



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **December 07, 2022** which reads as follows:*

“OCA IPI No. 19-3085-MTJ (Dr. Lester L. Go v. Hon. Eleuteria B. Algodon). — This resolves the Complaint-Affidavit¹ filed by complainant, Dr. Lester L. Go (complainant), against respondent Eleuteria B. Algodon (respondent Judge), Presiding Judge, Municipal Trial Courts in Cities (MTCC), Br. 2, Cagayan de Oro City, for gross negligence, gross ignorance of the law, gross incompetence, gross misconduct and partiality.

According to complainant, respondent Judge issued three unjust orders in a criminal case he filed, along with several others, against the directors and officers of the Philamlife Village Homeowners Association (accused, collectively). The first Order² dated 18 October 2017 directed the conduct of the re-investigation as prayed for by the accused. The second Order³ dated 22 January 2018 vacated the earlier order directing the conduct of re-investigation. Meanwhile, the last Order⁴ dated 20 February 2018 denied complainant’s Motion to Cite in Contempt.⁵

The Court **NOTES** the Report and Recommendation⁶ dated 16 November 2021, the Judicial Integrity Board (JIB), and resolves to **ADOPT** and **APPROVE** the findings of fact, conclusions of law, and recommendations therein.

We agree with the JIB’s recommendation to dismiss the Complaint-Affidavit for lack of merit. An administrative complaint is not the

¹ *Rollo*, pp. 3-10; also referred as affidavit-complaint in some parts of the *rollo*.

² *Id.* at 11.

³ *Id.* at 19-20.

⁴ *Id.* at 21-22.

⁵ *Id.* at 3.

⁶ *Id.* at 114-120; penned by Justice Angelina Sandoval-Gutierrez (Ret.) and concurred in by Justice Romeo J. Callejo, Sr. (Ret.) and Justice sesinandol E. Villion (Ret.)

appropriate remedy for every act of a Judge deemed aberrant or irregular where a judicial remedy exists and is available. It must be underscored that the acts of judges in their judicial capacities are not subject to disciplinary action. They cannot be civilly, criminally, or administratively liable for their official acts, no matter how erroneous, provided they act in good faith.⁷

While respondent Judge, on reconsideration, vacated her earlier order directing the conduct of a re-investigation, the same does not equate to gross negligence, gross ignorance of the law, gross incompetence, gross misconduct and evident partiality towards the accused. As correctly pointed out by the JIB, there is no law or jurisprudence prohibiting a magistrate or a judge from taking a position different from the one earlier taken.⁸ After all, the purpose of a motion for reconsideration is to grant an opportunity for the court to rectify any actual or perceived error attributed to it by re-examination of the legal and factual circumstances of the case.⁹

With regard to the denial of complainant's contempt motion, suffice it to say that judges have time and again been enjoined to exercise their contempt power judiciously, sparingly, with utmost restraint and with the end in view of utilizing the same for correction and preservation of the dignity of the court, not for retaliation or vindication.¹⁰

Further, it must be stressed that 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. The established doctrine and policy is that disciplinary proceedings and criminal actions against Judges are not complementary or suppletory of, nor a substitute for, these judicial remedies, whether ordinary or extraordinary. It is only after the available judicial remedies have been exhausted and the appellate tribunals have spoken with finality, that the door to an inquiry into his criminal, civil, or administrative liability may be said to have opened or closed.¹¹

⁷ *Biado v. Hon. Brawner-Cualing*, 805 Phil. 694, 701-702 (2017).

⁸ *Rollo*, p. 117.

⁹ *Causing v. Dela Rosa*, 827 Phil 261, 270 (2018).

¹⁰ *Engr. Torcende v. Judge Sardido*, 444 Phil. 12, 25 (2003).

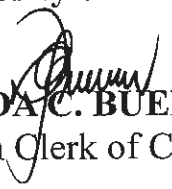
¹¹ *Rizalado v. Bollozos*, 811 Phil. 20, 34-35 (2017).

As for the Order¹² dated 20 February 2018 denying the prosecution's motion to cite in contempt, We also find that it was issued in the exercise of respondent's sound discretion. As explained by respondent Judge, the court will not simply cite in contempt of court the lawyers if it feels they did not commit contemptuous act.¹³

WHEREFORE, premise considered, the Complaint-Affidavit against respondent Judge Eleuteria B. Algodon is **DISMISSED** for lack of merit. Accordingly, the case is deemed **CLOSED** and **TERMINATED**.

SO ORDERED." *Hernando, J., on wellness leave; Marquez, J., no part; Gaerlan, J., designated additional Member per Raffle dated 20 September 2022.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *1124*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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JAN 25 2023

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Complainant
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Ramon Chavez Street, 9000 Cagayan de Oro City

Hon. Eleuteria B. Algodon
Respondent - Presiding Judge
Municipal Trial Court in Cities, Branch 2
9000 Cagayan de Oro City

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Legal Office (x)
Court Management Office (x)
Financial Management Office (x)
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OCA, Supreme Court

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Hon. Sesinando E. Villon (x)
Hon. Rodolfo A. Ponferrada (x)
Hon. Cielito N. Mindaro-Grulla (x)
Office of the Executive Director (x)
Office of the General Counsel (x)
Judicial Integrity Board
Supreme Court

Philippine Judicial Academy (x)
Supreme Court

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¹² *Rollo*, pp. 21-22.

¹³ *Id.* at 30.

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