



Republic of the Philippines  
**Supreme Court**  
Manila

**THIRD DIVISION**

**NOTICE**

Sirs/Mesdames

*Please take notice that the Court, Third Division, issued a Resolution dated February 13, 2023, which reads as follows:*

“OCA IPI No. 16-4636-RTJ (*Evan Hope D. Olvis v. Hon. Jose Rene G. Dondoyano, Presiding Judge, Regional Trial Court, Branch 6, Dipolog City, Zamboanga del Norte*). — In a Complaint-Affidavit<sup>1</sup> dated October 27, 2016, complainant Evan Hope D. Olvis (Olvis) charged Judge Jose Rene G. Dondoyano (Judge Dondoyano) Presiding Judge of Branch 6, Regional Trial Court, Dipolog City, Zamboanga del Norte, with Gross Ignorance of the Law and Knowingly Rendering an Unjust Judgment in relation to Election Protest Case No. 001-2016,<sup>2</sup> entitled *Roberto T. Uy, Jr. v. Evan Hope D. Olvis, et al.*

The facts of the case are simple.

In the national and local elections held on May 9, 2016, the Municipal Board of Canvassers proclaimed Olvis as the duly elected Mayor of Polanco, Zamboanga del Norte. Even so, his contender, Roberto T. Uy, Jr. (Uy), filed an election protest before the Regional Trial Court where Judge Dondoyano was the presiding judge.

In due course, Judge Dondoyano rendered the Decision<sup>3</sup> dated October 21, 2016, the *fallo* of which reads:

**WHEREFORE**, judgment is rendered in favour of protestant Roberto T. Uy, Jr. as against protestee Evan Hope D. Olvis, declaring and ordering the following:

- A. **Declaring** the May 9, 2016 election results for Mayor in Precinct Number 7210001 and 7210002, Barangay Poblacion North, Polanco, Zamboanga del Norte **NULL AND VOID**.
- B. **Declaring** protestant Roberto T. Uy, Jr. as the duly elected Mayor of Polanco, Zamboanga Del Norte in the May 9, 2016 election garnering a total of **EIGHT THOUSAND NINE HUNDRED FORTY-FIVE (8,945)** valid votes over the protestee Evan Hope D.

---

<sup>1</sup> *Rollo*, pp. 1–10.

<sup>2</sup> *Id.* at 23–47.

<sup>3</sup> *Id.* at 69–85.

Olvis who garnered a total of **EIGHT THOUSAND NINE HUNDRED THIRTY-NINE (8,939)** valid votes winning by a margin of **SIX (6)** valid votes after deducting all the invalid votes from [B]arangay Poblacion North, Polanco, Zamboanga del Norte.

- C. **Declaring** the proclamation of protestee Evan Hope D. Olvis by the Polanco Municipal Board of Canvassers on May 10, 2016 as winner for the position of mayor **NULL AND VOID**.
- D. **Ordering** the protestee Evan Hope D. Olvis to **CEASE and DESIST** from further discharging the duties and function as Municipal Mayor of Polanco, Zamboanga del Norte,
- E. **Ordering** the protestee Evan Hope D. Olvis to pay protestant Robeto T. Uy, Jr, the costs of this protest.

The Clerk of Court is directed to cause the service of this decision **PERSONALLY** to the parties through their counsels on record.

**SO ORDERED.**<sup>4</sup>

Disgruntled, Olvis appealed the foregoing Decision to the Commission on Elections (COMELEC). Pending appeal, Olvis filed the instant complaint before the Office of the Court Administrator (OCA) against Judge Dondoyano. Meanwhile, Uy filed a Motion with Prayer for Execution of the Decision Pending Appeal which was granted by Judge Dondoyano.<sup>5</sup>

*Tout de suite*, Olvis filed a Petition for *Certiorari* before the COMELEC to question the order of Judge Dondoyano which granted the execution of the subject decision pending appeal. Subsequently, the COMELEC issued a temporary restraining order, prohibiting Judge Dondoyano from issuing a Writ of Execution pending appeal.<sup>6</sup>

On November 11, 2016, the OCA issued its 1<sup>st</sup> Indorsement<sup>7</sup> requiring Judge Dondoyano to comment on the complaint-affidavit within 10 days from receipt thereof.

In his Comment,<sup>8</sup> Judge Dondoyano avowed, in the main, that the Decision he rendered in Election Protest No. 001-2016 was based on the facts of the case, evidence presented, existing rules, laws, and jurisprudence, free from any bad faith, fraud, malice, gross ignorance of the law, dishonesty, corruption, and bias. This being so, the said administrative complaint must be dismissed.

---

<sup>4</sup> *Id.* at 84-85.

<sup>5</sup> *Id.* at 148.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 115.

<sup>8</sup> *Id.* at pp. 118-123.

In a Resolution<sup>9</sup> dated June 21, 2017, the Court pronounced, *inter alia*, that the filing of an administrative complaint against a judge is not the appropriate remedy where a judicial recourse is still available and it is only after the said 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. Thus, given that Olvis had utilized the available remedy of appeal before the COMELEC for the review of the election protest, a decision on the propriety of the resolution issued by Judge Dondoyano in this administrative proceeding is premature. The Court then decreed to hold in abeyance the adjudication of the instant administrative complaint, pending the outcome of the aforesaid appeal.

Thereupon, Judge Dondoyano filed an *Ex Parte* Motion to Resolve and/or To Dismiss,<sup>10</sup> informing the Court of the dismissal of the election protest by the COMELEC in the Order dated February 24, 2020, which reads—

Considering that the May 13, 2019 National and Local Elections has been concluded and the terms of office of all elected officials for said elections have already commenced, the instant protest filed in connection with the May 9, 2016 National and Local Elections is rendered MOOT and ACADEMIC. The expiration of the challenged term of office renders the corresponding petition moot. Passing upon the merits of this particular case would serve no useful and practical purpose. xxx

WHEREFORE, premises considered, the instant election protest is hereby DISMISSED.

SO ORDERED.<sup>11</sup>

As the parties did not move for its reconsideration within the prescribed period, the foregoing Order attained finality.<sup>12</sup> Thusly, Judge Dondoyano implored the Court to dismiss the present case.

Eventually, the present administrative complaint was referred<sup>13</sup> to the OCA which recommended its dismissal.<sup>14</sup> Upon evaluation, the Judicial Integrity Board, echoed the OCA's recommendation, stating that there is no longer any factual and legal basis therefor.

**The Court resolves to dismiss the instant case.**

On this score, it bears stressing that disciplinary proceedings against judges are not complementary or suppletory of, nor a substitute for, judicial

---

<sup>9</sup> *Id.* at 128–129

<sup>10</sup> *Id.* at 130–132.

<sup>11</sup> *See* Entry of Judgment, *id.* at 134.

<sup>12</sup> *Id.* at 136–137.

<sup>13</sup> *Id.* at 139–140.

<sup>14</sup> *Id.* at 141–144.

remedies. Resort to and exhaustion of judicial remedies, as well as the entry of judgment in the corresponding action or proceeding, are pre-requisites for taking other measures against the judges concerned.<sup>15</sup> For, obviously, if subsequent developments prove the judge's challenged act to be correct, there would be no occasion to proceed against him or her, at all.<sup>16</sup>

Notably, in the case at bench, the COMELEC had already dismissed the appeal filed by the complainant in Election Protest Case No. 001-2016 entitled *Roberto T. Uy, Jr. v. Evan Hope D. Olvis, et al.* for being moot and academic and that the same had already attained finality. In this regard, though the COMELEC dismissed complainant's appeal based on mootness, and not on the merits of the Decision dated October 21, 2016, still, the Court rules and so holds that the complaint against respondent, for Gross Ignorance of the Law and Knowingly Rendering an Unjust Judgment, has no leg to stand on.

Appositely, primal is the rule that judges may not be held administratively accountable for every erroneous ruling or decision they render, assuming they have indeed erred. 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. It is only where the error is tainted with bad faith, fraud, malice, or dishonesty that administrative sanctions may be imposed against the erring judge.<sup>17</sup> As it happened, the complainant failed to demonstrate that the respondent, in rendering the subject Decision, was moved by bad faith, fraud, malice, or dishonesty.

Anent the charge of Knowingly Rendering an Unjust Judgment, as the same equates to a criminal offense under Article 204 of the Revised Penal Code, the showing of culpability on the part of the judicial officer should be nothing short of proof beyond reasonable doubt. As such, the complainant must not only prove beyond reasonable doubt that the judgment is patently contrary to law or not supported by the evidence but that it was also made with deliberate intent to perpetrate an injustice. Good faith and the absence of malice, corrupt motives or improper consideration are sufficient defenses that will shield a judge from the charge of rendering an unjust decision. In other words, the judge was motivated by hatred, revenge, greed or some other similar motive in issuing the judgment. Bad faith is, therefore, the ground for liability.<sup>18</sup> In the case at bench, aside from the fact that the complainant no longer moved for the reconsideration of the assailed Decision which thus attained finality, forsooth, there is no showing that the respondent was prompted by ill motive in the adjudication thereof.

---

<sup>15</sup> See *Andrew N. Baysa v. Marietta V. Santos*, G.R. No. 254328 (December 2, 2021).

<sup>16</sup> See *Gov. Tallado v. Hon. Winston S. Racoma*, A.M. No. RTJ-22-022 (Formerly OCA-I.P.I. No 19-4966-RTJ) (August 23, 2022).

<sup>17</sup> *Id.*

<sup>18</sup> See *Hortencia R. Cayabyab v. Presiding Judge Irineo P Pangilinan, Jr.*, A.M. No. RTJ-20-2584 (Formerly OCA- I.P.I. 18-4841-RTJ), July 28, 2020.

February 13, 2023

**WHEREFORE,** the administrative complaint against respondent Judge Jose Rene G. Dondoyano, Presiding Judge of Branch 6, Regional Trial Court, Dipolog City, Zamboanga del Norte, is hereby **DISMISSED**.

**SO ORDERED.”**

By authority of the Court:

*Misael Domingo C. Battung III*  
**MISAELO DOMINGO C. BATTUNG III**  
*Division Clerk of Court* *02-13-23*

Hon. Jose Rene G. Dondoyano  
 Presiding Judge  
 REGIONAL TRIAL COURT  
 Branch 6, Dipolog City  
 7100 Zamboanga del Norte

Mr. Evan Hope D. Olvis  
 Complainant  
 Poblacion North, Polanco,  
 Zamboanga del Norte

Atty. Stephen E. Cascolan  
 BENIPAYO & PARTNERS LAW FIRM  
 Unit 301 Times Square Building  
 Examiner cor. Times Street  
 1104 West Triangle, Quezon City

Hon. Raul Bautista Villanueva  
 Court Administrator  
 OFFICE OF THE COURT ADMINISTRATOR  
 Supreme Court, Manila

Hon. Jenny Lind R. Aldecoa-Delorino  
 Hon. Leo T. Madrazo  
 Deputy Court Administrators  
 OFFICE OF THE COURT ADMINISTRATOR  
 Supreme Court, Manila

Hon. Lilian C. Barribal-Co  
 Hon. Maria Regina Adoracion Filomena M. Ignacio  
 Assistant Court Administrators  
 OFFICE OF THE COURT ADMINISTRATOR  
 Supreme Court, Manila

JUDICIAL AND BAR COUNCIL  
 Supreme Court, Manila

Legal Office (Atty. Wilhelmina D. Geronga)  
 Accounting Division  
 Financial Management Office (Atty. Gilda A.  
 Sunpo-Garcia)  
 Cash Collection & Disbursement  
 Office of Administrative Services (Atty. Maria  
 Teresa O. Demesa-Razal)  
 Court Management Office (Atty. Marilou M.  
 Anigan)  
 Documentation Unit  
 Records Control Center  
 OFFICE OF THE COURT ADMINISTRATOR  
 Supreme Court, Manila

PHILIPPINE JUDICIAL ACADEMY  
 Research Publications and Linkages Office  
 Supreme Court, Manila  
 [research\_philja@yahoo.com]

PUBLIC INFORMATION OFFICE  
 Supreme Court, Manila  
 [For uploading pursuant to A.M. 12-7-1-SC]

LIBRARY SERVICES  
 Supreme Court, Manila

OCA IPI No. 16-4636-RTJ

(288)  
 URES