



Republic of the Philippines
Supreme Court
Bacolod City

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated November 29, 2022 which reads as follows:

“OCA IPI No. 20-5025-RTJ (*Domingo D. Diamante v. Judge Ma. Theresa Enriquez-Gaspar*). — This administrative case stemmed from the Letter Complaint¹ filed by Atty. Domingo D. Diamante (Atty. Diamante) against the Honorable Ma. Theresa Enriquez-Gaspar (Judge Enriquez-Gaspar), Presiding Judge of Branch 33, Regional Trial Court (RTC), Iloilo City, Iloilo, for violation of Section 3, Canon 3 and Sections 1 and 2, Canon 4 of the New Code of Judicial Conduct.²

Antecedents

Atty. Diamante, counsel for plaintiff Jose S. Ocampo III (plaintiff), filed on 23 August 2019, a civil case for Recovery of Possession docketed as Civil Case No. 18-33908. Defendants in the said case countered, by way of affirmative defense, that they are also co-owners of the subject property and that plaintiff failed to implead the other co-owners as indispensable parties.³

On 14 August 2019, Judge Enriquez-Gaspar issued an Order⁴ directing plaintiff to file an amended complaint to implead all the heirs of Jose A. Ocampo. Atty. Diamante moved for reconsideration claiming that the other co-owners are not indispensable parties or even necessary parties. Judge Enriquez-Gaspar denied the motion and required plaintiff to file an amended complaint. Atty. Diamante accordingly amended the complaint. Judge Enriquez-Gaspar issued another Order⁵ requiring the parties to undergo mediation proceedings and setting the case for Judicial Dispute Resolution

¹ *Rollo*, pp. 2-11.

² *Id.*

³ *Id.* at 15-21.

⁴ *Id.* at 22.

⁵ *Id.* at 3.

(JDR). On 30 January 2020, Judge Enriquez-Gaspar dismissed the case for lack of jurisdiction.⁶

In the present complaint, Atty. Diamante contends that Judge Enriquez-Gaspar gravely abused her authority and failed to promote confidence in the Judiciary. He avers that Judge Enriquez-Gaspar should have set the hearing on the affirmative defense raised by defendants and evaluated the merits of the case before dismissing it. Further, he claims that Judge Enriquez-Gaspar disregarded Article 487 of the Civil Code that any co-owner may file a case for recovery of possession.⁷

Atty. Diamante further narrates other instances of Judge Enriquez-Gaspar's alleged questionable judgment. In Criminal Case No. 15-75941 for Qualified Theft, where Atty. Diamante was the counsel for accused Wilson Andion, the former claims that Judge Enriquez-Gaspar wantonly disregarded the rule in *People v. Delfin*⁸ that "an amendment that would change the date of the commission of the offense from 1947 to 1952 is certainly not a matter of form."⁹ The Information in this case stated that the crime of Qualified Theft was committed by the accused "on various occasions between the periods covering the years 2000 to 2011." Judge Enriquez-Gaspar denied the accused's Motion to Dismiss on the ground of duplicity of offense, holding that the erroneous allegation in the Information will be deemed supplanted by evidence during trial, and that the date of the commission of the offense is not a material element of the crime of Qualified Theft.¹⁰

The case was elevated to the Court of Appeals (CA) via a Petition for *Certiorari* under Rule 65. The CA held that Judge Enriquez-Gaspar acted with grave abuse of discretion; consequently, it dismissed the Information against the accused. Notwithstanding said Decision, Judge Enriquez-Gaspar scheduled the case for the presentation of the prosecution's evidence on 12 February 2019. On said date, the case was sent to the archives pending the resolution of the Motion for Reconsideration by the CA.¹¹

In Cadastral Case No. 18-1634, Atty. Diamante filed a case for Reconstitution of Lost Owner's Duplicate Certificate of Title. He avers that Judge Enriquez-Gaspar issued an Order¹² dated 24 August 2018 requiring him to submit additional documentary requirements, *i.e.*, names and complete addresses of the children; marriage contract of Spouses Subeza; and birth

⁶ Id.

⁷ Id.

⁸ 738 Phil. 811 (2014).

⁹ *Rollo*, p. 5.

¹⁰ Id.

¹¹ Id. at 39.

¹² Id. at 26.

certificate of petitioner therein, among others, which are not needed in filing the case. Atty. Diamante argued that the additional requirements are whimsical and capricious.¹³

Finally, Atty. Diamante claims that Judge Enriquez-Gaspar requires all lawyers and litigants appearing in her court to provide either soft copies of their pleadings in a compact disc (CD) or proof of mailing said pleadings to the court's electronic mail address. Atty. Diamante argues that this is improper and in violation of Supreme Court circulars and memorandum from the Office of the Court Administrator (OCA). He claims that imposing additional requirements will only burden litigants and lawyers.¹⁴

Judge Enriquez-Gaspar moved for the dismissal of the administrative case for lack of merit. In her Comment,¹⁵ she avers that the actions she took in Civil Case No. 18-33908 are in accordance with the rules and settled jurisprudence. She relied on the old rule that a hearing on affirmative defenses is discretionary on the court. The affirmative defenses raised by defendants therein were discussed during the hearing on 30 January 2022; consequently, the case was dismissed for lack of jurisdiction considering that there was a need for a declaration of legal heirs, which should be resolved in a special proceeding filed for that purpose. Judge Enriquez-Gaspar maintained that she did not commit any grave abuse of discretion when she issued the order of dismissal.

On the other hand, the court dismissed Cadastral Case No. 18-1634 without prejudice because of Atty. Diamante's failure to comply with the Order dated 24 August 2018. He did not file a Motion for Reconsideration. While it is true that Section 109 of Presidential Decree No. 1529 does not require the matters enumerated in the Order, Judge Enriquez-Gaspar pointed out that the dismissal of the case cannot be considered as gross ignorance of the law or abuse of discretion. The additional requirements were adopted with legal bases and in the interest of substantial justice, and not just for fair play and expediency. Atty. Diamante could have just complied with the requirements, but he instead allowed the order of dismissal to become final.

In Criminal Case No. 15-75941, Judge Enriquez-Gaspar claims that after receiving the CA Decision denying the prosecution's Motion for Reconsideration and the Entry of Judgment, she issued an Order dismissing the case and releasing the cash bond of the accused therein. She points out that while the CA found the existence of grave abuse of discretion, it rejected Atty. Diamante's arguments that there was duplicity of offense and mistake in

¹³ Id. at 6-7.

¹⁴ Id. at 10.

¹⁵ Id. at 42-84.

charging the offense. The CA quashed the Information based on equity and justice.

Further, Judge Enriquez-Gaspar asserts that the instant administrative complaint involves legal issues and essentially calls for a reconsideration of the assailed Orders.

As to the submission of the electronic copies of pleadings, Judge Enriquez-Gaspar emphasizes that there are several circulars issued by the Supreme Court allowing on-line submission of pleadings (e-Filing) for efficiency and expediency, and in consideration of the COVID-19 pandemic. She also notes that the notice of said directive had been posted outside her court room since 20 March 2020.¹⁶

The Office of the Court Administrator (OCA) subsequently transmitted the complaint to the Judicial Integrity Board (JIB) pursuant to the latter's Internal Rules.

Report and Recommendation of the Office of the Executive Director (OED)

On 16 February 2021, the OED¹⁷ recommended the dismissal of the administrative complaint against Judge Enriquez-Gaspar for lack of merit. It held that the numerous allegations lacked substance and compelling evidence to prove administrative liability on the part of Judge Enriquez-Gaspar.¹⁸

Likewise, the charges of gross ignorance of the law and abuse of authority were not established. The OED also stressed that Judge Enriquez-Gaspar's assailed Orders were issued in the exercise of her judicial authority. Atty. Diamante also failed to establish bad faith, malice, ill-will, and corruption on the part of Judge Enriquez-Gaspar. Further, Atty. Diamante's claim of loss of trust and confidence is anchored on the dismissal of his cases on technical grounds, which, notably, was because of his failure to comply with the court's directives.¹⁹

Meanwhile, even as the CA held that Judge Enriquez-Gaspar acted with grave abuse of discretion when she issued the assailed order in Criminal Case

¹⁶ Id. at 81-82.

¹⁷ Id. at 108-115; penned by James D.V. Navarrete, Deputy Clerk of Court at-Large, Office of the Court Administrator and Acting Executive Director, Judicial Integrity Board, and Eduardo C. Tolentino, Acting SC Senior Chief Staff Officer, Research and Investigation Services, Judicial Integrity Board.

¹⁸ Id. at 113.

¹⁹ Id.

No. 15-5941, it found no bad faith, ill-will, malice, or corruption that would give rise to administrative liability. Given the judicial nature of the issues raised, these can be addressed through appropriate judicial remedies. Finally, the other charges and allegations involving the electronic filing requirements are petty and bereft of merit.²⁰

Report and Recommendation of the JIB

On 09 March 2022, the JIB recommended that the instant administrative complaint be dismissed for being judicial in nature and for lack of merit.²¹ The JIB ruled that the assailed Orders were issued by Judge Enriquez-Gaspar in the exercise of her judicial functions. As such, these matters are judicial in nature, which are beyond the scope of an administrative proceeding. Errors attributed to judges in the exercise of their adjudicative functions should be assailed in a judicial proceeding and not in an administrative case.

The JIB further held that assuming Judge Enriquez-Gaspar erred in the subject Orders, it does not necessarily render her administratively liable. In line with the Court's policy, a judge cannot be subjected to any liability for her official acts, no matter how erroneous, as long as she acts in good faith. Only judicial errors tainted with fraud, dishonesty, corruption, gross ignorance, bad faith, or deliberate intent to do an injustice will be administratively sanctioned.

Issue

The sole issue to be resolved is whether Judge Enriquez-Gaspar is liable for violation of Sec. 3, Canon 3 and Secs. 1 and 2, Canon 4 of the New Code of Judicial Conduct.

Ruling of the Court

The Court adopts the findings and recommendation of the JIB.

Atty. Diamante filed this administrative complaint against Judge Enriquez-Gaspar for the latter's alleged violation of the New Code of Judicial

²⁰ Id. at 114-115.

²¹ Id. at 167-175; penned by Justice Rodolfo A. Ponferrada (Ret.) and concurred in by Justice Romeo J. Callejo, Sr. (Ret.), Justice Angelina Sandoval-Gutierrez (Ret.) and Justice Sesinando E. Villon (Ret.).

Conduct. Specifically, he claims that Judge Enriquez-Gaspar is guilty of gross ignorance of the law and grave abuse of discretion when she issued the assailed Orders in the following cases where he served as counsel: (1) Civil Case No. 18-33908 for Recovery of Possession; (2) Criminal Case No. 15-75941 for Qualified Theft; and (3) Cadastral Case No. 18-1634 for Reconstitution of Lost Owner's Duplicate Certificate of Title.

The Court agrees with the JIB that the assailed Orders were issued by Judge Enriquez-Gaspar in the exercise of her judicial functions. Accordingly, these matters are beyond the scope of an administrative proceeding. Further, Atty. Diamante failed to establish by substantial evidence that Judge Enriquez-Gaspar acted in bad faith when she rendered the assailed Orders. Well entrenched is the rule that a judge may not be administratively sanctioned for mere errors of judgment in the absence of showing of any bad faith, fraud, malice, gross ignorance, corrupt purpose, or a deliberate intent to do an injustice on his or her part.²²

As the Court enunciated in *Atty. Flores v. Hon. Abesamis*,²³ thus:

As everyone knows, 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 action of *certiorari*, prohibition or *mandamus*, or a motion for inhibition, a petition for change of venue, as the case may be.

Now, 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. Resort to and exhaustion of these judicial remedies, as well as the entry of judgment in the corresponding action or proceeding, are pre-requisites for the taking of other measures against the persons of the judges concerned, whether of civil, administrative, or criminal nature. 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.²⁴

²² *Dulalia v. Cajigal*, 722 Phil. 690, 695-696 (2013).

²³ 341 Phil. 299 (1997).

²⁴ *Id.* at 312-313.

It is clear that Atty. Diamante filed this administrative case against Judge Enriquez-Gaspar instead of pursuing the judicial remedies available to him. From the dismissal of the civil case for recovery of possession for lack of jurisdiction, as well as the petition for reconstitution of lost title for failure to comply with the court's order, Atty. Diamante should have elevated the case to the CA to assail the correctness or propriety of Judge Enriquez-Gaspar's Orders. He failed to do so.

A perusal of the questioned Orders shows that Judge Enriquez-Gaspar had properly laid down the legal and factual bases to support her rulings. In the recovery of possession case, Judge Enriquez-Gaspar dismissed the complaint for lack of jurisdiction citing the cases of *Solvio v. CA, Yaptingay, et al. v. Hon. Del Rosario, Joaquin v. Reyes*, and *Ypon v. Ricaporte*. In the Order dated 30 January 2020, Judge Enriquez-Gaspar ruled:

The above-entitled case is an ordinary civil action for recovery of possession filed by plaintiffs who claim to be the legal heirs of the deceased registered owner of the subject property, Lot 517, covered by OCT No. 3533.

In their Answer, the defendants, who likewise claim to be the legal heirs of the registered owner and thus co-owners of the subject property, allege that the Partial Deed of Adjudication executed by the plaintiffs alone is null and void.

Both the plaintiffs and defendants assert that they are the grandchildren of Leopoldo Ocampo, albeit with different wives.

It appears therefore that before the Court can rule on the respective rights of the parties, there is a need for a declaration of the legal heirs of Leopoldo Ocampo, which is not proper in the present ordinary action for recovery of possession. Under the circumstances, a special proceeding specifically for that purpose must be filed.

The general rule laid down in a plethora of cases states that the determination of who are the legal heirs of the deceased must be made in the proper special proceeding in court and not in an ordinary suit for recovery of ownership and possession of property.²⁵

Worth noting is that this Order was rendered **prior** to the promulgation of *Treyes v. Larlar*,²⁶ where the Court abandoned the rule laid down in *Ypon, et al. v. Court of Appeals*, and other similar cases, which were cited by Judge Enriquez-Gaspar. The rule now is "unless there is a pending special proceeding for the settlement of the decedent's estate or for the determination of heirship, the compulsory or intestate heirs may commence an ordinary civil action to declare the nullity of a deed or instrument, and for recovery of

²⁵ *Rollo*, p. 49.

²⁶ G.R. No. 232579, 08 September 2020.

property, or any other action in the enforcement of their ownership rights acquired by virtue of succession, without the necessity of a prior and separate judicial declaration of their status as such.”²⁷

Under the 1997 Rules of Civil Procedure (1997 Rules), the rules applicable at the time of the filing of the complaint for recovery of possession, the preliminary hearing of an affirmative defense in the answer is only discretionary on the part of the court.²⁸ Hence, contrary to Atty. Diamante’s assertion, Judge Enriquez-Gaspar did not commit grave abuse of discretion when she did not set the hearing for therein defendants’ affirmative defenses. To reiterate, under the 1997 Rules, the hearing of an affirmative defense is not mandatory, but merely discretionary.

In the petition for reconstitution of lost title, Judge Enriquez-Gaspar issued the Order dated 22 November 2018 dismissing the petition without prejudice because of Atty. Diamante’s failure to comply with her Order directing him to submit additional requirements in support of the petition.²⁹ Since Atty. Diamante failed to file a motion for reconsideration, the Order became final. When he filed this administrative complaint *two years later*, Atty. Diamante raised the argument that the additional requirements imposed by Judge Enriquez-Gaspar were whimsical, capricious, and unreasonable. To re-emphasize, a party’s recourse, if prejudiced by a judge’s orders in the course of a trial, is with the proper reviewing court and not with the OCA, through an administrative complaint.³⁰

In the criminal case, on the other hand, Judge Enriquez-Gaspar did not immediately dismiss the case despite the CA’s Decision³¹ dated 24 August 2018. Judge Enriquez-Gaspar took into consideration the private prosecutor’s manifestation that they would file a Motion for Reconsideration of the CA’s Decision. Thus, she proceeded to set the presentation of evidence. In the next

²⁷ Id.

²⁸ 1997 RULES OF COURT, Rule 16, **Section 6. Pleading grounds as affirmative defenses.** — If no motion to dismiss has been filed, any of the grounds for dismissal provided for in this Rule may be pleaded as an affirmative defense in the answer and, in the discretion of the court, a preliminary hearing may be had thereon as if a motion to dismiss had been filed.

x x x

²⁹ The Order dated 24 August 2018 reads:

Without necessarily giving due course to the petition, the petitioner is hereby directed to:

- 1) file an amended petition to include the Register of Deeds for the City of Iloilo as Respondent;
- 2) furnish copy of the amended petition, together with annexes, the Register of Deeds for the City of Iloilo and to submit proof of service thereof;
- 3) submit the Certification from the Register of Deeds, City of Iloilo that OCT No.)-54192 is intact on its file;
- 4) submit the names and complete addresses of all the children of Spouses Serafin Subeza Gumban, Jr., and Joaquina Subeza;
- 5) submit the marriage contract of Spouses Serafin Subeza Gumban Jr. and Joaquina Subeza; and
- 6) submit the birth certificate of petitioner. x x x x

³⁰ Supra note 23.

³¹ *Rollo*, pp. 27-37.

hearing, Judge Enriquez-Gaspar did not proceed with the trial and ordered the case to be sent to the archives in view of the private prosecutor's manifestation that the CA has required Atty. Diamante to file a comment to the Motion for Reconsideration. Judge Enriquez-Gaspar claimed that she deemed it more prudent to await the final resolution of the CA before taking concrete action on the case.³² The Court agrees with the observation of the JIB that Judge Enriquez-Gaspar did not disregard the CA Decision. She immediately ordered the dismissal of the criminal case upon receipt of the Entry of Judgment, recognizing the finality of the CA Decision dismissing the case for qualified theft.

On Judge Enriquez-Gaspar's requirements for the electronic filing of pleadings, the Court adopts the findings of the OED, thus:

Other charges and allegations involving the electronic filing requirements are petty and bereft of merit. Section 3 (d), Section 5, Section 9, Section 11, and Section 12, Rule 12, of the 2019 Amendment to the 1997 Rules of Civil Procedure, included the electronic filing of pleadings and one of the modes in filing of pleadings. Prior to the 2019 Rule, in A.M. No. 10-3-7-SC (Re: Proposed Rules on e-Filing) and A.M. No. 11-9-4-SC (Re: Proposed Rule for the Efficient Use of Paper), the Supreme Court provided for the electronic filing of pleadings before it. In the light of the 2019 Rules, there is no reason why the trial courts cannot adopt the same procedure.

Indeed, judges are not generally liable for acts done within the scope of their jurisdiction and in good faith; and that exceptionally, prosecution of a judge can be had only if "there be a final declaration by a competent court in some appropriate proceeding of the manifestly unjust character of the challenged judgment or order, and . . . also evidence of malice or bad faith, ignorance and/or inexcusable negligence, on the part of the judge in rendering said judgment or order" or under the stringent circumstances set out in Article 32 of the Civil Code. To hold otherwise would be nothing short of harassment and would make his position doubly unbearable, for no one called upon to try the facts or interpret the law in the process of administering justice can be infallible in his judgment.³³

While the instant administrative case is dismissed for being judicial in nature and for lack of merit, the Court takes this opportunity to impose the appropriate disciplinary measure against Atty. Diamante for filing this baseless suit against Judge Enriquez-Gaspar.

As officers of the court, lawyers are duty-bound to observe and maintain the respect due to the courts and judicial officers. They must refrain

³² *Rollo*, p. 18.

³³ *De Leon-Profeta v. Mendiola*, A.M. No. RTJ-20-2596, 19 January 2021.

from attributing to a judge motives that are not supported by the record or have no materiality to the case.³⁴

Here, Atty. Diamante has attributed gross ignorance of the law and grave abuse of authority on the part of Judge Enriquez-Gaspar when the latter issued the assailed Orders in the three cases where he served as counsel. Despite these attributions, Atty. Diamante failed to establish by substantial evidence that Judge Enriquez-Gaspar acted in bad faith when she rendered said Orders. Instead of pursuing the judicial remedies available to him, he failed to do so.

However, Atty. Diamante has the temerity to file this administrative case and use it as smoke and mirrors to confuse the Court of his laxity in serving his clients with the competence and diligence required of him as a lawyer. It is to be highlighted that in the Petition for Reconstitution of Lost Title, the Order dated 22 November 2018 became final for failure of Atty. Diamante to move for reconsideration. He filed this administrative complaint *two years later* belatedly raising the argument that the additional requirements imposed by Judge Enriquez-Gaspar were whimsical, capricious, and unreasonable. Likewise, Atty. Diamante did not bother to assail the correctness or propriety of Judge Enriquez Gaspar's Orders in the civil case for Recovery of Possession; yet, he puts in issue in this administrative complaint the wrongful dismissal of said civil case.

Indeed, Atty. Diamante violated the proscription of the Code of Professional Responsibility (CPR) against "wittingly or willingly promoting or suing any groundless suit" including baseless administrative complaints against judges. He violated Canons 10,³⁵ 11,³⁶ & 12³⁷ and Rule 11.04³⁸ of the CPR under his oath of office.³⁹

In light of the foregoing, the Court hereby reprimands Atty. Diamante for filing this groundless administrative case against Judge Enriquez-Gaspar. The discretion to assess the imposable sanction is addressed to this Court, where We are controlled by the imperative need that the purity and independence of the Bar be scrupulously guarded and the dignity of and

³⁴ *Alpajora v. Calayan*, 823 Phil. 93, 109 (2018), citing *In Re: Supreme Court Resolution dated 28 April 2003*, 685 Phil. 751, 777 (2012).

³⁵ CANON 10 — A lawyer owes candor, fairness and good faith to the court.

³⁶ CANON 11 — A LAWYER SHALL OBSERVE AND MAINTAIN THE RESPECT DUE TO THE COURTS AND TO JUDICIAL OFFICERS AND SHOULD INSIST ON SIMILAR CONDUCT BY OTHERS.

³⁷ CANON 12 — A LAWYER SHALL EXERT EVERY EFFORT AND CONSIDER IT HIS DUTY TO ASSIST IN THE SPEEDY AND EFFICIENT ADMINISTRATION OF JUSTICE.

³⁸ Rule 11.04. — A lawyer shall not attribute to a Judge motives not supported by the record or have no materiality to the case.

³⁹ *Cervantes v. Sabio*, A.C. No. 7828, 583 Phil. 491, 494 (2008).

respect due to the Court be zealously maintained.⁴⁰ Considering the circumstances of the case, reprimand is sufficient penalty for Atty. Diamante.

It must be remembered that all lawyers are bound to uphold the dignity and authority of the courts, and to promote confidence in the fair administration of justice. It is the respect for the courts that guarantees the stability of the judicial institution; otherwise, the institution would be resting on a very shaky foundation.⁴¹

WHEREFORE, the instant administrative Complaint is **DISMISSED** for being judicial in nature and for lack of merit.

Furthermore, Atty. Domingo D. Diamante is **REPRIMANDED** for abusing the disciplinary proceedings through filing and maintaining this baseless administrative complaint against Judge Ma. Theresa Enriquez-Gaspar. He is **STERNLY WARNED** that a repetition of the same or a similar offense will warrant the imposition of a more severe penalty.

Let copies of this resolution be furnished the: (a) Office of the Court Administrator for dissemination to all courts throughout the country for their information and guidance; (b) the Integrated Bar of the Philippines; and (c) the Office of the Bar Confidant. Let a copy of this decision be attached to the personal records of Atty. Diamante.

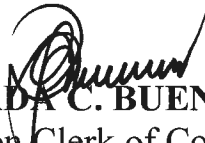
The Complaint dated February 11, 2020 of Atty. Domingo D. Diamante, charging respondent Presiding Judge Theresa E. Gaspar with violation of Canon 3, Section 3 and Canon 4, Section 1 and 2 of the New Code of Judicial Conduct, relative to Civil Case No. 18-33908, Criminal Case No. 15-75941, and Cadastral Case No. 18-1634; the respondent's Comment, praying that the instant administrative complaint be dismissed for lack of merit; the respondent's Supplemental Comment; the complainant's Reply to the Comment; the respondent's Rejoinder; and the Report and Recommendation date March 9, 2022 of the Judicial Integrity Board, are all **NOTED**.

⁴⁰ *Lahbati v. Bautista*, A.C. No. 12889, 07 December 2020, citing *In re: Almacen v. Yaptinchay*, 142 Phil. 353-393 (1970)

⁴¹ *Alpajora v. Calayan*, supra note 34.

SO ORDERED.” *Marquez, J., took no part; Lazaro-Javier, J., designated additional Member per Raffle dated 20 September 2022.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

383-A

FEB 13 2023

Atty. Domingo D. Diamante
Complainant
No. 2 Bonifacio Street, Arevalo
5000 Iloilo City

Hon. Ma. Theresa E. Gaspar
Respondent - Presiding Judge
Regional Trial Court, Branch 33
5000 Iloilo City

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

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)
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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
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Supreme Court

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