



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 7, 2022 which reads as follows:*

**“JIB FPI No. 21-105-RTJ (Richard P. Escalona v. Hon. Eduardo S. Sayson, Presiding Judge, Branch 54, Regional Trial Court, Bacolod City, Negros Occidental).** – This administrative case stemmed from a Complaint-Affidavit<sup>1</sup> filed by Richard P. Escalona (complainant) against Judge Eduardo S. Sayson (respondent Judge) of Branch 54, Regional Trial Court (RTC), Bacolod City, Negros Occidental, charging respondent Judge with gross ignorance of the law, gross misconduct, grave abuse of authority, grave abuse of discretion, and grave bias and partiality relative to Civil Case No. 18-15093 entitled, “Rosario Cabral for Herself and in her Capacity as President/Authorized Representative of SVJ Farms, Inc. vs. Teresita Mabunay in her Personal Capacity and her Capacity as Provincial Agrarian Reform Officer II of the Department of Agrarian Reform-Negros Occidental, et al.”

**Antecedents**

In a verified Complaint-Affidavit dated 12 July 2021, complainant alleged that respondent Judge committed gross ignorance of the law, gross misconduct, grave abuse of authority, grave abuse of discretion, and grave bias and partiality when he assumed jurisdiction over Civil Case No. 18-15093, and proceeded to conduct hearings despite lack of jurisdiction, and ruling on the defendant’s Motion to Dismiss. Complainant claimed that Civil Case No. 18-15093 is an agrarian dispute falling within the exclusive jurisdiction of the Department of Agrarian Reform Adjudication Board (DARAB) pursuant to Republic Act No. (RA) 6657,<sup>2</sup> or the Comprehensive Agrarian Reform Law of 1988.

<sup>1</sup> *Rollo*, pp. 3-8.

<sup>2</sup> Entitled “AN ACT INSTITUTING A COMPREHENSIVE AGRARIAN REFORM PROGRAM TO PROMOTE SOCIAL JUSTICE AND INDUSTRIALIZATION, PROVIDING THE MECHANISM FOR ITS IMPLEMENTATION, AND FOR OTHER PURPOSES.” Approved: 10 June 1988.

Pursuant to the Supreme Court Resolution in A.M. No. 18-01-05-SC, *Establishment of the Judicial Integrity Board (JIB) and the Corruption Prevention and Investigation Office*, the Office of the Court Administrator transmitted the records of this case to the JIB.

### **Report and Recommendation of the JIB Acting Executive Director**

In his Report and Recommendation<sup>3</sup> dated 10 March 2022, Atty. James D.V. Navarrete, JIB Acting Executive Director, recommended the dismissal of the complaint filed against respondent Judge because he had already retired from the service when the complaint was filed.

The pertinent portion of the Report and Recommendation reads:

The Supreme Court cannot exercise jurisdiction over the present complaint.

This Office notes that respondent Judge retired from the service on 31 December 2020. His optional retirement was approved by the Supreme Court in an *En Banc* Resolution dated 2 February 2021 in A.M. No. 18299-Ret. When this administrative complaint was lodged against him on 15 July 2021, more than six (6) months had already passed since his retirement.

Jurisprudence is replete with rulings that in order for the Supreme Court to acquire jurisdiction over an administrative proceeding, the complaint must be filed during the incumbency of the respondent public official or employee. This is because the filing of an administrative case is predicated on the holding of a position or office in the government service.

In *Office of the Court Administrator vs. Silongan*, the Court had succinctly enumerated the administrative complaints against judiciary official and employees which were dismissed for lack of jurisdiction because the same were filed after the respondents had already retired from the service.

It is well-settled that in order for the Court to acquire jurisdiction over an administrative case, the complaint must be filed during the incumbency of the respondent public official or employee. In *Re: Missing Exhibits and Court Properties in Regional Trial Court, Branch 4, Panabo City, Davao del Norte*, we dismissed the complaint against a respondent judge since the Memorandum recommending the filing of an administrative case against the judge was submitted by the OCA to the Court on 10 July 2012, or more than two years after the judge retired. In the similar case of *Office of the Court Administrator v. Grageda*, the Court held that the respondent judge's retirement effectively barred the Court from pursuing the administrative proceeding that was instituted after his tenure in office, and divested the Court of any jurisdiction to still subject him to administrative investigation and to penalize him administratively for the infractions committed while he was still in

---

<sup>3</sup> *Rollo*, pp. 27-30.

the service. In *Office of the Court Administrator vs. Judge Andaya*, we likewise dismissed the administrative case against the respondent judge upon finding that the administrative complaint was docketed only on 29 April 2009, or after his compulsory retirement on 27 March 2009. The Court also dismissed an administrative case filed against a retired stenographer for having been initiated over a month after her retirement from the service.<sup>4</sup>

### Report of the JIB

In its Report<sup>5</sup> dated 25 May 2022, the JIB agreed with the recommendation of the Acting Executive Director.

The JIB cited Section 2(1) of Rule 140 of the Rules of Court, as further amended, which provides:

SECTION 2. *Effect of Death, Retirement, and Separation from Service to the Proceedings.* –

(1) *Circumstances Already Existing Prior to the Institution of the Proceedings.* – **Disciplinary proceedings may not be instituted against a Member, official, employee, or personnel of the Judiciary who has already died, retired, or otherwise separated from service.** If such proceedings have been instituted notwithstanding the foregoing circumstances, the administrative case against said Member, official, employee, or personnel of the Judiciary shall be **dismissed**. (Emphasis supplied)

Accordingly, the JIB recommended that the complaint against respondent Judge be dismissed.

### Ruling of the Court

After reviewing the records of this case, the Court finds the Report of the JIB and the Report and Recommendation of the JIB Acting Executive Director to be well taken.

The filing of an administrative case is predicated on the holding of a position or office in the government service, such that the complaint must be filed during the incumbency of the respondent public official or employee in order for the Court to acquire jurisdiction over an administrative proceeding.<sup>6</sup>

In this case, respondent Judge has already retired from the service when the administrative complaint was filed against him on 15 July 2021. In a Resolution<sup>7</sup> dated 02 February 2021, the Court approved the application for optional retirement under RA 910,<sup>8</sup> as amended by RA 5095<sup>9</sup> and 9946,<sup>10</sup>

---

<sup>4</sup> Id. at 28-19.

<sup>5</sup> Id. at 38-41.

<sup>6</sup> *Office of the Court Administrator v. Fuensalida*, A.M. No. P-15-3290, 01 September 2020.

<sup>7</sup> *Rollo*, p. 31.

<sup>8</sup> Entitled "AN ACT TO PROVIDE FOR THE RETIREMENT OF JUSTICES OF THE SUPREME COURT AND OF THE


of respondent Judge “effective at the close of office hours of December 31, 2020.” Thus, since respondent Judge has already retired from the Judiciary when the administrative complaint was filed against him, the Court cannot acquire jurisdiction over this case.

Parenthetically, on 22 February 2022, the Court issued A.M. No. 21-08-09-SC (Re: Further Amendments to Rule 140 of the Rules of Court). Under Section 2(1) of Rule 140 of the Rules of Court, as further amended, if disciplinary proceedings have been instituted against a Member of the Judiciary who has already retired, the administrative case against the said Member of the Judiciary shall be dismissed.

**WHEREFORE**, the administrative complaint against retired Presiding Judge Eduardo S. Sayson is hereby **DISMISSED** for lack of jurisdiction.

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court *6/15*

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court

**127-I**

OCT 13 2022

Mr. Richard P. Escalona  
Complainant  
Block 20, Lot 38, Phase 2, Reginaville  
Barangay Inocencio, Trece Martires City  
4109 Cavite

Hon. Eduardo S. Sayson  
Respondent – Presiding Judge (*Retired*)  
c/o The Clerk of Court  
Regional Trial Court, Branch 54  
Bacolod City, 6100 Negros Occidental

---

COURT OF APPEALS, FOR THE ENFORCEMENT OF THE PROVISIONS HEREOF BY THE GOVERNMENT SERVICE INSURANCE SYSTEM, AND TO REPEAL COMMONWEALTH ACT NUMBERED FIVE HUNDRED AND THIRTY-SIX.” Approved: 20 June 1953.

<sup>9</sup> Entitled “AN ACT PROVIDING FOR RETIREMENT BENEFITS OF MUNICIPAL AND CITY JUDGES, FURTHER AMENDING FOR THE PURPOSE CERTAIN SECTIONS OF REPUBLIC ACT NUMBERED NINE HUNDRED AND TEN, AS AMENDED.” Approved: 17 June 1967.

<sup>10</sup> Entitled “AN ACT GRANTING ADDITIONAL RETIREMENT, SURVIVORSHIP, AND OTHER BENEFITS TO MEMBERS OF THE JUDICIARY, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 910, AS AMENDED, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES.” Approved: 13 January 2010.

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

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

Judicial Integrity Board (x)  
Supreme Court

Public Information Office (x)  
Library Services (x)  
Supreme Court  
(For uploading pursuant to A.M.  
No. 12-7-1-SC)

Philippine Judicial Academy (x)  
Supreme Court



**127-I**

UR

