



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **June 14, 2023** which reads as follows:*

**“OCA IPI No. 17-4752-RTJ (*Eugeniano U. Perez v. Presiding Judge Fernando T. Sagun, Jr., Regional Trial Court, Branch 78, Quezon City*). — Before the Court is an administrative Complaint<sup>1</sup> against respondent Judge Fernando T. Sagun, Jr. (Judge Sagun), Presiding Judge of Branch 78, Regional Trial Court of Quezon City.<sup>2</sup>**

**Antecedents**

In a Letter<sup>3</sup> dated 10 August 2017, then Ombudsman Conchita Carpio Morales referred to the Court the Affidavit-Complaint<sup>4</sup> of Eugenio U. Perez (complainant) charging Judge Sagun with manifest partiality, evident bad faith, and gross inexcusable negligence for granting unwarranted benefits to the private complainant in the criminal cases filed against him pending before the Judge Sagun’s court.<sup>5</sup>

In his Affidavit-Complaint, complainant narrated that he was the accused in four criminal cases for violation of Republic Act No. (RA) 9262,<sup>6</sup> or the Anti-Violence Against Women and Children Act of 2004, filed by his wife, Judy H. Perez (Judy). On 09 June 2017, Deputy City Prosecutor Maria Lelibet Sia-Sampaga (DCP Sia-Sampaga) issued a Review Resolution<sup>7</sup> recommending the filing of charges against complainant for violations of

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<sup>1</sup> *Rollo*, pp. 5-11.

<sup>2</sup> *Id.* at 104.

<sup>3</sup> *Id.* at 4.

<sup>4</sup> *Id.* at 3.

<sup>5</sup> *Id.* at 4.

<sup>6</sup> Entitled: “AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFORE, AND FOR OTHER PURPOSES.” Approved: 08 March 2004.

<sup>7</sup> *Rollo*, pp. 21-28.

Sections 5(a), 5(g), 5(i), and 5(e) par. 2 of RA 9262. The Review Resolution<sup>8</sup> reversed the Resolution of Assistant City Prosecutor Michelle Toledo (ACP Toledo) recommending the dismissal of the charges.<sup>9</sup>

Four sets of Information were filed before the Regional Trial Court (RTC) of Quezon City and subsequently raffled to the sala of Judge Sagun. On 03 July 2017, a lawyer from the Florentino and Esmaguel Law Office (FELAW), complainant's counsel, requested the court for copies of the records of the case. The request was denied because FELAW has supposedly not yet entered its appearance as counsel for complainant. Thus, on 5 July 2017, FELAW filed its entry of appearance and reiterated its request for copies of the record of the case. It also filed an Omnibus Motion (To Quash Information, For Judicial Determination of Probable Cause and to Suspend and Defer Proceedings).<sup>10</sup>

Subsequently, personnel of FELAW made inquiries if a warrant had been issued for complainant's arrest. They were repeatedly told that there was none. On 13 July 2017, the day before the hearing on the Omnibus Motion, FELAW once again inquired whether there was a warrant of arrest against complainant, the RTC personnel said that one had been issued on 04 July 2017, prompting complainant to immediately post bail.<sup>11</sup>

Complainant further alleged that when he appeared at his bail hearing, he was furnished various pleadings and court processes, but not the Order dated 04 July 2017 ordering the issuance of a warrant for his arrest. Moreover, his Omnibus Motion, which was set for hearing on 14 July 2017, was not included in that day's calendar. Thus, he was surprised when he received the Resolution<sup>12</sup> dated 10 July 2017 denying said Omnibus Motion for lack of merit. The latter Resolution stated that the issues raised in the Omnibus Motion had been laid to rest with the issuance of the Order<sup>13</sup> dated 04 July 2017 finding probable cause to indict him on the charges. Complainant, however, maintained that he was never furnished a copy of said Order.<sup>14</sup>

From the foregoing allegations, complainant now accuses Judge Sagun of giving unwarranted advantage to Judy, and acting with manifest partiality, evident bad faith, or gross inexcusable negligence punishable under RA 3019,<sup>15</sup> or the Anti-Graft and Corrupt Practices Act. Further, Judge Sagun's acts deprived complainant of the opportunity to file the appropriate pleadings to forestall the issuance of the warrant for his arrest, putting his life in jeopardy. He also underscores Judge Sagun's manifest partiality, as shown by

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<sup>8</sup> Id. at 21-23.

<sup>9</sup> Id. at 5.

<sup>10</sup> Id. at 5.

<sup>11</sup> Id. at 6-7.

<sup>12</sup> Id. at 89-82.

<sup>13</sup> Id. at 101.

<sup>14</sup> Id. at 7-8.

<sup>15</sup> Entitled: "ANTI-GRAFT AND CORRUPT PRACTICES ACT" Approved: 17 August 1960.

the fact that his counsel was still not receiving copies of the pleadings and other court processes, because the court had not issued an Order entering FELAW's appearance as his counsel. In contrast, Judge Sagun had issued an Order dated 12 July 2017 to enter the appearance of Judy's counsel, Pizarras, Gainza, and Associates, which filed its Notice of Entry seven days after FELAW filed a similar pleading.<sup>16</sup>

On 29 September 2017, the Office of the Court Administrator (OCA) issued its 1<sup>st</sup> Indorsement<sup>17</sup> directing Judge Sagun to submit his Comment on the Complaint within 10 days from receipt of the same. Upon Judge Sagun's failure to comply, then Court Administrator Jose Midas P. Marquez (now a Member of this Court) issued a 1<sup>st</sup> Tracer reiterating the previous directive for the former to file his Comment. Judge Sagun still failed to submit his Comment.<sup>18</sup>

On 11 September 2020, the OCA submitted to this Court its Report.<sup>19</sup> It noted that Judge Sagun has failed to comply with its two directives to file a Comment on the Complaint despite receipt of the OCA's 1<sup>st</sup> Indorsement. Nonetheless, the OCA held that Judge Sagun should be given one last opportunity to comply, considering the gravity of the charges against him. However, Judge Sagun should also be directed to show cause why he should not be held administratively liable for his non-compliance with the OCA's directives.

In a Resolution<sup>20</sup> dated 18 March 2021, the Court adopted the OCA's recommendation and directed Judge Sagun to show cause why he should not be administratively dealt with for refusing to submit his Comment despite two directives from the OCA, and to file his Comment, failing which the Court would take the necessary action and decide the Complaint based on the records on hand.<sup>21</sup>

Judge Sagun, in his Most Respectful Comment/Answer<sup>22</sup> dated 04 November 2021, admits his failure to file his Comment, averring that the reason for such was that the hard drive of his computer, which contained the pertinent documents relevant to the present Complaint had been corrupted and could no longer be retrieved despite all efforts to do so, leading him to lose track of the complaint. Nonetheless, he had in his possession the Orders and other issuances in the RA 9262 case against complainant.<sup>23</sup>

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<sup>16</sup> Id. at 9-11.

<sup>17</sup> Id. at 102.

<sup>18</sup> Id. at 103.

<sup>19</sup> Id. at 104-107.

<sup>20</sup> Id. at 110-111.

<sup>21</sup> Id.

<sup>22</sup> Id. at 113-126.

<sup>23</sup> Id.

Judge Sagun denies complainant's allegation of manifest partiality and giving unwarranted benefits to Judy. He points out that the complaint is founded on the denial of complainant's Omnibus Motion. He maintained that the same was done in the legitimate exercise of his judicial functions, in accordance with existing laws and jurisprudence. Moreover, complainant should have availed of the proper remedy for assailing the denial of his Omnibus Motion under the Rules of Court. Thus, Judge Sagun prays for the dismissal of the instant Complaint.<sup>24</sup>

### **Issue**

For this Court's resolution is whether Judge Sagun can be held administratively liable for manifest partiality, evident bad faith, and gross inexcusable negligence.

### **Ruling of the Court**

The Complaint is dismissed for lack of merit.

The main contention raised by complainant stems from Judge Sagun's unfavorable ruling on the Omnibus Motion (To Quash Information, For Judicial Determination of Probable Cause and to Suspend and Defer Proceedings). Clearly, the propriety of the denial of complainant's Omnibus Motion is judicial in nature since it involves Judge Sagun's appreciation of the evidence presented by the prosecution. It is therefore outside the ambit of an administrative complaint.<sup>25</sup>

Not every error or mistake committed by a judge in the performance of their official duties renders them administratively liable. Judges cannot be subjected to any liability — civil, criminal or administrative — for any of their official acts, no matter how erroneous as long as they act in good faith. Only judicial errors tainted with fraud, dishonesty, and corruption, gross ignorance, bad faith or deliberate intent to do an injustice will be administratively sanctioned.<sup>26</sup>

An examination of Judge Sagun's Resolution reveals that he had clearly set out the factual and legal basis for denying the Omnibus Motion. Notably, complainant himself averred that he had posted the recommended bail of ₱24,000.00 for each case. Accordingly, Judge Sagun issued an Order dated 14

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<sup>24</sup> Id. at 115-126.

<sup>25</sup> Id. at 5-11.

<sup>26</sup> *Mahinay v. Daomilas, Jr.*, 833 Phil. 310, 324 (2018).

July 2017 lifting and setting aside the Warrant of Arrest.<sup>27</sup> Thus, complainant had availed of the judicial remedy against the order complained of.

Meanwhile, complainant also assails the fact that Judge Sagun did not issue an order for the entry of appearance of FELAW. Complainant maintains that the same caused him prejudice because his counsel did not receive the court's orders and other processes. Judge Sagun countered that FELAW's entry as complainant's counsel was entered into the records upon its filing of the Omnibus Motion on 05 July 2017. FELAW's associate lawyer was furnished a copy of the trial court's Resolution denying Omnibus Motion, since he would not have been given a copy if he was not complainant's counsel. The said law firm was also allowed to appear before the court when complainant posted his bond.<sup>28</sup>

In *People v. Gelacio*,<sup>29</sup> the Court explained what constitutes manifest partiality, evident bad faith, and gross inexcusable negligence, thus:

There is manifest partiality when there is a clear, notorious, or plain inclination or predilection to favor one side or person rather than another. "Partiality" is synonymous with "bias" which "excites a disposition to see and report matters as they are wished for rather than as they are." In *Martel v. People (Martel)*, the Court explained that under Sec. 3 (e) of R.A. No. 3019, manifest partiality is in the nature of *dolo*. Hence, it must be proven that the offender had malicious and deliberate intent to bestow unwarranted partiality in favor of another.

Evident bad faith, on the other hand, pertains to bad judgment as well as palpably and patently fraudulent and dishonest purpose to do moral obliquity or conscious wrongdoing for some perverse or ill will. In *Martel*, the Court expounds that evident bad faith "does not simply connote bad judgment or negligence" but of having a "palpably and patently fraudulent and dishonest purpose to do moral obliquity or conscious wrongdoing for some perverse motive or ill will. It contemplates a state of mind affirmatively operating with furtive design or with some motive or self-interest or ill will or for ulterior purposes." In *Martel*, it was emphasized that the presence of evident bad faith requires that the accused acted with a malicious motive or intent, or ill will. It is not enough that the accused violated a provision of law or that the provision of law violated is clear, unmistakable, and elementary. To constitute evident bad faith, it must be proven that the accused acted with fraudulent intent.

Meanwhile, gross inexcusable negligence is that negligence characterized by the want of even the slightest care, acting or omitting to act in a situation where there is a duty to act, not inadvertently but wilfully and intentionally, with conscious indifference to consequences insofar as other persons may be affected.<sup>30</sup>

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<sup>27</sup> *Rollo*, p. 7.

<sup>28</sup> *Id.* at 5-7.

<sup>29</sup> G.R. Nos. 250951 & 250958, 10 August 2022. Citations omitted.

<sup>30</sup> *Id.*

None of these elements are present in this case. Thus, the Court is not convinced that Judge Sagun's acts constitute manifest partiality, nor do they evince bad faith or gross inexcusable negligence. His failure to issue an Order to enter the appearance of FELAW as complainant's counsel, similar to the Order dated 12 July 2017 he issued for the entry of appearance of Judy's counsel, does not appear to be motivated by bias or bad faith. Indeed, complainant has not even alleged any evil or immoral motives on the part of Judge Sagun. There is also no showing that it gave unwarranted benefits, advantage, or preference to the opposing party. Moreover, complainant was not unduly deprived of the opportunity to file the appropriate pleadings or motions, as can be seen by his continued participation in the proceedings, including posting bail.

Likewise, sending out copies of court processes is not the duty of the judge. Thus, if there had been a lapse in the procedure for furnishing the parties with copies of the court's orders, the omission may reasonably be attributed to the court personnel tasked with this duty, not Judge Sagun himself.

To be sure, Rule 3.09, Canon 3 of the Code of Judicial Conduct provides that "*a judge should organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity.*" *Efficient court management is a judge's responsibility. A judge is ultimately responsible for ensuring that court personnel perform their tasks* and that the parties are promptly notified of his orders and decisions.<sup>31</sup>

The omission on the part of the judge, if there was any, still does not amount to an offense calling for administrative liability. Nonetheless, the Court reminds Judge Sagun that orders of the OCA are mandatory and must be complied with in a timely manner. Respondents in administrative complaints should comment on all accusations or allegations against them in the administrative complaints because it is their duty to preserve the integrity of the judiciary.<sup>32</sup> Non-compliance with the OCA directives is tantamount to insubordination to the Court itself.<sup>33</sup>

It took Judge Sagun four years to finally submit his Comment to the complaint. The excuse he proffered – the loss of his files due to a corrupted hard drive causing him to "lose track" of the OCA's directives – is unacceptable. It speaks of an all-too-casual disregard for the OCA's authority, or, at the very least, a level of carelessness, unbecoming of a judge. He should have exerted more effort to comply as soon as he received the 1<sup>st</sup> Indorsement

<sup>31</sup> *Torres v. Masamayor*, 579 Phil. 38, 44-45 (2008). Emphasis in the original.

<sup>32</sup> *Martinez v. Zoleta*, 374 Phil. 35, 47 (1999).

<sup>33</sup> *Office of the Court Administrator v. Indar*, 725 Phil. 164, 176-177 (2014), citing *Falsification of Daily Time Records of Ma. Emcisa A. Benedictos, Administrative Officer I, Regional Trial Court, Malolos City, Bulacan*, 675 Phil. 459 (2011).

from the OCA.

Under Sec. 15, Rule 140 of the Rules of Court, “[v]iolation of Supreme Court rules, directives and circulars” is considered a Less Serious Charge. Section 17 of the same Rule further provides that those found to guilty of a less serious charge may be meted the following penalties:


- (a) Suspension from office without salary and other benefits for not less than one (1) month nor more than six (6) months; or
- (b) A fine of more than ₱35,000.00 but not exceeding ₱100,000.00.

Nonetheless, considering that this is Judge Sagun’s first offense, which under Sec. 19, Rule 140 may be appreciated as a mitigating circumstance. With the presence of one (1) mitigating circumstance and no aggravating circumstance, the Court may impose the penalties of suspension or fine for a period or amount not less than half of the minimum prescribed under this Rule.<sup>34</sup> Hence, a fine of ₱18,000.00 will suffice. Likewise, Judge Sagun is reminded to promptly comply with the directives of the Court and to be more circumspect in the performance of his duties.

**WHEREFORE**, the foregoing premises considered, the Complaint is **DISMISSED** for lack of merit. However, Judge Fernando T. Sagun is found **GUILTY** of insubordination and is **ORDERED** to pay a **FINE** of ₱18,000.00, with a stern warning that a repetition of the same or any similar act shall be dealt with more severely. Judge Sagun is further **DIRECTED** to inform this Court, in writing, of his compliance with this Resolution within five days from such compliance.

**SO ORDERED.”** *Gesmundo, CJ., and Hernando, J., both on official leave. Marquez, J., no part; Dimaampao, 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

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JUL 10 2023

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<sup>34</sup>Sec. 20, Rule 140.

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The Hon. Executive Judge  
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Hon. Raul B. Villanueva (x)  
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Hon. Jenny Lind R. Aldecoa-Delorino (x)  
Hon. Leo Tolentino Madrazo (x)  
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