DANIEL AND SUPREMA DUMO, COMPLAINANTS, VS. JUDGE ROMEO V. PEREZ, MUNICIPAL TRIAL COURT, BAUANG, LA UNION, RESPONDENT.

A.M. No. MTJ-00-1242. January 20, 2000

Ponente: MENDOZA, J.

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MENDOZA, J.:

This is a complaint filed by spouses Daniel and Suprema Dumo against respondent Judge Romeo V. Perez for gross ignorance of the law, grave abuse of discretion and patent partiality in connection with the enforcement of his decision in Civil Case No. 857, entitled "Severa J. Espinas v. Spouses Sandy and Presnida Saldaña." The case was for quieting of title and recovery of ownership and possession of a parcel of land in Paringao, Bauang, La Union, consisting of 1,514 square meters and covered by Tax Declaration No. 22893.

It appears that on November 17, 1995, Severa J. Espinas filed a complaint for quieting of title and recovery of ownership and possession against the spouses Sandy and Presnida Saldaña in the court of respondent with respect to this land which is claimed by complainants. For failure of Saldaña spouses to file their answer, judgment by default was rendered against them on February 5, 1996. Upon motion by Espinas, a writ of execution was issued by respondent on February 26, 1996 ordering the Saldañas to vacate and surrender possession of the subject property. A relocation survey of the land, however, showed that the concrete fence constructed by the Saldañas did not encroach on any part of the land being claimed by Espinas but that the land in question was actually being occupied by herein complainants. Consequently, the writ of execution was returned unsatisfied by the sheriff. The sheriff's return, dated March 12, 1996, reads:

> Due to the apparent ambiguity of the aforesaid decision and the refusal of the Court of origin to extend any assistance in determining the exact boundaries of the subject land, the undersigned caused a relocation survey to be conducted on the same land on March 4, 1996 after a copy of the Writ of Execution was served to the defendants [spouses Saldaña] thru their caretaker named Rolando Nonog on February 28, 1996.
>
> The relocation survey conducted by Geodetic Engineer Juanito O. Laces on the subject property (Lot 3/FSU 205832) showed that the concrete fence constructed by the defendants on the western portion of their lot (Lot 2/PSU 205832) did not encroach on the said subject land claimed by the plaintiff. A copy of the Location/Sketch Plan of PSU 205832, PSU 202273. SWO-1-000806 and SWO-1-000810 prepared by Engr. Juanito Laces is attached hereto as Annex "A" as integral part of this Return.
>
> Considering the foregoing findings of the Geodetic Engineer hired by the plaintiff herself showing that the concrete fence constructed by the defendants to separate their property from that of the plaintiff which are both covered by PSU-205832 did not encroach on the latter's property, the enforcement of the Writ of Execution dated February 26, 1996 issued in the above-entitled case is rendered moot and academic.
>
> Lot 3 of PSU-205832 is also claimed by spouses Daniel and Suprema Dumo who are not parties to the above-entitled case which renders therefor the Writ of Execution unenforceable as against the said spouses.

> WHEREFORE, the Writ of Execution dated February 26, 1996 [is] hereby returned to the Court of origin, UNSATISFIED.

Complainants filed a motion to quash the writ of execution, in which they alleged:

> - The undersigned was informed by the defendants in the above-captioned case that her property at Paringao, Bauang, La Union particularly described under Tax Declaration No. 13789 registered in her name was being subjected to a writ of possession/execution by the Office of the Provincial Sheriff of La Union through Sheriffs Victor Cariño and Romualdo Baladad;
>
> - She was likewise informed that the writ of execution was issued by this Court pursuant to a decision rendered in Civil Case No. 857 for "Quieting of Title and/or Ownership and Possession" filed by a certain Severa J. Espinas against Sps. Sandy and Presnida Saldaña where the latter in that proceeding were declared in default and as a result, judgment was rendered against them in favor of plaintiff;
>
> - In connection therewith, the undersigned wish to inform the Court of the following facts:
>
> - The property being claimed by plaintiff Severa J. Espinas subject of her complaint is not owned and/or being occupied by Sps. Sandy and Presnida Saldaña but is owned by and in possession of the undersigned;
>
> - Said property is presently covered under Tax Declaration No. 22839 registered in the name of Suprema T. Dumo as owner thereof photo copy of her Tax Declaration is hereto attached as Annex "A" to form an integral part of this manifestation;
>
> - The undersigned Suprema T. Dumo is not a party to the case filed by Severa J. Espinas against Sps. Sandy and Presnida Saldaña particularly in Civil Case No. 857 for Quieting of Title and/or ownership and Possession and is therefore not bound by said judgment;
>
> - The fact that the lot in issue is owned by the undersigned and not by the defendants Saldañas is verified and attested to by the former Sheriff that enforced the writ, Mr. Rowell Louis C. Eusebio, photo copy of his Sheriff's Report is hereto attached for the Court's reference;
>
> - The complaint of plaintiff Severa J. Espinas for Quieting of Title and/or Ownership and Possession in Civil Case No. 857 is just a resurrection and a re-filing of a previous complaint initiated by her husband Marcelino Espinas on the same property as against the parents of the undersigned filed on March 13, 1964 and formally ended on October 9, 1980 where it was held that:
>
> IN VIEW OF THE FOREGOING, the Court hereby dismiss the application of Marcelino Espinas for his failure to prove a registrable title to the land he is applying for.
>
> photo copy of the decision of the Court of First Instance of La Union, Branch II in LRC Record No. 25525 is hereto attached as Annex "B" while the Court of Appeals decision affirming in toto the CFI's judgment is hereto appended as Annex "C" hereof.
>
> - In view of the foregoing indubitable facts, there is a need to quash the writ of execution issued by this Court.

In his order, dated April 26, 1996, respondent granted complainant's motion, thus:

> After a careful reading of the ground on which the manifestation and motion was predicated, the Court finds the same to be meritorious. However, the Writ of Execution was already returned to this Court with the information that spouses Daniel and Suprema Dumo came and opposed its enforcement. Nevertheless, the sheriff had just formally read the dispositive portion of the decision and announced to the parties present that the particular land in question is lawfully owned by Severa J. Espinas and that the defendants were therein ordered to vacate the property and surrender possession of the same. However, since spouses Daniel and Suprema Dumo are not impleaded as party defendants in this case, the decision of this Court will not bind

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> them, so the Writ of Execution issued by this Court cannot be enforced against them.
>
> WHEREFORE, in view of the foregoing premises, the Manifestation and Motion To Quash the Writ of Execution as to the enforcement against them is set aside and no effect being not a party to the case. However, as regards spouses Sandy and Presnida Saldaña, said Writ remains enforceable as against them.

Despite this ruling that complainants were not bound by the decision in the case, respondent granted a later motion filed by the Espinas for the issuance of a writ of possession. The writ of possession, dated September 30, 1986, reads:

> TO: Clerk of Court/Ex-Officio Sheriff
>
> Office of the Clerk of Court
> Bauang, La Union
>
> G r e e t i n g s :
>
> WHEREAS, the applicant, SEVERA J. ESPINAS in the above-entitled case has presented to this Court a motion praying for the issuance of a writ of possession of the property by virtue of the Decision dated February 5, 1996 and said property being described as follows:
>
> A parcel of land (Unirr. Riceland) declared under Tax Declaration No. 9302413823 A, with an area of 1065 sq. meters more or less. Bounded on the North, Felizarda N. Mabalay, East, Pedro Trinidad, south, Girls Scout of the Philippines and on the West, China Sea.
>
> Now, therefore, you are hereby commanded to place said applicant, SEVERA J. ESPINAS in possession of the property hereinbefore described, and to eject therefrom all adverse occupants.
>
> Return of this writ shall be made within the period of sixty days from the date of its receipt by you.

The writ of possession was likewise returned unsatisfied. The sheriff's return, dated November 4, 1996, reads:

> I hereby certify that on October 18, 1996, the undersigned received a copy of a Writ of Possession issued by the Hon. Judge Romeo Perez of the MTC Bauang, La Union ordering to place applicant Severa J. Espinas in possession of the property described and to eject therefrom all adverse occupants.
>
> On October 29, 1996, the undersigned sheriff caused the service of said Writ but was opposed by Atty. Manuel Sanglay, claiming that said property is owned by Spouses Suprema and Daniel Dumo and not by Spouses Sandy and Presnida Saldaña defendants on the said case. Thus the undersigned sheriff failed to place the plaintiff Severa Espinas in possession of the said property since an earlier Order signed by the Hon. Judge Romeo Perez which states that the decision of this Court will not bind Spouses Daniel and Suprema Dumo since they are not impleaded as party defendants in said case. Thus the Writ of Possession is hereby returned unsatisfied.

It appears that relying on the writ of execution issued by respondent, Espinas and her agents forcibly took physical possession of the land on October 30, 1996. Complainants filed a complaint for forcible entry against Espinas in the court presided by respondent who inhibited himself from hearing the case. Aside from this forcible entry case, eight other criminal cases were filed in the court of respondent involving the complainants, on the one hand, and the group of Espinas, on the other. The complainants were charged with two counts of grave oral defamation, malicious mischief, occupation of real property or usurpation of real rights in property, trespassing, and maltreatment by Espinas and his group. Espinas and her group, on the other hand, were charged with trespassing and malicious mischief by the complainants.

In this administrative complaint, complainants allege that respondent showed ignorance of the law and partiality

in issuing the writ of possession despite the fact that he knew as early as March 12, 1996 from the sheriff's return and their manifestation and motion to quash the writ of execution, that the land over which the writ of execution was being enforced is their property, and that they were not bound by the decision in the Civil Case No. 857 because they were not parties in the case. They charge that in issuing the said writ, respondent gravely abused his discretion and unduly favored Espinas.

Respondent denies the charges against him, claiming that his decision in Civil Case No. 857 was based on the law and evidence presented by Espinas after Saldaña spouses were declared in default for failure to file their answer. He claims that he issued the writ of execution and the writ of possession in order to enforce the decision which had already attained finality. His answer states in relevant parts:

> That spouses Daniel and Suprema Dumo charged me for ignorance of the law, grave abuse of discretion and patent partiality because of my decision in Civil Case No. 857 entitled "Severa J. Espinas vs. Sandy and Presnida Saldaña" for Quieting of Title and/or Ownership and Possession;
>
> That I vehemently deny of being ignorant of the law, gravely abusive in my discretion and patently partial in my decision as well as its enforcement on the aforementioned civil case because I decided it based on the law tried in ex parte proceeding, since the defendants Sandy and Presnida Saldaña were declared in default for failure to file their answer;
>
> That in order to enforce the judgment by default which become final and executory when there was no appeal, I issued the Writ of Execution and subsequently the Alias Writ of Execution against defendants Sandy and Presnida Saldaña on motions of the plaintiff and both were served by the Sheriff but he returned them unsatisfied;
>
> That the last time I issued the Alias Writ of Execution defendants Sandy and Presnida Saldaña which was on September 30, 1996 on motion of plaintiff Severa Espinas, the Sheriff returned it again unsatisfied;
>
> That because of my decision in Civil Case No. 857 complainant spouses Daniel and Suprema Dumo filed a Civil Case against Severa Espinas, et. al. for Forcible Entry docketed as Civil Case No. 881 in which I inhibited;
>
> That again seven (7) criminal cases were filed in my sala involving the spouses Daniel and Suprema Dumo and Severa Espinas, et. al. in which I have also inhibited to hear all these cases, copies of the criminal complaints are hereto attached as Annexes A, B, C, D, E, F, and G;
>
> That on March 18, 1997, a criminal complaint for maltreatment was filed by Severa Espinas against spouses Daniel and Suprema Dumo docketed as Criminal Case No. 7191 and this time I did not inhibit myself, copy of the criminal case is hereto attached;
>
> That because I did not inhibit myself from hearing Criminal Case No. 7191 against spouses Daniel and Surpema Dumo, they also filed this case against me on May 6, 1997 which was more than one year after the promulgation of my decision in Civil Case No. 871 on February 5, 1996, a copy of the decision is already attached to the complaint of the complainants;
>
> That the filing of this case is only to harass me in order that I will again inhibit in hearing Criminal Case No. 7191 although I have already filed my inhibition with the Executive Judge but it is not yet acted upon;
>
> WHEREFORE, in view of the foregoing premises, it is respectfully prayed unto this Honorable Court that the case against me be dismissed.

In its preliminary evaluation of the complaint and the comment, the Office of the Court Administrator states:

> EVALUATION: The thrust of the present administrative complaint is the alleged issuance of conflicting orders

> by respondent. It refers to the Writ of Possession of September 30, 1996 which apparently conflicts with an earlier Order dated April 26, 1996. It is alleged that the said Writ of Possession was the plaintiff's justification in taking over the property claimed by complainants.
>
> In the first place, respondent is not responsible for any unlawful act done by Espinas. It must be borne in mind that the questioned writ was not satisfied because complainants resisted its execution. If Espinas took it upon herself to enforcibly take over the property, complainants should not blame the respondent judge, and even if we assume that his issuance of the Writ of Possession was erroneous, said respondent cannot be held administratively liable bad faith being absent.
>
> In our jurisdiction, a judge cannot be subjected to civil, criminal or administrative liability for any official acts performed in good faith, no matter how erroneous they may be (Louis Vuitton S.A. vs. Judge Villanueva, 216 SCRA 121; Morada vs. Judge Tayao, 229 SCRA 723). As a matter of public policy, the acts of a judge in his judicial capacity are not subject to disciplinary action, even though such acts are erroneous (Revita vs. Rimando, 98 SCRA 619). To hold a judge administratively accountable for every erroneous ruling or decision he rendered, assuming that he has erred, would be nothing short of harassment and would make his position unbearable (Dizon vs. Borja, 37 SCRA 46).
>
> RECOMMENDATION: Respectfully submitted for the consideration of the Honorable Court is our recommendation that this instant complaint be DISMISSED for utter lack of merit.

Executive Judge Jose G. Paneda of the Regional Trial Court of Bauang, La Union, to whom this case was subsequently referred, concurred in the preliminary findings of the OCA. In addition, since the question raised in this case is the subject of an appeal in the Court of Appeals, he noted that complainants should ventilate their grievances in that case. Judge Paneda's report, dated September 26, 1999, reads in pertinent parts:

> Complainants argued then that from the inception of the filing of the complaint docketed as Civil Case No. 857 last November 17, 1995, for Quieting of Title and/or Ownership and Possession (Accion Reinvindicatoria) Respondent Judge Romeo V. Perez, upon cursory examination of the complaint taking into consideration the fundamental issue of jurisdiction on the subject matter, should have right there and then either DISMISS outright the complaint or REFER the same to the proper Regional Trial Court, instead of blindly ARROGATING JURISDICTION upon himself maybe on the " . . . ERRONEOUS BELIEF . . ." that he had jurisdiction over it. Respondent Judge should at least give due weight that "Judges are called upon to exhibit more than just a cursory acquaintance with statutes and procedural rules" (Bayog v. Natino, 271 SCRA 268).
>
> Further, Respondent Judge should at least [have] seen or realized the mile long difference between "Ejectment Proceedings" from that of Accion Reinvindicatoria and for failing to distinguish the basic difference between these two cases, for acquisition of jurisdiction thereof, Respondent Judge Romeo V. Perez is IGNORANT OF THE LAW and "IGNORANCE of this type cannot be excused by a claim of GOOD FAITH OR EXCUSABLE NEGLIGENCE and that Respondent Judge's disregard of an established rule of law which amounts to GROSS IGNORANCE OF THE LAW SUBJECTS HIM TO DISCIPLINARY ACTION." (Almeron v. Sardido, 281 SCRA 415).
>
> Adding gravity to the palpable error committed by Respondent Judge inspite of the adverse Sheriff's Return (Annex B) without qualm issued a WRIT OF POSSESSION, available only to judgment mortgage or in extra-judicial foreclosure of real estate mortgage to buyers in public auction sale where the term of redemption expired in favor of plaintiff Severa J. Espinas based upon a "Null and Void Ab Initio" decision rendered utterly lacking jurisdiction both on the SUBJECT MATTER and the PERSON of complainant spouses who are NOT PARTY DEFENDANTS thereat. Hence, the prayer that because of respondent's distressing and lamentable unfamiliarity with quite elementary procedural rules manifestly established his ignorance of the law and grave abuse of discretion which warrant severe disciplinary sanction of dismissal from judicial service. . . .
>
> The gist of the present Administrative Complaint is the alleged issuance of conflicting Orders by respondent. It

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> refers to the Writ of Possession of September 30, 1996 which apparently conflicts with an earlier Order dated April 26, 1996. It is alleged that the said Writ of Possession emboldened the plaintiff to take over the property claimed by complainants although the latter are not parties to Civil Case No. 857.
>
> Undersigned concurs with the earlier findings of the Court Administrator that respondent is not responsible for any unlawful act done by Espinas. If Espinas took it upon herself to forcibly take over the property, complainants should not blame the respondent Judge and even if we assume that the issuance of the Writ of Possession was erroneous, respondent cannot be held administratively liable as complainants failed to adduce evidence to prove bad faith.
>
> The Court wants to further add that complainants filed a case against Espinas involving the same property covered by Civil Case No. 857 which was originally lodged to the respondent's Court. Later on, respondent Judge inhibited himself and the same was assigned to Judge Sofronio Bambico, Presiding Judge of the Municipal Trial Court, Burgos, La Union. Complainants won their case in said Court, but when the case was appealed by Espinas to the Regional Trial Court, Bauang, La Union and was raffled to Branch 33 of the said Court, the aforesaid Court reversed the ruling of Judge Bambico. The decision of Judge Rose Mary M. Alim of Branch 33 was subsequently appealed by the complainants and is [now] pending with the Court of Appeals.
>
> It goes without saying that complainants have all the remedies in this world for the protection of their rights and in the process of doing so, filing of Administrative Complaints against Judges who are not symphatetic to their cause is a part of their modus operandi. Judge Rose Mary M. Alim, Presiding Judge of the Regional Trial Court, Branch 33, Bauang, La Union, was not spared. Complainants filed also a complaint against her with the Court Administrator for alleged partiality. The said complaint was subsequently dismissed.
>
> RECOMMENDATION:
>
> Respectfully submitted for the consideration of the Honorable Court is our recommendation that the instant Administrative Complaint be DISMISSED for lack of merit.

While it may be true that the illegal action of Espinas may not be blamed on respondent, because the writ of execution issued by the latter was not actually enforced by the sheriff on account of complainants' opposition, the fact is that respondent issued the writ of execution in a case over which he apparently had no jurisdiction. The complaint charges respondent not only with issuing conflicting orders in order to favor a party but also with gross ignorance of the law. As correctly pointed out by the investigating judge, respondent, as a municipal trial court judge, had no jurisdiction over the action for quieting of title and recovery of ownership filed by Severa J. Espinas. The case was not for ejectment over which municipal trial courts have exclusive original jurisdiction but for quieting of title and/or ownership (accion reinvindicatoria) falling within the exclusive jurisdiction of regional trial courts. The question of jurisdiction is so basic and elementary a matter that a judge's ignorance of it is simply inexcusable.

Moreover, the facts of the case show that while respondent ruled in his order of April 26, 1996 that the writ of execution was not enforceable against the complainants because they were not parties in the case, in a surprising move, he subsequently reversed himself by issuing a writ of possession on September 30, 1996 ordering the sheriff of Bauang, La Union, to place Espinas in possession of the subject property and to eject therefrom "all adverse occupants." The terms of the writ were so broad as to include complainants among those ordered to be ejected from the land. The issuance of the said writ gave rise to the suspicion of partiality or bias in favor of Espinas on the part of respondent who has given no reason in his answer therefor. Indeed, the writ of possession was used by Espinas and her agents as justification in forcibly taking possession of the subject land from the complainants. The writ of possession issued by respondent certainly caused the filing of charges and countercharges between the group of Espinas and that of the complainants.

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Thus, respondent's error in issuing the writ of possession is patent and inexcusable. The presumptions of good faith and the regularity in the performance of judicial functions on his part are negated by the circumstances on record. Although judges cannot be held to account or answer criminally, civilly or administratively for an erroneous judgment or decision rendered by him in good faith, or in the absence of fraud, dishonesty or corruption, it is imperative that they should have basic knowledge of the law.[1] To be able to render justice and to maintain public confidence in the legal system, judges must keep abreast of the laws and jurisprudence.[2] They must be the embodiment of competence, integrity and independence.[3] Obviously, they cannot live up to this expectation if, either through ignorance or partiality, they act in a case without jurisdiction.[4]

We find respondent Judge Perez to be guilty of gross ignorance of the law, if not of partiality.

In Gallo v. Cordero,[5] the Court imposed a fine of P10,000.00 on a judge after finding that he not only has shown gross ignorance of law and procedure but has also failed to live up to the norm that "judges should not only be impartial but should also appear impartial." He thus violated Canon 2 of the Code of Judicial Conduct which provides that "a judge should avoid impropriety and the appearance of impropriety in all activities." In the words of Rule 2.01 of that Canon, "A judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary." In accordance with the decision in that case, respondent judge should be fined P10,000.00.

WHEREFORE, Judge Romeo V. Perez of the Municipal Trial Court, Bauang, La Union, is found GUILTY of gross ignorance of the law and partiality and is hereby ORDERED to pay a fine of P10,000.00 with a WARNING that repetition of the same or similar offense will be dealt with more severely.

SO ORDERED.

Bellosillo, (Chairman), Quisumbing, Buena and De Leon, Jr., JJ., concur.

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[1] Librarios v. Dabalos, 199 SCRA 49 (1991); Muñez v. Aniño, 241 SCRA 478 (1995)

[2] Carpio v. De Guzman, 262 SCRA 615 (1996)

[3] Rule 1.01, Canon 1 of the Code of Judicial Conduct; See Galan Realty Co. Inc. v. Arranz, 237 SCRA 770 (1994)

[4] See Gallardo v. Tabamo, A.M. No. RTJ-92-881, June 22, 1994; Fernandez v. Español, 289 SCRA 1 (1998)

[5] 245 SCRA 219, 225-226 (1995)

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