



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated September 28, 2022 which reads as follows:

“JIB FPI No. 22-120-RTJ (*Anonymous Complaint v. Hon. Sonia T. Yu-Casano, Branch 31, Regional Trial Court, San Pedro City, Laguna*). – For the Court’s resolution is an Anonymous Complaint¹ dated 22 February 2017 filed by a “Concerned Citizen” against the Honorable Sonia T. Yu-Casano (respondent), Presiding Judge of Branch 31, Regional Trial Court (RTC), San Pedro City, Laguna, imputing fault upon respondent for voluntarily inhibiting herself without holding a hearing on the motion for reconsideration with motion for inhibition filed by Conpil Realty Corporation (Conpil) involving these consolidated cases:

1. LRC Case No. SPL-0995-14 entitled, “IN RE: PETITION FOR SURRENDER OF WITHHELD DUPLICATE CERTIFICATE OF TITLE (TCT) NO. T-144206 OR IN THE ALTERNATIVE,[]ANNULMENT OF OWNER’S DUPLICATE TCT NO.[]144206 AND ISSUANCE OF NEW OWNER’S DUPLICATE COPY OF TCT IN LIEU THEREOF, MYLENE T. KITT, Petitioner, versus CONPIL REALTY CORPORATION and THE REGISTRY OF DEEDS FOR THE PROVINCE OF LAGUNA, CALAMBA BRANCH, Respondents”;² and
2. Civil Case No. SPL-1580-11 entitled, “CONPIL REALTY CORPORATION AND CONSOLACION P. MARCOS, Plaintiffs, versus SPS. STEPHEN LAURENCE AND MYLENE I. KITT, ET. [sic] AL., Defendants”³

¹ *Rollo*, pp. 14-16.

² *Id.* at 9.

³ *Id.*

Antecedents

Mylene T. Kitt (Mylene), petitioner in LRC Case No. SPL-0995-14 (LRC Case) and one of the defendants in Civil Case No. SPL-1580-11 (Civil Case), acquired a piece of land through public auction and was issued a certificate of sale. However, Conpil refused to surrender the title, prompting Mylene to file the LRC Case against the said corporation and the Register of Deeds of Laguna. For its part, Conpil filed the Civil Case against Stephen Laurence and Mylene T. Kitt (spouses Kitt), which was raffled to Branch 93, RTC, San Pedro, Laguna. The LRC and Civil Cases were eventually consolidated after the Presiding Judge of Branch 93 inhibited from proceeding with the Civil Case.⁴

The proceedings in the consolidated cases dragged on for 15 years.⁵ It was only sometime in December 2016 that respondent rendered a decision in the said cases in favor of spouses Kitt and issued the corresponding writ of execution. This prompted Conpil to file a motion for reconsideration (motion) of the said decision with motion to inhibit on the ground of bias and partiality.⁶ On 15 February 2017, respondent issued an Order⁷ inhibiting herself from the consolidated cases and ordering the transfer of the records to the RTC of Biñan City, Laguna. Further, respondent no longer resolved Conpil's motion.

On 13 March 2017, Mylene filed a Motion for Reconsideration⁸ of respondent's Order granting Conpil's motion for inhibition, alleging that respondent was neither biased nor partial in her (Mylene's) favor, and that the decision was rendered in accordance with law and jurisprudence.

An Anonymous Complaint dated 22 February 2017 was received by the Office of the Court Administrator (OCA) on 05 March 2018 from a "Concerned Citizen" against respondent, assailing respondent's Order dated 15 February 2017, where it was ruled:

In LRC Case No. SPL-0995-14 Oppositor Conpil Realty Corporation **moved for the inhibition** of this presiding judge on the ground of alleged bias and partiality. While the motion is bereft of merit, in order to obviate any such suspicion, **the presiding judge of this court is voluntarily inhibiting herself from the case.**

In Civil Case No. SPL-1580-11, a case being heard by Branch 93 of this court, Hon. Judge Francisco Pano has also inhibited himself from hearing the case upon motion of Conpil Realty and forwarded the case record to this court, the only other Regional Trial Court in this jurisdiction.

⁴ Id. at 9-10.

⁵ Id. at 5.

⁶ Id., unpaginated.

⁷ Id. at 9-10.

⁸ Id. at 11-13.

Considering that the two above-cases involve the same property, **this court is also voluntarily inhibiting itself** from Civil Case No. SPL-1580-11.

Atty. Mary Grace A. Pabalan-Sevilla, Branch Clerk of Court of this court is hereby directed to forward the entire records of these two cases to the Executive Judge of the Regional Trial Court, Binan City, Laguna pursuant to OCA Circular No. 200-2016 dated September 22, 2016.

SO ORDERED.⁹ (Emphasis supplied)

The Anonymous Complaint alleged that instead of performing her duty to resolve Conpil's motion, respondent opted to recuse herself from handling the case and transfer the same to RTC, Biñan City, Laguna.¹⁰ Thus, respondent should be held administratively liable for grave abuse of authority, grave abuse of discretion, gross ignorance of the law, failure to administer justice, and dishonesty.¹¹

Pursuant to A.M. No. 18-01-05-SC¹² dated 07 July 2020, the Anonymous Complaint was transmitted by the Office of the Court Administrator (OCA) to the Judicial Integrity Board (JIB) through the Office of the Executive Director (OED).¹³

In his 1st Indorsement dated 21 February 2022, Atty. James D.V. Navarrete, Acting Executive Director, referred the matter to Atty. Romulo A. Paras, Jr., General Counsel, Office of the General Counsel (OGC) for appropriate action.¹⁴

Report and Recommendation of the OGC

The dispositive portion of the OGC's Report and Recommendation¹⁵ provides:

"WHEREFORE, it is respectfully recommended to the Honorable Judiciary Integrity Board that the instant Anonymous Complaint dated 22 February 2017 against Hon. Sonia T. Yu-Casano, Branch 31, Regional Trial Court, San Pedro, Laguna, be considered **CLOSED and TERMINATED**.

Respectfully submitted."¹⁶

⁹ Id. at 9-10.

¹⁰ Id. at 6; see Memorandum for Hon. Jose Midas P. Marquez, Court Administrator (now a Member of this Court).

¹¹ Id. at 16.

¹² Entitled "ESTABLISHMENT OF THE JUDICIAL INTEGRITY BOARD (JIB) AND THE CORRUPTION PREVENTION AND INVESTIGATION OFFICE (CPIO)."

¹³ *Rollo*, unpaginated.

¹⁴ Id., unpaginated.

¹⁵ Id. at 18-19.

¹⁶ Id. at 19.

The OGC opined that the sole issue in this case is whether respondent should be held administratively liable for voluntarily inhibiting herself from the consolidated LRC and Civil Cases. It further recommended the dismissal of the Anonymous Complaint for being an improper remedy. Citing the case of *Carriaga v. Baldado*,¹⁷ the OGC posited that the order of inhibition is not administrative in character but judicial in nature and that the parties could opt for the remedies of reconsideration and appeal or of the extraordinary remedies of *certiorari* or *mandamus*.¹⁸

Report of the JIB

In its Report,¹⁹ the JIB recommended the dismissal of the Anonymous Complaint for being judicial in nature.²⁰

The JIB agreed with the OGC and ratiocinated that the acts of a judge in his or her judicial capacity are not subject to disciplinary action, stressing that a judge cannot be civilly, criminally, or administratively liable for his or her official acts, no matter how erroneous, provided he or she acts in good faith. The JIB postulated that whether respondent erred in inhibiting herself in the said cases is a matter that cannot be taken up in an administrative proceeding. Rather it is clearly a matter for judicial determination and that the remedy of the “Concerned Citizen” lies with the proper reviewing court, not with the OCA or the JIB.²¹

Issue

The sole issue in this case is whether respondent should be held administratively guilty for grave abuse of authority, grave abuse of discretion, gross ignorance of the law, failure to administer justice, and dishonesty for granting Conpil’s motion for inhibition.

Ruling of the Court

The Court adopts the recommendation of the JIB in its Report to dismiss the Anonymous Complaint.

¹⁷ *Carriaga v. Baldado*, 484 Phil. 34 (2004).

¹⁸ *Id.* at 39.

¹⁹ *Id.*, unpaginated; penned by Vice Chairperson Justice Angelina Sandoval-Gutierrez (Ret.) and concurred in by Chairperson Justice Romeo J. Callejo, Sr. (Ret.) and First Regular Member Justice Sesinando E. Villon (Ret.) and Second Regular Member Justice Rodolfo A. Ponferrada (Ret.).

²⁰ *Id.*, unpaginated.

²¹ *Id.*, unpaginated.

We elaborately ruled in *Opis v. Dimaano*²² that a judge's order of inhibition is not administrative, but judicial in nature and the proper remedy for an erroneous order is a motion for reconsideration or an appeal, quoted as follows:

It must be 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.** Before a respondent judge can be declared as biased and partial in favor of a party, the Court has to be shown acts and conduct of the judge clearly indicative of arbitrariness or prejudice. Mere suspicion that the judge is partial to a party is not enough; there should be adequate evidence to prove the charge. Even an order of inhibition is not administrative, but judicial in nature, and when reversed by the Court, as in this case, could at most be considered as an error in judgment. Only judicial errors tainted with fraud, dishonesty, gross ignorance, bad faith, or deliberate intent to do an injustice will be administratively sanctioned. 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 [or her] judgment.²³ (Emphasis supplies, citations omitted)

Moreover, the Court has held in *Rizaldo v. Bollozos*²⁴ that:

[T]he filing of an administrative complaint is not the proper remedy for the correction of actions of a judge perceived to have gone beyond the norms of propriety, where a sufficient judicial remedy exists. 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.²⁵

This Court, thus, agree with the JIB's recommendation that respondent's Order of voluntarily inhibiting herself from the consolidated cases cannot be an appropriate subject of this Anonymous Complaint. Complainant failed to avail of any of the judicial remedies and opted to subject respondent to an administrative disciplinary proceeding instead, as the records evince.

WHEREFORE, the Anonymous Complaint against respondent, Honorable Sonia T. Yu-Casano, Presiding Judge of Branch 31, Regional

²² 502 Phil. 502 (2005).

²³ *Id.* at 508-509.



²⁴ 811 Phil. 20 (2017)

²⁵ *Id.* at 34.

Trial Court, San Pedro City, Laguna, is hereby **DISMISSED** for being judicial in nature.

SO ORDERED.” *Marquez, J., no part; Inting, J., designated as additional Member per Raffle dated 17 August 2022.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court 

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
84-A

OCT 18 2022

Hon. Raul B. Villanueva (x)
Court Administrator
Hon. Jenny Lind R. Aldecoa-Delorino (x)
Hon. Leo Tolentino Madrazo (x)
Deputy Court Administrators
Hon. Lilian Barribal-Co (x)
Hon. Maria Regina A. F. M. Ignacio (x)
Assistant Court Administrators
OCA, Supreme Court

Judicial Integrity Board (x)
Supreme Court

Office of Administrative Services (x)
Legal Office (x)
Court Management Office (x)
Financial Management Office (x)
Docket & Clearance Division (x)
OCA, Supreme Court

Hon. Sonia T. Yu-Casano
Respondent – Presiding Judge
Regional Trial Court, Branch 31
San Pedro City, 4023 Laguna

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