



Republic of the Philippines  
Supreme Court  
Manila

EN BANC

RE: COMPLAINT-AFFIDAVIT  
OF NORBERTO B. VILLAMIN  
AND EDUARDO A. BALCE  
AGAINST ASSOCIATE  
JUSTICES RAMON M. BATO,  
JR., ZENAIDA T. GALAPATE-  
LAGUILLES AND MARIA ELISA  
SEMPIO DIY OF THE SPECIAL  
TWELFTH DIVISION; AND  
ASSOCIATE JUSTICE MARIE  
CHRISTINE AZCARRAGA-  
JACOB OF THE SPECIAL  
THIRD DIVISION, BOTH OF  
THE COURT OF APPEALS,  
RELATIVE TO CA-G.R. SP NO.  
147998 AND CA-G.R. SP NO.  
148108.

IPI No. 17-256-CA-J

Present:

PERALTA, *C.J.*,  
PERLAS-BERNABE,  
LEONEN,  
CAGUIOA,  
REYES, A., JR.,  
GESMUNDO,  
REYES, J., JR.,  
HERNANDO,  
CARANDANG,\*  
LAZARO-JAVIER,  
INTING,  
ZALAMEDA,  
LOPEZ,\*  
DELOS SANTOS, and  
GAERLAN, *JJ.*

Promulgated:

FEBRUARY 18, 2020<sup>cc</sup>

X

X

DECISION

DELOS SANTOS, *J.*:

The Facts

On 12 January 2017, Norberto B. Villamin (Villamin) and Eduardo A. Balce (Balce), Provincial Coordinator and Assistant Provincial Coordinator, respectively, of the Volunteer Against Crime and Corruption filed a

\* No part.

Complaint-Affidavit<sup>1</sup> against Court of Appeals (CA) Associate Justices Ramon M. Bato, Jr., Zenaida T. Galapate-Laguilles and Maria Elisa Sempio Diy of the Special Twelfth (12<sup>th</sup>) Division; and Associate Justices Rosmari D. Carandang, Mario V. Lopez and Marie Christine Azcarraga-Jacob of the Special Third (3<sup>rd</sup>) Division for grave abuse of discretion, gross ignorance of the law, and gross incompetence.<sup>2</sup>

The present administrative complaint originated from prior cases filed with the Office of the Ombudsman (Ombudsman) against Edgardo A. Tallado (Tallado), in his capacity as then Governor of Camarines Norte, and Magdalena B. Toledana (Toledana), in her capacity as Human Resource Officer of the Provincial Government of Camarines Norte.

***OMB-L-A-15-0101***

In OMB-L-A-15-0101,<sup>3</sup> dated 7 September 2015 and approved on 8 August 2016, the Ombudsman rendered judgment finding Tallado administratively liable for disgraceful and immoral conduct and was meted out the penalty of six (6) months and one (1) day suspension without pay. The relevant portion of the Ombudsman Decision provides:

WHEREFORE, judgment is rendered finding respondent Edgardo A. Tallado administratively liable for Disgraceful and Immoral Conduct for which he is meted the penalty of Six (6) months suspension and One (1) day (sic) without pay pursuant to Section 10, Rule III, Administrative Order No. 07, as amended by Administrative Order No. 17, in relation to Section 25 of Republic Act No. 6770.<sup>4</sup>

In OMB-L-A-15-0101, the suspension order against Tallado, which was immediately executory, was implemented by the Department of Interior and Local Government (DILG) on 17 October 2016.<sup>5</sup> Thereafter, Vice Governor Jonah Pimentel and First Board Member Arthur Michael G. Canlas assumed the position of Acting Governor and Acting Vice Governor, respectively.<sup>6</sup> Tallado then filed a Petition for Certiorari under Rule 43 assailing the Decision of the Ombudsman, with prayer for a Temporary Restraining Order (TRO) and Preliminary Injunction. The case was raffled to the CA Special 12<sup>th</sup> Division, therein docketed as CA-G.R. SP No. 147998.<sup>7</sup>

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<sup>1</sup> *Rollo*, pp. 1-6.

<sup>2</sup> *Id.* at 1.

<sup>3</sup> *Id.* at 7-12.

<sup>4</sup> *Id.* at 10-11.

<sup>5</sup> *Id.* at 1.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*



In a Resolution<sup>8</sup> dated 16 December 2016, the CA Special 12<sup>th</sup> Division granted Tallado's Petition and issued a writ of preliminary mandatory injunction enjoining the DILG and the Ombudsman from implementing the 17 October 2016 Decision. The CA Resolution, which was penned by Associate Justice Ramon M. Bato and concurred in by Associate Justice Zenaida T. Galapate-Laguilles and Associate Justice Maria Elisa Sempio Diy, held that the immediate and continuing implementation of the assailed decision of the Ombudsman would cause great and irreparable injury not only to Tallado, who was just re-elected to serve a new term as Governor of Camarines Norte, but also to the people of Camarines Norte who would be deprived of Tallado's services as their duly elected Governor.<sup>9</sup> The CA held that the main issue in Tallado's petition is whether or not the Ombudsman's decision was supported by substantial evidence, and that Tallado has presented a clear and unmistakable right to be protected while the merits of his petition was resolved by the CA.

The dispositive portion of the CA Resolution provides:

ACCORDINGLY, in order to MAINTAIN THE STATUS QUO ante as well as preserve the rights of the parties during the pendency of this petition and not to render ineffectual whatever judgment that may be rendered by this Court, conditioned upon the putting up of a bond in the sum of Php100,000.00, to answer for whatever damages the respondents will suffer should this Court decide that the petitioner is not entitled thereto, let a WRIT OF PRELIMINARY MANDATORY INJUNCTION be issued, enjoining and directing the public respondents Ombudsman and the DILG, their officials and agents, or persons acting for and on their behalf to CEASE and DESIST from fully implementing the assailed Decision dated 07 September 2015 as well as the Indorsement dated 15 August 2016 of Asst. Ombudsman Jennifer Jardin-Manalili, the Memorandum dated 05 October 2016 of DILG Secretary Ismael D. Sueno and Order dated 17 October 2016 of Director Elouisa T. Pastor issued pursuant thereto, and to IMMEDIATELY RESTORE petitioner to his position as Governor of Camarines Norte.<sup>10</sup>

***OMB-L-A-15-0480***

In OMB-L-A-15-0480,<sup>11</sup> dated 18 April 2016 and approved on 13 September 2016, the Ombudsman rendered judgment finding Tallado guilty of grave misconduct and oppression/abuse of authority with the aggravating circumstance of recidivism and was meted out the penalty of dismissal from service. In the same case, Toledana was found guilty of simple neglect of duty and was meted out the penalty of three (3) months suspension from office without pay. The relevant portion of the Ombudsman's Decision provides:

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<sup>8</sup> Id. at 33-37.

<sup>9</sup> Id. at 35.

<sup>10</sup> Id. at 36.

<sup>11</sup> Id. at 15-25.



WHEREFORE, EDGARDO A. TALLADO is found guilty of Grave Misconduct and Oppression/Abuse of Authority with the aggravating circumstance of recidivism and is meted the penalty of dismissal from the service with the accessory penalties of Cancellation of Eligibility, Bar from taking any Civil Service Examination, Forfeiture of Retirement Benefits and Perpetual Disqualification for Reemployment in the Government Service pursuant to Section 10, Rule III, Administrative Order No. 07 as amended by Administrative Order No. 17 in relation to Section 25 of Republic Act No. 6770, and respondent MAGDALENA B. TOLEDANA is adjudged guilty of Simple Neglect of Duty and imposes upon her the penalty of Three (3) months suspension from office without pay.<sup>12</sup>

In OMB-L-A-15-0480, the dismissal order against Tallado was also implemented by the DILG on 15 November 2016. Thereafter Acting Governor Jonah Pimentel and Acting Vice Governor Michael G. Canlas assumed as regular Governor and regular Vice Governor of Camarines Norte.<sup>13</sup> Tallado then filed a Petition for Review under Rule 43 assailing the decision of the Ombudsman, with prayer for a Temporary Restraining Order and Preliminary Injunction. The case was raffled to the CA Special 3<sup>rd</sup> Division, therein docketed as CA-G.R. SP No.148108.<sup>14</sup>

In a Resolution<sup>15</sup> dated 12 December 2016, the CA Special Third (3<sup>rd</sup>) Division granted Tallado's petition and issued a temporary restraining order enjoining the DILG and the Ombudsman from implementing the 18 April 2016 Decision. The CA Resolution, which was penned by then CA Associate Justice Rosmari D. Carandang, currently an Associate Justice of the Court, and concurred in by then Associate Justice Mario V. Lopez, currently an Associate Justice of the Court, and Associate Justice Marie Christine Azcarraga-Jacob, held that the Ombudsman's Decision, which includes an immediate implementation of Tallado's dismissal as Governor of Camarines Norte, unless restrained, will cause destructive damage, irreparable injury to Tallado who stands to lose his position as the elected Governor of the province. The CA ruled that Tallado's province including the province's constituents will greatly suffer if Tallado would be ousted from office before Tallado's petition is resolved.<sup>16</sup>

The CA held that the paramount issue presented in Tallado's petition is whether the condonation doctrine applies in Tallado's case as the acts subject of the administrative complaint were committed prior to Tallado's present term as the duly elected Governor during the 9 May 2016 elections.<sup>17</sup> The CA reasoned that although the condonation doctrine has been abandoned, it remained unclear how the prospective application of the condonation doctrine should be applied, as in Tallado's case, the acts

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<sup>12</sup> Id. at 23.

<sup>13</sup> Id. at 2.

<sup>14</sup> Id.

<sup>15</sup> Id. at 27-32.

<sup>16</sup> Id. at 29.

<sup>17</sup> Id.

complained of were committed in 2010 and Tallado had already been re-elected as Governor for the last three (3) consecutive elections.<sup>18</sup>

The dispositive portion of the CA Resolution provides:

IN VIEW OF ALL THE FOREGOING, and considering further the gravity of the penalty imposed on petitioner and the serious implications attached thereto, as prayed for by petitioner, let a TEMPORARY RESTRAINING ORDER be issued effective sixty (60) days from notice hereof, enjoining the Office of the Ombudsman, Department of Interior and Local Government, their agents, representatives and anyone acting in their behalf from implementing the Ombudsman's Decision dated April 18, 2016 pending resolution of the instant petition, and if already implemented, they are hereby enjoined from continuously implementing the dismissal order against petitioner, conditioned upon the posting of a bond by petitioner in the amount of FIFTY THOUSAND PESOS (P50,000.00).<sup>19</sup>

Thereafter, Villamin and Balce filed the present administrative complaint against Associate Justices Ramon M. Bato, Jr., Zenaida T. Galapate-Laguilles and Maria Elisa Sempio Diy of the Special 12<sup>th</sup> Division; and Associate Justices Rosmari D. Carandang, Mario V. Lopez and Marie Christine Azcarraga-Jacob of the Special 3<sup>rd</sup> Division for grave abuse of discretion, gross ignorance of the law, and gross incompetence in issuing the said two CA Resolutions.

In a Resolution<sup>20</sup> dated 12 March 2019, the Court *En Banc* dropped Associate Justice Rosmari D. Carandang (Justice Carandang) as one of the respondents in the present administrative case. Justice Carandang, being a member of the Court can only be subjected to disciplinary proceedings through impeachment under Section 2, Article XI of the 1987 Constitution.<sup>21</sup> Such power to initiate all cases of impeachment is solely lodged with the House of Representatives. The relevant portion of the Resolution states:

Justice Carandang is already a member of this Court. As an impeachable office, she can only be subjected to disciplinary proceedings through impeachment under Section 2, Article XI of the 1987 Constitution. This Court has no jurisdiction to rule on the complaint against her because the exclusive power to initiate all cases of impeachment belongs to the house of representatives.

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<sup>18</sup> Id. at 30.

<sup>19</sup> Id. at 31.

<sup>20</sup> Id. at 213-215.

<sup>21</sup> Section 2, Article XI of the 1987 Constitution provides:

SECTION 2. The President, the Vice-President, the Members of the Supreme Court, the Members of the Constitutional Commissions, and the Ombudsman may be removed from office, on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust. All other public officers and employees may be removed from office as provided by law, but not by impeachment.



IN VIEW OF THE FOREGOING, the Court drops Justice Rosmari D. Carandang as one of the respondents in the present administrative case.

Likewise, in a Resolution dated 7 January 2020, the Court *En Banc* dropped Associate Justice Mario V. Lopez (Justice Lopez) as one of the respondents in the present administrative case. Justice Lopez, also being a member of the Court is, similarly, subject to impeachment proceedings under the 1987 Constitution and the Court has no jurisdiction over the complaint. The relevant portion of the Resolution states:

Inasmuch as Justice Lopez is now an impeachable officer being already a member of this Court, he can only be disciplined through the impeachment process under the Constitution. Thus, this Court has no jurisdiction to rule on the complaint against him as the exclusive power to initiate all cases of impeachment belongs to the House of Representatives.

IN VIEW OF THE FOREGOING, the Court drops Justice Mario V. Lopez as one of the respondents in the present administrative case.

Having properly dropped, both Justice Carandang and Justice Lopez in the present administrative case, the Court will now rule on Villamin and Balce's complaint against the remaining respondent Associate Justices of the CA.

### Issue

Whether the Associate Justices of the Court of Appeals of the Special Twelfth and Special Third Division are guilty of grave abuse of discretion, gross ignorance of the law, and gross incompetence in issuing the Resolutions.

### The Court's Ruling

The Court resolves to dismiss the administrative complaint for lack of merit.

*First*, Villamin and Balce's allegation of grave abuse of discretion against the CA Associate Justices must outright fail. The present administrative complaint is not the proper judicial remedy to resolve instances of grave abuse of discretion. *Second*, the Court, in *Morales v. Court of Appeals*, upheld the power of the CA to issue injunctive relief in order to enjoin orders, resolutions, and decisions of the Ombudsman. Specifically, Rule 43, Section 12 of the Rules of Court grants the CA the power to issue a temporary restraining order and preliminary injunction in order to enjoin the implementation of the award, judgment, final order or resolution sought to be reviewed. *Third*, the Associate Justices of the CA

Special 12<sup>th</sup> and Special 3<sup>rd</sup> Division did not commit gross ignorance of the law and gross incompetence in issuing the TRO and preliminary injunction to stay the execution of the decisions of the ombudsman. In fact, the Associate Justices exercised good faith and competence in performing their duties in issuing the Resolutions.

First, We address Villamin and Balce's allegation that the CA Associate Justices committed grave abuse of discretion. Clearly, the present administrative complaint is not the proper judicial remedy to rectify alleged judicial errors of grave abuse of discretion. The appropriate judicial remedy for instances of grave abuse of discretion is a petition for certiorari under Rule 65, Section 1 of the Rules of Court, to wit:

Section 1. Petition for *certiorari*. - **When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction**, and there is no appeal, nor any plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require. (Emphasis supplied)

In *Martinez v. Judge De Vera*,<sup>22</sup> the Court ruled that an administrative complaint is not the appropriate remedy for every erroneous judgment or decision issued by a judge where other judicial remedies are available such as a petition for certiorari. In *Martinez*, the Court held:

Complainants should also bear in mind 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, an appeal, or a petition for *certiorari*. **Disciplinary proceedings against a judge are not complementary or suppletory to, nor a substitute for these judicial remedies whether ordinary or extraordinary.** For, obviously, if subsequent developments prove the judge's challenged act to be correct, there would be no occasion to proceed against her at all. Besides, to hold a judge administratively accountable for every erroneous ruling or decision rendered, assuming she has erred, would be nothing short of harassment and would make her position doubly unbearable.<sup>23</sup> (Emphasis supplied)

Accordingly, the first cause of action in Villamin and Balce's complaint must necessarily be dismissed outright for being an improper remedy under the Rules of Court.

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<sup>22</sup> 661 Phil. 11 (2011).

<sup>23</sup> *Id.* at 23-24.



The Court now rules on the second and third causes of action of Villamin and Balce's complaint.

***The CA Associate Justices are not guilty of gross ignorance of the law and gross incompetence in issuing the preliminary injunction and temporary restraining order against the DILG and Ombudsman.***

In Villamin and Balce's complaint, they allege that their main cause of action is based on the rule that the CA does not have the authority to issue a preliminary injunction or temporary restraining order to restrain any order, decision or resolution of the Ombudsman. The complaint provides:

11. Basic however is the rule, and as enunciated by the Supreme Court in several cases that the Court of Appeals cannot restrain or enjoin executory decision/resolution of the Office of the Ombudsman in administrative cases brought before [it.] This must be so especially if the act sought to be restrained or enjoined had already been executed – a matter of *fait accompli*, as what is already obtaining in these two OMB cases;<sup>24</sup>

To support their contention, Villamin and Balce cite the following cases: *Ombudsman v. Samaniego*,<sup>25</sup> *Facura v. Court of Appeals*,<sup>26</sup> *Ombudsman v. De Chavez*,<sup>27</sup> *Ombudsman v. Valencerina*.<sup>28</sup> Villamin and Balce argue that, following the aforementioned cases, the CA is devoid of power to issue injunctive relief to prevent the implementation of the decision of the Ombudsman which includes an order of immediate execution.<sup>29</sup> Consequently, Villamin and Balce argue that the CA Associate Justices failed to take into account the applicable law and jurisprudence on the matter.<sup>30</sup>

The argument is wrong.

In *Morales v. Court of Appeals*,<sup>31</sup> the more recent jurisprudence on the matter, decided by the Court on 10 November 2015, the Court *En Banc* upheld the CA's power to issue a TRO to prevent the immediate execution of a decision of preventive suspension by the Ombudsman. The Court

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<sup>24</sup> *Rollo*, p. 2.

<sup>25</sup> 646 Phil. 445 (2010).

<sup>26</sup> 658 Phil. 554 (2011).

<sup>27</sup> 713 Phil. 211 (2013).

<sup>28</sup> 739 Phil. 14 (2014).

<sup>29</sup> *Rollo*, p. 3.

<sup>30</sup> *Id.*

<sup>31</sup> 772 Phil. 672 (2015).



upheld the validity of the TRO by the appellate court on the basis of the Court's rule-making power under the Constitution. In *Morales*, the Court, thus, explained:

Under its rule-making authority, the Court has periodically passed various rules of procedure, among others, the current 1997 Rules of Civil Procedure. Identifying the appropriate procedural remedies needed for the reasonable exercise of every court's judicial power, the provisional remedies of temporary restraining orders and writs of preliminary injunction were thus provided.

A temporary restraining order and a writ of preliminary injunction both constitute temporary measures availed of during the pendency of the action. They are, by nature, ancillary because they are mere incidents in and are dependent upon the result of the main action. It is well-settled that the sole object of a temporary restraining order or a writ of preliminary injunction, whether prohibitory or mandatory, is to preserve the *status quo* until the merits of the case can be heard. They are usually granted when it is made to appear that there is a substantial controversy between the parties and one of them is committing an act or threatening the immediate commission of an act that will cause irreparable injury or destroy the *status quo* of the controversy before a full hearing can be had on the merits of the case. In other words, they are preservative remedies for the protection of substantive rights or interests, and, hence, not a cause of action in itself, but merely adjunct to a main suit. In a sense, they are regulatory processes meant to prevent a case from being mooted by the interim acts of the parties.

Rule 58 of the 1997 Rules of Civil Procedure generally governs the provisional remedies of a TRO and a WPI. A preliminary injunction is defined under Section 1, Rule 58, while Section 3 of the same Rule enumerates the grounds for its issuance. Meanwhile, under Section 5 thereof, a TRO may be issued as a precursor to the issuance of a writ of preliminary injunction under certain procedural parameters.

The power of a court to issue these provisional injunctive reliefs coincides with its **inherent power to issue all auxiliary writs, processes, and other means necessary to carry its acquired jurisdiction into effect under Section 6, Rule 135 of the Rules of Court.**<sup>32</sup> (Bold and underscoring supplied)

The Court, in *Morales*, declared Section 14 of Republic Act No. 6770<sup>33</sup> unconstitutional because it violated the *separation of powers* doctrine and unduly interfered with the exclusive rule-making power of the Supreme Court under Article VIII, Section 5 (5)<sup>34</sup> of the 1987 Constitution.

<sup>32</sup> Id. at 736-738.

<sup>33</sup> The Ombudsman Act of 1989.

<sup>34</sup> Article VIII, Section 5(5) of the Constitution:

The Supreme Court shall have the following powers x x x Promulgate rules concerning the protection and enforcement of constitutional rights, pleading, practice, and procedure in all courts, the admission to the practice of law, the Integrated Bar, and legal assistance to the underprivileged. Such rules shall provide a simplified and inexpensive procedure for the speedy disposition of cases, shall be uniform for all courts of the same grade, and shall not diminish, increase, or modify substantive rights. Rules of procedure of special courts and quasi-judicial bodies shall remain effective unless disapproved by the Supreme Court

The Court unequivocally declared that the power to issue injunctive writs against decisions of the Ombudsman is a power ancillary to the exercise of the CA's *certiorari* jurisdiction, to wit:

Hence, with Congress interfering with matters of procedure (through passing the first paragraph of Section 14, RA 6770) without the Court's consent thereto, it remains that the CA had the authority to issue the questioned injunctive writs enjoining the implementation of the preventive suspension order against Binay, Jr. At the risk of belaboring the point, these issuances were merely ancillary to the exercise of the CA's *certiorari* jurisdiction conferred to it under Section 9 (1), Chapter I of BP 129, as amended, and which it had already acquired over the main CA-G.R. SP No. 139453 case.<sup>35</sup>

The Court clearly ruled in *Morales* that the power to issue provisional injunctive relief against orders, resolutions and decisions of the Ombudsman is a power **inherently lodged with the CA**. Under Rule 135, Section 6<sup>36</sup> of the Rules of Court, such *inherent power* is necessarily vested with the CA to exercise effectively the jurisdiction conferred to it by law. Specifically, Rule 43, Section 12 of the Rules of Court grants to the CA the power to issue a temporary restraining order and preliminary injunction in order to enjoin the implementation of an award, judgment, final order, or resolution appealed to the CA. The Rule provides:

Sec. 12. Effect of appeal.

The appeal shall not stay the award, judgment, final order or resolution sought to be reviewed **unless the Court of Appeals shall direct otherwise upon such terms as it may deem just**. (Emphasis supplied)

Notably, in Villamin and Balce's complaint, the applicability of the Court's ruling in *Morales*, the most recent jurisprudence on the matter, was not discussed.

Gross ignorance of the law is a serious charge under Section 8, Rule 140 of the Rules of Court as amended by A.M. No. 01-8-10-SC.<sup>37</sup> It requires the judge to perform his/her duty to be acquainted with the basic legal command of law and rules.<sup>38</sup> Gross ignorance of the law is the disregard of basic rules and settled jurisprudence. A judge may also be administratively liable if shown to have been motivated by bad faith, fraud,

<sup>35</sup> Supra note 31, at 749-750.

<sup>36</sup> Rule 135, Section 6 of the Rules of Court:

Section 6. Means to carry jurisdiction into effect. - When by law jurisdiction is conferred on a court or judicial officer, all auxiliary writs, processes and other means necessary to carry it into effect may be employed by such court or officer; and if the procedure to be followed in the exercise of such jurisdiction is not specifically pointed out by law or by these rules, any suitable process or mode of proceeding may be adopted which appears conformable to the spirit of said law or rules.

<sup>37</sup> Re: Propose Amendment to Rule 140 of the Rules of Court Re: Discipline of Justices and Judges.

<sup>38</sup> *Erice v. Presiding Judge C. Sision*, A.M. No. RTJ-15-2407, November 22, 2017, citing *Perfecto v. Desales-Esidera*, A.M. No. RTJ-11-2258, September 10, 2012 (Unsigned Resolution).



dishonesty or corruption in ignoring, contradicting or failing to apply settled law and jurisprudence.<sup>39</sup> In *Andrada v. Hon. Emmanuel Banzon*,<sup>40</sup> the Court ruled that unless the acts were committed with fraud, dishonesty, corruption, malice or ill-will, bad faith, or deliberate intent to do an injustice, [respondent] judge may not be held administratively liable for gross misconduct, ignorance of the law or incompetence of official acts in the exercise of judicial functions and duties, particularly in the adjudication of cases.<sup>41</sup>

In the present case, the CA Associate Justices of the Special 12<sup>th</sup> and Special 3<sup>rd</sup> Divisions did not commit gross incompetence and gross ignorance of the law in issuing the aforementioned resolutions against the DILG and Ombudsman. In resolving the propriety of granting Tallado's prayer for preliminary injunction and TRO, the CA Associate Justices of both the Special 12<sup>th</sup> and Special 3<sup>rd</sup> Divisions took into account the applicable law and recent jurisprudence, specifically the Court's ruling in *Morales v. Court of Appeals*. The CA Associate Justices, hence, acted prudently and within the authority of settled jurisprudence and the Rules of Court. Villamin and Balce also failed to present any evidence of malice, bad faith or fraud on the part of the CA Associate Justices to substantiate their bare allegations. Considering that the grave penalty of suspension and dismissal of Tallado as Governor of Camarines Norte would unduly result to the premature disenfranchisement of the constituents of the province who voted for Tallado during the last 9 May 2016 elections, the CA Associate Justices acted with diligence and good faith when they issued the injunctive writs in order to maintain the *status quo* while Tallado's petition of review was pending before the CA.

Finally, Villamin and Balce point out in their complaint that the two resolutions of the CA were prepared with the same font, paging, and format. They allege that the timing of the resolutions' release of being four (4) days apart connote bias and collusion among the two divisions.<sup>42</sup> Such allegation of bias is unfounded, highly speculative and is, clearly, not supported by substantial evidence. The Court reiterates that the filing of administrative complaints or just the threat of the filing of such complaints do subvert and undermine the independence of the Judiciary and its Judges.<sup>43</sup> The Court does not tolerate such unwarranted allegations which spawn as administrative complaints brought against sitting magistrates in respect of their judicial actions.<sup>44</sup> Indeed, no judicial officer should have to fear or apprehend being held to account or to answer for performing his judicial functions and office because such performance is a matter of public duty and

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<sup>39</sup> *Peralta v. Judge George Omelio*, Phil. 60, 86 (2013), citing *Medina v. Canoy*, A.M. No. RTJ-11-2298, February 22, 2012, 666 SCRA 424, 433, *Chief Prosecutor Zuño v. Judge Cabredo*, 450 Phil. 89, 97 (2003) and *Judge Cabatingan, Sr. (Ret.) v. Judge Arcueno*, 436 Phil. 341, 350 (2002).

<sup>40</sup> 592 Phil. 229 (2008).

<sup>41</sup> *Id.* at 233-234.

<sup>42</sup> *Rollo*, pp. 3-4.

<sup>43</sup> *Hernandez v. Judge Victor C. Gella*, 735 Phil. 500, 506 (2014).

<sup>44</sup> *Id.*



responsibility.<sup>45</sup> To permit such administrative complaint against members of the second highest court of the land on the basis of such unwarranted allegations is to sanction a clear affront on the independence of the Judiciary.

Let it be noted that Villamin and Balce are not even parties to Tallado's case pending before the CA. Villamin and Balce filed the present administrative complaint as officers of the VACC or Volunteer Against Crime and Corruption, seeking that the CA Associate Justices inhibit themselves from deciding on the case. It behooves the Court to remind Villamin and Balce to maintain due respect for the Courts and the Court's magistrates and not to manifestly exceed their governmental functions by filing clearly unfounded, baseless and unsubstantiated complaints to harass and disrespect the magistrates of the CA. **Such contemptuous acts damage public trust in the Judiciary.** Villamin and Balce must be reminded that the Court has recognized "**the proliferation of unfounded or malicious administrative or criminal cases against members of the Judiciary for purposes of harassment;**" thus, the Court issued on 14 October 2003 A.M. No. 03-10-01-SC,<sup>46</sup> which states:

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. (Emphasis supplied)

**WHEREFORE**, the Court **DISMISSES** the administrative complaint against Court of Appeals Associate Justices Ramon M. Bato, Jr., Zenaida T. Galapate-Laguilles and Maria Elisa Sempio Diy of the Special Twelfth Division in relation to CA-G.R. SP No. 147998; and Court of Appeals Associate Justice Marie Christine Azcarraga-Jacob of the Special Third Division in relation to CA-G.R. SP No. 148108 for utter lack of merit. Complainants Norberto B. Villamin and Eduardo A. Balce, Provincial Coordinator and Assistant Provincial Coordinator, respectively, of the Volunteer Against Crime and Corruption are **ADMONISHED** by the Court

<sup>45</sup> Id. at 507, citing *Re: Verified Complaint For Disbarment of AMA LAND, INC. (Reperesented By Joseph B. Usita Against Court of Appeals Associate Justices Hon. Danton Q. Bueser, Hon. Sesinando E. Villon and Hon. Ricardo G. Rosario, 729 Phil. 1 (2014).*

<sup>46</sup> Resolution Prescribing Measures to Protect Members of the Judiciary from Baseless and Unfounded Administrative Complaints.



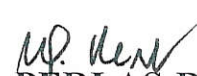
for filing a clearly unfounded, baseless, and unsubstantiated complaint against the Associate Justices of the Court of Appeals.


**SO ORDERED.**

  
**EDGARDO L. DELOS SANTOS**  
Associate Justice

**WE CONCUR:**

  
**DIOSDADO M. PERALTA**  
Chief Justice

  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice


  
**MARVIC M.V.F. LEONEN**  
Associate Justice

  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

  
**ANDRES B. REYES, JR.**  
Associate Justice

  
**ALEXANDER G. GESMUNDO**  
Associate Justice

  
**JOSE C. REYES, JR.**  
Associate Justice



**RAMON PAUL L. HERNANDO**  
Associate Justice

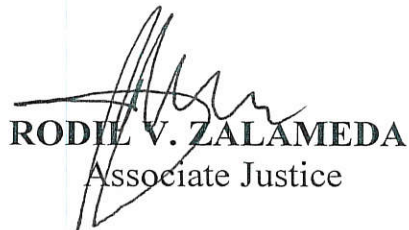
(No Part)  
**ROSMARI D. CARANDANG**  
Associate Justice



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



**HENRI JEAN PAUL B. INTING**  
Associate Justice



**RODIL V. ZALAMEDA**  
Associate Justice

(No Part)  
**MARIO V. LOPEZ**  
Associate Justice



**SAMUEL H. GAERLAN**  
Associate Justice