

Republic of the Philippines
Supreme Court
Manila

EN BANC

HON. JOSEFINA B. TALLADO, A.M. No. RTJ-25-084 [Formerly
Complainant, JIB FPI No. 21-086-RTJ]

Present:

GESMUNDO, C.J.,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ,*
KHO, JR., and
SINGH,** JJ.

- versus -

PRESIDING JUDGE WINSTON
S. RACOMA, Branch 39,
Regional Trial Court, Daet,
Camarines Norte, and
PRESIDING JUDGE ARNIEL A.
DATING, Branch 41, Regional
Trial Court, Daet, Camarines
Norte,

Respondents.

Promulgated:

February 18, 2025

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DECISION

* No part, formerly Court Administrator.

** On leave.

ROSARIO, J.:

For resolution of the Court is the August 25, 2021 Memorandum¹ from the Office of the Court Administrator (OCA), acting on the January 5, 2021 Letter² of complainant Hon. Josefina B. Tallado (Representative Tallado), representative of the 1st District of Camarines Norte, requesting a judicial audit of courts presided over by respondent Judge Winston S. Racoma (Judge Racoma), Branch 39, Regional Trial Court (RTC), Daet, Camarines Norte, and respondent Judge Arniel A. Dating (Judge Dating), Branch 41, RTC, Daet, Camarines Norte.

Antecedents

Representative Tallado claimed that she received reports of anomalous issuances of temporary restraining orders (TROs) by Judge Racoma and Judge Dating and that certain cases were heard irrespective of jurisdiction. Although Representative Tallado admitted that she was not privy to the specifics of the allegations, she requested a judicial audit out of her duty to her constituents in Camarines Norte to ensure that they were afforded an efficient and just judicial system.³

Thus, the OCA dispatched a judicial audit team to Branches 38, 39, and 41, RTC, Daet, Camarines Norte and Branch 64, RTC, Labo, Camarines Norte; and issued a January 22, 2021 Memorandum,⁴ instructing Judge Racoma and Judge Dating to submit copies of TROs they issued from January 2, 2019⁵ in compliance with Administrative Order No. 63-2020.⁶

The result of the judicial audit revealed that: (1) Judge Racoma issued TROs in SP Civil Case Nos. 8484 and 8513 without conducting the required summary hearing in violation of Administrative Circular No. 20-95;⁷ and (2) Judge Racoma and Judge Dating failed to comply with Administrative Order No. 63-2020.⁸

¹ *Rollo*, pp. 3–10. The August 25, 2021 Memorandum was signed by Court Administrator Jose Midas P. Marquez (now a member of this Court) and Deputy Court Administrator (now Court Administrator) Raul Bautista Villanueva of the Office of the Court Administrator, Supreme Court.

² *Id.* at 140.

³ *Id.* at 215.

⁴ Not attached to the August 25, 2021 Memorandum.

⁵ *Rollo*, p. 215.

⁶ Submission of Copies of Temporary Restraining Orders, Status *Quo Ante* Orders and Writs of Preliminary Injunction.

⁷ Special Rules for Temporary Restraining Order and Preliminary Injunction.

⁸ *Rollo*, p. 215.

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In its August 25, 2021 Memorandum, the OCA opined that Judge Racoma's failure to abide by Administrative Complaint No. 20-95 constitutes gross ignorance of the law:

I. Ignorance of the Rules on the Issuance of a Temporary
Restraining Order by Judge Racoma

....

The rule thus holds that before a TRO may be issued, all parties must first be heard in a summary hearing, after the records are transmitted to the branch selected by raffle. The only instance when a TRO may be issued *ex parte* is when the matter is of such extreme urgency that grave injustice and irreparable injury will arise unless it is issued immediately. Under such circumstance, the Executive Judge shall issue the TRO effective for [72] hours only. The Executive Judge shall then summon the parties to a conference during which the case should be raffled in their presence. Before the lapse of the [72] hours, the Presiding Judge to whom the case was raffled shall then conduct a summary hearing to determine whether the TRO can be extended for another period until the application for preliminary injunction can be heard, which period shall in no case exceed [20] days including the original [72] hours.

It thus becomes apparent that Judge Racoma erred in issuing the 20-day TROs in both SP Civil Case Nos. 8484 and 8513, having been issued without first conducting a summary hearing which could not be dispensed with unless there was a showing that the TRO fell under the exceptional circumstances enumerated by Administrative Circular No. 20-95 where a TRO may be issued by the Executive Judge before the assignment by raffle to a judge without first conducting a summary hearing. Moreover, such TRO is effective for [72] hours only unlike the [20-day] TROs issued by Judge Racoma.

....

Respondent Judge Racoma's failure to abide by Section 5, Rule 58 and Administrative Circular No. 20-95 constitutes gross ignorance of the law for which he must be disciplined accordingly.⁹

The OCA also observed that Camarines Norte Governor Edgardo A. Tallado (Governor Tallado), the husband of complainant, Representative Tallado, is one of the respondents in SP Civil Case Nos. 8484 and 8513.¹⁰

On Judge Racoma and Judge Dating's violation of Administrative Order No. 63-2020, the OCA noted that it was issued on February 18, 2020, or before the public health emergency due to COVID-19 was declared in March 2020:

⁹ *Id.* at 7–8.

¹⁰ *Id.* at 10.

II. Violation of Administrative Order No. 63-2020 (Submission of Copies of Temporary Restraining Orders, [Status Quo Ante Orders] and Writs of Preliminary Injunction) by Judges Racoma [and] Dating[.]

....

Administrative (AO) No. 63-2020 re: Submission of Copies of Temporary Restraining Orders, Status *Quo Ante* Orders and Writ of Preliminary Injunction requires justices and judges to submit to the Office of the Chief Justice beginning March 1, 2020 copies of the TROs, status *quo ante* orders (SQAs) and writs of preliminary injunction (WPIs) they issued within five (5) days from such issuance.

....

Judges Racoma [and] Dating . . . , when confronted by the audit team about their [noncompliance] with the AO during the exit conference held their respective courts, stated that their failure to comply was due to inadvertence considering the ongoing state of the public health emergency. But take note that the AO was issued on [February 18,] 2020 and the public health emergency over Covid -19 was declared in March 2020. Nonetheless, they undertook to henceforth comply with the AO.¹¹

On December 3, 2021, the Office of the Executive Director (OED), Judicial Integrity Board (JIB), referred OCA's August 25, 2021 Memorandum to Judges Racoma and Dating for comment.¹²

In his Comment,¹³ Judge Racoma averred that the judicial audit team was already furnished with copies of the TROs he issued in SP Civil Case No. 8484, SP Civil Case No. 8498, SP Civil Action No. 8513, and SP Civil Case No. 8585.¹⁴

Judge Racoma asserted that any delay in compliance with Administrative Order No. 63-2020 was by mere inadvertence due to heavy workload. Also, such a delay is not a willful disregard of the Court's directive considering that years 2020 and 2021 were marked by periodic work interruptions due to public health concerns.¹⁵

He contended that the instant administrative case filed by Representative Tallado is not an isolated incident but entwined with other administrative cases successively filed by the incumbent and/or former public officials of the province of Camarines Norte, led by Governor Tallado. In filing the administrative complaints against him, instead of availing the proper

¹¹ *Id.* at 8–9.

¹² *Id.* at 150–151, 155–156.

¹³ *Id.* at 152–154.

¹⁴ *Id.* at 152.

¹⁵ *Id.* at 153.

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judicial remedies, the said public officials, in unison and acting with deliberate concert, targeted him to intimidate, harass, demoralize, and influence him in the hearing and deciding the said cases.¹⁶

In his Comment,¹⁷ Judge Dating stated that while Administrative Order No. 63-2020 was issued on February 18, 2020, and the public health emergency over COVID-19 was declared in March 2020, all communications from the Court were sent through registered mail and received by the lower courts in the provinces on much later dates. Administrative Order No. 63-2020 was received by the Office of the Clerk of Court only on May 12, 2020.¹⁸

Judge Dating clarified that copies of A.O. No. 63-2020 for the branches were only distributed when the court reopened on June 1, 2020. At that time, the volume of workload already piled up considering that all cases scheduled for hearing during the time the court was closed had to be reset and prioritized accordingly. Furthermore, the submission of compliance was overtaken by the declaration of public health emergency due to COVID-19 and the subsequent physical closure of the courts. It was only sometime in February 2021 that A.O. No. 63-2020 was brought to the attention of the court.¹⁹

On January 30, 2023, the OED, citing Section 4,²⁰ paragraph 1 of A.M. No. 21-08-09-SC,²¹ directed Judges Racoma and Dating to show cause why they should not be disciplined as a member of the Bar.²²

In his Supplementary Comment,²³ Judge Dating adopted his previous Comment and further stated that he must adhere to the code, as well as how justice should be dispensed, without regard to the personalities involved in the cases.²⁴

In his Comment,²⁵ Judge Racoma maintains that the TROs he issued were based on the Rules of Court, issued as warranted by the facts of the case,

¹⁶ *Id.*

¹⁷ *Id.* at 159–161.

¹⁸ *Id.* at 159.

¹⁹ *Id.* at 160.

²⁰ SECTION 4. *Administrative Case Considered as Disciplinary Actions Against Members of the Philippine Bar.* - An Administrative case against any of those mentioned in Section 1(1) of this Rule shall also be considered as a disciplinary action against him or her as a member of the Philippine Bar, *provided*, that the complaint specifically states that the imputed acts or omissions therein likewise constitute a violation of the Lawyer's Oath, the Code of Professional Responsibility, the Canons of Professional Ethics or such other forms of breaches of conduct that have been traditionally recognized as grounds for the discipline of lawyers.

²¹ Further Amendments to Rule 140 of the Rules of Court.

²² *Rollo*, pp. 179–180, 191–192.

²³ *Id.* at 183.

²⁴ *Id.*

²⁵ *Id.* at 229–230.

and not indiscriminately issued or issued with malice, prejudice, or corruption. He also asserts that the orders he issued contained the factual antecedents and the basis for the court's resolution.²⁶

Judge Racoma points out that the administrative cases against him, including the instant case, were filed by the same parties involved in the special civil actions where he issued the TROs. He avers that the said parties, who were aggrieved by the court orders that were against their interest, resorted to filing administrative cases instead of availing of remedies under the Rules of Court. He, thus, invokes the provision of OCA Circular No. 264-2022²⁷ pertaining to the Court's ruling in A.M. No. RTJ-22-022,²⁸ and prays for the dismissal of the instant case.²⁹

*Report and Recommendation of the
Office of the Executive Director*

In a Report and Recommendation,³⁰ the OED recommended that the instant administrative complaint against Judges Racoma and Dating be dismissed for involving judicial issues and for lack of merit. The recommendation of the OED reads:

IN VIEW OF THE FOREGOING, it is respectfully submitted for the consideration of the Honorable Board that the following recommendations be made to the Supreme Court:

1. [T]he instant administrative complaint against Hon. Winston S. Racoma, former Presiding Judge, Branch 39, Regional Trial Court, Daet, Camarines Norte and Hon. Arniel A. Dating, Presiding Judge, Branch 41, Regional Trial Court, Daet, Camarines Norte, be **DISMISSED** for involving judicial issues and for lack of merit; and
2. Judge Arniel A. Dating and Executive Judge Evan D. Dizon, Branch 40, Regional Trial Court, Daet, Camarines Norte, be **REMINDED** [to] strictly comply with Administrative Order No. 62-2020.³¹ (Emphasis in the original)

²⁶ *Id.* at 229.

²⁷ The Supreme Court's Ruling in A.M. No. RTJ-22-022 [Formerly OCA I.P.I. No. 19-4966-RTJ], issued on October 5, 2022.

²⁸ *Tallado v. Judge Racoma*, 929 Phil.40 (2022) [Per J. Singh, *En Banc*].

²⁹ *Rollo*, p. 230.

³⁰ *Id.* at 196–213. The July 13, 2023 Report and Recommendation was penned by Atty. James D.V. Navarrete, Deputy Clerk of Court at-Large, Office of the Court Administrator, and Acting Executive Director, Judicial Integrity Board.

³¹ *Id.* at 213.

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The OED disagreed with the findings of the OCA that Judges Racoma and Dating are liable for gross ignorance of the law for issuing TROs valid for 20 days without conducting a hearing.³²

The OED found that the matter regarding the 20-day TROs that Judge Racoma issued without conducting a hearing is judicial in nature. According to the OED:

Judge Racoma consistently cited [Rule 58, Section 5] of the Rules of Court which allows the *ex parte* issuance of a 20-day TRO if “great or irreparable injury would result to the applicant before the matter can be heard on notice.” Hence, the procedural issue concerning the propriety of the issuance of the TROs is tied up with the determination if great or irreparable injury would result to the applicant before a hearing could be conducted which essentially depends on the exercise of Judge Racoma of sound judicial discretion.

Furthermore, in those cases wherein elected public officers are the applicants for TROs (Special Civil Case Nos. 8513 and 8583), Judge Racoma also cited the case of [*Governor Enrique T. Garcia v. Court of Appeals, et al.*] wherein the Supreme Court held that the “suspension from office of an elected public official, whether as a preventive measure or as a penalty, will undeservedly [deprive] the electorate of the services of the person they have conscientiously chosen and voted into office.” He also cited the case of [*Jose I. Barbiero v. Hon Court of Appeals*] wherein it was held that the grant or denial of a writ of preliminary injunction in a pending case rests on the sound discretion of the court. In sum[,] by citing these cases and [Rule 58, Section 5] of the Rules of Court, Judge Racoma laid down the bases of his issuance of the TROs and why he opted not to conduct a hearing. Hence, it cannot be said that Judge Racoma’s issuance of the TROs [is] totally arbitrary or whimsical.

The appropriate remedy for the aggrieved party in the cases examined above is to question what it perceives as a procedural defect through the available judicial remedies provided in the Rules of Court. . . . 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 [their] criminal, civil, or administrative liability may be said to have opened, or closed.³³

As for Judge Dating, the OED found everything in order regarding the procedural aspect of his issuance of 20-day TROs and writs of preliminary injunction. As to the substantive aspect, the OED stated that the validity of the reasons behind Judge Dating’s issuance of the TROs and writs of preliminary injunction is also a judicial matter since it raises issues on the exercise by Judge Dating of his judicial discretion in determining the propriety of granting the injunctive relief prayed for.³⁴

³² *Id.* at 210.

³³ *Id.* at 211.

³⁴ *Id.* at 212.

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Although the OED found that Judges Racoma and Dating belatedly complied with Administrative Order No. 63-2020, it held that such belated compliance is not serious enough to warrant administrative sanction. Judges Racoma and Dating admitted their failure to comply with the order, but interposed the explanation that this was due to mere inadvertence considering the ongoing state of the public health emergency. Respondents also promised to comply with the order.³⁵

Based on the foregoing discussion, the OED found no reason to hold respondents liable as members of the Philippine Bar.³⁶

Report of the Judicial Integrity Board

In its Report,³⁷ the JIB agreed with the OED and disposed as follows:

ACCORDINGLY, the Judicial Integrity Board respectfully **RECOMMENDS** to the Honorable Supreme Court that the instant complaint against former Presiding Judge Winston S. Racoma, Branch 39, Regional Trial Court, Daet, Camarines Norte, and Presiding Judge Arniel A. Dating, Branch 41, Regional Trial Court, Daet, Camarines Norte be **DISMISSED** for being judicial in nature and for lack of merit.³⁸ (Emphasis in the original)

The JIB averred that judicial remedies are available to question the alleged anomalous issuances of TROs, and that the aggrieved parties are not prevented from filing a motion for reconsideration and later, if warranted, they can file a petition for *certiorari* before the Court of Appeals.³⁹

The JIB also averred that Representative Tallado has not shown any evidence that Judges Racoma and Dating were impelled by malice, bad faith, or less than good intention or motive in issuing the assailed Orders.⁴⁰

The JIB further found that Representative Tallado's request for judicial audit of respondents' respective branches is a ploy to intimidate, harass, demoralize, and influence them:

³⁵ *Id.* at 212.

³⁶ *Id.*

³⁷ *Id.* at 214–226. The August 4, 2023 Report was penned by Justice Cielito N. Mindaro-Grulla (Ret.) and concurred in by Justices Romeo J. Callejo, Sr. (Ret.), Angelina Sandoval-Gutierrez (Ret.), Sesinando E. Villon (Ret.), and Rodolfo A. Ponferrada (Ret.), Judicial Integrity Board, Supreme Court.

³⁸ *Id.* at 225.

³⁹ *Id.* at 222.

⁴⁰ *Id.*

Moreover, it appears that the request by Representative Tallado for judicial audit, specifically of branches presided by respondent Judges Racoma and Dating, is not an isolated incident. It is connected with the other administrative cases successively filed against respondent Judges by the incumbent and/or former public officials of the province of Camarines Norte, led by former Governor Tallado. Representative Tallado's request for judicial audit and the filing of several administrative complaints against respondent Judges instead of availing judicial remedies is but a ploy to intimidate, harass, demoralize, and influence them.

Certainly, the entire context of the administrative case should be considered. This administrative matter is one of those cases identified by the Supreme Court in *Tallado v. Racoma* to have been filed by powerful individuals who assumed to wield great power and influence in respondents' place of work.

....

Indeed, Representative Tallado's request for judicial audit, specifically of the branches presided by the respondent Judges who allegedly issued anomalous TROs, is a mere pretext that it was her duty to her constituents.⁴¹

The Court's Ruling

After a judicious review of the records, the Court finds the recommendation of the JIB well-taken.

It cannot be denied that Representative Tallado is attributing errors pertaining to Judge Racoma and Judge Dating's adjudicative functions, which are not the proper subject of an administrative case.

Time and again, the Court has consistently held that errors attributed to judges pertaining to the exercise of their adjudicative functions should be assailed in judicial proceedings instead of in an administrative case. As reiterated in *Mahinay vs. Judge Daomilas, Jr.*:⁴²

The Court has invariably ruled that the errors attributed to judges pertaining to the exercise of their adjudicative functions should be assailed in judicial proceedings instead of in an administrative case. Consistent with the Court's policy, a judge 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.⁴³

⁴¹ *Id.* at 222–224.

⁴² 833 Phil. 310 (2018) [Per J. Caguioa, Second Division].

⁴³ *Id.* at 323–324.

A perusal of the Orders issued by Judges Racoma and Dating shows that these were issued with factual and legal bases, following relevant procedural rules.

Assuming Judges Racoma and Dating erred in issuing the assailed Orders, there is no evidence of fraud, dishonesty and corruption, gross ignorance, bad faith, or deliberate intent to do an injustice that would render them administratively liable.

Considering the foregoing, dismissal of the Complaint against Judges Racoma and Dating is proper.

The Court takes judicial notice of *Tallado v. Judge Racoma*,⁴⁴ where the instant case is cited as one of the administrative cases filed by Governor Tallado and/or individuals related to Governor Tallado:

Our judges do not perform their judicial duties in a vacuum. They, like us, assume their role in society and, as such, necessarily interact and relate with other members of their communities.

The Court takes judicial notice that Judge Racoma is up against powerful individuals whom [W]e can assume wield great power and influence in his place of work. This is not the first case filed against Judge Racoma by the Complainants as there are other administrative cases that have been filed against him by the same or related individuals:

	Complainant	Docket Number	Docket Date	Charges	Status
1.)	Hon. Josefina B. Tallado	21-086-RTJ	18 November 2021	Gross Ignorance of the Law or Procedure	Pending
2.)	Vice Governor Joseph Christopher Panotes, et al.	20-5083-RTJ	23 October 2020	Ignorance of the Law and Procedure, and Gross Misconduct	Pending
3.)	Governor Edgardo A. Tallado	RTJ-18-2536 (15-4396-RTJ)	7 May 2015 and 2 October 2018	Gross Ignorance of the Law and Procedure, Violation of the Code of	Fined [PHP]11,000.00 with Stern Warning

⁴⁴ 929 Phil. 40 (2022) [Per J. Singh, *En Banc*].

				Judicial Conduct	
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The Court likewise takes note that Judge Racoma is not the only judge who has been sued by the politicians in his province. The Executive Judge, Judge Arniel A. Dating, the Presiding Judge of Branch 41 of the RTC of Daet, Camarines Norte, has also been named a respondent in several cases filed by complainants Tallado, [et al.] Judge Dating was the first judge who acted in the case subject matter of this Petition until he inhibited and the case was reraffled to Judge Racoma, and Tallado, [et al.], filed the present administrative charge against him as a result. There are only [three] RTC Judges in Daet, Camarines Norte, and [one] Family Court Judge. It should concern the Court that the Complainants, for this one case, had already ‘eliminated’ and sued [two] of the judges in the station, leaving only one more to act on it.

This kind of situation is to be decried, though not uncommon. The influence of both elective and appointive officials on our judges is a fact [W]e must not close our eyes to. We have our Code of Judicial Conduct to guide [U]s in navigating the tenuous balance in [O]ur relations with the officials from the two other branches of government. However, not even the Code can protect [O]ur judicial frontliners from the hardships occasioned by discordant and moreso openly adversarial relations with the said officials. Unfortunately, the filing of administrative charges against [O]ur judges has been unscrupulously resorted to. Whereas, the members of this Court are no less vulnerable, [W]e must acknowledge that our judges have to literally face and live in the midst of this unhealthy environment, day in and day out. Certainly, in discharging the Court’s duty of supervision, [W]e must take these matters into account, specially so in deciding administrative cases which may have been actuated by obviously long-standing strained relations, if not outright animosity.⁴⁵

In the aforesated case, the administrative complaint against Judge Racoma was dismissed as it pertained to the exercise of his adjudicative functions and there was no clear showing of bad faith on his part. Complainants therein were ordered to show cause why they should not be held for indirect contempt of court for filing a premature complaint against Judge Racoma, intended to harass or vex the latter.⁴⁶

We also take judicial notice of *Venida v. Judge Dating*,⁴⁷ which also involves administrative complaints against Judges Racoma and Dating filed by an appointee of Governor Tallado. In said case, the Court adopted the OCA’s findings “that the administrative complaint for gross ignorance of the law against Judge Racoma lacks merit because it involves a judicial matter

⁴⁵ *Id.* at 52–54.

⁴⁶ *Id.* at 57.

⁴⁷ A.M. No. RTJ-16-2458 [Formerly OCA IPI No. 11-3608-RTJ, July 29, 2020 [Unsigned Resolution, Third Division].

that can be addressed by filing the appropriate judicial action.”⁴⁸ The complaint against Judge Dating was dismissed as the Court already penalized Judge Dating for the same acts complained of in *Ferrer v. Judge Dating*.⁴⁹

We further take judicial notice of *Tallado v. Judge Dating*,⁵⁰ where the Court dismissed the complaint against Judge Dating and noted that complainants therein have the propensity for filing administrative complaints against members of the bench.⁵¹ Consequently, complainants therein were likewise ordered to show cause why they should not be cited for indirect contempt of court for filing a premature complaint against Judge Dating, intended to harass or vex the latter.⁵²

The instant case does not differ.

It is well-settled that “unfounded criticisms against members of the Judiciary degrade the judicial office and greatly interfere with the due performance of their functions in the Judiciary.”⁵³ “They not only needlessly drain the resources of the Court in resolving them, they sow the seeds of distrust of the public against members of the Judiciary.”⁵⁴

Here, the JIB found that Representative Tallado’s request for a judicial audit of Judge Racoma’s and Judge Dating’s branches is a ploy to intimidate, harass, demoralize, and influence them.⁵⁵

We agree with the JIB.

In *Tallado v. Racoma*,⁵⁶ the Court provided guidelines for determining if a disciplinary case filed against a justice, judge, or court personnel is a harassment suit, and enumerated the following factors:

- (a) the existence of other cases filed against the public respondent by the same complainant or related complainants;
- (b) the position and influence of the complainant, particularly in the locality where the public respondent is stationed;

⁴⁸ *Id.*

⁴⁹ 820 Phil. 547 (2017) [Per J. Caguioa, Second Division].

⁵⁰ 929 Phil. 483 (2022) [Per J. Caguioa, *En Banc*].

⁵¹ *Id.* at 504.

⁵² *Id.* at 505.

⁵³ *Tallado v. Judge Racoma*, 929 Phil. 40, 56 (2022) [Per J. Singh, *En Banc*].

⁵⁴ *Id.* at 56–57.

⁵⁵ *Rollo*, p. 223.

⁵⁶ 929 Phil. 483 (2022) [Per J. Singh, *En Banc*].

- (c) the number of times the public respondent has been charged administratively and the corresponding disposition in these cases;
- (d) any decisions or judicial actions previously rendered by the public respondent for or against the complainant;
- (e) the propensity of the complainant for filing administrative cases against members and personnel of the Judiciary; and
- (f) any other factor indicative of improper pressure or influence.⁵⁷

An examination of the instant case based on the foregoing guidelines reveals that the request for a judicial audit of Judge Racoma's and Judge Dating's *salas* was a ploy to intimidate, harass, demoralize, and influence Judges Racoma and Dating.

First, as noted by the OCA, Representative Tallado is the wife of Governor Tallado, one of the respondents in SP Civil Case Nos. 8484 and 8513. It cannot, therefore, be denied that Representative Tallado is an interested party in the cases involving her husband.

Second, Representative Tallado, as the representative of the 1st District of Camarines Norte, is occupying a highly influential position in the province where Judge Racoma and Judge Dating were stationed at the time Representative Tallado requested an audit.

Third, as We noted, there are previous administrative cases filed by individuals related to Representative Tallado and her husband against Judges Racoma and Dating. In most of these cases, Judge Racoma and Judge Dating were absolved of the offenses charged, and the complainants were ordered to show cause why they should not be held for indirect contempt of court for filing premature complaints against respondents, intended to harass or vex them.

Considering the foregoing, the Court deems it proper to also direct Representative Tallado to explain why she should not be cited in contempt for requesting a judicial audit for unfounded reasons, which audit does not only interfere with the due performance of judicial functions, but also undermines and degrades or impairs the respect due the judicial office.

ACCORDINGLY, the Court resolves to **ADOPT** and **APPROVE** the findings of fact, conclusions of law, and recommendations of the Judicial

⁵⁷ *Id.* at 56.

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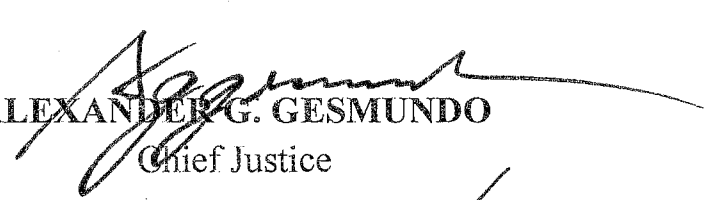
Integrity Board. The instant administrative complaint against respondents former Presiding Judge Winston S. Racoma, Branch 39, Regional Trial Court, Daet, Camarines Norte, and Presiding Judge Arniel A. Dating, Branch 41, Regional Trial Court, Daet, Camarines Norte is **DISMISSED** for being judicial in nature and lack of merit.


The complainant Hon. Josefina B. Tallado is **ORDERED** to **SHOW CAUSE**, within 10 days from notice, why she should not be held for indirect contempt of court for requesting a judicial audit for unfounded reasons against former Presiding Judge Winston S. Racoma and Presiding Judge Arniel A. Dating, intended to harass or vex them.

SO ORDERED.


RICARDO B. ROSARIO
Associate Justice


WE CONCUR:



ALEXANDER G. GESMUNDO
Chief Justice


MARVIC MARIO VICTOR F. LEONEN
Senior Associate Justice

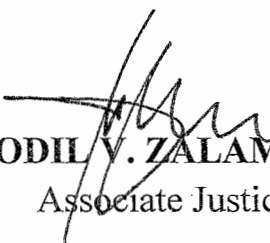

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice

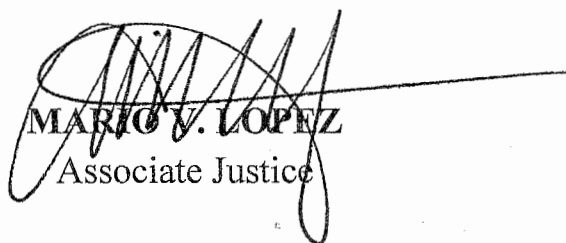

AMY C. LAZARO-JAVIER
Associate Justice




HENRI JEAN PAUL B. INTING
Associate Justice



RODIL V. ZALAMEDA
Associate Justice



MARIO V. LOPEZ
Associate Justice



SAMUEL H. GAERLAN
Associate Justice




JHOSEP V. LOPEZ
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice

No Part
JOSE MIDAS P. MARQUEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice

ON LEAVE
MARIA FILOMENA D. SINGH
Associate Justice