



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated February 17, 2021 which reads as follows:*

**“OCA IPI No. 19-3059-MTJ (Rodney Vincent Yu, Complainant, v. Hon. Honorio C. Eborá, Jr., Presiding Judge, Metropolitan Trial Court, Branch 71, Pasig City, Respondent). – Complainant Rodney Vincent C. Yu (complainant) charged respondent Judge Honorio C. Eborá Jr., (respondent Judge) with gross ignorance of the law, bias and partiality.**

**Antecedents**

Complainant, on behalf of plaintiff Fermentation Industries Corporation (FINCO) and its stockholders, filed a case for forcible entry with damages against defendants, Brian Shaun Y. Yu and Shereen Bernice Y. Yu (defendants), the children of one of the stockholders of FINCO, docketed as M-PSG-17-01772-SC.<sup>1</sup> The case was raffled off to Branch 71 of the Metropolitan Trial Court (MeTC) of Pasig City, presided by respondent Judge.

After due proceedings, respondent Judge rendered a Decision<sup>2</sup> on 19 February 2019, ruling that although defendants gained possession of subject properties, they allegedly remained to be builders in good faith<sup>3</sup> pursuant to Article 448 of the New Civil Code and the ruling of this Court in *Leonila Sarmiento v. Hon. Enrique Agana*<sup>4</sup> (*Sarmiento*). Consequently, respondent Judge ruled that FINCO had the option either to appropriate the improvements introduced by said defendants on the properties or sell the same to defendants.

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<sup>1</sup> *Rollo*, pages 44 to 52.

<sup>2</sup> *Id.* at 154 to 184.

<sup>3</sup> *Id.* at 179.

<sup>4</sup> G.R. No. L-57288, 30 April 1984, 214 Phil. 101 (1984) [Per J. Melencio-Herrera]

Aggrieved, complainant filed a Notice of Appeal,<sup>5</sup> which respondent Judge approved.<sup>6</sup> The latter also ordered the transmittal of the case records to the Regional Trial Court (RTC) of Pasig City.<sup>7</sup>

On 27 June 2019, complainant filed a motion to inhibit respondent Judge<sup>8</sup> who denied the same on ground that the notice of appeal was already approved and the records were already transmitted to the RTC.<sup>9</sup> Complainant moved for reconsideration<sup>10</sup> on ground that despite the approval of the notice of appeal and the transmittal of the case records to the RTC, respondent Judge still had residual powers to issue protective orders, among others, in defendants' favor. Moreover, complainant reiterated the prayer for inhibition considering that the case would be referred back to respondent Judge after the finality of the proceedings on appeal.<sup>11</sup>

Respondent Judge subsequently granted<sup>12</sup> the motion for inhibition "to dispel any doubt in his partiality and to ensure that faith in the court will not be impaired." In the meantime, complainant likewise filed the present administrative complaint, asserting that respondent Judge's decision on the merits was a product of gross ignorance of the law and lack of common sense.

In his Complaint-Affidavit,<sup>13</sup> complainant faulted respondent Judge for allegedly ruling upon the issue of ownership which matter was purportedly within the authority of the RTC. He maintained that respondent Judge effectively made this ruling when he gave defendants the option to sell subject properties or appropriate the improvements thereon. Besides, the value involved allegedly exceeded the jurisdiction of the MeTC.

Further, complainant insisted that respondent Judge showed gross ignorance of the law, bias, and partiality when he carelessly relied on the *Sarmiento* case and sided with defendants on the latter's false belief that their father owned the subject properties. Respondent Judge even offered his own interpretation of defendants' testimonies that their father merely had an inchoate right over the properties in question. Lastly, complainant imputed gross ignorance and bias on

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<sup>5</sup> Received by the trial court on 25 June 2019.

<sup>6</sup> 26 June 2019.

<sup>7</sup> Ruffled off to Branch 167.

<sup>8</sup> *Rollo* at p. 290.

<sup>9</sup> *Id.* at 283 to 284.

<sup>10</sup> *Id.* at 269 to 282.

<sup>11</sup> *Id.* at 285 to 289.

<sup>12</sup> *Id.* at 290 to 294.

<sup>13</sup> *Id.* at 2 to 24.

respondent Judge when the latter supposedly accepted the proof of expenses proposed by defendants but failed to award him (complainant) damages by way of rentals.

### **OCA Report and Recommendation**

In its report and recommendation,<sup>14</sup> the Office of the Court Administrator (OCA) recommended for the dismissal of the administrative complaint. It found the assailed actions of respondent Judge essentially judicial in nature.

According to the OCA, disciplinary proceedings against judges do not complement, supplement, or substitute judicial remedies, whether ordinary or extraordinary; an inquiry into their administrative liability arising from judicial acts may be made only after other available remedies have been settled.<sup>15</sup> Thus, the OCA ruled that considering complainant already appealed the Decision of respondent Judge with the RTC for review and correction, the dismissal of administrative complaint against the latter is warranted.

The OCA likewise found that complainant failed to substantiate his allegations of bias and partiality. It ruled that bare allegations that respondent Judge committed the acts imputed against him do not suffice.

### **Ruling of the Court**

The findings and recommendation of the OCA that the complaint against respondent Judge be dismissed for lack of merit are hereby adopted.

In administrative proceedings, complainants have the burden of proving the allegations in their complaints by substantial evidence. While the Court will never tolerate or condone any conduct, act, or omission that would violate the norm of public accountability or diminish the people's faith in the judiciary, the quantum of proof necessary for a finding of guilt in administrative cases is substantial evidence or such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.<sup>16</sup> In this case, however, the quantum of proof required was not met.

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<sup>14</sup> *Id.* at 370 to 374.

<sup>15</sup> *Id.* at 372; citing *Bello III v. Diaz*, A.M. No. MTJ-00-1311, 03 October 2003, 459 Phil. 214 (2003) [Per J. Austria-Martinez].

<sup>16</sup> *Umali, Jr. v. Hernandez*, IPI No. 15-35-SB-J, 23 February 2016, 781 Phil. 375 (2016) [Per J. Brion].

Liability for gross ignorance of the law attaches when the respondent judge is found to have issued the assailed erroneous order, decision or actuation in the performance of official duties moved by bad faith, dishonesty, hatred, or some other like motive. Otherwise, good faith prevails, and respondent Judge must be absolved.<sup>17</sup>

Based on his best judgment, respondent Judge relied on the rulings of this Court in interpreting the provisions of the applicable law. If at all, respondent judge committed only an error of judgment which may be corrected through appropriate judicial remedy. In fact, complainant has a pending appeal before the Regional Trial Court involving the case in question. Clearly, his remedy should not be through this administrative proceeding. To emphasize, the issues raised herein are the same as those in complainant's appeal now pending before the Regional Trial Court.

We find the case of *Abraham L. Mendova v. Crisanto B. Afable, Presiding Judge, Municipal Circuit Trial Court, San Julian-Sulat, Eastern Samar*<sup>18</sup> is apropos:

It is axiomatic, as this Court has repeatedly stressed, that **an administrative complaint is not the appropriate remedy for every irregular or erroneous order or decision issued by a judge where a judicial remedy is available, such as a motion for reconsideration, or an appeal.** 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. 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. To hold otherwise would be to render judicial office untenable, for no one called upon to try facts or 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. (Emphasis supplied).

Anent the charge for bias and partiality, *notatu dignum* is the presumption of regularity in the performance of a judge's functions, hence, bias, prejudice and even undue interest cannot be presumed, especially weighed against a judge's sacred allegation under oath of office to administer justice without respect to any person and do equal right to the poor and the

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<sup>17</sup> *Office of the Court Administrator v. Alaras*, A.M. No. RTJ-16-2484, 23 July 2018 [Per J. Bersamin].

<sup>18</sup> *A.M. No. MTJ-02-1402*, 04 December 2002, 441 Phil. 694 (2002) [Per J. Sandoval-Gutierrez].

rich.<sup>19</sup> After all, bad faith or malice cannot be inferred simply because the judgment is adverse to a party; it is incumbent upon complainant to prove that respondent Judge was manifestly partial against him.<sup>20</sup> And complaint failed in this regard.

As correctly found by the OCA, complainant failed to prove that respondent Judge favored defendants in the forcible entry case. Bare allegations do not suffice; neither does mere suspicions or conjectures.

We emphasize that this Court will not shirk from its responsibility of imposing discipline upon erring employees and members of the bench. At the same time, however, the Court should not hesitate to shield them from unfounded suits that only serve to disrupt rather than promote the orderly administration of justice. This Court will not be the instrument to destroy the reputation of any member of the bench or any of its employees by pronouncing guilt on mere speculation.<sup>21</sup>

**WHEREFORE**, the administrative complaint against respondent Judge Honorio C. Eborra Jr., is hereby **DISMISSED** for being judicial in nature and for lack of merit.

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court *mb/n*

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
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<sup>19</sup> *Datuin, Jr. v. Soriano*, A.M. No. RTJ-01-1640, 15 October 2002, 439 Phil. 592 (2002) [Per J. Carpio-Morales].

<sup>20</sup> See *Biado v. Brawner-Cualing*, A.M. No. MTJ-17-1891 (Resolution), 15 February 2017, 805 Phil. 694 (2017) [Per J. Leonen].

<sup>21</sup> *Umali, Jr. v. Hernandez*, IPI No. 15-35-SB-J, 23 February 2016, 781 Phil. 375 (2016) [Per J. Brion].



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Hon. Raul B. Villanueva (x)  
Hon. Jenny Lind R. Aldecoa  
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Hon. Lilian Barribal-Co (x)  
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