



Republic of the Philippines
 Supreme Court
 Manila

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SUPREME COURT OF THE PHILIPPINES
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SUSAN R. ELGAR,

Complainant,

A.M. No. MTJ-16-1880

[Formerly OCA IPI No. 13-2565-MTJ]

Present:

GESMUNDO, C.J.,
 PERLAS-BERNABE,
 LEONEN,
 CAGUIOA,
 HERNANDO,
 CARANDANG,
 LAZARO-JAVIER,
 INTING,
 ZALAMEDA,
 LOPEZ, M.,
 DELOS SANTOS,
 GAERLAN,
 ROSARIO, and
 LOPEZ, J., JJ.

- versus -

JUDGE SOLIMAN M. SANTOS,
 JR., MUNICIPAL CIRCUIT
 TRIAL COURT, NABUA-BATO,
 CAMARINES SUR,

Respondent.

Promulgated:

April 27, 2021

Antonio Guevarra

X-----

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RESOLUTION

INTING, J.:

For resolution is the Motion for Partial Reconsideration¹ dated August 28, 2020 filed by Judge Soliman M. Santos, Jr. (respondent),

¹ *Rollo*, pp. 385-404.

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former Presiding Judge of the Municipal Trial Court, Nabua-Bato, Camarines Sur, now with, Branch 61, Regional Trial Court, Naga City, Camarines Sur. Respondent seeks a partial reconsideration of the Decision² dated February 4, 2020 which found him guilty of violation of Supreme Court rules, directives and circulars, Simple Misconduct, Gross Inefficiency or Undue Delay, and Gross Ignorance of the law, and accordingly, imposed upon him fines in the total amount of ₱78,000.00.³

The Antecedents

The case is rooted on a verified Complaint-Affidavit⁴ filed by Susan R. Elgar (complainant) on January 17, 2013 against respondent for gross ignorance of the law and violations of the Code of Judicial Conduct and Canons of Judicial Ethics. Respondent's alleged infractions arose from Special Proceedings No. 1870, entitled "*In Re: Petition for the Allowance of the Deed of Donation Mortis Causa by the Late Wenceslao Elgar.*"⁵

In the Decision⁶ dated February 4, 2020, the Court found respondent administratively liable for:

1. failure to refer the case to the PMC as prescribed in A.M. No. 01-10-5-SC-PHILJA;
2. pressing the parties to enter into an amicable settlement through means that exceeded the bounds of propriety, *i.e.*, texting complainant's counsel, conducting an *ex parte* meeting with complainant and her counsel inside his chambers, and convincing the oppositor to settle amicably during their accidental meeting in Naga City;
3. causing undue delay in terminating the preliminary conference amounting to gross inefficiency;
4. issuing the Extended Order [dated December 19, 2012 wherein respondent] unduly castigated complainant's counsel after the withdrawal of the petition, thereby exceeding the bounds of propriety; and

² *Id.* at 344-371.

³ *Id.* at 369-370.

⁴ *Id.* at 2-11.

⁵ *Id.* at 307.

⁶ *Id.* at 344-371.

5. giving the oppositor the option of submitting his pre-trial brief in contravention of its mandatory nature as stated in Section 6, Rule 18 of the Rules of Court.⁷

Accordingly, the Court deemed it proper to impose fines on respondent with a stern warning that a repetition of the same or similar acts in the future shall be dealt with more severely.

The dispositive portion of the Decision dated February 4, 2020 provides:

WHEREFORE, the Court finds Judge Soliman M. Santos, Jr., formerly of Municipal Circuit Trial Court, Nabua-Bato, Camarines Sur, and now of Regional Trial Court, Naga City, Branch 61 GUILTY of violation of Supreme Court rules, directives and circulars, simple misconduct, gross inefficiency or undue delay and gross ignorance of the law.

Judge Soliman M. Santos, Jr. is ORDERED to pay the following FINES: (1) ₱12,000.00 for failure to refer the case to the Philippine Mediation Center as prescribed in A.M. No. 01-10-5-SC-PHILJA; (2) ₱20,000.00 for pressing the parties to enter into an amicable settlement through means that exceeded the bounds of propriety; (3) ₱12,000.00 for causing undue delay in terminating the preliminary conference amounting to gross inefficiency; (4) ₱12,000.00 for issuing the Extended Order unduly castigating complainant's counsel after the withdrawal of the petition, thereby exceeding the bounds of propriety; and (5) ₱22,000.00 for giving the oppositor the option of submitting his pre-trial brief in contravention of its mandatory nature as stated in Section 6, Rule 18 of the Rules of Court.

Judge Soliman M. Santos, Jr. is STERNLY WARNED that a repetition of the same or similar acts in the future shall be dealt with more severely. Let a copy of this Decision be attached to his personal record.

SO ORDERED.⁸

⁷ *Id.* at 368.

⁸ *Id.* at 369-370.

Motion for Partial Reconsideration

In his Motion for Partial Reconsideration,⁹ respondent prays that: (1) the findings of guilt and fines ordered for the first, fourth, and fifth offenses be reversed and set aside; (2) the penalty of fine for the second offense be reduced to ₱12,000.00, leaving only this and the penalty of fine for the third offense of ₱12,000, or a total of ₱24,000.00 (instead of the original total fines of ₱78,000.000), which ₱24,000.00 or whatever amount may be deducted from his salary; (3) A.M. No. 03-10-01-SC, also known as “Resolution Prescribing Measures to Protect Members of the Judiciary from Baseless and Unfounded Administrative Complaints” dated October 14, 2003 be operationalized against complainant’s counsel, Atty. Allen Grace Q. Villareal-Bermejo, as the real party-in-interest behind the administrative harassment suit; (4) the Decision dated February 4, 2020 be immediately removed from the Supreme Court website until a final ruling on this Motion for Partial Reconsideration; and (5) such further or other relief as may be deemed just or equitable be granted to him.¹⁰

Issue

The main issue in this case is whether the Court should reconsider its Decision dated February 4, 2020 finding respondent guilty of violation of Supreme Court rules, directives, and circulars, Simple Misconduct, Gross Inefficiency or Undue Delay, and Gross Ignorance of the law, and imposing upon him fines in the total amount of ₱78,000.00.

The Court’s Ruling

After a judicious study of the case, the Court partly grants respondent’s Motion for Partial Reconsideration.

The Court finds no compelling reason to reverse its finding that respondent violated Supreme Court rules, directives, and circulars when he failed to refer the case to the Philippine Mediation Center (PMC) as prescribed in A.M. No. 01-10-5-SC-PHILJA. This is considering that the case before his *sala* is a mediatable case under A.M. No. 01-10-5-SC-

⁹ *Id.* at 385-404.

¹⁰ *Id.* at 404.

PHILJA,¹¹ *i.e.*, a petition for the allowance of a deed of donation *mortis causa* which is governed by the rules on the Settlement of Estate of Deceased Persons under the Rules of Court. There is no merit in respondent's contention that the charge against him of failure to refer the case to the PMC was not alleged in the Complaint-Affidavit and, thus, violates his right to be informed of the charges against him. Suffice it to state that respondent's infraction of failing to refer the case to the PMC is so evident from the narration of both complainant and respondent in their respective submissions in this case as to what transpired in Special Proceedings No. 1870. Thus, the Court, in the exercise of its power to discipline judges, may properly penalize him for disregarding the mediation rules under A.M. No. 01-10-5-SC-PHILJA.

Further, the Court finds no reason to reverse its finding that respondent exceeded the bounds of propriety when he issued the Extended Order¹² dated December 19, 2012 and unduly castigated complainant's counsel. Respondent should have been more prudent in his course of action and refrained from using his position to browbeat complainant's counsel just because the latter did not agree with him. Moreover, he should have avoided rendering the Extended Order considering that he already granted the withdrawal of the petition in Special Proceedings No. 1870. Thus, there was no longer any occasion to issue the Extended Order.

However, as to respondent's act of giving the oppositor the option of submitting his pre-trial brief, the Court reconsiders its ruling and instead finds respondent guilty of violation of Supreme Court rules, directives, and circulars. While respondent is not justified in making the oppositor's submission of the pre-trial brief optional as provided in his Order¹³ dated August 7, 2012, the Court is cognizant of respondent's previous Orders dated November 3, 2010¹⁴ and December 3, 2010,¹⁵ directing the oppositor and his counsel to submit a pre-trial brief.

¹¹ Under A.M. No. 01-10-5-SC-PHILJA, the following cases are referable to mediation:

x x x x

I. *Coverage*

The following cases are referable to mediation:

- a) All civil cases, settlement of estates, and cases covered by the Rule on Summary Procedure, except those which by law may not be compromised;

x x x x

¹² *Rolla*, pp. 174-179.

¹³ *Id.* at 89-94.

¹⁴ *Id.* at 41-42.

¹⁵ *Id.* at 63.

Respondent even strongly reprimanded oppositor's counsel and ordered him to pay a fine of ₱1,000.00 for noncompliance with the Orders including those dated November 3, 2010 and December 3, 2010.¹⁶ To the mind of the Court, respondent was cognizant of the requirement of filing a pre-trial brief; however, he decided to relax the requirement considering the oppositor's previous submissions which purportedly had "some elements of a pre-trial brief." While respondent's actuation does not constitute gross ignorance of the law, respondent is still guilty of violation of Supreme Court rules, directives, and circulars.

Respondent invokes A.M. No. 03-10-01-SC,¹⁷ also known as the "Resolution Prescribing Measures to Protect Members of the Judiciary from Baseless and Unfounded Administrative Complaints" dated October 14, 2003, which provides:

NOW, THEREFORE, as one of such measures, the Court RESOLVES that:

1. If upon an informal preliminary inquiry by the Office of the Court Administrator, an administrative complaint against any Justice of the Court of Appeals or *Sandiganbayan* or any Judge of the lower courts filed in connection with a case in court is shown to be clearly unfounded and baseless and intended to harass the respondent, such a finding should be included in the report and recommendation of the Office of the Court Administrator. If the recommendation is approved or affirmed by the Court, the complainant may be required to show cause why he should not be held in contempt of court. If the complainant is a lawyer, he may further be required to show cause why he or she should not be administratively sanctioned as a member of the Bar and as an officer of the court.

Without doubt, the purpose of A.M. No. 03-10-01-SC is to protect judges from baseless and unfounded suits. However, A.M. No. 03-10-01-SC has no application in the case considering that the Court, based on the Complaint-Affidavit and the other submissions of the parties, finds respondent guilty of violation of Supreme Court rules, directives, and circulars, Simple Misconduct, and Gross Inefficiency or Undue Delay. Evidently, the complaint against respondent is not baseless and unfounded.

¹⁶ See Order dated February 23, 2011 penned by respondent Judge Soliman M. Santos, Jr., *id.* at 69.

¹⁷ Approved on October 14, 2003.

Lastly, respondent's plea that the Decision dated February 4, 2020 be immediately removed from the Supreme Court website until after there is a ruling on his Motion for Partial Reconsideration must also fail.

Sections 2, 3, and 4(b), Rule 14 of the Internal Rules of the Supreme Court¹⁸ provide:

SEC. 2. *Report of Promulgation.* — Within twenty-four hours from the promulgation of a decision or resolution, the Clerk of Court or the Division Clerk of Court shall formally inform the Chief Justice or the Division Chairperson of such promulgation.

SEC. 3. *Electronic dissemination of decision or resolution.* — Upon receipt of the report of promulgation, the Chief Justice shall direct the Chief Justice's Staff Head to deliver immediately the magnetic or electronic copy of the decision or resolution to the Management Information Systems Office (MISO).

SEC. 4. *Responsibilities of the MISO.* — Upon receipt of a copy of a promulgated decision or resolution, the MISO shall

x x x x

- (b) format the decision or resolution in such a way as to make it readable on the Supreme Court website;

Evidently, there is nothing in the Internal Rules of the Supreme Court to the effect that the Supreme Court must await the filing of a motion for reconsideration of the decision and the promulgation of a resolution acting on the motion before the decision may be uploaded on the Supreme Court website.

As to the penalty, the Court reconsiders the imposition of fines in the total amount of ₱78,000.00.

In *Carpio v. Judge Dimaguila*,¹⁹ the Court, upon motion for reconsideration, reduced the administrative liability of therein respondent judge from gross ignorance of the law to a less serious charge, *i.e.*, violation of the Supreme Court rules, directives, and circulars. Notably, a less serious charge, as provided under Section 9,

¹⁸ A.M. No. 10-4-20-SC, approved on May 4, 2010.

¹⁹ A.M. No. MTJ-17-1897, November 21, 2018

Rule 140 of the Rules of Court, as amended by A.M. No. 01-8-10-SC, and punishable by: (a) suspension from office without salary and other benefits for more than three but not exceeding six months; or (b) a fine of not more than ₱10,000.00, but not exceeding ₱20,000.00. Still, the Court mitigated the penalty imposed upon therein respondent from a fine in the amount of ₱10,000.00 to mere reprimand considering the absence of bad faith in the actuation of respondent and the fact that it was respondent's first offense.

In other cases involving the administrative liability of judges, the Court took into consideration lack of showing of malice, corrupt motives, or improper considerations on the part of the judge to mitigate the penalty.²⁰

In the present case, the Court finds that while respondent committed the above-stated offenses, the infractions were not attended by bad faith. In truth, respondent's actuations all arose from a single petition filed by complainant; and that the respondent's action were driven by his genuine intention of making the parties arrive at an amicable settlement. While respondent's good faith does not absolve him from administrative liability, the Court considers the absence of malice and corrupt motive on his part as a circumstance mitigating his liability.

Thus, as to respondent's violations of Supreme Court rules, directives and circulars which he committed through: (1) failure to refer the case to the PMC as prescribed in A.M. No. 01-10-5-SC-PHILJA; and (2) giving the oppositor the option of filing pre-trial brief despite its mandatory nature as stated in Section 6, Rule 18 of the Rules of Court, the Court finds the fine of ₱10,000.00 for the totality of his abovementioned acts as sufficient penalty.

As to respondent's acts of Simple Misconduct, *i.e.*: (1) the issuance of an Extended Order wherein he unduly castigated complainant's counsel after the withdrawal of the petition, thereby exceeding the bounds of propriety; and (2) pressing the parties to enter into amicable settlement through means that exceeded the bounds of propriety, the Court likewise finds the fine of ₱10,000.00 for the totality of his abovementioned acts as sufficient penalty. As to respondent's

²⁰ *Dr. Luna v. Judge Mirafuente*, 508 Phil. 1, 8 (2005), citing *Ruperto v. Judge Banquerigo*, 355 Phil. 420, 427 (1998).

Undue Delay in terminating the preliminary conference which amounted to gross inefficiency, this is in connection with respondent's overbearing persistence to make the parties settle amicably. Thus, considering the absence of bad faith on the part of respondent, the Court finds that for the purpose of imposing a penalty, the abovestated fine of ₱10,000.00 for his acts of Simple Misconduct is already sufficient to cover the penalty for his undue delay in terminating the preliminary conference. The Court no longer sees the need to impose a separate penalty for the resulting delay in Special Proceedings No. 1870.

WHEREFORE, the Motion for Partial Reconsideration filed by respondent Judge Soliman M. Santos, Jr. of Branch 61, Regional Trial Court, Naga City, Camarines Sur is **PARTLY GRANTED**.

The Court's Decision dated February 4, 2020 is hereby **MODIFIED**. The administrative liability of respondent Judge Soliman M. Santos, Jr. for giving the oppositor the option of submitting his pre-trial brief in contravention of its mandatory nature is reduced from gross ignorance of the law to violation of Supreme Court rules, directives and circulars. Thus, the Court imposes upon him the penalty of a fine of ₱10,000.00 each for: (1) violation of Supreme Court rules, directives and circulars committed by respondent through various acts; and (2) Simple Misconduct committed by respondent through various acts, or a total of ₱20,000.00. The penalty of ₱10,000.00 for Simple Misconduct is understood to include the penalty for respondent's Undue Delay in terminating the preliminary conference in Special Proceedings No. 1870.

He is **STERNLY WARNED** that a repetition of the same or similar acts in the future shall definitely be dealt with more severely. He is reminded to be more circumspect in the performance of his duties which should be discharged in accordance with the rules, directives, and circulars duly issued by the Court.

Let a copy of this Resolution be attached to the personal record of respondent Judge Soliman M. Santos, Jr.

SO ORDERED.

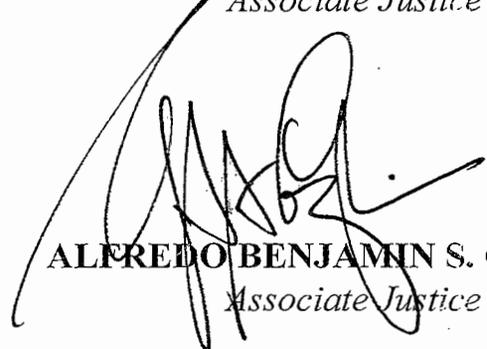

HENRI JEAN PAUL B. INTING
Associate Justice

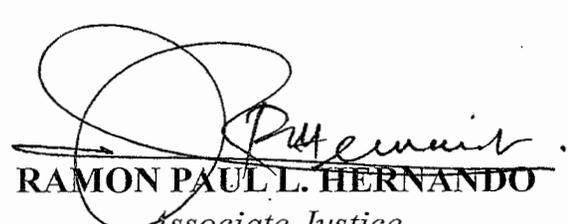
WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice


ESTELA M. PERLAS-BERNABE
Associate Justice

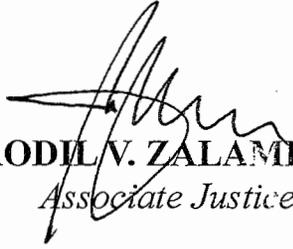

MARVIC M.V.F. LEONEN
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice


ROSMARID. CARANDANG
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice



RODIL V. ZALAMEDA
Associate Justice



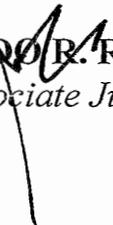
MARLON N. LOPEZ
Associate Justice



EDGARDO L. DELOS SANTOS
Associate Justice



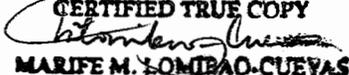
SAMUEL H. GAERLAN
Associate Justice



RICARDO B. ROSARIO
Associate Justice



JHOSEP Y. LOPEZ
Associate Justice

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MARIFE M. LOMBAO-CUEVAS
Clerk of Court
Supreme Court

