03-8-02-SC and that the October 11, 2007 Order in the *Migano case* was only intended to inform the OCA of her inhibition therefrom; (b) her Branch Clerk of Court failed to transmit the records of the said case to the Executive Judge of the multi-*sala* court of RTC-Alaminos City, Pangasinan (RTC-Alaminos City), resulting in the delay in the proceedings therein; (c) her failure to resolve the motions filed by complainant within the 90-day period was due to heavy workload, especially considering that, aside from being the presiding judge of RTC-Burgos, she was also serving as acting presiding judge in RTC-Alaminos City, Branch 54 in behalf of Judge Benjamin Abella who already retired from service; and (d) complainant's motions for inhibition in cases where the opposing counsel is Atty. Abasta were *pro forma*, for which reason she denied the same, and the mere fact that she and Atty. Abasta hail from the same province is not enough justification for her inhibition.<sup>15</sup>

### The OCA's Report and Recommendation

In a Report and Recommendation<sup>16</sup> dated August 20, 2014, the OCA found respondent guilty of Gross Ignorance of the Law/Procedure, Undue Delay in Issuing Orders in Several Cases, and Undue Delay in Transmitting the Records of a Case. Accordingly, the OCA recommended that she be meted the penalty of dismissal from service with forfeiture of all benefits and privileges, except accrued leave credits, if any, with prejudice to re-employment in any branch or instrumentality of the government, including government-owned or controlled corporations.<sup>17</sup>

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<sup>12</sup> See *rollo*, pp. 2 and 66.

<sup>13</sup> Id. at 2-3 and 67.

<sup>14</sup> Dated October 24, 2013. Id. at 46-53.

<sup>15</sup> See id. at 47-52 and 67-68.

<sup>16</sup> Id. at 66-71. Signed by Court Administrator Jose Midas P. Marquez, Deputy Court Administrator Raul Bautista Villanueva, and OCA Chief of Legal Office Wilhelmina D. Geronga.

<sup>17</sup> Id. at 71.

The OCA found that respondent was indeed ignorant of the rules on inhibition, especially Section 8, Chapter V of A.M. No. 03-8-02-SC which provides that the Order of Inhibition should be transmitted to the pairing judge who shall be the one to hear and decide the case. Her ignorance of such rules was highlighted when she violated the same by issuing the October 11, 2007 Order in the *Migano case* which was not solely intended to inform the OCA of her inhibition therefrom, but also “to hold the case in abeyance until such time that a new Presiding Judge will be appointed by the Court Administrator.”<sup>18</sup> Worse, she caused undue delay in transmitting the records of the said case to the appropriate pairing court as such transmittal was effected only six (6) years after her inhibition therefrom.<sup>19</sup>

Anent the issue of respondent’s failure to resolve motions for inhibition within the prescribed period, the OCA found that while her caseload was indeed heavy during the time she failed to resolve said motions, she made no effort to seek for an extension of time to resolve them. In this relation, the OCA pointed out that in such instances, all that respondent needed to do was to request and justify an extension of time to decide the cases and the Court would have granted such request, but she failed to do so.<sup>20</sup>

### **The Issue Before the Court**

The issue for the Court’s resolution is whether or not grounds exist to dismiss respondent from service, as recommended by the OCA.

### **The Court’s Ruling**

The Court concurs with the OCA in finding respondent guilty of Undue Delay in Issuing Orders in Several Cases and Undue Delay in Transmitting the Records of a Case, but differs from its finding that respondent should likewise be held guilty of Gross Ignorance of the Law/Procedure.

To be able to render substantial justice and maintain public confidence in the legal system, judges should be embodiments of competence, integrity and independence. Judges are also expected to exhibit more than just a cursory acquaintance with statutes and procedural rules and to apply them properly in all good faith. They are likewise expected to demonstrate

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<sup>18</sup> Id. at 69.

<sup>19</sup> See id. at 68-69.

<sup>20</sup> See id. at 69-70.

mastery of the principles of law, keep abreast of prevailing jurisprudence, and discharge their duties in accordance therewith.<sup>21</sup>

Corollary thereto, the Court has ruled that when a judge displays an utter lack of familiarity with the rules, he erodes the public's confidence in the competence of our courts. Such is gross ignorance of the law. However, gross ignorance of the law is more than an erroneous application of legal provisions.<sup>22</sup> Not every error or mistake that a judge commits in the performance of his duties renders him liable, unless he is shown to have acted in bad faith or with deliberate intent to do an injustice.<sup>23</sup> To constitute gross ignorance of the law and for administrative liability to attach, it is not enough that the decision, order or actuation of the judge in the performance of his official duties is contrary to existing law and jurisprudence. It must also be proven that he was moved by bad faith, fraud, dishonesty, or corruption or had committed an error so egregious that it amounted to bad faith.<sup>24</sup>

Section 8, Chapter V of A.M. No. 03-8-02-SC states in part:

*Section 8. Raffle and re-assignment of cases in ordinary courts where judge is disqualified or voluntarily inhibits himself/herself from hearing case. – x x x.*

x x x x

(c) Where the judge in a single-branch RTC is disqualified or voluntarily inhibits himself/herself, the Order of Inhibition shall be transmitted to the pairing judge who shall then hear and decide the case. The determination of the pairing judge shall be in accordance with Annex "A" hereof.

x x x x

In this case, respondent maintains that she is aware of the foregoing rules on inhibition. Nonetheless, she still issued the October 11, 2007 Order and directed that the proceedings in the *Migano case* be held in abeyance until such time that a new judge shall have been appointed by the Court Administrator, and failed to directly and immediately transmit the records of the case to the pairing judge in RTC-Alaminos City for further proceedings. Unfortunately, the transmittal was made only on July 25, 2013, and the case did not progress during the six-year interim period. As a result, the *Migano case* was left pending in her court for a long period of time.

<sup>21</sup> *Re: Anonymous Letter dated August 12, 2010 complaining against Judge Ofelia T. Pinto, Regional Trial Court, Branch 60, Angeles City, Pampanga*, 696 Phil. 21, 26 (2012), citing *Cabatingan, Sr. v. Arcueno*, 436 Phil. 341, 347 (2002).

<sup>22</sup> *Barredo-Fuentes v. Albarracin*, 496 Phil. 31, 38 (2005).

<sup>23</sup> *Sps. Lago v. Abul, Jr.*, 681 Phil. 255, 260 (2012).

<sup>24</sup> See *Lorenzana v. Austria*, A.M. No. RTJ-09-2200, April 2, 2014, 720 SCRA 319, 339, citing *Sps. Lago v. Judge Abul, Jr.*, *id.*

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Under the foregoing circumstances, therefore, respondent was clearly remiss in her duty of familiarizing herself with the rules on inhibition set forth in A.M. No. 03-8-02-SC. However, the Court finds that such error cannot be categorized as gross ignorance of the law and/or procedure as records are devoid of evidence to show that respondent was motivated by bad faith, fraud, corruption, dishonesty, or egregious error in issuing the October 11, 2007 Order.

Respondent had already clarified that she issued the said Order merely to inform the OCA of her inhibition from the subject case, and while it is true that there was no necessity therefor, respondent's act in itself is not indicative of bad faith. Moreover, she explained that she had instructed her Branch Clerk to transmit the records of the *Migano case* to the pairing judge in RTC-Alaminos City, only to discover later on that the transmittal letter was not properly attached to the records, resulting in the delay in its transmittal. Hence, while it may be inferred under the circumstances that respondent was careless and did not exercise diligence in ensuring that the records of the *Migano case* were immediately transmitted to the pairing judge of RTC-Alaminos City for proper disposition, records are bereft of evidence to show that the resulting delay was deliberately or maliciously caused as to amount to bad faith. Instead, what is evident in this case is that the delay was caused by inadvertence and negligence.

As such, while it may be considered an unfortunate error on respondent's part to hold in abeyance the proceedings in the *Migano case* and to fail to promptly transmit the records thereof to the pairing judge in RTC-Alaminos City, such error does not appear to have been tainted with or impelled by bad faith. Bad faith cannot be presumed<sup>25</sup> and the Court cannot conclude that bad faith attended respondent's acts when none has been shown in this case. Consequently, respondent need not be subjected to administrative sanction in this respect.<sup>26</sup>

With regard, however, to the delay in the resolution of pending motions for inhibition within the prescribed period, records are bereft of evidence to show that respondent filed any request for an extension of time within which to resolve them, which the Court could have granted. As such, even if the Court were to accept her excuse that her combined caseload in RTC-Alaminos City, as well as in RTC-Burgos, the courts where she was concurrently presiding, was indeed heavy, she could have requested an extension of time within which to decide and dispose of pending cases and justified the same. The Court is not unmindful of the circumstances that may delay the speedy disposition of cases assigned to judges, thus, the Court allows extensions of time within which pending cases may be disposed of,

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<sup>25</sup> See *Gatmaitan v. Gonzales*, 525 Phil. 658, 671 (2006), citing *Fernando v. Sto. Tomas*, G.R. No. 112309, July 28, 1994, 234 SCRA 546, 552.

<sup>26</sup> See *Abanado v. Bayona*, 692 Phil. 13, 27 (2012).

upon a reasonable filing of a request therefor and sufficient justification.<sup>27</sup> For failing to do so, respondent cannot evade administrative liability.

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.<sup>28</sup> Judges must decide cases and resolve matters with dispatch because any delay in the administration of justice deprives litigants of their right to a speedy disposition of their case and undermines the people's faith in the judiciary. Indeed, justice delayed is justice denied.<sup>29</sup>

In light of all the foregoing, the Court finds that respondent is administratively liable for Undue Delay in Issuing Orders in Several Cases and Undue Delay in Transmitting the Records of a Case, which are classified as less serious charges under Section 9,<sup>30</sup> Rule 140 of the Rules of Court that merit the penalty of (a) suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or (b) a fine of more than ₱10,000.00 but not exceeding ₱20,000.00.<sup>31</sup> Considering the circumstances of this case and the fact that this is not the first time that respondent has been held administratively liable,<sup>32</sup> the Court finds it appropriate to impose the penalty of suspension for a period of three (3) months against respondent.

**WHEREFORE**, the Court finds respondent Ma. Ellen M. Aguilar, Presiding Judge of the Regional Trial Court of Burgos, Pangasinan, Branch 70, **GUILTY** of Undue Delay in Issuing Orders in Several Cases and Undue Delay in Transmitting the Records of a Case, and is hereby **SUSPENDED** from office without salary and other benefits for a period of three (3) months, with a warning that a repetition of the same or similar act will be dealt with more severely.

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<sup>27</sup> See *Sps. Umale v. Fadul, Jr.*, 538 Phil. 518, 524-526 (2006); and *Re: Failure of Former Judge Antonio A. Carbonell to Decide Cases Submitted for Decision and to Resolve Pending Motions in the Regional Trial Court, Branch 27, San Fernando, La Union*, A.M. No. 08-5-305-RTC, July 9, 2013, 700 SCRA 806, 811-812.

<sup>28</sup> See *OCA v. Santos*, 697 Phil. 292, 299-301 (2012); *Re: Cases Submitted for Decision before Hon. Meliton G. Emuslan, Former Judge, Regional Trial Court, Branch 47, Urdaneta City, Pangasinan*, 630 Phil. 269, 272-273 (2010); and *Report on the Judicial Audit Conducted in the RTC, Branch 22, Kabacan, North Cotabato*, 468 Phil. 338, 345 (2004).

<sup>29</sup> *Angelia v. Grageda*, 656 Phil. 570, 574 (2011).

<sup>30</sup> Section 9. *Less Serious Charges*. – Less serious charges include:

1. Undue delay in rendering a decision or order, or in transmitting the records of a case;

x x x x

<sup>31</sup> See Section 11 (B), Rule 140 of the Rules of Court.

<sup>32</sup> In *OCA v. Judge Aguilar* (666 Phil. 11 [2011]), respondent was found guilty of dishonesty and was suspended from service for a period of six (6) months without pay.

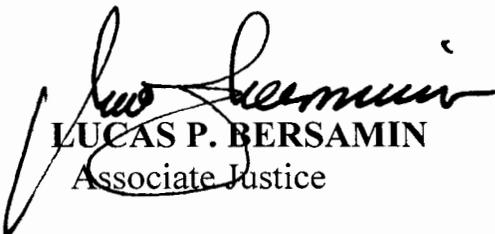
**SO ORDERED.**

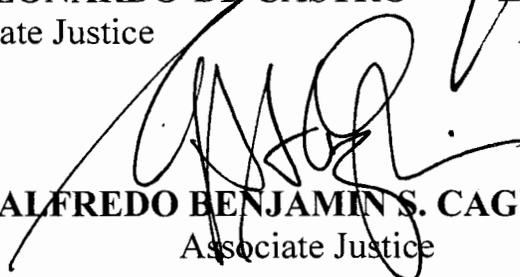
  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice

**WE CONCUR:**

  
**MARIA LOURDES P. A. SERENO**  
Chief Justice  
Chairperson

  
**TERESITA J. LEONARDO-DE CASTRO**  
Associate Justice

  
**LUCAS P. BERSAMIN**  
Associate Justice

  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice