



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

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

^A.M. No. RTJ-21-2605 [Formerly OCA IPI No. 19-4921-RTJ] (Atty. Melanio A. Prado, Jr. v. Hon. Mario C. Duaves, Presiding Judge, Regional Trial Court, Davao City, Davao del Sur, Branch 15). – This administrative matter stemmed from the Complaint¹ filed by Atty. Melanio A. Prado, Jr. (*complainant*) against Hon. Mario C. Duaves (*respondent*), Presiding Judge of Regional Trial Court (*RTC*), Davao City, Davao Del Sur, Branch 15, for Gross Ignorance of the Law, Manifest Partiality and Bias, and Serious Misconduct relative to Special Proceeding Case (*SPC*) No. 9079-07.

Complainant is the counsel of Ramon G. Angeles (*Ramon*), Deputy Administrator of the estate of Spouses Jose Angeles, Sr. and Consuelo Angeles and one of the respondents in SPC No. 9079-07, entitled “*Petition for Settlement of the Estate of the Spouses Jose Angeles, Sr. and Consuelo Angeles, with Letter of Administration and Accounting.*” Filed by Evangeline G. Angeles (*Evangeline*), the case has been pending in court since 2007 and was re-raffled to respondent’s court after the inhibition of several judges.²

In the Complaint filed on February 14, 2019 before the Office of the Court Administrator (*OCA*), complainant alleges that respondent is administratively liable for the following actions:

¹ *Rollo*, pp. 2-27.

² *Id.* at 226.

1. Failure to issue a written order reflecting the denial made in open court of Ramon's Motion for Inhibition, and to require the other parties to comment on the same;
2. Declaring in open court that the conduct of a pre-trial was unnecessary as the issues may be identified in the course of the trial;
3. Exchanging text messages with the parties on issues involving the properties in dispute;
4. Ordering the removal of Lawrence G. Angeles (*Lawrence*) and Ramon, as administrator and deputy administrator of the estate, respectively, without due process; and
5. Ordering the appointment of Evangeline as the new administrator of the estate despite being a non-resident of the Philippines and without requiring her to post an administrator's bond.³

In its 1st Indorsement dated March 18, 2019, the OCA referred the Complaint to respondent for comment.⁴

In his Comment⁵ filed on June 17, 2019, respondent counters that the charges are baseless, unfounded, and merely intended to harass him. Respondent asserts that, after the case was raffled to his court and due to its voluminous records, he set a clarificatory hearing on March 22, 2018, but none of the estate administrators appeared. The hearing was reset several times due to the absence of the parties until finally, they jointly moved to reset the hearing to September 17, 2018. During the September 17, 2018 hearing, the parties set a conference on September 19, 2018 at the Integrated Bar of the Philippines Davao Lounge for them to discuss the disposal of the property of the estate to shoulder the medical needs of their co-heir. The parties opted to conduct such conference since the previous handling judge already conducted a Judicial Dispute Resolution which failed. Respondent contends that complainant entered his appearance as counsel for Ramon only on November 7, 2018; therefore, he has no personal knowledge of the proceedings and circumstances that transpired before that.

³ Id. at 226-227.

⁴ Id. at 168.

⁵ Id. at 169-184.

Respondent also contends that the matter of his inhibition is discretionary unless it falls under compulsory inhibitions prescribed in the Rules of Court. He explained that he resolved the motion immediately even without comment from the other parties inasmuch as the contentions in the motion were primarily directed at him, and that although no written order was issued, the matter was resolved by a minute resolution which is a valid judicial practice intended for the prompt dispatch of a matter.⁶

Anent the court's ruling that the conduct of pre-trial was unnecessary, respondent clarified that the case has been pending since 2007 and proceedings were already conducted, heard, and ruled upon by no less than six judges of the RTC of Davao City. As such, to revert back to the conduct of a pre-trial is no longer practicable⁷ and would run counter to the rules on prompt disposition of cases.⁸

On the issue of the text message exchanges with the parties, respondent narrated that he merely acceded "to link" the parties' messages regarding the estate through him. A text message from another party was simply forwarded to the mobile phone number provided by Ramon.⁹

As to the removal of Lawrence and Ramon as administrator and deputy administrator of the estate, respectively, respondent justified that this was due to their negligence and failure to comply with the lawful orders of the court to submit an inventory and accounting of the income of the estate. Respondent added that Ramon even admitted in open court that he has not acted or exercised any form of administration in the estate.¹⁰

With respect to Evangeline's appointment as the new administrator of the estate, respondent disclosed that during the March 29, 2019 hearing, the court classified her as an overseas Filipino worker in the United States, and thus, should not be considered to have abandoned her residence for working outside of the country. As regards the posting of the bond, respondent avers that when Lawrence and Ramon were appointed as administrators of the estate, the court did not require them to post a bond despite objections from the other parties. It was, consequently, only fair and just to afford Evangeline the same concession.¹¹

⁶ Id. at 227.

⁷ Id. at 177.

⁸ Id. at 227-228.

⁹ Id. at 228.

¹⁰ Id.

¹¹ Id.

Respondent insists that he was only acting within his judicial capacity and discretion in ruling on the motions and that, assuming his orders were erroneous, complainant's remedy against the adverse ruling would be to elevate the matter to the proper reviewing court and not through an administrative complaint against him.¹²

In a Memorandum¹³ dated October 15, 2020, the OCA recommended the dismissal of the charges of gross ignorance of the law, manifest partiality and bias, and serious misconduct for lack of merit. It, however, recommended to reprimand respondent for violating Canon 4¹⁴ of the New Code of Judicial Conduct for the Philippine Judiciary (*New Code of Judicial Conduct*) with a stern warning that a repetition of the same or similar act shall be dealt with more severely.¹⁵

The OCA found all of the charges, except the text exchanges with the parties, unsupported by substantial evidence, hence bereft of any merit. According to the OCA, "it is clear that respondent judge's orders were issued in the proper exercise of his judicial functions, and as such, are not subject to administrative disciplinary action, especially considering that complainant failed to establish bad faith or any malevolent motive on the part of respondent judge."¹⁶

Be that as it may, the OCA found respondent guilty of violating Canon 4 of the New Code of Judicial Conduct, which requires judges to avoid impropriety and the appearance of impropriety in all their activities, when he communicated with the parties through text messages regarding matters pending before his court. The OCA, nonetheless, took into consideration the fact that respondent had neither been previously adjudged guilty nor penalized for any infraction, and recommended that he be reprimanded with a stern warning that a repetition of the same or similar act shall be dealt with more severely.¹⁷

The Court **ADOPTS** and **ACCEPTS** the recommendation of the OCA.

¹² Id.

¹³ Id. at 226-231.

¹⁴ **Canon 4.** Propriety. Section 1. Judges shall avoid impropriety and the appearance of impropriety in all of their activities.

¹⁵ *Rollo*, pp. 230-231.

¹⁶ Id. at 229.

¹⁷ Id. at 230.

It is well-settled 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.¹⁸ Absent any showing that respondent acted in bad faith, his acts in the exercise of his judicial authority cannot be questioned in administrative disciplinary proceedings. The Court, accordingly, agrees with the OCA's recommendation to dismiss the charges of gross ignorance of the law, manifest partiality and bias, and serious misconduct against respondent.

The Court likewise agrees with the OCA that respondent violated Canon 4 of the New Code of Judicial Conduct. Respondent, by his own admission, exchanged text messages with the parties concerning properties subject of the dispute pending in his court. The Court has time and again underscored the need to show not only the fact of propriety but the appearance of propriety itself. It has held that the standard of morality and decency required is exacting so much so that a judge should avoid impropriety and the appearance of impropriety in all his activities.¹⁹

To stress how the law frowns upon even any appearance of impropriety in a magistrate's activities, it has often been held that a judge must be like Caesar's wife – above suspicion and beyond reproach. Respondent's act discloses a deficiency in prudence and discretion that a member of the Judiciary must exercise in the performance of his official functions and of his activities as a private individual. It is never trite to caution respondent to be prudent and circumspect in both speech and action, keeping in mind that [his] conduct in and outside the courtroom is always under constant observation.²⁰

As impropriety constitutes a light charge,²¹ the penalty of reprimand,²² as recommended by the OCA, is appropriate.

¹⁸ *Atty. Tamondong v. Judge Pasal*, 820 Phil. 220, 230 (2017).

¹⁹ *Angping v. Judge Ros*, 700 Phil. 503, 508 (2012).

²⁰ *Atty. Gandeza, Jr. v. Judge Tabin*, 669 Phil. 536, 543-544 (2011).

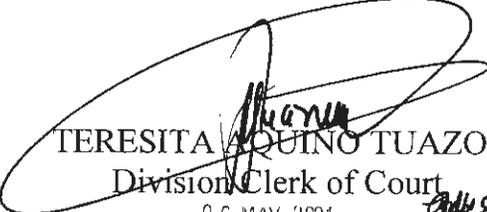
²¹ *Id.*

²² RULES OF COURT, Rule 140, Section 11(C), as amended by A.M. No. 01-8-10-SC. If respondent is guilty of a light charge, any of the following sanctions shall be imposed: 1) A fine of not less than ₱1,000.00 but not exceeding ₱10,000.00; and/or 2) Censure; 3) Reprimand; 4) Admonition with warning.

WHEREFORE, the Court finds Mario C. Duaves, Presiding Judge, Regional Trial Court, Davao City, Davao del Sur, Branch 15, **GUILTY** of violating Canon 4 of the New Code of Judicial Conduct for the Philippine Judiciary. He is hereby **REPRIMANDED** and **STERNLY WARNED** that a repetition of the same or similar act shall be dealt with more severely.

SO ORDERED.”

By authority of the Court:


TERESITA LOUINO TUAZON
Division Clerk of Court
06 MAY 2021 *Edly S/b*

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HON. DEPUTY COURT ADMINISTRATOR

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ATTY. MELANIO A. PRADO, JR. (reg)
Balusbos, Malay, Aklan

HON. MARIO C. DUAVES (reg)
Regional Trial Court, Branch 15
Davao City, Davao del Sur

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AM RTJ-21-2605. 03/17/2021A(91)URES