



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **February 3, 2020** which reads as follows:*

“A.C. No. 7870 [Formerly CBD Case No. 06-1835] (Alfredo S. Ramos v. Atty. Ariel Cadiente Santos)

Complainant Alfredo S. Ramos charged respondent Labor Arbiter Atty. Ariel Cadiente Santos with violation of the lawyer’s oath, Canon 1,¹ Rules 1.01,² 6.01,³ 10.01,⁴ 10.02,⁵ and Canon 12⁶ of the Code of Professional Responsibility (CPR) and prays for his disbarment.

On March 12, 2003, complainant sued U-Net Distributors Corporation (U-Net), et al. for unfair labor practices, underpayment of monthly basic salary and 13th month pay, non-reimbursement of telephone bill and printing expenses, and non-payment of transportation and cellphone allowances. The case was docketed as NLRC NCR Case No. 00-03-03472-03.

¹ Canon 1 – A lawyer shall uphold the constitution, obey the laws of the land and promote respect for law and for legal processes.

² Rule 1.01 – A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

³ Rule 6.01 – The primary duty of a lawyer engaged in public prosecution is not to convict but to see that justice is done. The suppression of facts or the concealment of witnesses capable of establishing the innocence of the accused is highly reprehensible and is cause for disciplinary action.

⁴ Rule 10.01 – A lawyer shall not do any falsehood, nor consent to the doing of any in Court; nor shall he mislead or allow the Court to be misled by an artifice.

⁵ Rule 10.02 – A lawyer shall not knowingly misquote or misrepresent the contents of a paper, the language or the argument of opposing counsel, or the text of a decision or authority, or knowingly cite as law a provision already rendered inoperative by repeal or amendment or assert as a fact that which has not been proved.

⁶ Canon 12 – A lawyer shall exert every effort and consider it his duty to assist in the speedy and efficient administration of justice.

Under its assailed Decision⁷ dated July 22, 2015, respondent dismissed the complaint for lack of merit. According to respondent, complainant failed to substantiate his money claims, as well as his charge of unfair labor practices.

Dissatisfied, complainant appealed to the National Labor Relations Commission (NLRC).⁸

At the same time, complainant initiated the present complaint against respondent for violation of the lawyer's oath and of the CPR, specifically, complainant asserts that respondent failed to observe good faith in the administration of justice as labor arbiter since the latter's decision in the aforesaid case contained false and misleading statements.

In his Answer,⁹ respondent denied the charges against him and maintained that the assailed decision was rendered in good faith based on law and on the evidence. He prayed for the dismissal of the complaint for lack of legal and factual basis.

IBP-CBD's Report and Recommendation

Under its Report and Recommendation¹⁰ dated January 16, 2008, the IBP-CBD recommended that the complaint be dismissed for lack of merit. The complaint lacked any evidence to substantiate the charge of gross misconduct and of making false, deceptive, and misleading statements. The appropriate remedy of the complainant is to elevate the assailed decision to a higher tribunal for review.

IBP Board of Governors' Resolution

By Resolution¹¹ dated February 6, 2008, the IBP Board of Governors (BOG) adopted and approved the recommendation of the IBP-CBD.

Issue

Did respondent violate the lawyer's oath and the CPR when he dismissed complainant's charges for unfair labor practices and money claims against U-Net in NLRC NCR Case No. 00-03-03472-03?

⁷ *Rollo*, pp. 9-21.

⁸ *Id.* at 71.

⁹ *Id.* at 71-73.

¹⁰ Penned by Commissioner Amador Z. Tolentino Jr., *rollo*, pp. -137.

¹¹ *Id.* at 132.

Ruling

We adopt in full the Report and Recommendation dated January 16, 2008 of the IBP-CBD.

The case came about when respondent dismissed complainant's money claims and charge of unfair labor practices against his former employer.

It is settled that labor arbiters are quasi-judicial officers who perform official functions akin to those of judges.¹² As a matter of public policy, not every error or mistake of a judge in the performance of his or her official duties render him or her liable. Otherwise, every judge, labor arbiter, or any judicial or quasi-judicial officer would be continually plagued with the possibility of being administratively sanctioned for every honest mistake or error he or she commits.¹³

In *Biado, et al., v. Hon. Brawner-Cualing*,¹⁴ petitioners Dominador Biado, *et al.*, charged Hon. Marietta S. Brawner-Cualing of the Municipal Circuit Trial Court of Tuba-Sablan, Benguet with gross ignorance of the law and manifest partiality when she issued a decision against them in Civil Case No. 302. In dismissing the administrative complaint against her, the Court declared:

An administrative complaint is not the appropriate remedy for every act of a Judge deemed aberrant or irregular where a judicial remedy exists and is available. It must be underscored that the acts of a judge in his judicial capacity are not subject to disciplinary action. He cannot be civilly, criminally, or administratively liable for his official acts, no matter how erroneous, provided he acts in good faith.

In this case, it is apparent that the assailed orders relate to respondent judge's acts in her judicial capacity. These alleged errors, therefore, cannot be the proper subject of an administrative proceeding, but is only correctible through judicial remedies. Hence, what complainants should have done was to appeal the assailed orders to the higher court for review and not to file an administrative complaint against respondent judge. Disciplinary proceedings and criminal actions do not complement, supplement or substitute judicial remedies, whether ordinary or extraordinary.¹⁵

¹² *Lahm, III, et al. v. Mayor, Jr.*, 682 Phil 1, 14 (2012).

¹³ *OCA v. Judge Ante, Jr., et al.*, A.M. No. MTJ-12-1814, September 19, 2018.

¹⁴ *Biado, et al., v. Hon. Brawner-Cualing*, 805 Phil. 694, 701-702 (2017).

¹⁵ *Id.*

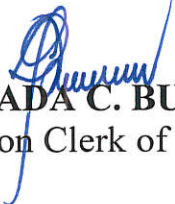
So must it be.

Accordingly, the Complaint against respondent Atty. Ariel Cadiante Santos is **DISMISSED**.

The letter dated November 28, 2019 of Director Randall C Tabayoyong, Integrated Bar of the Philippines' Commission on Bar Discipline, in compliance with the Resolution dated September 11, 2019, is **NOTED**.

SO ORDERED."

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court *m.3/11*

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Atty. Ariel Cadiante Santos
Respondent
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