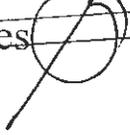




SUPREME COURT OF THE PHILIPPINES  
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Republic of the Philippines  
**Supreme Court**  
Manila

**FIRST DIVISION**

**ANDREW N. BAYSA,**

Petitioner,

**G.R. No. 254328**

Members:

**GESMUNDO, C.J., Chairperson,**  
**CAGUIOA,**  
**LAZARO-JAVIER,**  
**LOPEZ, M., and**  
**LOPEZ, J., JJ.**

-versus-

**MARIETTA V. SANTOS,**

Respondent.

Promulgated:

**DEC 02 2021** 

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**DECISION**

**LAZARO-JAVIER, J.:**

**The Case**

This petition for review *on certiorari* seeks to reverse and set aside the following dispositions of the Court of Appeals in CA-G.R. SP No. 149699:

- (1) Decision<sup>1</sup> dated January 14, 2020 affirming the liability of petitioner Andrew N. Baysa (Baysa) for simple misconduct and suspending him for three (3) months without pay; and
- (2) Resolution<sup>2</sup> dated October 26, 2020 denying petitioner's motion for reconsideration.

**Antecedents**

<sup>1</sup> Penned by Associate Justice Pablito A. Perez, with Associate Justices Elihu A. Ybañez and Tita Marilyn B. Payoyo-Villordon concurring. *Rollo*, p. 464-476.

<sup>2</sup> *Id.* at 518-520.

On October 17, 2012, respondent Marietta Santos (Santos) charged Baysa<sup>3</sup> before the Office of the Ombudsman (OMB) with unjust judgment (*maling hatol*) and erroneous issuance of a Writ of Demolition on her property (*maling akala*).<sup>4</sup>

She essentially alleged:

Baysa is the Provincial Adjudicator of the Office of the Provincial Agrarian Reform Adjudicator, Department of Agrarian Reform Adjudication Board (DARAB), Malolos City.<sup>5</sup>

On June 30, 2003, Baysa rendered a Decision<sup>6</sup> in DARAB Case No. R-03-02-990799 entitled *Perfecto Cabral and Loreda G. Vda. de Almario v. Spouses Constantino Pascual and Zenaida Pascual* in favor of therein tenants Cabral and Vda. de Almario. After an unsuccessful appeal to the DARAB by the Spouses Pascual, Baysa's decision became final and executory, with judgment entered on August 14, 2008.<sup>7</sup>

Consequently, a writ of execution was issued against Spouses Pascual on September 10, 2009. Cabral and Vda. de Almario followed up with a motion for the issuance of a writ of demolition – which notably did not indicate the location or nature of the structures to be demolished.<sup>8</sup>

Albeit she had no participation in the proceedings, she was furnished a copy of the aforesaid motion. It was the first time she received a pleading in relation to the DARAB case in which she was not even impleaded. There was no explanation why she, a stranger to the case, had to be given a copy of the motion.<sup>9</sup>

As the proceedings progressed, however, she continued receiving documents from the DARAB, *i.e.*, Order dated January 28, 2010 directing Spouses Pascual to file their comment or opposition, Order dated March 5, 2010 granting the motion to issue writ of execution, and Order dated April 8, 2010<sup>10</sup> granting the motion to issue writ of demolition.

When Sheriff Virgilio Robles (Sheriff Robles) attempted to serve the writ on her, she noticed that part of the properties sought to be demolished was one of her buildings which stood on a parcel of land she owned. Thus, she sought injunctive relief before the Regional Trial Court (RTC), Malolos City against the erroneous inclusion of her properties in the DARAB case.

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<sup>3</sup> *Rollo*, pp. 239-241.

<sup>4</sup> CA Decision, p. 4.

<sup>5</sup> *Id.* at 2.

<sup>6</sup> *Rollo*, pp. 130-135.

<sup>7</sup> CA Decision, p. 2.

<sup>8</sup> *Id.* at 3.

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

<sup>10</sup> *Id.*

By her subsequent Motion dated May 7, 2010, she asked the DARAB to subject Sheriff Robles to disciplinary action and to direct Cabral and Vda. de Almario to desist from disturbing her property rights. She insisted that the DARAB had no jurisdiction over her person since she was not made a party to the case. She, too, manifested that she had a pending action for damages and injunctive relief before the RTC.

Baysa denied her motion through Order<sup>11</sup> dated July 22, 2010. He, too, denied reconsideration on February 22, 2011.

In response to the administrative complaint against him, Baysa asserted that since the title of Santos was derived from Spouses Pascual, there was privity between them insofar as the property is concerned. Hence, she was also bound by the decision rendered in that case.<sup>12</sup> Otherwise, mere transfer of property would become an easy mode of circumventing the agrarian reform program.<sup>13</sup>

At any rate, Santos presented no documentary evidence during the execution proceedings showing how she supposedly acquired the property in question.<sup>14</sup> She was afforded due process since she actively participated in the execution proceedings, during which, he (Baysa) actually heard her motion before he eventually denied it for lack of merit.<sup>15</sup>

### **The Ruling of the OMB**

By Decision<sup>16</sup> dated May 28, 2015, the OMB found Baysa guilty of Simple Misconduct and imposed the penalty of suspension for three (3) months without pay. He was found to have gone beyond the scope of his authority in ordering the demolition of the properties of Santos without due process of law. The OMB noted that “his actions [were] not simply attributable to an error in judgment x x x [but] depict his disregard of the applicable laws and jurisprudence which illustrate his lack of skill, knowledge, and professionalism in the exercise of his functions.”

### **Proceedings Before the Court of Appeals**

On his petition for review before the Court of Appeals,<sup>17</sup> Baysa argued that *first*, he did not disregard the applicable laws and jurisprudence in issuing the assailed orders;<sup>18</sup> *second*, the OMB erroneously passed upon the merits of his issuances, albeit the same pertained to the review jurisdiction of the Court

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<sup>11</sup> *Id.* at 4.

<sup>12</sup> *Id.*

<sup>13</sup> *Rollo*, p. 86.

<sup>14</sup> *Id.* at 88.

<sup>15</sup> *Id.* at 93-94.

<sup>16</sup> *Id.* at 346-353.

<sup>17</sup> Petition for Review under Rule 43 before the Court of Appeals, *id.* at 70-107.

<sup>18</sup> *Id.* at 80-94.

of Appeals;<sup>19</sup> *third*, Santos failed to prove his liability for misconduct by the required substantial evidence;<sup>20</sup> *fourth*, the OMB erred in disregarding his length of service which should have been considered as a mitigating circumstance;<sup>21</sup> and *finally*, the OMB erred in holding him administratively liable despite its failure to cite the particular provision of the Code of Conduct and Ethical Standards for Public Officials and Employees<sup>22</sup> he supposedly violated.<sup>23</sup>

For its part, the Office of the Solicitor General (OSG) countered that the OMB did not err in finding Baysa guilty of Simple Misconduct and imposing on him the penalty of three (3)-month suspension without pay. For the allegations of Santos were supported by substantial evidence, including Baysa's admission that Santos in fact was not involved in the case.<sup>24</sup>

### The Ruling of the Court of Appeals

By Decision<sup>25</sup> dated January 14, 2020, the Court of Appeals affirmed. It held that while Baysa was correct in saying that an order or judgment rendered against a party is binding on his/her heirs, assigns, and successors-in-interest, he erred in considering Santos as a successor-in-interest of Spouses Pascual.<sup>26</sup> Further, the appellate court ruled that the writ of demolition was executed on the property of Santos in violation of her right to due process, thus:

1. Nowhere in the original Petition for Injunction of the Tenants was Santos ever mentioned. Nor was there any attempt to implead her as a defendant in the DARAB case;
2. Santos was first mentioned in the Answer of the Spouses Pascual but only to the extent as to clearly exclude her as a party to the dispute;
3. The Motion for Issuance of Writ of Execution, filed by the Tenants on May 5, 2009, did not mention nor seek to enforce against Santos the final judgment against the Spouses Pascual;
4. Santos was NOT mentioned in the body of the Motion for the Issuance of Writ of Demolition;
5. Santos was merely one of the persons furnished a copy of the Motion for the Issuance of Writ of Demolition although it is unclear as to why

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<sup>19</sup> *Id.* at 95-98.

<sup>20</sup> *Id.* at 98-103.

<sup>21</sup> *Id.* at 104.

<sup>22</sup> RA 6713 AN ACT ESTABLISHING A CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES, TO UPHOLD THE TIME-HONORED PRINCIPLE OF PUBLIC OFFICE BEING A PUBLIC TRUST, GRANTING INCENTIVES AND REWARDS FOR EXEMPLARY SERVICE, ENUMERATING PROHIBITED ACTS AND TRANSACTIONS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES.

<sup>23</sup> *Rollo*, pp. 105-106.

<sup>24</sup> Comment dated January 12, 2018, *id.* at 588-606.

<sup>25</sup> Penned by Associate Justice Pablito A. Perez, with Associate Justices Elihu A. Ybañez and Tita Marilyn B. Payoyo-Villordon concurring. (same as FN 01) Change to *Supra* Note 01)

<sup>26</sup> CA Decision, pp. 6-7.

she was furnished said copy;

6. Although Santos was furnished with a copy, Baysa's Order dated January 28, 2010, which directed the "respondents" to comment on the Motion for the Issuance of Writ of Demolition, as well as set the motion for hearing, is ostensibly directed and addressed only at the Spouses Pascual—Santos not yet a "respondent" at the time;
7. When the Writ of Demolition was subsequently issued, it was served upon Santos although she had never until that point been given an opportunity to participate in the proceedings which may result to injury to her property rights;
8. That [Santos'] Motion dated May 7, 2010 incorporated by reference her Complaint against the Tenants before the Regional Trial Court, clearly alleging that the dispute between the Tenants and the Spouses Pascual was over portions of "Lot 2" while she owns an adjoining but distinct lot: Lot 1. This allegation was supported by a copy of her Torrens Certificate of Title and a subdivision plan;
9. Upon receipt of Santos' Motion dated May 7, 2010, Baysa merely sought the comment or opposition of the Tenants and the Spouses Pascual. Notably, Baysa did NOT set the motion for hearing;
10. The "Reply to the Motion" filed by the Tenants is the first time there was a clear allegation that Santos' property stood on the lands claimed by the Tenants and that Santos derived her title from the Spouses Pascual. Said allegations are not supported by any evidence;
11. The lands covered by the emancipation patents of the Tenants are clearly described in the certificates of title the Tenants attached to their original Petition for Injunction.<sup>27</sup>

The Court of Appeals held: *first*, Baysa failed to afford Santos a reasonable opportunity to be heard; *second*, he also failed to consider the evidence showing that the land of Santos was distinct and separate from the subject of the claim of the tenants; instead, he merely adopted, almost to the letter, the unsupported allegations of the tenants in their Reply and ruled that the title of Santos was derived from Spouses Pascual, thus, the judgment could be enforced against her; and *third*, Baysa did not even set for hearing her Motion dated May 7, 2010 as he peremptorily made unsupported findings, all in breach of the right of Santos to due process.<sup>28</sup> He committed a transgression of established and definite rule of action or a dereliction of duty equivalent to simple misconduct.

It subsequently denied reconsideration through Resolution<sup>29</sup> dated October 26, 2020.

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<sup>27</sup> *Id.* at 9-10.

<sup>28</sup> *Id.* at 11.

<sup>29</sup> *Rollo*, p. 11.

### The Present Petition

Baysa now asks the Court to exercise its discretionary appellate jurisdiction to review and reverse the assailed issuances of the Court of Appeals.<sup>30</sup> He reiterates that *first*, Santos was not deprived of her right to procedural due process for she was afforded a reasonable opportunity to be heard to present new evidence. As it was, however, Santos did not offer anything new to establish her cause;<sup>31</sup> *second*, his Orders dated July 22, 2010 and February 22, 2011 both denying Santos' Motion dated May 7, 2010 had factual and legal bases; *third*, in the execution of his Decision dated June 30, 2003 which DARAB affirmed on appeal, he did not go beyond its scope,<sup>32</sup> and *finally*, the caretaker of Santos, an actual occupant of the subject landholdings, received the writ of execution on her behalf.<sup>33</sup>

By its *Manifestation in Lieu of Comment*,<sup>34</sup> the OSG adopts its arguments<sup>35</sup> before the Court of Appeals.

### Our Ruling

We reverse.

Disciplinary proceedings against judges are not complementary or suppletory of, nor a substitute for, judicial remedies. Resort to and exhaustion of judicial remedies, as well as the entry of judgment in the corresponding action or proceeding, are pre-requisites for taking other measures against the judges concerned. 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 or her criminal, civil, or administrative liability opens.<sup>36</sup>

The same rule applies to government officers exercising quasi-judicial powers such as petitioner Baysa, the DARAB Provincial Adjudicator who resolved DARAB Case No. R-03-02-990799. He was charged with and found liable for Simple Misconduct for the manner by which he implemented his ruling in the aforesaid case insofar as it affected the property of Santos. He believed that despite not being an actual party to the case, Santos was a successor-in-interest of the real parties-in-interest Spouses Pascual, hence, bound by the adverse ruling he rendered against them.

Plainly, Baysa's alleged infraction here pertains to the exercise of his quasi-judicial functions as Provincial Adjudicator against which judicial remedies are available. Errors in judgment of the Provincial Adjudicator may

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<sup>30</sup> *Id.* at 11-62.

<sup>31</sup> *Id.* at 37-43.

<sup>32</sup> *Id.* at 50-53.

<sup>33</sup> *Id.* at 53-61.

<sup>34</sup> Dated May 18, 2021, *id.* at 563-569.

<sup>35</sup> In its Comment dated November 6, 2018 filed before the Court of Appeals.

<sup>36</sup> *Flores v. Abesamis*, 341 Phil. 299, 312-313 (1997).

be elevated to the DARAB on appeal and, subsequently, to the Court of Appeals on petition for review to correct erroneous application or interpretation of law, or through a petition for *certiorari* to correct errors in jurisdiction or grave abuse of discretion, and finally to the Supreme Court via a petition for review on *certiorari*.

It is a matter of record that Santos had already filed a petition for *certiorari* before the Court of Appeals in C.A. G.R. S.P. No. 118531 entitled *Marietta Santos v. Hon. Andrew Baysa*<sup>37</sup> where she successfully assailed the Orders dated July 22, 2010 and February 22, 2011 of Baysa. There, the Court of Appeals duly noted that under the DARAB Rules, even necessary parties are required to be impleaded in the proceedings. Thus, Santos cannot automatically be bound by Baysa's adverse ruling against Spouses Pascual despite being her predecessors-in-interest unless she was actually made a party to the case. In other words, Baysa was already adjudged to have committed grave abuse of discretion in ordering the demolition of the building of Santos.

There is no showing, however, that the foregoing dispositions had already lapsed into finality. Consequently, we cannot say with certainty whether it is already proper to inquire into Baysa's supposed administrative liability.

At any rate, whether Baysa committed grave abuse of discretion or otherwise erred in issuing the Orders dated July 22, 2010 and February 22, 2011 does not necessarily translate to administrative violation unless there is clear showing of bad faith on his part. *Atty. Tamondong v. Judge Pasal*<sup>38</sup> is *apropos*:

Judge Pasal issued the Resolution dated December 23, 2013 in Special Civil Action No. 2013-184 in the exercise of his adjudicative functions, and any errors he might have committed therein cannot be corrected through administrative proceedings, but should instead be assailed through judicial remedies. The issues of jurisdiction being argued by Atty. Tamondong are judicial matters, which again can only be decided upon through judicial remedies. A party's recourse, if prejudiced by a judge's orders in the course of a trial, is with the proper reviewing court and not x x x through an administrative complaint.

**The Court declared that 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. The acts of a judge in his judicial capacity are not subject to disciplinary action. A judge cannot be civilly, criminally, or administratively liable for his official acts, no matter how erroneous, provided he acts in good faith.**

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<sup>37</sup> Penned by Associate Justice Amelita G. Tolentino, with Associate Justices Ramon R. Garcia and Angelita A. Gacutan concurring; *rollo*, pp. 231-238.

<sup>38</sup> A.M. No. RTJ-16-2467, October 18, 2017.

In the present administrative complaint, Atty. Tamondong admitted that he already filed an appeal of Judge Pasal's Resolution x x x before the Court of Appeals. Absent any showing that Atty. Tamondong has exhausted all available judicial remedies and that there is already an entry of judgment in the appropriate judicial action or proceeding, the Court cannot proceed to inquire herein into Judge Pasal's administrative liability in relation to said Resolution.

**Moreover, Atty. Tamondong failed to offer proof that in issuing the Resolution x x x Judge Pasal was acting in bad faith and unduly favoring Abada's heirs.** Mere imputation of bias and partiality against a judge is insufficient because bias and partiality can never be presumed. Also, bad faith or malice cannot be inferred simply because the judgment is adverse to a party. (Emphases supplied; citations omitted)

Corollarily, misconduct is generally defined as the wrongful, improper, or unlawful conduct **motivated by a premeditated, obstinate or intentional purpose.** It is **intentional wrongdoing or deliberate violation of a rule of law or standard of behavior.** To constitute an administrative offense, the misconduct should relate to or be connected with the performance of the official functions and duties of a public officer. In grave misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of an established rule must be manifest. Without any of these elements, the transgression of an established rule is properly characterized merely as simple misconduct.<sup>39</sup>

Here, the Court does not find Baysa's dispositions "motivated by a premeditated, obstinate or intentional purpose" when he issued the Orders Dated July 22, 2010 and February 22, 2011. There was no showing that he acted in bad faith or malice in ordering the demolition of the building of Santos either.

To be sure, the burden is upon Santos to prove by substantial evidence<sup>40</sup> that Baysa was impelled by ill-motive in ruling against her. Yet she failed to allege, let alone, establish such circumstance during the proceedings below. On the contrary, Santos herself referred to Baysa's dispositions as mere errors in judgment, *i.e.*, "*maling hatol*" and "*maling akala*" – nothing more, thus:

9. Na para naman kay DARAB Provincial Agrarian Reform Adjudicator HON. ANDREW BAYSA, siya ay **nagbigay ng maling hatol** sa nasabing "WRIT OF DEMOLITION" na nagbigay ng pahintulot na tanggalin ang bahay ko at kasama nito ang paghingi niya ng tulong mula sa PNP San Miguel -Bulacan/ PNP Provincial Compound, MRO ng San

<sup>39</sup> *Field Investigation Office of the Office of the Ombudsman v. Castillo*, 794 Phil. 53, 62 (2016).

<sup>40</sup> Substantial evidence is more than a mere scintilla but is of such relevance that a reasonable mind might accept as adequate to support a conclusion. 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; *Hon. Ombudsman Simeon V. Marcelo v. Leopoldo F. Bungubung and the Court of Appeals*, 575 Phil. 538, 556 (2008).

Miguel Bulacan at Barangay Captain ng San Juan, San Miguel Bulacan para sa pag dedemolish ng aking bahay;

10. **Na sa maling pag aakala** ni HON. ANDREW BAYSA (DARAB Provincial Agrarian Reform Adjudicator) na ang bahay ay pag aari ni ZENAIDA PASCUAL, na hindi man lamaan siya nagpa inbistiga (sic) sa Munisipyo ng San Miguel Bulacan at sa Register of Deeds ng San Miguel Bulacan kung ang bahay na nakatayo ay sakop ba ng lupang hinahabol nina PERFECTO CABRAL at LORETA DE ALMARIO; ni hindi nila, sinubukang ipasukat o alamin kung sino ang may ari ng nakatayong gusali, basta lamang siya nagbigay ng Desisyon na I-Demolish ang nakatayong bahay ng walang sapat na ebidensya na ito ay sakop ng hinahabol na lupa nina Virgilio Robles at Loreta De Almario;

11. Na ako ay nagsampa ng Reklamong "Damages with prayer for a Writ of Preliminary Injunction" laban kina PERFECTO CABRAL at LORETA DE ALMARIO, sa Regional Trial Court ng Malolos Bulacan Branch 21 at sa Court of Appeal[s] ay nagsampa ako ng reklamo laban kay Hon. Andrew Baysa (Provincial Agrarian Reform Adjudicator) DAR Provincial Board, SHERIFF VIRGILIO ROBLES, PERFECTO CABRAL & LORETA G. VDA DE ALMARIO para sa PETITION FOR CERTIORARI **at ang kaso ko ay nanalo sa Court of Appeal[s]** at ang naging Desisyon ay "WHEREFORE, in view of the foregoing, the petition is GRANTED The Orders of the DARAB dated July 22,2012 and February 22,2011 are REVERSE[D] and SET ASIDE. Sheriff Virgilio Robles is hereby ordered to exclude herein petitioner from the enforcement of the writ of execution."

X X X

14. Na aking inirereklamo sina Hon. Andrew Baysa dahil sa mali nitong pagsama sa aking pangalan at Sheriff Virgilio Robles para sa kanyang pananakot at panghaharass sa akin na sila ay inerereklamo ko ng ADMINISTRATIBO sa Office of the Ombudsman;

15. Na aking isinagawa ang REKLAMONG ito upang sabihin ang katotohanan at para ireklamo si Hon. Andrew Baysa at Sheriff Virgilio Robles sa kasong "ADMINISTRATIBO" at sa anumang pag gagamitan nito ng naayon sa batas. (Emphases supplied.)

More, Santos does not deny that Baysa entertained her motions and even allowed her to present evidence to establish her claim. Hence, Baysa, despite not ordering Santos to be impleaded in the case before him still afforded her ample opportunity to be heard, albeit, Baysa still ruled against her. But whether Baysa was mistaken in ruling against her is beside the point. The real opportunity which Baysa gave to Santos to show why her building ought to be spared from the order of demolition militates against any finding of bad faith on the part of Baysa. Consequently, he cannot be held liable for misconduct.

**ACCORDINGLY**, the petition is **GRANTED**. The Decision dated

January 14, 2020 and Resolution dated October 26, 2020 of the Court of Appeals in CA-G.R. SP No. 149699 are **REVERSED and SET ASIDE**. The complaint against petitioner **ANDREW N. BAYSA** for misconduct is **DISMISSED**.

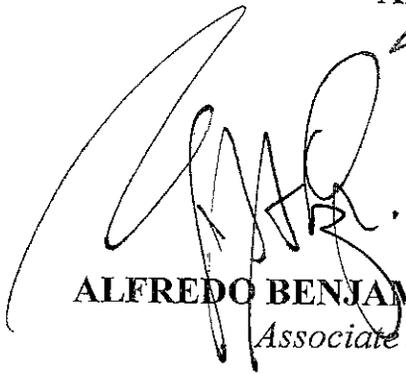
**SO ORDERED.**

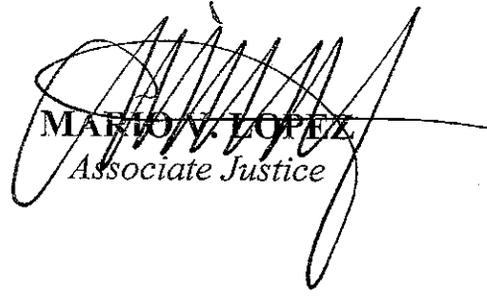


**AMY C. LAZARO-JAVIER**  
*Associate Justice*

**WE CONCUR:**

  
**ALEXANDER G. GESMUNDO**  
*Chief Justice*  
*Chairperson*

  
**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*

  
**MARIO V. LOPEZ**  
*Associate Justice*

  
**JHOSEP V. LOPEZ**  
*Associate Justice*

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**ALEXANDER G. GESMUNDO**  
*Chief Justice*

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