Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

GEORGE T. CHUA, Complainant,	**A.M. No. RTJ-14-2394 (Formerly OCA IPI No. 12-3847-RTJ)**
	Present:
- versus -	VELASCO, JR.,* LEONARDO-DE CASTRO,** Acting Chairperson, BERSAMIN, PEREZ, and BERNABE, *JJ.*
JUDGE FORTUNITO L. MADRONA, Respondent.	Promulgated: SEP 0 1 2014

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D E C I S I O N

BERSAMIN, *J.*:

A trial judge is not accountable for performing his judicial functions and office because such performance is a matter of public duty and responsibility Indeed, the judge's office and duty to render and administer justice, being functions of sovereignty, should not be simply taken for granted. No administrative charge for manifest partiality, gross misconduct, and gross ignorance of the law should be brought against him for the orders issued in the due course of judicial proceedings.

Antecedents

On January 26, 1994, Manila Bay Development Corporation (MBDC) leased for a period of 20 years about 10 hectares of reclaimed land along Roxas Boulevard in Parañaque City to Jimmy Gow. A year later, Gow, who was the president of Uniwide Holdings, Inc. (Uniwide), assigned the lease to

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* In lieu of Chief Justice Maria Lourdes P.A. Sereno, who is on Wellness Leave, per Special Order No. 1772.

** Per Special Order No. 1771 dated August 28, 2014.

Uniwide. MBDC and Uniwide then entered into a supplemental agreement over the lease in 1996.[1]

On February 17, 2011, Uniwide filed an action for reformation of contract against MBDC in the Regional Trial Court (RTC) in Parañaque City.[2] The complaint, docketed as Civil Case No. 11-0060, and was raffled to Branch 274 under respondent Presiding Judge Fortunito L. Madrona, essentially alleged that MBDC had reneged on its promise to develop the area into a commercial and business center; that the construction of what later came to be known as Macapagal Avenue had cut through the leased area, greatly affecting Uniwide's construction plans; and that subsequent changes in circumstances had gone beyond the contemplation of the parties at the time they entered into the lease contract.[3]

Summons and a copy of the complaint were served upon MBDC on March 23, 2011. On the last day for the filing of its responsive pleading, MBDC moved for the dismissal of the complaint instead of filing its answer, claiming prescription and failure to state a cause of action.[4] MBDC also stated in its motion that the action for reformation was merely a ploy by Uniwide to forestall the ejectment case against it.

The RTC denied the motion to dismiss through its order dated August 1, 2011.[5] MBDC received a copy of the order on September 26, 2011, and filed its motion for reconsideration 11 days thereafter. Judge Madrona then directed Uniwide and MBDC to file their comment and reply, respectively, after which the motion for reconsideration would be deemed submitted for resolution.

Before MBDC could file its reply, Uniwide filed a motion to declare MBDC in default.

On December 23, 2011, Judge Madrona issued another order resolving the two pending motions,[6] declaring MBDC in default, and declaring its motion for reconsideration moot.

Aggrieved, complainant George T. Chua, as the president of MBDC, filed a complaint-affidavit dated February 13, 2012 to charge Judge Madrona with manifest partiality, gross misconduct, and gross ignorance of the law.[7]

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1 *Rollo*, pp. 38-46.
2 Id. at 12-22.
3 Id. at 13-15.
4 Id. at 352-362.
5 Id. at 381-382.
6 Id. at 459-462.
7 Id. at 1-10.

The Court referred the administrative case to the Court of Appeals (CA) for investigation and recommendation.[8] The CA raffled the administrative case to Associate Justice Noel G. Tijam.[9]

In due course, Justice Tijam submitted his Report and Recommendation to the Court.[10]

Allegations in Support of the Complaint

The complainant asserted that the December 23, 2011 order declaring MBDC in default, and rendering the motion for reconsideration moot showed Judge Madrona's manifest partiality in favor of Uniwide; that the motion for reconsideration should have first been resolved; that the motion to declare MBDC in default had not yet been deemed submitted for resolution, for, in fact, Uniwide submitted its reply to MBDC's comment/opposition to the motion only after the issuance of the December 23, 2011 order; that by failing to resolve the substantial issues raised in the motion for reconsideration, MBDC had been deprived of its right to participate in the proceedings; and that MBDC had actively participated in the proceedings in the RTC, and did not deserve to be declared in default.[11]

On the allegation of gross misconduct, the complainant averred that Judge Madrona's refusal to dismiss the complaint, which on its face had no basis and had already prescribed, made him unfit for his position as judge; that the action was filed only in 2011, although the contract sought to be reformed had been executed in 1994, while the supplemental agreement had been entered into in 1996; and that in declaring that Uniwide's cause of action had arisen only in 2005 and thus denying the motion to dismiss, Judge Madrona acted arbitrarily and without basis.[12]

With regard to the allegation of gross ignorance of the law, the complainant alleged that as a judge, Judge Madrona was expected to know the pertinent law and procedural rules, and to apply them properly and in good faith; that his stubborn refusal to reconsider the default declaration despite having been fronted with jurisprudence, citing *Diaz v. Diaz*,[13] that the reglementary period within which to file an answer to a complaint should be counted from a party's receipt of the order denying a motion for

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8 Id. at 593.
9 *Rollo*, p. 595.
10 Id. at 975-992.
11 Id. at 3 & 826-828.
12 Id. at 5 & 830.
13 G.R. No. 135885, April 28, 2000, 331 SCRA 302.

reconsideration; and that MBDC should not have been declared in default without an earlier resolution of the motion for reconsideration.[14]

Finally, complainant accused Judge Madrona of tampering with the minutes of the November 18, 2011 hearing, alleging that during the hearing, MBDC was given 15 days to comment on Uniwide's motion to declare defendant in default, which was reflected in the minutes of the RTC and confirmed by Sofronio Rojo, the court interpreter, but that the minutes were later made out to give only 10 days to MBDC.[15]

Judge Madrona's Defenses

Judge Madrona justified his order declaring MBDC in default by reasoning that when MBDC's motion to dismiss was denied by the August 1, 2011 order, it only had the balance of the period to file an answer, but not less than five days, as allowed by Section 4, Rule 16 of the Rules of Court,[16] which specifically provided the period to file the answer should the motion to dismiss be denied; that he interpreted the rule as referring to any order denying a motion to dismiss, even if said order had not yet become final or executory; that because the motion to dismiss was filed on the last day to file the answer, MBDC only had five days from the receipt of the August 1, 2011 order within which to file its answer, that is, until October 1, 2011; and that MBDC filed its motion for reconsideration beyond the period allowed to file an answer.[17]

On resolving the motion to declare defendant in default without first ruling on MBDC's motion for reconsideration, Judge Madrona insisted that MBDC had filed its comment/opposition, and the period for Uniwide to file its reply had lapsed without having filed a request for additional time; that the motion could then be considered submitted for resolution; and that on the propriety of the actual order of default, he indicated that MBDC had filed a motion to set aside said order and to admit attached answer, which was still pending judicial action.[18]

As to the allegation that he had tampered with the minutes of the November 18, 2011 hearing, Judge Madrona pointed out that he had thereby merely corrected the minutes; that he explained that the practice in his courtroom had been to allow the court interpreter to prepare the minutes

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14 *Rollo*, p. 6.

15 Id. at 834-837.

16 Section 4. *Time to plead*. – If the motion is denied, the movant shall file his answer within the balance of the period prescribed by Rule 11 to which he was entitled at the time of serving his motion, but not less than five (5) days in any event, computed from his receipt of the notice of the denial. If the pleading is ordered to be amended, he shall file his answer within the period prescribed by Rule 11 counted from service of the amended pleading, unless the court provides a longer period.

17 *Rollo*, pp. 261-262.

18 Id. at 263.

before hearings started; that the interpreter then asked the parties if they had reached any consensual agreements and noted the agreements down; that the minutes were usually signed before the hearing, and the interpreter relayed its contents to him (Judge Madrona) who then confirmed the contents in his corresponding orders; that on November 18, 2011, the date of the hearing of Uniwide's motion to declare MBDC in default, the parties agreed to file their comment and reply within 15 days respectively; that with regard to the comment and reply, he usually granted the parties only 10 days to file them; that unfortunately, the counsels for the parties had already left the courtroom before being heard; that when he dictated his order for the hearing, he changed the period to file the comment and reply from 15 days to 10 days for both parties; and that he did so in the exercise of the court's inherent power to amend and control its process and orders in order to make them conformable to law and justice, pursuant to Section 5 (*g*), Rule 135 of the *Rules of Court*.[19]

Report and Recommendation of Justice Tijam

In his Report and Recommendation,[20] Justice Tijam rendered the following findings and conclusions, to wit:

> In administrative proceedings, the complainant has the burden of proving the allegations in the complaint with substantial evidence, *i.e.*, that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion. We are reminded that administrative charges against judges have been viewed with utmost care, as the respondent stands to face the penalty of dismissal or disbarment. The proceedings of this character are highly penal in nature and are to be governed by the rules or law applicable to criminal cases. The charges in such case must, therefore, be proven beyond reasonable doubt.
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> ***As to the first issue,*** *the Investigator finds Judge Madrona not administratively liable as the allegations of the complaint are matters pertaining to the exercise of his adjudicative function.*
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> It is undisputed that MBDC received the summons on March 23, 2011, and the latter was required to file an Answer until April 7, 2011. However, instead of filing an Answer to the complaint, it filed a motion to dismiss on April 7, 2011. In the RTC's Order, dated August 1, 2011, it denied MBDC's motion to dismiss, which order was received by the latter on September 26, 2011. Instead of filing an answer, MBDC filed a motion for reconsideration of the Order denying its motion to dismiss on October 7, 2011. Consequently, Judge Madrona directed Uniwide to file a Comment thereto and thereafter, MBDC filed its reply.

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[19] Section 5. x x x
x x x x
(g) To amend and control its process and orders so as to make them conformable to law and justice;
x x x x

[20] Supra note 10.

Pending compliance by the parties with Judge Madrona's directive, Uniwide filed a *Motion to Declare Defendant in Default* and an *Opposition/Comment* thereto was filed by MBDC. On December 23, 2011, without resolving MBDC's motion for reconsideration, Judge Madrona issued this assailed Order, which reads:

> In view of the foregoing, it is the considered opinion of the Court that **the defendant failed to file the requisite responsive pleading, Answer, within the reglementary period prescribed under Section 4, Rule 16 of the 1997 Rules of Civil Procedure, as amended. Having thus failed, the motion of plaintiff thus is with merit, the defendant is therefore hereby declared in default.**
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> Let then the Clerk of Court receive the evidence *ex-parte* for the plaintiff and let the proper report/recommendation be submitted within 30 days after completion of the reception of evidence aforesaid on the basis of which the Court shall proceed to render judgment accordingly. The defendant in default, though, shall still be entitled to notice of subsequent proceedings but not to take part in the trial.
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> With the motion of plaintiff being granted and the defendant declared in default, **action on the motion for reconsideration of defendant is thus rendered mooted.**
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> SO ORDERED.

After a careful review of the foregoing factual circumstances and the documentary evidence presented, the Investigator finds that Judge Madrona erred in declaring MBDC's motion for reconsideration of the order denying motion to dismiss as mooted and in declaring MBDC in default in his assailed Order dated December 23, 2011.

At the outset, MBDC cannot be legally declared in default as it still has a pending motion for reconsideration of the order denying its motion to dismiss. Judge Madrona erred in resolving simultaneously the MBDC's motion for reconsideration and Uniwide's motion to declare defendant in default. With the filing of MBDC's motion for reconsideration, the running of the prescriptive period to file an Answer was interrupted, thus, the counting of the period shall only begin to run upon MBDC's receipt of the Order denying the motion for reconsideration of the RTC's Order dated August 1, 2011.

The case of *Narciso vs. Garcia,* is instructive thus:

> As a consequence of the motion to dismiss that defendant Narciso filed, the running of the period during which the rules required her to file her answer was deemed suspended. When the trial court denied her motion to dismiss, therefore, she had the balance of her period for filing an answer under Section 4, Rule 16 within which to file the same but in no case less than five days, computed from her receipt of the notice of denial of her motion to dismiss. Thus:

> SEC. 4. Time to plead. – **If the motion is denied, the movant shall file his answer within the balance of the period prescribed by Rule 11 to which he was entitled at the time of serving his motion, but not less than five (5) days in any event, computed from his receipt of the notice of the denial.** If the pleading is ordered to be amended, he shall file his answer within the period prescribed by Rule 11 counted from service of the amended pleading, unless the court provides a longer period.

> But apart from opposing defendant's motion to dismiss, plaintiff Garcia asked the trial court to declare Narciso in default for not filing an answer, altogether disregarding the suspension of the running of the period for filing such an answer during the pendency of the motion to dismiss that she filed in the case. Consequently, when the trial court granted Garcia's prayer and simultaneously denied Narciso's motion to dismiss and declared her in default, it committed serious error. **Narciso was not yet in default when the trial court denied her motion to dismiss. She still had at least five days within which to file her answer to the complaint.**
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> **What is more, Narcisco had the right to file a motion for reconsideration of the trial court's order denying her motion to dismiss. No rule prohibits the filing of such a motion for reconsideration. Only after the trial court shall have denied it does Narciso become bound to file her answer to Garcia's complaint. And only if she did not do so was Garcia entitled to have her declared in default.** Unfortunately, the CA failed to see this point. xxx (emphasis supplied)

Judge Madrona cannot validly argue that the period of time for MBDC to file a motion for reconsideration of the order denying a motion to dismiss must be within the same period of time provided under Section 4 Rule 16 of the Rules of Court. A careful review of the said provision reveals that the period provided therein only applies to instances where a motion to dismiss is denied, thus, the movant can still file his answer within the balance of the period prescribed by law but no less than five days computed from the receipt of the notice of denial. The said provision explicitly provides that the same period of time shall apply to cases where a party intends to file a motion for reconsideration of the denial of a motion to dismiss. We stress that when the language of the law is clear, explicit and unequivocal, it admits no room for interpretation but merely application.

It bears stressing that under Section 1, Rule 37 of the Rules of Court, a motion for reconsideration shall be filed within the period for filing an appeal or to be precise, within 15 days from the receipt of the assailed judgment or resolution. Evidence shows that MBDC received the August 1, 2011 Order on September 26, 2011, hence, MBDC's motion for reconsideration thereto was timely filed on October 7, 2011. Judge Madrona incorrectly ruled that MBDC failed to file its responsive pleading within the reglementary period, and granted Uniwide's motion to declare MBDC in default. The undersigned Investigator finds that there was no

basis to declare MBDC in default as Judge Madrona needs to resolve first its motion for reconsideration before the latter is legally required by law to file its Answer within the period of time allowed by law.

Be that as it may, it is worth emphasizing that jurisprudence is replete with cases holding that ***errors, if any, committed by a judge in the exercise of his adjudicative functions cannot be corrected through administrative proceedings, but should instead be assailed through available judicial remedies.*** Disciplinary proceedings against judges do not complement, supplement or substitute judicial remedies and, thus, cannot be pursued simultaneously with the judicial remedies accorded to parties aggrieved by their erroneous orders or judgments.

In the case of *AMA vs. Hon. Bueser, et. al.* citing the case of *Equitable PCI Bank, Inc. v. Laviña*, the Supreme Court ruled that resort to and exhaustion of judicial remedies and a final ruling on the matter, are prerequisites for the taking of appropriate measures against the judges concerned, whether of criminal, civil or administrative nature. If the assailed act is subsequently found and declared to be correct, there would be no occasion to proceed against him at all.

Records show that during the preliminary conference of the case on February 12, 2014, MBDC thru counsel, admitted that there are two separate petitions for *certiorari* filed with the Court of Appeals involving the interlocutory orders issued by Judge Madrona which are allegedly questionable. CA-G.R. SP No. 126858 assails Judge Madrona's Orders, dated April 23, 2012 and July 18, 2012, which denied MBDC's *Motion for Inhibition and to Suspend Proceedings* and granted Uniwide's *Motion to Set Case for Ex-parte Hearing for Further Reception of Plaintiff's Evidence;* and denied its motion for reconsideration thereto, respectively. In CA-G.R. SP No. 126938, MBDC assails Judge Madrona's Order, dated August 13, 2012 denying its *Motion to Set Aside the Order of Default and to Admit Attached Answer*. Since these two petitions for certiorari are still pending and as there is no evidence on record that the same have already been resolved by the Court of Appeals or by the Supreme Court with finality, the instant administrative complaint is deemed pre-mature.

Assuming that Judge Madrona erroneously interpreted the provision of Section 4, Rule 16 of the Rules of Court in relation to this case, he cannot be administratively liable for such judicial error. It is settled that a judge's failure to interpret the law or to properly appreciate the evidence presented does not necessarily render him administratively liable. Only judicial errors tainted with fraud, dishonesty, gross ignorance, bad faith, or deliberate intent to do an injustice will be administratively sanctioned. 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 judgment.

In this case, other than the judicial error committed by Judge Madrona, MBDC failed to adduce convincing evidence showing that Judge Madrona's error was so gross or patent, deliberate and malicious or incurred with evident bad faith. Neither was bias nor partiality established. Acts or conduct of the judge clearly indicative of arbitrariness or prejudice must be clearly shown before he can be branded the stigma of being biased and partial. In the same vein, bad faith or malice cannot be inferred simply because the judgment or order is adverse to a party.

A scrutiny of MBDC's complaint against Judge Madrona's alleged commission of acts amounting to gross ignorance of the law, manifest partiality and gross misconduct, reveals that the complaint actually pertains to Judge Madrona's exercise of adjudicative functions. Assuming arguendo that Judge Madrona's order is erroneous, such error cannot be corrected in an administrative proceeding but should instead be assailed through judicial remedies, such as a motion for reconsideration, an appeal, or a petition for certiorari. Administrative complaints against judges cannot be pursued simultaneously with the judicial remedies accorded to parties aggrieved by the erroneous orders or judgments of the former. Administrative remedies are neither alternative to judicial review nor do they cumulate thereto, where such review is still available to the aggrieved parties and the case has not yet been resolved with finality.

As to the second issue, *the Investigator agrees with Judge Madrona that the changing of the period of time in the Minutes of November 18, 2011 hearing was authorized and made pursuant to the inherent powers of the court to correct error in his Order.*

This Investigator is convinced that Judge Madrona acted in good faith when he corrected the Minutes of the November 18, 2011 hearing. We agree with Judge Madrona that the changes made from 15 days to 10 days for the parties to file their respective Comment and Reply were done to correct the error and in order to conform with the usual court practice of allowing only 10 days to file a comment. It was inaccurate for MBDC to claim that the correction was purposely intended to make it appear that MBDC untimely filed its comment to the subject motion as Uniwide was also given the same period of time to file its reply. More so, despite MBDC's late filing of its comment beyond the 10 day period, the same was still considered in the resolution of Uniwide's motion, thus, showing that the correction was not intended to solely prejudice MBDC but merely to conform with the court's prevailing practice. Here, MBDC's accusation against Judge Madrona for grave misconduct and manifest partiality is without basis.

It is significant to emphasize the inherent power of the courts as provided under Section 5 (g) of Rule 135, that *every court shall have the inherent power to amend and control its processes and orders, so as to make them conformable to law and justice.* "This power includes the right to reverse itself, especially when in its honest opinion it has committed an error or mistake in judgment, and that to adhere to its decision will cause injustice to a party-litigant.

Under the circumstances obtaining in this case, the undersigned Investigator considers Judge Madrona's act of changing the period of time to file the comment and reply to have been done in good faith and in accordance with the court's inherent power to amend and control his orders in the interest of justice and speedy disposition of the case. Judge Madrona's contention was supported by the Affidavit executed by Mr. Rojo, comprehensively explaining the reason why the period of filing the pleadings in the Minutes of November 18, 2011 hearing was changed. Mr. Rojo's affidavit remained uncontested and this Investigator believes that it should be given weight as he was the one who had conferred with the parties prior to the said hearing and had it signed by their counsels.

> On a ***final note***, if a party is prejudiced by the orders of a judge, his remedy lies with the proper court for proper judicial action and not with the office of the Court Administrator by means of an administrative complaint, as in this case. Since, as admitted by the parties, the assailed interlocutory orders of Judge Madrona were appealed through petitions for certiorari and are still pending with the Court of Appeals, hence, this Administrative case filed against Judge Madrona constitutes an abuse of court processes that serves to disrupt rather than promote the orderly administration of justice and further clog the courts' dockets.
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> Judge Madrona, however, must be reminded to cease his practice of having his court interpreter, Mr. Rojo, prepare in advance the minutes of the hearing and requiring the parties to sign the same prior to hearing. The minutes must only be accomplished after the case is adjourned in order to avoid conflict and to reflect an accurate account of the proceedings.
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> ***RECOMMENDATION***
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> The undersigned Investigator respectfully recommends that the administrative complaint against Judge Madrona be **DISMISSED** for patent lack of merit and the Complainant be Admonished to refrain from filing groundless administrative complaints against Judges without substantial or credible evidence.[21]

Ruling

This Court adopts the foregoing findings and recommendations of Justice Tijam.

The complainant's allegations against Judge Madrona arose from the following orders he had issued as the judge trying the civil case involving MBDC, namely: (1) denying MBDC's motion to dismiss; (2) denying MBDC's motion for reconsideration; and (3) granting Uniwide's motion to declare defendant in default. Yet, it is clear that such orders were Judge Madrona's resolutions of the motion to dismiss, motion for reconsideration, and motion to declare MBDC in default, and thus involved the exercise of his judicial functions. Assuming that Judge Madrona thereby erred, his errors were correctible only through available judicial remedies, not by administrative or disciplinary actions.[22]

The records show that MBDC already availed of its rightful judicial remedies. On January 24, 2012, MBDC moved to have the order of default set aside and to have its answer admitted. On February 10, 2012, it filed a motion for the inhibition of Judge Madrona and for the suspension of the proceedings. After Judge Madrona adversely resolved each of the motions, it assailed the adverse resolutions in the Court of Appeals through *certiorari*

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21 *Rollo*, pp. 983-992.

22 *Lorenzana v. Judge Austria*, A.M. No. RTJ-09-2200, April 2, 2014.

(*i.e.*, CA-G.R. SP No. 126858 and CA-G.R. SP No. 126938), the proceedings thereon being still pending.

This administrative complaint against Judge Madrona is disallowed and should be summarily dismissed. To start with, no administrative recourse could supplant or pre-empt the proper exercise by the CA of its *certiorari* jurisdiction. Furthermore, not every error or mistake by a judge in the performance of his official duties as a judge renders him administratively liable. Indeed, no judge can be held administratively liable for gross misconduct, ignorance of the law, or incompetence in the adjudication of cases unless his acts constituted fraud, dishonesty or corruption; or were imbued with malice or ill-will, bad faith, or deliberate intent to do an injustice.[23] These exceptions did not obtain here, for, as Justice Tijam rightly observed, MBDC did not adduce convincing evidence showing that Judge Madrona's acts were so gross or patent, deliberate and malicious; or imbued with evident bad faith; or tainted with bias or partiality.

In *Re: Verified Complaint for Disbarment of AMA Land, Inc. (represented by Joseph B. Usita) against Court of Appeals Associate Justices Hon. Danton Q. Bueser, Hon. Sesinando E. Villon And Hon. Ricardo G. Rosario,*[24] the Court expressed its disdain for administrative charges brought against incumbent Justices and Judges for performing their judicial functions, stating:

> Indeed, no judicial officer should have to fear or apprehend being held to account or to answer for performing his judicial functions and office because such performance is a matter of public duty and responsibility. The office and duty to render and administer justice are function of sovereignty, and should not be simply taken for granted. As a recognized commentator on public offices and public officers has written:[25]
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> > It is a general principle, abundantly sustained by authority and reason, that no civil action can be sustained against a judicial officer for the recovery of damages by one claiming to have been injured by the officer's judicial action within his jurisdiction. **From the very nature of the case, the officer is called upon by law to exercise his judgment in the matter, and the law holds his duty to the individual to be performed when he has exercised it, however erroneous or disastrous in its consequences it may appear either to the party or to others.**
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> > **A number of reasons, any one of them sufficient, have been advanced in support of this rule. Thus it is said of the**

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[23] *Andrada v. Banzon*, A.M. No. MTJ-08-1720, November 25, 2008, 571 SCRA 490, 494-495.

[24] OCA IPI No. 12-204-CA-J, March 11, 2014,

[25] Quoting Mechem, *A Treatise on the Law of Public Offices and Officers*, 1890, Callaghan and Co., Chicago, §619 (bold underscoring supplied for emphasis).

> **judge: "His doing justice as between particular individuals, when they have a controversy before him, is not the end and object which were in view when his court was created, and he was selected to preside over or sit in it. Courts are created on public grounds; they are to do justice as between suitors, to the end that peace and order may prevail in the political society, and that rights may be protected and preserved. The duty is public, and the end to be accomplished is public; the individual advantage or loss results from the proper and thorough or improper and imperfect performance of a duty for which his controversy is only the occasion. The judge performs his duty to the public by doing justice between individuals, or, if he fails to do justice as between individuals, he may be called to account by the State in such form and before such tribunal as the law may have provided. But as the duty neglected is not a duty to the individual, civil redress, as for an individual injury, is not admissible."**

Justice Tijam found the allegation on the tampering of the minutes of the November 18, 2011 hearing unlikely.

We concur with Justice Tijam. The correction of the minutes was done by Judge Madrona under the inherent powers of his court to control its own orders and processes before they became immutable. In changing in the minutes the period stated for filing the comment and the reply from 15 days to 10 days, Judge Madrona was merely correcting the period conformably with the existing practice in his branch of granting only the shorter period of 10 days to make such filings. In that context, no bad faith should be inferred, considering that both parties were subject to the same 10-day period. Moreover, MBDC did not suffer actual prejudice from the change inasmuch as Judge Madrona had actually noted MBDC's comment, and had considered such comment in issuing his December 23, 2011 ruling.

Further, Justice Tijam's recommendation to caution Judge Madrona against allowing his court interpreter to prepare the minutes of the proceedings in advance and requiring the litigants to sign the minutes even prior to the holding of the hearing itself is well taken. Given their obvious purpose, the minutes of judicial proceedings must be accomplished after the close of such proceedings, or after the hearings have been adjourned in order to avoid conflicting entries, or even confusion. It is always essential for the minutes to give an accurate account of the proceedings in accordance with their true nature as records of the official and public acts of the courts. Entries in the minutes should not anticipate the proceedings they are intended to faithfully record, for the reliability and trustworthiness of the entries could be easily compromised otherwise.

WHEREFORE, the Court **DISMISSES** the administrative complaint against respondent Judge Fortunito A. Madrona for its lack of merit.

SO ORDERED.

LUCAS P. BERSAMIN
Associate Justice

WE CONCUR:

PRESBITERO J. VELASCO, JR.
Associate Justice

TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Acting Chairperson

JOSE PORTUGAL PEREZ
Associate Justice

ESTELA PERLAS-BERNABE
Associate Justice