



Republic of the Philippines
Supreme Court
 Manila

FIRST DIVISION

OSCAR C. RIZALADO,
 Complainant,

OCA IPI No. 11-3800-RTJ

- versus -

**PRESIDING JUDGE GIL G.
 BOLLOZOS, REGIONAL
 TRIAL COURT, BR. 21,
 CAGAYAN DE ORO CITY,
 MISAMIS ORIENTAL,**
 Respondent.

X-----X

**RE: LETTER-COMPLAINT
 DATED JUNE 27, 2011 OF
 OSCAR C. RIZALADO
 AGAINST JUDGE GIL
 BOLLOZOS, REGIONAL
 TRIAL COURT, BRANCH 21,
 CAGAYAN DE ORO CITY,
 RELATIVE TO G.R. NO.
 188427 (CYNTHIA G. ESPANO,
 ET AL. v. DR. OTHELLO C.
 GUZMAN, ET AL.).**

OCA IPI No. 12-3867-RTJ

X-----X

**OTHELLO C. GUZMAN,
 RICARDO GUZMAN, MARIO
 C. GUZMAN, SR., AND
 ROSARIO GUZMAN
 RIZALADO,**

OCA IPI No. 12-3897-RTJ

Complainants,

- versus -

**PRESIDING JUDGE GIL G.
BOLLOZOS, REGIONAL
TRIAL COURT, BRANCH 21,
CAGAYAN DE ORO CITY,
MISAMIS ORIENTAL,**
Respondent.

X-----X

OSCAR C. RIZALADO,
Complainant,

OCA IPI No. 13-4070-RTJ

- versus -

**PRESIDING JUDGE GIL G.
BOLLOZOS, REGIONAL
TRIAL COURT, BRANCH 21,
CAGAYAN DE ORO CITY,
MISAMIS ORIENTAL,**
Respondent.

Present:

SERENO, J., Chairperson,
LEONARDO-DE CASTRO,
DEL CASTILLO,
PERLAS-BERNABE, and
CAGUIOA, JJ.

Promulgated:

JUN 19 2017

X-----X

DECISION

PERLAS-BERNABE, J.:

For the Court’s resolution are four (4) administrative cases filed against respondent Presiding Judge Gil G. Bollozos (respondent), namely: (a) OCA IPI Nos. 11-3800-RTJ,¹ 12-3867-RTJ,² and 13-4070-RTJ,³ all initiated by complainant Oscar C. Rizalado (Rizalado) alleging undue delay in the disposition of the case, partiality, and gross ignorance of the rules, and (b) OCA IPI No. 12-3897-RTJ⁴ filed by complainants Othello C. Guzman⁵

¹ Rollo (OCA IPI No. 11-3800-RTJ), pp. 1-3.
² Rollo (OCA IPI No. 12-3867-RTJ), pp. 33-34.
³ Rollo (OCA IPI No. 13-4070-RTJ), pp. 2-3.
⁴ Rollo (OCA IPI No. 12-3897-RTJ), pp. 1-3.
⁵ “Othello Ch. Guzman,” “Othelo,” or “Othelo Ch. Guzman” in some parts of the records.

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(Othello), Ricardo Guzman, Mario C. Guzman, Sr., and Rosario Guzman Rizalado (Guzman, *et al.*) for gross ignorance of the law, undue delay in the administration of justice, and bias.

The Facts

These consolidated cases are all related to **G.R. No. 188427**, entitled “*Cynthia G. Espano, et al. v. Dr. Othelo Ch. Guzman, et al.*,” where the Court, in a Resolution⁶ dated March 24, 2010, affirmed the Decision⁷ dated September 2, 2008 and Resolution⁸ dated May 29, 2009 rendered by the Court of Appeals (CA) in **CA-G.R. CV No. 80347-MIN**, entitled “*Dr. Othelo Ch. Guzman, et al. v. Cynthia G. Espano, et al.*”

The said case originated from **Civil Case No. 92-368** for Quieting of Title, Declaration of Documents as Null and Void, Partition, Accounting and Damages with Preliminary Injunction, and **Civil Case No. 92-409** for Annulment of Lease Contracts and Damages with a Writ of Preliminary Mandatory Injunction, which the Regional Trial Court of Cagayan de Oro City, Branch 21 (RTC) resolved on February 13, 2003.⁹ In its September 2, 2008 Decision, the CA affirmed with modification the RTC’s ruling and ordered, *inter alia*, defendant therein, Reuben Guzman (Reuben), to reimburse Guzman, *et al.* whatever rentals he had received pertaining to their shares in a specific property and to make an accounting of all the rentals received by him and the former administrator.¹⁰

The Court’s Resolution in **G.R. No. 188427** became final and executory on September 14, 2010.¹¹ Thus, Guzman, *et al.*, through their counsel of record, Atty. Ismael S. Laya (Atty. Laya), filed a Motion for Execution¹² of the judgment before the RTC. In a Joint Order¹³ dated July 14, 2011 (**July 14, 2011 Joint Order**), respondent ordered Guzman, *et al.*, to make an accounting of all monies and properties under litigation.¹⁴

⁶ See Entry of Judgment dated September 14, 2010 signed by Deputy Clerk of Court and Chief Judicial Records Officer Ma. Lourdes C. Perfecto; *rollo* (OCA IPI No. 12-3897-RTJ), p. 33.

⁷ *Id.* at 6-31. Penned by Associate Justice Jane Aurora C. Lantion with Associate Justices Edgardo A. Camello and Mario V. Lopez concurring.

⁸ Not attached to the *rollos*.

⁹ See CA Decision dated September 2, 2008, *rollo* (OCA IPI No. 12-3897-RTJ), p. 7.

¹⁰ The pertinent portion of the *fallo* reads:

3. Reuben Guzman is hereby ordered to reimburse plaintiffs-appellants whatever rentals that he had received pertaining to the shares of plaintiffs-appellants and to make an accounting of all the rentals received by Fernando, Jr. during his administration, that is from July 2, 1980 until July 23, 1990 as well as during his administration, that is from July 24, 1990 to the present. (*Id.* at 30.)

¹¹ See Entry of Judgment; *id.* at 33.

¹² Dated April 5, 2011. *Rollo* (OCA IPI No. 11-3800-RTJ), pp. 8-10.

¹³ *Id.* at 11-13.

¹⁴ See *id.* at 13.

OCA IPI No. 11-3800-RTJ

In a complaint¹⁵ dated **November 14, 2011**, Rizalado, who claimed to be the attorney-in-fact of Guzman, *et al.*, alleged that respondent failed to act on the motion for execution within a considerable amount of time. He also averred that respondent's July 14, 2011 Joint Order was inconsistent with the CA Decision and was intended to delay the execution of the judgment to favor Reuben.¹⁶

Moreover, Rizalado disputed the Comment¹⁷ of Atty. Jerlie P. Luis-Requerme (Atty. Requerme), Clerk of Court of the RTC, which stated that there was no proof of the alleged official receipts (ORs) of monies deposited with the Office of the Clerk of Court of the RTC (OCC-RTC) as rental payments, since the parties required to deposit failed to comply with the court's order to submit the corresponding ORs for monitoring.¹⁸ Rizalado asserted that the parties should not be required to submit their copies of the ORs to the OCC-RTC, insisting that the latter should have duplicate copies, especially since the summary of payments and withdrawals¹⁹ for Civil Case Nos. 92-368 and 92-409 from July 13, 1992 to July 13, 2011 showed that the accounting was monitored and conducted by Atty. Requerme. He also challenged Atty. Requerme's recommendation for the appointment of a commissioner to conduct the said accounting. Further, Rizalado lamented that when Guzman, *et al.* attempted to withdraw the rental deposits for the period from 1992 to 2011 from the OCC-RTC, they were refused.²⁰

In defense,²¹ respondent claimed that he resolved Guzman, *et al.*'s motion for execution through the issuance of the July 14, 2011 Joint Order and that he gave the judgment defendants an opportunity to comment on the said motion. He also stated that prior to the filing of Guzman, *et al.*'s motion for execution through Atty. Laya, a motion to withdraw deposits and to compel lessees to pay unpaid rentals²² (motion to withdraw deposits) had been filed by Atty. Leonardo N. Demecillo (Atty. Demecillo), who also appeared as counsel for them.²³ In an Order²⁴ dated January 31, 2011 (**January 31, 2011 Order**), respondent held in abeyance the resolution of the latter motion as the records of the case were still with the Court.

¹⁵ Id. at 1-3.

¹⁶ See id. at 1.

¹⁷ Dated September 20, 2011. Id. at 18.

¹⁸ See id.

¹⁹ See Accounting of Rentals for Civil Cases 92-368 and 92-409 from 1992 to 2011; id. at 19-27.

²⁰ See id. at 1-2.

²¹ See Comment dated January 27, 2012; id. at 71-90.

²² See Motion to Withdraw Deposits and to Compel Lessees Combing Ang, Spouses Teodoro C. Ambal and Maria Socorro Ambal, Antonio Go, Adela Yee to Pay Their Unpaid Rentals dated December 7, 2010; *rollo* (OCA IPI No. 12-3867-RTJ), pp. 37-43.

²³ See *rollo* (OCA IPI No. 11-3800-RTJ), pp. 75-80.

²⁴ *Rollo* (OCA IPI No. 12-3867-RTJ), p. 44.

Thereafter, Rizalado himself, who also claimed to represent Guzman, *et al.*, filed another motion for execution.²⁵ Respondent then directed²⁶ Guzman, *et al.* to manifest who was truly representing them, prompting Atty. Demecillo and Rizalado to withdraw their motions. Subsequently, respondent issued the aforesaid July 14, 2011 Joint Order. He posited that any delay in the execution of the judgment, therefore, could be attributed to the multiple motions filed by Guzman, *et al.*'s counsels.²⁷

Furthermore, respondent claimed that there were legal issues to be resolved before he could order the release of the monies and compel the lessees to pay their unpaid rentals. He explained that the accounting submitted by the parties, the report of the OCC-RTC, and the withdrawals of the monies all had to be first validated. He also averred that the ORs evidencing the deposits of the rentals to the OCC-RTC could not be found, and that the parties did not object when they were required to make an accounting. Moreover, records do not disclose that estate taxes had been paid to warrant the distribution of the estate. As such, pending compliance as to the nomination of an administrator and an accountant, he granted the motion for execution filed by Atty. Laya in his Joint Order²⁸ dated December 5, 2011 (December 5, 2011 Joint Order).²⁹

Likewise, respondent asseverated that Rizalado had no legal personality to file the instant administrative complaint, as he is no longer the attorney-in-fact of Guzman, *et al.* Respondent also claimed to have undergone medical treatment after suffering a heart attack that necessitated an extended leave, after which, he resolved all pending incidents.³⁰ Finally, respondent stressed on Rizalado's propensity to file unwarranted complaints against judges, defying the Court's earlier warning³¹ against the same.³²

²⁵ Dated May 17, 2011. *Rollo* (OCA IPI No. 11-3800-RTJ), pp. 138-142.

²⁶ See Order dated May 17, 2011; *id.* at 191-192.

²⁷ See *id.* at 75-89.

²⁸ *Id.* at 174-180.

²⁹ See *id.* at 75-89.

³⁰ See *id.* at 75 and 89.

³¹ *Othello Ch. Guzman, et al. v. Judge Arcadio D. Fabria*, A.M. OCA IPI No. 04-1996-RTJ [dismissed by the Court in a Resolution dated June 9, 2004 for lack of merit] (*id.* at 102); *Oscar Rizalado v. Executive Judge Edgardo T. Lloren*, A.M. OCA IPI No. 05-2362-RTJ [dismissed by the Court in a Resolution dated June 19, 2006 for lack of merit] (*id.* at 105-109); and *Othello Ch. Guzman, et al. v. Executive Judge Edgardo T. Lloren*, A.M. OCA IPI No. 06-2435-RTJ [dismissed by the Court on December 4, 2006. Complainant was found guilty of contempt of court and meted with a fine of ₱2,000.00 with stern warning that a repetition of the same offense shall be dealt with more severely. Warrant of arrest was issued against complainant Rizalado when he refused to pay the fine. Subsequently, the Court issued another resolution dismissing another complaint dated February 9 filed by Rizalado for being moot], (see *id.* at 110-115 and 116-117; see also Resolution and Warrant of Arrest both dated April 22, 2009 issued by the Court, *rollo* [OCA IPI No. 06-2435-RTJ], pp. 259-260 and 261-263, respectively).

³² See *rollo*, (OCA IPI No. 11-3800-RTJ), p. 90.

Subsequently, Rizalado filed another **complaint**³³ **dated April 2, 2012** against respondent, alleging once again that the July 14, 2011 Joint Order which the latter had earlier issued was an amendment of the judgment sought to be executed. He also averred that the nomination of another administrator and/or accountant as ordered by respondent was also tantamount to an alteration of the judgment, to which Guzman, *et al.*, as the prevailing party, were not amenable. Respondent filed his comment³⁴ thereto on July 4, 2012.

OCA IPI No. 12-3867-RTJ

In a subsequent letter-complaint³⁵ dated **June 27, 2011**, Rizalado questioned the January 31, 2011 Order issued by respondent, which held in abeyance the resolution of the motion to withdraw deposits previously filed by Atty. Demecillo. Rizalado claimed that the issuance thereof was “anomalous,” considering that the execution of the judgment in Civil Case Nos. 92-368 and 92-409 has been put on hold for five (5) months. Hence, he ascribes ignorance of the Rules of Court, specifically Section 1, Rule 39 thereof, upon respondent.³⁶

In his Comment³⁷ thereto, respondent pointed out that Rizalado had already filed a complaint against him dated November 14, 2011, docketed as ***OCA IPI No. 11-3800-RTJ***, to which he had already submitted his comment. He explained that all the administrative complaints against him referred to Civil Case Nos. 92-368 and 92-409, which the Court had already resolved in G.R. No. 188427. Having already submitted his comment to the earlier complaints filed by Rizalado, he therefore adopted the same.³⁸

OCA IPI No. 12-3897-RTJ

In another complaint³⁹ dated **May 7, 2012**, this time initiated by Guzman, *et al.*, they alleged, among others, that respondent has been delaying the execution of the judgment in their favor and “protecting” the opposing party’s counsel, Atty. Andrew Barba (Atty. Barba) by refusing to hold the latter in contempt despite the various motions filed by him opposing their motion for execution. Likewise, they argued that Reuben should be held in contempt for failing to comply with respondent’s orders. Moreover, their request for respondent to update the rental payments of all tenants as

³³ Id. at 273-275.

³⁴ Dated June 29, 2012. Id. at 356-372.

³⁵ *Rollo* (OCA IPI No. 12-3867-RTJ), pp. 33-34.

³⁶ See id.

³⁷ Dated November 6, 2013. Id. at 133-241.

³⁸ See id. at 133-135.

³⁹ *Rollo* (OCA IPI No. 12-3897-RTJ), pp. 1-4.

well as to release the same from the OCC-RTC in their favor remained unresolved. Furthermore, they claimed that respondent's order for them to pay estate tax was premature, as most of the tenants have not updated their rental payments.⁴⁰

In his comment⁴¹ dated August 24, 2012, respondent denied that he was protecting Atty. Barba, as well as Reuben, arguing that if Guzman, *et al.* found their acts contemptuous, they should have filed a proper motion to cite Atty. Barba and Reuben in contempt.⁴² As regards the request for updated rental payments, respondent claimed that there was no motion filed by Guzman, *et al.* requesting the same and instead, asserted that it could be done through the appointment of an administrator.⁴³ With respect to respondent's order for the payment of estate tax, he averred that it would be premature to release the rentals unless it is certified that estate taxes have been paid.⁴⁴

Moreover, respondent reiterated that he had already granted Guzman, *et al.*'s motion for the issuance of a writ of execution through his December 5, 2011 Joint Order. Praying for the dismissal of the complaint, he argued that it was filed solely to harass him and to compel the release of rental deposits without compliance with his directive to ensure the authenticity and veracity of Guzman, *et al.*'s claim.⁴⁵ He also prayed for the consolidation of the administrative complaints filed against him and for his comments in the earlier complaints to be deemed part of his comment in the present complaint.⁴⁶

OCA IPI No. 13-4070-RTJ

Finally, in a letter-complaint⁴⁷ dated **April 17, 2013**, Rizalado alleged that despite the finality of the decision in Civil Case Nos. 92-368 and 92-409, respondent still failed to implement the same. Rizalado insinuated that Reuben bribed Atty. Laya and respondent to delay the execution of the judgment. He claimed that Atty. Laya intentionally altered the date in the motion for execution and made it appear as "July 24, 1990" instead of "July 2, 1980" to deceive Guzman, *et al.* He also reiterated his allegations in a previous complaint that despite Reuben's failure to comply with

⁴⁰ See *id.* at 1-2.

⁴¹ *Id.* at 212-250.

⁴² See *id.* at 236-237 and 239.

⁴³ See *id.* at 237-239.

⁴⁴ See *id.* at 239.

⁴⁵ See *id.* at 250.

⁴⁶ See *id.* at 212.

⁴⁷ *Rollo* (OCA IPI No. 13-4070-RTJ), pp. 2-3.

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respondent's order to submit an accounting, respondent has never cited him in contempt.⁴⁸

Rizalado also asserted that respondent allowed Atty. Barba to file pleadings despite the finality of the judgment. He maintained that the motion to withdraw deposits previously filed by Atty. Demecillo had been denied by respondent, in contravention of the Court's final order. Questioning the appointment of a commissioner, he averred that it was intended to conceal anomalies committed by respondent.⁴⁹

In his Comment,⁵⁰ respondent denied any knowledge of the alleged bribery perpetrated by Reuben and of the alteration of dates in the motion for execution as well as the writ of execution. He insisted that the delay in the implementation of the writ was caused by Guzman, *et al.* for their refusal to assist the branch sheriff to locate the whereabouts of Reuben, for which reason the writ remained unserved.⁵¹

Further, he explained that the July 24, 2011 Joint Order merely directed Atty. Laya to submit an accounting of all the monies that were deposited with the OCC-RTC in view of the absence of ORs on file. With regard to his failure to hold Reuben in contempt of court, he averred that the matter can only be tackled after the writ of execution had been served and the appropriate motion had been filed in court. As regards Atty. Barba's filing of various other pleadings, respondent asserted that he cannot prevent the former from doing so in defense of his client.⁵²

Finally, respondent repeated that the appointment of a commissioner was necessary for the accounting of the rental funds before any withdrawal could be had.⁵³

Other Undocketed Complaints Against Respondent

Aside from the foregoing complaints, Rizalado filed several other letter-complaints⁵⁴ against respondent before the Office of the Court

⁴⁸ See *id.*

⁴⁹ See *id.*

⁵⁰ Dated August 30, 2013. *Id.* at 100-131.

⁵¹ See *id.* at 103-105.

⁵² See *id.* at 105-122.

⁵³ See *id.* at 122-124.

⁵⁴ (a) Letter-complaint dated July 1, 2013 alleging that, in a Resolution dated March 21, 2012, the Court resolved to consider their letter-complaint dated June 27, 2011 as an administrative complaint against respondent for gross ignorance of the law, that respondent failed to comment on their Complaint dated November 15, 2011 charging the latter with delay in the disposition of cases and partiality, and that respondent failed to act on their motion for execution promptly (*id.* at 49-50); (b) Letter dated July 18, 2013 alleging, among others, that respondent should be investigated for the illegal orders he issued

Administrator (OCA), all related to respondent's alleged inaction and undue delay in the execution of the final and executory judgment in Civil Case Nos. 92-368 and 92-409.

The Report and Recommendation of the OCA

In a Memorandum⁵⁵ dated December 12, 2016, the OCA recommended that: (a) the consolidated administrative complaints against respondent be dismissed for raising issues that are judicial in nature and for lack of merit; (b) Rizalado be found guilty of contempt of court and ordered imprisoned for a period of five (5) days and to pay the fine in the amount of ₱5,000.00, with a stern warning that a repetition of the same shall be dealt with more severely; and (c) that the National Bureau of Investigation (NBI) be directed to immediately cause the arrest and confinement of Rizalado to serve his imprisonment.⁵⁶

In its evaluation of the consolidated cases, the OCA noted that the charges against respondent all pertain to his issuance of the January 31, 2011 Order and July 14, 2011 Joint Order, which Rizalado and Guzman, *et al.* claim to be anomalous and irregular. The OCA posited, however, that if such had been their belief, they should have availed of the remedies provided under the Rules of Court, which they unfortunately failed to do. The OCA opined that by questioning the manner by which respondent had acted on the case filed before him, complainants are in effect infringing on the exercise of his judicial discretion, an act that is beyond the ambit of an administrative inquiry or disquisition.⁵⁷

With regard to the charge of undue delay, the OCA found respondent's explanation to be meritorious, as the latter clarified that between the filing of the first motion for execution and the issuance of the July 14, 2011 Joint Order, he only gave the judgment-defendants the opportunity to comment. Further, he had to first resolve the multiple motions filed by Guzman, *et al.* through their two (2) counsels, as well as by Rizalado, before proceeding with the case. Subsequently, pending

involving the rental funds deposited in the OCC-RTC (*id.* at 63-64); (c) Complaint dated May 30, 2014 addressed to then Department of Justice (DOJ) Secretary Leila De Lima charging respondent with gross ignorance of the Rules of Court relative to the execution of judgment in Civil Case Nos. 92-368 and 92-409 (*id.* at 133-137); (d) Complaint dated August 15, 2014 raising the same issues of delay in the disposition of cases and violation of Rules of Court, and questioning the July 14, 2011 Joint Order (*rollo* [OCA IPI No. 12-3867-RTJ], pp. 248-252); (e) Complaint dated November 7, 2015 addressed to Chief Justice Maria Lourdes P. A. Sereno, reiterating his allegations questioning the aforesaid Joint Order issued by respondent (*rollo* [OCA IPI No. 13-4070-RTJ], pp. 187-190); and (f) Letter-Complaint dated March 2, 2016 alleging the failure of respondent to issue a writ of execution in Civil Case Nos. 92-368 and 92-409 (*rollo* [OCA IPI No. 12-3867-RTJ], pp. 411-412).

⁵⁵ *Rollo* (OCA IPI No. 12-3867-RTJ), pp. 381-395. Issued by Court Administrator Jose Midas P. Marquez and Deputy Court Administrator Jenny Lind R. Aldecoa-Delorino.

⁵⁶ *Id.* at 394-395.

⁵⁷ See *id.* at 391-392.

compliance with the nomination of an administrator and an accountant, he had already granted the motion for execution filed by Atty. Laya in his December 5, 2011 Order.⁵⁸ Finally, the OCA recommended that all the other charges against respondent be dismissed for lack of substantiation.⁵⁹

On the other hand, in recommending that Rizalado be held guilty of contempt of Court, the OCA found that he had the audacity to file several administrative cases against respondent, all in connection with G.R. No. 188427 (**Civil Case Nos. 92-368 and 92-409**) and all accusing the latter of delay, ignorance of the law, and/or partiality.⁶⁰

The Issue Before the Court

The sole issue for the Court's resolution is whether grounds exist in this case to hold respondent administratively liable and to find Rizalado guilty of contempt of court.

The Court's Ruling

The Court concurs with the findings of the OCA.

It is well-settled that "in administrative proceedings, the burden of proof that respondents committed the acts complained of rests on the complainant. x x x. Bare allegations of bias and partiality are not enough in the absence of clear and convincing evidence to overcome the presumption that the judge will undertake his noble role to dispense justice according to law and evidence and without fear or favor. There should be clear and convincing evidence to prove the charge of bias and partiality. Extrinsic evidence is required to establish bias, bad faith, malice or corrupt purpose, in addition to the palpable error that may be inferred from the decision or order itself."⁶¹

In this case, the charges of bias and partiality against respondent have not been substantiated. Complainants failed to present substantial evidence to prove that respondent was motivated by bias, bad faith, or partiality in the disposition of G.R. No. 188427 (Civil Case Nos. 92-368 and 92-409), particularly in the issuance of the January 31, 2011 Order and July 14, 2011 Joint Order.

⁵⁸ See id. at 392-393.

⁵⁹ See id. at 394-395.

⁶⁰ See id. at 393-395.

⁶¹ *Rivera v. Mendoza*, 529 Phil. 600, 606 (2006); citations omitted.

Moreover, it has been held that “the filing of an administrative complaint is not the proper remedy for the correction of actions of a judge perceived to have gone beyond the norms of propriety, where a sufficient judicial remedy exists.”⁶² “The law provides ample judicial remedies against errors or irregularities being committed by a Trial Court in the exercise of its jurisdiction. The *ordinary remedies* against errors or irregularities which may be regarded as normal in nature (*i.e.*, error in appreciation or admission of evidence, or in construction or application of procedural or substantive law or legal principle) include a motion for reconsideration (or after rendition of a judgment or final order, a motion for new trial), and appeal. The *extraordinary remedies* against error or irregularities which may be deemed extraordinary in character (*i.e.*, whimsical, capricious, despotic exercise of power or neglect of duty, *etc.*) are[, *inter alia*,] the special civil actions of *certiorari*, prohibition or *mandamus*, or a motion for inhibition, a petition for change of venue, as the case may be.”⁶³

Relative thereto, “disciplinary proceedings and criminal actions against judges are not complementary or suppletory of, nor a substitute for, these judicial remedies, whether ordinary or extraordinary. Resort to and exhaustion of these judicial remedies, as well as the entry of judgment in the corresponding action or proceeding, are pre-requisites for the taking of other measures against the persons of the judges concerned, whether of civil, administrative, or criminal nature. It is only after the available judicial remedies have been exhausted and the appellate tribunals have spoken with finality, that the door to an inquiry into his criminal, civil or administrative liability may be said to have opened, or closed.”⁶⁴

As such, the Court concurs with the OCA’s opinion in this case that if Guzman, *et al.* indeed believed that respondent’s issuances pertaining to G.R. No. 188427 (Civil Case Nos. 92-368 and 92-409) were tainted with irregularity, they should have availed themselves of the appropriate judicial remedies and refrained from filing these administrative cases against respondent. It bears to stress that respondent is legally clothed with judicial discretion in the disposition of cases, which involves the exercise of judgment. As a judge, he must be allowed reasonable latitude for the operation of his own individual view of the case, his appreciation of the facts, and his understanding of the applicable law on the matter.⁶⁵ “To hold a judge administratively accountable for every erroneous ruling or decision he renders, assuming he has erred, would be nothing short of harassment and would make his position doubly unbearable. To hold otherwise would be to render judicial office untenable, for no one called upon to try facts or

⁶² *Barbers v. Laguio, Jr.*, 404 Phil. 443, 458 (2001).

⁶³ *Rivera v. Mendoza*, *supra* note 61, at 606-607, citing *Flores v. Abesamis*, 341 Phil. 299, 312-313 (1997).

⁶⁴ *Rivera v. Mendoza*, *id.* at 607, citing *Flores v. Abesamis*, *id.* at 313.

⁶⁵ *Re: Judge Silverio S. Tayao, RTC, Br. 143, Makati*, A.M. Nos. 93-8-1204-RTC and RTJ-93-978, February 7, 1994, 229 SCRA 723, 729.

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interpret the law in the process of administering justice can be infallible in his judgment. It is only where the error is so gross, deliberate and malicious, or incurred with evident bad faith that administrative sanctions may be imposed against the erring judge.”⁶⁶

As regards the charge of undue delay in the resolution of the motions for execution, the Court finds respondent’s explanation meritorious, considering the multiple motions filed by Guzman, *et al.*’s two counsels. In any case, respondent had already granted the motion for execution filed by Atty. Laya in his December 5, 2011 Order.

On the other hand, Rizalado has indiscriminately and repetitively filed several complaints against respondent, all in connection with the latter’s disposition of G.R. No. 188427 (Civil Case Nos. 92-368 and 92-409). The filing of multiple complaints against respondent has therefore resulted in confusion due to the number of actions docketed before the OCA. In this respect, the Court concurs with the OCA recommendation that Rizalado be found guilty of contempt of court, likewise taking into consideration his previous transgression and penalty in *Othello Ch. Guzman, et al. by Oscar Rizalado v. Executive Judge Edgardo T. Lloren* where he was meted with a fine⁶⁷ for his unjustified attacks against the competence and integrity of judges and was ordered arrested for his refusal to pay the fine.⁶⁸ However, instead of imposing the penalty of imprisonment for five (5) days in addition to the payment of the fine of ₱5,000.00, the Court deems it proper to increase the amount of the fine to ₱20,000.00, with a stern warning that a repetition of the same offense shall be dealt with more severely.

WHEREFORE, the administrative complaints against respondent Presiding Judge Gil G. Bollozos of the Regional Trial Court of Cagayan De Oro City, Misamis Oriental, Branch 21 are hereby **DISMISSED** for lack of merit. On the other hand, complainant Oscar C. Rizalado is found **GUILTY** of contempt of Court and **ORDERED** to pay the **FINE** in the amount of ₱20,000.00, with a **STERN WARNING** that a repetition of the same shall be dealt with more severely.

⁶⁶ *Rodriguez v. Gatdula*, 442 Phil. 307, 312 (2002), citing *Mendoza v. Afable*, 441 Phil. 694, 701 (2002).

⁶⁷ See Resolution dated December 4, 2006 in A.M. OCA IPI No. 06-2435-RTJ; *rollo* (OCA IPI No. 11-3800-RTJ), pp. 110-115.

⁶⁸ See Resolution and Warrant of Arrest both dated April 22, 2009 issued by the Court; *rollo* (OCA IPI No. 06-2435-RTJ), pp. 259-260 and 261-263, respectively.

SO ORDERED.

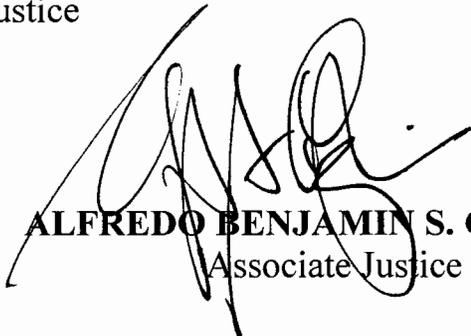

ESTELA M. PERLAS-BERNABE
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson


TERESITA J. LEONARDO-DE CASTRO
Associate Justice


MARIANO C. DEL CASTILLO
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice