



Republic of the Philippines
 Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
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GOVERNOR EDGARDO A. TALLADO, VICE GOVERNOR JONAH PEDRO P. PIMENTEL, BOARD MEMBER RODOLFO V. GACHE, BOARD MEMBER STANLEY G. ALEGRE, BOARD MEMBER RENEE F. HERRERA, BOARD MEMBER GERARDO G. QUIÑONES, BOARD MEMBER REYNOR V. QUIBRAL, BOARD MEMBER ERWIN L. LAUSIN, BOARD MEMBER ARTEMIO B. SERDON, JR., BOARD MEMBER JAY G. PIMENTEL, AND BOARD MEMBER RAMON R. BANING,

Complainants,

-versus-

HON. WINSTON S. RACOMA, PRESIDING JUDGE, BRANCH 39, REGIONAL TRIAL COURT, DAET, CAMARINES NORTE,

Respondent.

**A.M. No. RTJ-22-022
 [Formerly OCA I.P.I. No. 19-4966-RTJ]**

Present:

**GESMUNDO, C.J.,
 LEONEN,
 CAGUIOA,
 HERNANDO,
 LAZARO-JAVIER,
 INTING,
 ZALAMEDA,
 LOPEZ, M.,
 GAERLAN,
 ROSARIO,
 LOPEZ, J.,
 DIMAAMPAO,
 MARQUEZ,
 KHO, JR. and
 SINGH, JJ.**

Promulgated:

August 23, 2022

X-----*[Signature]*-----X

DECISION

SINGH, J.:

Before the Court is a Verified Complaint¹ for Gross Ignorance of the Law filed with the Office of the Court Administrator against Judge Winston S. Racoma, Presiding Judge, Branch 39, Regional Trial Court, Daet, Camarines Norte.

¹ *Rollo*, Verified Complaint, pp. 11-22.

[Signature]

The Verified Complaint was filed by Camarines Norte Governor Edgardo A. Tallado, Vice Governor Jonah Pedro P. Pimentel, and Board Members Rodolfo V. Gache, Stanley B. Alegre, Renee F. Herrera, Gerardo G. Quiñones, Reynor V. Quibral, Erwin L. Lausin, Artemio B. Serdon, Jr., Jay G. Pimentel, and Ramon R. Baning.

The Facts

In July 2015, an administrative charge against Punong Barangay Leslie B. Esturas (**Punong Barangay Esturas**) and Barangay Kagawad Moises Delos Santos, Jr. (**Barangay Kagawad Delos Santos**) was filed before the Sangguniang Bayan of Capalong, Camarines Norte (**Sangguniang Bayan**).²

On 30 July 2015, Municipal Mayor Senandro M. Jalgalado (**Mayor Jalgalado**) issued Memorandum Order No. 2015-02,³ which approved the recommendation of the Sangguniang Bayan placing Punong Barangay Esturas and Barangay Kagawad Delos Santos under a 60-day preventive suspension from office.⁴

Eventually, Punong Barangay Esturas and Barangay Kagawad Delos Santos appealed Memorandum Order No. 2015-02 of the Sangguniang Bayan to the Sangguniang Panlalawigan of Camarines Norte (**Sangguniang Panlalawigan**).⁵ Attached to the appeal was a complaint⁶ against the Sangguniang Bayan and Mayor Jalgalado.⁷

On 28 July 2016, the Sangguniang Panlalawigan granted the appeal filed by Punong Barangay Esturas and Barangay Kagawad Delos Santos and ordered their reinstatement.⁸

Mayor Jalgalado did not implement the decision of the Sangguniang Panlalawigan reasoning that the same is void considering that the Governor of Camarines Norte, Governor Edgardo A. Tallado (**Governor Tallado**), was under preventive suspension at that time and had no authority to approve and enforce the decision of the Sangguniang Panlalawigan.⁹

² *Id.*, Annex A of Verified Complaint, Order dated 25 April 2019, p. 18; Report of the Judicial Integrity Board, p. 1.

³ Does not appear in the records of the case.

⁴ *Rollo*, Annex A of Verified Complaint, Order dated 25 April 2019, p. 18; Report of the Judicial Integrity Board, p. 1.

⁵ *Id.*, Annex A of Verified Complaint, Order dated 25 April 2019, p. 18; Report of the Judicial Integrity Board, p. 2.

⁶ Does not appear in the records of the case.

⁷ *Rollo*, Annex A of Verified Complaint, Order dated 25 April 2019, p. 18; Report of the Judicial Integrity Board, p. 2.

⁸ *Id.*

⁹ *Id.*



On 18 December 2018, the Sangguniang Panlalawigan issued Resolution No. 627-2018,¹⁰ recommending to Governor Tallado the preventive suspension of Mayor Jalgalado for sixty (60) days because of Mayor Jalgalado's defiance of the decision of the Sangguniang Panlalawigan to reinstate Punong Barangay Esturas and Barangay Kagawad Delos Santos.¹¹

On 19 December 2018, Governor Tallado issued a Notice of Preventive Suspension¹² against Mayor Jalgalado.¹³

Aggrieved, Mayor Jalgalado filed a Petition for *Certiorari*, Prohibition, and Mandamus with a Prayer for the Issuance of a Temporary Restraining Order and a Writ of Preliminary Injunction,¹⁴ which was docketed as Special Civil Case No. 8374 of Branch 41, Regional Trial Court, Daet, Camarines Norte (**Branch 41**), presided by Judge Arniel A. Dating (**Judge Dating**).¹⁵

On 9 January 2019, Branch 41 issued an Order¹⁶ granting the application of Mayor Jalgalado for the issuance of a writ of preliminary injunction, and ordered the Sangguniang Panlalawigan and Governor Tallado to cease from implementing Resolution No. 627-2018, which ordered the preventive suspension of Mayor Jalgalado.¹⁷

On 24 January 2019, Branch 41 issued another Order¹⁸ making permanent the writ of preliminary injunction that it issued on 9 January 2019.¹⁹ In the same Order, Branch 41 lifted the prohibition against further proceedings in Administrative Case No. 01-2015.²⁰

On 11 February 2019, Mayor Jalgalado filed a motion²¹ with the Sangguniang Panlalawigan for the suspension of the investigation in Administrative Case No. 01-2015, citing Section 62-C of the Local Government Code, which prohibits the investigation of an elective official in an administrative complaint within 90 days prior to a local election, and

¹⁰ Does not appear in the records of the case.

¹¹ *Rollo*, Annex A of Verified Complaint, Order dated 25 April 2019, p. 18; Report of the Judicial Integrity Board, p. 2.

¹² Does not appear in the records of the case.

¹³ *Rollo*, Annex A of Verified Complaint, Order dated 25 April 2019, p. 18; Report of the Judicial Integrity Board, p. 3.

¹⁴ Does not appear in the records of the case.

¹⁵ *Rollo*, Annex A of Verified Complaint, Order dated 25 April 2019, p. 18; Report of the Judicial Integrity Board, p. 3.

¹⁶ Does not appear in the records of the case.

¹⁷ *Rollo*, Annex A of Verified Complaint, Order dated 25 April 2019, pp. 18-19; Report of the Judicial Integrity Board, p. 3.

¹⁸ Does not appear in the records of the case.

¹⁹ *Rollo*, Annex A of Verified Complaint, Order dated 25 April 2019, p. 19; Report of the Judicial Integrity Board, p. 3.

²⁰ *Id.*

²¹ Does not appear in the records of the case.



providing that a preventive suspension imposed, prior to the 90-day period immediately preceding local elections, shall be deemed automatically lifted upon the start of the aforesaid period.²² The motion was, however, denied by the Sangguniang Panlalawigan which resolved to proceed with the administrative investigation of the complaint.²³

On 15 March 2019, the Sangguniang Panlalawigan issued a Decision²⁴ in the Complaint filed by Punong Barangay Esturas and Barangay Kagawad Delos Santos, Administrative Case No. 01-2015, finding Mayor Jalgalado guilty of Grave Abuse of Authority and imposing upon him the penalty of suspension from office for a period of six (6) months.²⁵ To implement the Decision of the Sangguniang Panlalawigan, Governor Tallado filed an Application for Request for Exemption from the Ban on Suspension²⁶ under Section 62 (c) of the Election Code, with the Commission on Elections (COMELEC), which granted the application of Governor Tallado for exemption for the preventive suspension of Mayor Jalgalado.²⁷

On 4 April 2019, Governor Tallado issued a Notice of Suspension as Penalty²⁸ against Mayor Jalgalado, implementing the Decision of the Sangguniang Panlalawigan to suspend the latter.²⁹

Aggrieved, Mayor Jalgalado filed a Petition for *Certiorari*, Prohibition, and Mandamus with a Prayer for Issuance of a Writ of Preliminary Injunction and an Urgent Prayer for an *Ex Parte* 72-hour Temporary Restraining Order,³⁰ assailing the 15 March 2019 Decision of the Sangguniang Panlalawigan and the Notice of Suspension as Penalty issued by Governor Tallado.³¹ Impleaded in the Petition were Governor Tallado and the Presiding Officer and the Members of the Sangguniang Panlalawigan.³² The case was docketed as Civil Case No. 8403 and was raffled to Branch 41, presided by Judge Dating, but it was re-raffled to Branch 39, Regional Trial Court, Daet, Camarines Norte (**Branch 39**), presided by respondent Judge Winston S. Racoma (**Judge Racoma**), after Judge Dating inhibited from the case.³³

²² *Rollo*, Annex A of Verified Complaint, Order dated 25 April 2019, p. 19; Report of the Judicial Integrity Board, p. 4.

²³ *Id.*

²⁴ Does not appear in the records of the case.

²⁵ *Rollo*, Annex A of Verified Complaint, Order dated 25 April 2019, p. 19; Report of the Judicial Integrity Board, p. 4.

²⁶ Does not appear in the records of the case.

²⁷ *Rollo*, Annex A of Verified Complaint, Order dated 25 April 2019, p. 19; Report of the Judicial Integrity Board, p. 4.

²⁸ Does not appear in the records of the case.

²⁹ *Rollo*, Annex A of Verified Complaint, Order dated 25 April 2019, p. 19; Report of the Judicial Integrity Board, p. 5.

³⁰ Does not appear in the records of the case.

³¹ *Rollo*, Annex A of Verified Complaint, Order dated 25 April 2019, p. 18; Report of the Judicial Integrity Board, p. 5.

³² *Id.*

³³ *Rollo*, Annex A of Verified Complaint, Order dated 25 April 2019, p. 19; Report of the Judicial Integrity Board, p. 5.

Governor Tallado and the Sangguniang Panlalawigan filed a Manifestation with Motion for Inhibition and Comment on the Petition,³⁴ praying for the dismissal of the Petition on the ground that, among others, it is the Court of Appeals, and not the Regional Trial Court, that has jurisdiction over the case.³⁵

During the hearing on 23 April 2019, the parties opted to no longer present any evidence and merely adopted their Comment and other pleadings, and submitted the Petition for the resolution of the court.³⁶

On 25 April 2019, Judge Racoma issued an Order,³⁷ granting the prayer for a writ of preliminary injunction of Mayor Jalgalado. The dispositive portion of the Order reads:

WHEREFORE, finding that the petitioner is bound to suffer grave and irreparable injury if the penalty of six-month (sic) suspension, as ordered in the March 15, 2019 Decision of the Sangguniang Panlalawigan in Administrative Case No. 01-2015, will be enforced, the Court hereby grants the application for a preliminary injunction. Let a Writ of Preliminary Injunction issue.

The petitioner is hereby ordered to file an Injunction Bond in the amount of One Hundred Thousand (PhP100,000.00) Pesos.

SO ORDERED.³⁸

In granting the prayer for issuance of a writ of preliminary injunction, Judge Racoma underscored that the gravest consideration under the circumstances is the well-being of the constituents of Mayor Jalgalado.³⁹ He found that the penalty of suspension for the period of six (6) months imposed by the Sangguniang Panlalawigan on Mayor Jalgalado will strip Mayor Jalgalado of his rights and obligations to carry out the duty of his office and to serve his constituents.⁴⁰ Note that the suspension order against Mayor Jalgalado fell within the 90-day period before the 2019 Local Elections.

On 26 April 2019, Judge Racoma issued an Order⁴¹ granting the Motion for Inhibition⁴² filed by Governor Tallado and the Sangguniang Panlalawigan. In recusing himself from further participating in the case, Judge Racoma held that while the motion fell short of demonstrating that he manifested arbitrariness or prejudice as to cloud his partiality in issuing the writ of

³⁴ Does not appear in the records of the case.

³⁵ *Rollo*, Report of the Judicial Integrity Board, pp. 5-6.

³⁶ *Id.*, Annex A of Verified Complaint, Order dated 25 April 2019, p. 19; Report of the Judicial Integrity Board, p. 7.

³⁷ *Id.*, Order dated 25 April 2019 signed by Judge Winston S. Racoma, pp. 18-21.

³⁸ *Id.*, Order dated 25 April 2019 signed by Judge Winston S. Racoma, p. 21.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Rollo*, Order dated 26 April 2019 signed by Judge Winston S. Racoma, p. 24.

⁴² Does not appear in the records of the case.

preliminary injunction, he was voluntarily inhibiting from further trying and deciding the case.⁴³

Instead of filing a motion for reconsideration of the 25 April 2019 Order of Judge Racoma and notwithstanding his inhibition from the case, Governor Tallado and the Sangguniang Panlalawigan filed this administrative case for Gross Ignorance of the Law and Procedure and Gross Misconduct against Judge Racoma.⁴⁴

Essentially, Camarines Norte Governor Edgardo A. Tallado, Vice Governor Jonah Pedro P. Pimentel, and Board Members Rodolfo V. Gache, Stanley B. Alegre, Renee F. Herrera, Gerardo G. Quiñones, Reynor V. Qibraí, Erwin L. Lausin, Artemio B. Serdon, Jr., Jay G. Pimentel, and Ramon R. Baning (collectively, **the Complainants**), in their Verified Complaint, alleged that Judge Racoma committed gross ignorance of the law and procedure when he took cognizance of the Petition for *Certiorari* filed by Mayor Jalgalado, docketed as Civil Case No. 8403.⁴⁵ The Complainants argued that it is the Court of Appeals which has jurisdiction over the Petition and not the Regional Trial Court.⁴⁶

The Complainants further averred that granting *arguendo* that the RTC has jurisdiction over the Petition for *Certiorari* filed by Mayor Jalgalado, it was gross ignorance of the law and procedure for Judge Racoma to act on the same considering that no motion for reconsideration of the Decision of the Sangguniang Panlalawigan was filed by Mayor Jalgalado.⁴⁷

The Comment of Judge Racoma

In his Comment⁴⁸ to the Verified Complaint filed against him, Judge Racoma characterized the Verified Complaint as a threat and harassment suit.⁴⁹

Judge Racoma argued that even if the Local Government Code provides the remedy of appeal from the Decision of the Sangguniang Panlalawigan to the Office of the President, the same is a long and arduous process.⁵⁰ According to Judge Racoma, when public service to the electorate is at stake, a speedy remedy and the expeditious resolution of the case is of utmost importance, and raising the case on appeal would just prolong the controversy

⁴³ *Rollo*, Order dated 26 April 2019 signed by Judge Winston S. Racoma, p. 24.

⁴⁴ *Id.*, Report of the Judicial Integrity Board, p. 10.

⁴⁵ *Id.*, Verified Complaint, p. 78.

⁴⁶ *Id.*

⁴⁷ *Id.*, Verified Complaint, p. 7.

⁴⁸ *Id.*, Comment, pp. 28-34.

⁴⁹ *Id.*, Comment, p. 33.

⁵⁰ *Id.*

until the matter is mooted by succeeding events.⁵¹ Judge Racoma explained that he is not new to cases tainted with political color and considers the same as an inevitable part of his task to dispense rulings with justice even at the risk of being a political target.⁵² Judge Racoma stressed that all the cases filed in his sala are viewed under impartial lenses.

Likewise, Judge Racoma pointed out that the issues raised in Civil Case No. 8403 qualified as exceptions for dispensing with the filing of a motion for reconsideration as there was an urgent necessity for the resolution of the case as any delay would prejudice the interest of the Government and the electorate, considering that the elections were nearing⁵³

The Report of the Judicial Integrity Board

In a Report⁵⁴ dated 20 April 2022, the Judicial Integrity Board (JIB) recommended to the Court that Judge Racoma be found guilty of Gross Ignorance of the Law and Procedure. The dispositive portion of the Report reads:

ACCORDINGLY, it is respectfully **RECOMMENDED** that:

- (1) The instant administrative complaint against Hon. Winston S. Racoma, Presiding Judge, Branch 39, Regional Trial Court, Daet, Camarines Norte, be **RE-DOCKETED** as a regular administrative matter;
- (2) Judge Racoma be found **GUILTY** of Gross Ignorance of the Law and Procedure; and
- (3) Judge Racoma be ordered to pay a **FINE** of Two Hundred Thousand Pesos (P200,000.00), with a **STERN WARNING** that a repetition of the same or similar offense shall be dealt with more severely. (emphasis not ours)

According to the JIB, the Sangguniang Panlalawigan is considered by the Local Government Code as a quasi-judicial body.⁵⁵ As such, Rule 65, Section 4 of the Rules of Court provides that the Court of Appeals has exclusive jurisdiction over a petition for *certiorari* assailing the decisions of the Sangguniang Panlalawigan.⁵⁶

The JIB held that it was a gross and patent error on the part of Judge Racoma to take cognizance of the Petition filed by Mayor Jalgalado.⁵⁷ Such

⁵¹ *Id.*

⁵² *Id.*, Comment, p. 29.

⁵³ *Id.*, Comment, p. 31.

⁵⁴ *Id.*, unpaginated. Penned by Justice Romeo J. Callejo (Ret.) and concurred in by Justices Angelina Sandoval Gutierrez (Ret.), Rodolfo A. Pongerrada (Ret.), and Sesinando E. Villon (Ret.)

⁵⁵ *Id.*, Report of the Judicial Integrity Board, dated 20 April 2022, pp. 14-15.

⁵⁶ *Id.*

⁵⁷ *Id.*, at pp. 17-18.



error, the JIB explained, produces an inference of bad faith, making Judge Racoma liable for gross ignorance of the law.⁵⁸

The Issue

The sole issue for the consideration of the Court is whether Judge Racoma is liable for Gross Ignorance of the Law and Procedure.

The Ruling of the Court

The Court rejects the recommendation of the JIB, and dismisses the charge of gross ignorance of the law against Judge Racoma.

The Complainants failed to avail of the appropriate judicial remedies under applicable rules

An administrative complaint is not the appropriate remedy for every act of a judge deemed aberrant or irregular where a judicial remedy is available.⁵⁹ The acts of a judge in his judicial capacity are not subject to disciplinary action.⁶⁰ A judge cannot be civilly, criminally, or administratively liable for his official acts, no matter how erroneous, provided he acts in good faith.⁶¹

The Complainants wrongly filed the present administrative case against Judge Racoma, as it is settled that an administrative complaint is not an appropriate remedy where judicial recourse is still available, such as a motion for reconsideration, an appeal, or a petition for *certiorari*.⁶²

The inquiry into the correctness of Judge Racoma's act of taking cognizance of the Petition for *Certiorari* filed by Mayor Jalgalado, docketed as Civil Case No. 8403, is undeniably judicial in nature and which is best settled through the available appropriate judicial remedies under the Rules of Court, and not by way of an administrative complaint.

⁵⁸ *Id.*

⁵⁹ *Re: Verified Complaint Dated 13 July 2015 of Alfonso V. Umali Jr. v. Hon. Hernandez*, IPI No. 15-35-SB-J, 23 February 2016, citing *Mirasol v. Justice Yap*, OCA IPI No. 06-95-CA-J, 18 July 2006.

⁶⁰ *Cayabyab v. Judge Pangilinan*, A.M. No. RTJ-20-2584, 28 July 2020 [Formerly OCA IPI No. 18-4841-RTJ].

⁶¹ *Id.*

⁶² *Fernandez v. Court of Appeals Justices Bato, Jr., Dicedican, and Peralta, Jr.*, A.M. OCA I.P.I. No. 12-201-CA-J, 19 February 2013, citing *Cortes v. Sandiganbayan*, 467 Phil. 155 (2004).



Errors committed by a judge in the exercise of his or her adjudicative functions cannot be corrected through administrative proceedings, but should instead be assailed through available judicial remedies.⁶³

It is well-settled that disciplinary proceedings and criminal actions against judges are not complementary or suppletory to, nor a substitute for, these judicial remedies, whether ordinary or extraordinary.⁶⁴ For, obviously, if subsequent developments prove the judge's challenged act to be correct, there would be no occasion to proceed against him at all.⁶⁵ Besides, 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.⁶⁶ To hold otherwise would be to render judicial office untenable, for no one called upon to try the facts or interpret the law in the process of administering justice can be infallible in his judgment.⁶⁷ It is only where the error is tainted with bad faith, fraud, malice, or dishonesty that administrative sanctions may be imposed against the erring judge.⁶⁸

In the oft-cited case of *Flores v. Abesamis*,⁶⁹ the Court explained:

As everyone knows, 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.

Now the established doctrine and policy is that 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 prerequisites 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.

⁶³ *Baysa v. Santos*, G.R. No. 254328, 2 December 2021, citing *Atty. Tamondong v. Judge Pasal*, A.M. No. RTJ-16-2467, 18 October 2017.

⁶⁴ *Spouses De Guzman v. Judge Pamintuan*, A.M. No. RTJ-02-1736, 26 June 2003.

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*, citing *Mendova v. Afable*, A.M. No. MRJ-02,1402, 4 December 2002.

⁶⁹ A.M. No. SC-96-1 (Resolution), 10 July 1997, 349 Phil. 299-316.

Flores resorted to administrative prosecution (or institution of criminal actions) as a substitute for or supplement to the specific modes of appeal or review provided by law from court judgments or orders, on the theory that the Judges' orders had caused him "undue injury." This is impermissible, as this Court had already more than once ruled. Law and logic decree that "administrative or criminal remedies are neither alternative nor cumulative to judicial review where such review is available, and must wait on the result thereof" xxx Indeed, since judges must be free to judge, without pressure or influence from external forces or factors, they should not be subject to intimidation, the fear of civil, criminal or administrative sanctions for acts they may do and dispositions they may make in the performance of their duties and functions; and it is sound rule, which must be recognized independently of statute, that judges are not generally liable for acts done within the scope of their jurisdiction and in good faith; and that exceptionally, prosecution of a judge can be had only if "there be a final declaration by a competent court in some appropriate proceeding of the manifestly unjust character of the challenged judgment or order, and . . . also evidence of malice or bad faith, ignorance of inexcusable negligence, on the part of the judge in rendering said judgment *or order*" or under the stringent circumstances set out in Article 32 of the Civil Code. (underscoring supplied, citations omitted)

Considering that the administrative complaint filed by the Complainants pertains to the exercise of Judge Racoma's adjudicative functions, the Complainants should have first exhausted judicial remedies instead of immediately resorting to administrative proceedings.

In any case, whether Judge Racoma gravely abused his discretion or otherwise erred in taking cognizance of the Petition for *Certiorari* filed by Mayor Jalgalado, docketed as Civil Case No. 8403, does not necessarily translate to an administrative violation unless there is a clear showing of bad faith on his part.⁷⁰ Basic is the rule that mere allegation is not equivalent to proof, and charges based on mere suspicion, speculation or conclusion cannot be given credence.⁷¹

In administrative disciplinary proceedings, the Court must consider the entire context of the case

Our judges do not perform their judicial duties in a vacuum. They, like us, assume their role in society and, as such, necessarily interact and relate with other members of their communities.

The Court takes judicial notice that Judge Racoma is up against powerful individuals whom we can assume wield great power and influence

⁷⁰ *Baysa v. Santos*, G.R. No. 254328, 2 December 2021.

⁷¹ *Zara v. Joyas*, A.C. No. 10994, 10 June 2019, citing *De Jesus v. Guerrero III*, 614 Phil. 520, 529 (2009).

in his place of work. This is not the first case filed against Judge Racoma by the Complainants as there are other administrative cases that have been filed against him by the same or related individuals:

	Complainant	Docket Number	Docket Date	Charges	Status
1.)	Hon. Josefina B. Tallado	21-086-RTJ	18 November 2021	Gross Ignorance of the Law or Procedure	Pending
2.)	Vice Governor Joseph Christopher Pantones, <i>et al.</i>	20-5083-RTJ	23 October 2020	Ignorance of the Law and Procedure, and Gross Misconduct	Pending
3.)	Governor Edgardo A. Tallado	RTJ-18-2536 (15-4396-RTJ)	7 May 2015 and 2 October 2018	Gross Ignorance of the Law and Procedure, Violation of the Code of Judicial Conduct	Fined ₱ 11,000.00 with Stern Warning

The Court likewise takes note that Judge Racoma is not the only judge who has been sued by the politicians in his province. The Executive Judge, Judge Arniel A. Dating, the Presiding Judge of Branch 41 of the RTC of Daet, Camarines Norte, has also been named a respondent in several cases filed by Complainants Tallado, *et al.*⁷² Judge Dating was the first judge who acted in the case subject matter of this Petition until he inhibited and the case was re-raffled to Judge Racoma, and Tallado, *et al.* filed the present administrative charge against him as a result. There are only three (3) RTC Judges in Daet, Camarines Norte, and one (1) Family Court Judge. It should concern the Court that the Complainants, for this one case, had already ‘eliminated’ and sued two (2) of the judges in the station, leaving only one more to act on it.

This kind of situation is to be decried, though not uncommon. The influence of both elective and appointive officials on our judges is a fact we must not close our eyes to. We have our Code of Judicial Conduct to guide us in navigating the tenuous balance in our relations with the officials from the

⁷² *Governor Tallado v. Judge Dating*, A.M. No. RTJ 20-2602 [Formerly OCA I.P.I. No. 19-4960-RTJ].



two other branches of government. However, not even the Code can protect our judicial frontliners from the hardships occasioned by discordant and moreso openly adversarial relations with the said officials. Unfortunately, the filing of administrative charges against our judges has been unscrupulously resorted to. Whereas, the members of this Court are no less vulnerable, we must acknowledge that our judges have to literally face and live in the midst of this unhealthy environment, day in and day out. Certainly, in discharging the Court's duty of supervision, we must take these matters into account, specially so in deciding administrative cases which may have been actuated by obviously long-standing strained relations, if not outright animosity.

The JIB failed to consider the badges of harassment attendant in this case

The Court must be ever vigilant in protecting judges and justices against administrative cases filed against them that are meant solely to harass, embarrass, or vex them. Recently, the Court promulgated issuances intended to protect judges and justices against harassment suits. Rule X, Sections 1 and 2 of the Internal Rules of the JIB,⁷³ provide:

**RULE X
SPECIAL PROVISIONS ON DISCIPLINARY CASES**

Section 1. Action Filed Before Compulsory Retirement. – If a disciplinary action is filed with the JIB within six (6) months before the compulsory retirement of the respondent for an alleged cause of action that occurred at least one (1) year prior to the filing of the complaint, and shown *prima facie* that it is intended to harass and embarrass the respondent, the JIB shall recommend to the Supreme Court that the complaint be dismissed and that the complainant be cited for indirect contempt. xxx

Section 2. Complaint Filed by a Lawyer. – If the complainant is a lawyer and it is shown that the disciplinary action is intended to harass and embarrass the respondent, the JIB shall dismiss the complaint and require the complainant to show case why he or she should not be administratively sanctioned as a member of the Philippine Bar and as an officer of the Court and recommend the referral of the matter to the Office of the Bar Confidant and the Integrated Bar of the Philippines for proceedings under Rule 139-B of the Rules of Court, as amended.

Corrolarily, Section 3(2) of Rule 140, as further amended,⁷⁴ provides:

SECTION 3. Initial Action. – xxx (2) *Proceedings Initiated By Complaint.* – xxx If the verified or anonymous complaint is not sufficient in form and substance, it shall be dismissed. Moreover, if the complaint *prima facie* appears to be baseless and was filed only to harass or embarrass the

⁷³ *Internal Rules of the Judicial Integrity Board*, A.M. No. 18-01-05-SC, 15 December 2020.

⁷⁴ *Further Amendments to Rule 140 of the Rules of Court*, A.M. No. 21-08-09-SC, 22 February 2022.



respondent, or to unduly delay the release of retirement benefits in case of his or her impending compulsory retirement, the complainant shall be required to show cause why he or she should not be cited in contempt. Furthermore, if the complainant is a lawyer, he or she shall also be required to show cause why he or she should not be administratively sanctioned as a member of the Philippine Bar and as an officer of the Court.

Despite these issuances, however, the JIB itself failed to take notice of and to consider the badges that indicate that the Complaint filed against Judge Racoma was intended to harass and vex the latter.

The Court thus deems it proper to remind the JIB that in evaluating administrative complaints before it, it is not just the allegations in a complaint that must be evaluated. It is incumbent upon the JIB to appreciate such allegations in the context surrounding the complaint and the parties involved. Here, Judge Racoma himself unerringly alleged that the complaint was a "threat or harassment suit."⁷⁵ He also categorically called attention to the fact that he has been a victim of suits "tainted with political color."⁷⁶

Thus, to safeguard against the abuse of the administrative disciplinary mechanism against justices, judges, and court personnel, the JIB must be guided by the following rules in evaluating administrative disciplinary cases:

(1) If a judicial remedy is still available to the complainant, the administrative complaint shall be dismissed outright, without prejudice to re-filing should the complainant succeed in a judicial action in proving that the public respondent's assailed act or omission was indeed wrong and ill motivated.

(2) If the administrative case is meant to harass, threaten or merely vex the public respondent. In determining this, the following factors may be considered:

(a) the existence of other cases filed against the public respondent by the same complainant or related complainants;

(b) the position and influence of the complainant, particularly in the locality where the public respondent is stationed;

⁷⁵ *Rollo*, Comment, p. 33.

⁷⁶ *Id.*, Comment, p. 29.



(c) the number of times that the public respondent has been charged administratively and the corresponding dispositions in these cases;

(d) any decisions or judicial actions previously rendered by the public respondent for or against the complainant;

(e) the propensity of the complainant for filing administrative cases against members and personnel of the Judiciary; and

(f) any other factor indicative of improper pressure or influence.

The JIB is reminded to treat with the same careful consideration as any accusation of wrongdoing against anyone under its jurisdiction, allegations of harassment and filing of malicious and baseless charges.

The Complainants are directed to show cause why they should not be cited for indirect contempt

Indeed, unfounded criticisms against members of the Judiciary degrade the judicial office and greatly interfere with the due performance of their functions in the Judiciary.⁷⁷ They not only needlessly drain the resources of the Court in resolving them, they sow the seeds of distrust of the public against members of the Judiciary.⁷⁸ Hence, the Court deems it proper to direct the Complainants to explain their act of filing a premature complaint against Judge Racoma intended to harass or vex the latter.

In *Re: Verified Complaint of Fernando Castillo Against Associate Justice Mariflor Punzalan-Castillo, Court of Appeals, Manila*,⁷⁹ the Court directed the complainant therein to show cause why he should not be cited for indirect contempt because he “miserably failed to sufficiently substantiate his grave accusations” against a member of the Court of Appeals, which he charged of committing acts of misfeasance or malfeasance, and which he sought to be disbarred and removed from her position.

⁷⁷ *In Re: Verified Complaint of Fernando Castillo Against Associate Justice Mariflor Punzalan-Castillo, Court of Appeals, Manila*, IPI No. 17-267-CA-J, 24 April 2018, citing *Re: Complaint of Atty. Marian R. Pefianco against Justices Sempio-Diy, Hernando, and Salandanan-Manahan, of the Court of Appeals Cebu*, 781 Phil. 363, 374 (2016).

⁷⁸ *Id.*

⁷⁹ *Supra* at Note 77.

In *Re: Verified Complaint for Disbarment of AMA Land, Inc. (Represented by Joseph B. Usita) Against Court of Appeals Associate Justices Hon. Danton Q. Bueser, Hon. Sesinando E. Villon and Hon. Ricardo R. Rosario*,⁸⁰ the Court directed the complainants therein to show cause why they should not be held in indirect contempt “for bringing the unfounded and baseless charges against [members of the Court of Appeals] not only once but twice.” The complainants in this case resorted to an administrative disciplinary action against the respondents prior to the final resolution of the judicial issue involved in a case pending before the Court of Appeals.

The Court therefore directs the Complainants to show cause why they should not be cited for indirect contempt.

In *Bank of Commerce v. Borromeo*,⁸¹ the Court reiterated that contempt of court is willful disregard of public authority that tends to, among others, impair the respect due such body:

Contempt of court has been defined as a willful disregard or disobedience of a public authority. In its broad sense, contempt is a disregard of, or disobedience to, the rules or orders of a legislative or judicial body or an interruption of, its proceedings by disorderly behavior or insolent language in its presence or so near thereto as to disturb its proceedings or to impair the respect due such a body. In its restricted and more usual sense, contempt comprehends a despising of the authority, justice, or dignity of a court. The phrase contempt of court is generic, embracing within its legal signification a variety of different acts.

The power to punish for contempt is inherent in all courts, and need not be specifically granted by statute.⁸² It lies at the core of the administration of a judicial system.⁸³ Indeed, there ought to be no question that courts have the power by virtue of their very creation to impose silence, respect, and decorum in their presence, submission to their lawful mandates, and to preserve themselves and their officers from the approach and insults of pollution.⁸⁴ The power to punish for contempt essentially exists for the preservation of order in judicial proceedings and for the enforcement of judgments, orders, and mandates of the courts, and, consequently, for the due administration of justice.⁸⁵ The reason behind the power to punish for contempt is that respect of the courts guarantees the stability of their institution; without such

⁸⁰ OCA IPI No. 12-204-CA-J, 11 March 2014

⁸¹ G.R. No. 205632, 2 June 2020.

⁸² *Fortune Life Insurance Company, Inc. v. Commission on Audit*, G.R. No. 213525, 21 November 2017, citing *Lorenzo Shipping Corporation v. Distribution Management Association of the Philippines*, G.R. No. 155849, 31 August 2011, 656 SCRA 331.

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*



guarantee, the institution of the courts would be resting on a very shaky foundation.⁸⁶

A final word

The Court is cognizant of the sacrifices of our judges, who risk their very lives and even those of their loved ones, in order to keep our courts open and render the services our people need. None of them is perfect. Just as none of us are. When they commit errors, it is our duty to correct them. But when their circumstances call out for consideration, we must not turn a blind eye.

Judge Racoma has not been previously convicted of the charge against him, that is, Gross Ignorance of the Law and Procedure. Judge Racoma, more notably, has never been found guilty of committing any corrupt act in all his past cases. That should merit great weight.

Concededly, Judge Racoma was convicted twice for insubordination for failing to file his comment in two of the cited administrative cases. It is disturbing to think and would be truly tragic if Judge Racoma's reason for not submitting a comment in those cases (where he was acquitted of the charges and cited for insubordination instead for such non-filing of a comment) is his loss of hope, his despair over the pressures of his work and the seeming lack of recognition of such plight. A judge who discharges his or her duties despite being beset with external pressures, and who manages to fend off corrupt influences and remain true to his or her oath, save only for an occasional error in judgment, should be extended consideration and commiseration, not condemnation.

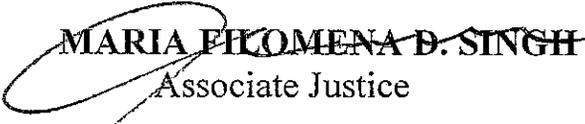
WHEREFORE, the administrative Complaint against respondent Judge Winston S. Racoma, Presiding Judge, Branch 39, Regional Trial Court, Daet, Camarines Norte is **DISMISSED**.

The Complainants, Governor Edgardo A. Tallado, Vice Governor Jonah Pedro P. Pimentel, Board Member Rodolfo V. Gache, Board Member Stanley G. Alegre, Board Member Renee F. Herrera, Board Member Gerardo G. Quiñones, Board Member Reynor V. Quibril, Board Member Erwin L. Lausin, Board Member Artemio B. Serdon, Jr., Board Member Jay G. Pimentel, and Board Member Ramon R. Baning are **ORDERED** to **SHOW CAUSE** within ten (10) days from notice why they should not be held for indirect contempt of court for filing a premature complaint against Judge Winston S. Racoma intended to harass or vex the latter.

⁸⁶ *Id.*



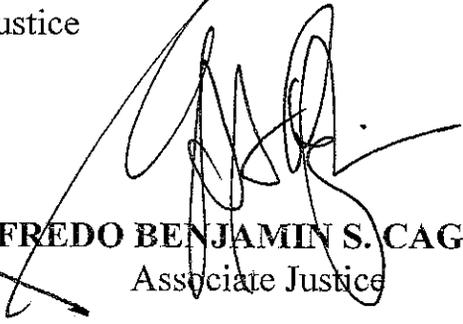
SO ORDERED.

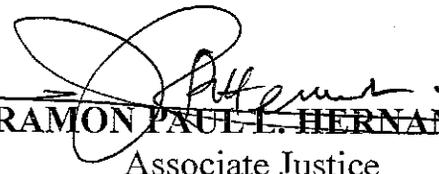

MARIA FILOMENA D. SINGH
Associate Justice

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice


MARVIC M.V.F. LEONEN
Associate Justice

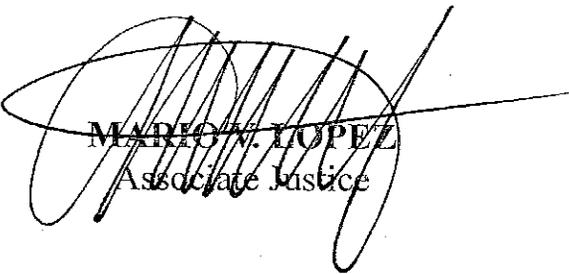

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice

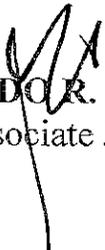

AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice


RODIL V. ZALAMEDA
Associate Justice

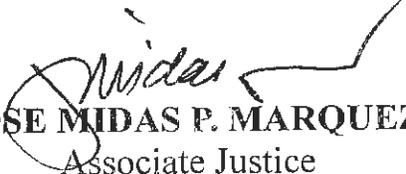

MARICEL W. LOPEZ
Associate Justice

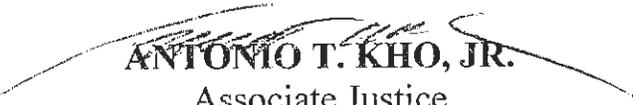

SAMUEL H. GAERLAN
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JHOSEP Y. LOPEZ
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice

CERTIFIED TRUE COPY


MARIA LUISA M. SANTILLA
Deputy Clerk of Court and
Executive Officer
OCC-En Banc, Supreme Court