

UNITED CHURCH OF CHRIST IN THE PHILIPPINES – SURIGAO DISTRICT CONFERENCE (UCCP-SUDISCON) DULY REPRESENTED BY ITS MODERATOR REV. TEMESTOCLES C. ONDE, COMPLAINANT VS. HON. JOSE ...

A.M. No. MTJ-97-1140. March 23, 1998

Ponente: VITUG, J.

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VITUG, J.:

The United Church of Christ in the Philippines - Surigao District Conference ("UCCP-SUDISCON"), a non-stock and non-profit religious corporation, represented by its Moderator, Reverend Temestocles C. Onde, has charged Judge Jose M. Garcia of the Municipal Trial Court of Tandag, Surigao del Sur, with inefficiency and gross ignorance of the law relative to the latter's actuations in resolving Civil Case No. 478, an unlawful detainer case, instituted by the corporation against Juan Murillo, et al.

According to herein complainant, Civil Case No. 478 was filed on 11 March 1994. More than a year later, or on 31 July 1995, respondent Judge dismissed the case for lack of jurisdiction, the issue of ownership over the property subject matter of the action having meanwhile been seriously raised by the defendants. Complainant moved for the reconsideration of the dismissal, citing Section 33, paragraph 2, of Batas Pambansa Blg. 129[1] ("BP 129"). On 07 September 1995, respondent Judge denied the motion for being a prohibited pleading under the Rules on Summary Procedure. On 26 September 1995, complainant filed a notice of appeal. In his order of 18 October 1995, respondent Judge denied due course to the appeal for the failure of plaintiff to perfect the appeal within the 15-day reglementary period prescribed therefor by Section 2, Rule 40, of the Rules of Court.

Complainant forthwith filed an administrative action against respondent Judge before this Court.

In the Court's resolution of 24 July 1996, respondent Judge was required to comment on the complaint.

In his comment, dated 30 August 1996, respondent Judge attributed the delay in the resolution of the ejectment suit to both complainant and its counsel who had yet to be issued subpoenas repeatedly by the court just to have their attendance secured. Relative to his order denying due course to the tardy appeal,[2] respondent Judge maintained that complainant should not have filed its motion for reconsideration for being a prohibited pleading under the Rules on Summary Procedure. Finally, respondent Judge averred that the cases he had cited in his decision[3] were "not contrary to the existing jurisprudence x x x at the time (the) decision was rendered" and that Section 2, Rule 40, of the Rules of Court was still then in force.

The Office of the Court Administrator ("OCA"), through Senior Deputy Court Administrator Reynaldo L. Suarez, to which office the case was referred for evaluation, report and recommendation, in a memorandum, dated 20 November 1996, concluded:

"In view of all the foregoing, it is respectfully recommended that:

"(1) the instant complaint be docketed as an Administrative Matter;

"(2) respondent Judge Garcia be fined in the amount of P5,000.00 with the stern warning that a repetition of the same or similar acts in the future will be dealt with more severely; and

"(3) Atty. Elmer T. Paniamogan be advised to keep himself abreast of all Court Circulars, Orders, Rules and Decisions to avoid future errors in procedure."[4]

The case was sent back to OCA for re-evaluation. In its memorandum of 29 July 1997, the OCA reiterated its above recommendations.

In the Court's resolution of 15 October 1997, the parties were required to manifest whether they were willing to submit the case for decision on the basis of the pleadings filed. Respondent Judge and complainant submitted their manifestations, respectively dated 12 November 1997 and 16 November 1997, expressing their willingness to have the administrative matter resolved on the basis of the pleadings theretofore submitted.

Admittedly, Civil Case No. 478 was filed on 11 March 1994. Respondent Judge set the pre-trial conference for 25 August 1994. Since no new notice of hearing would appear to have been sent, the OCA concluded that the pre-trial conference must have taken place as so scheduled. Conformably with the Rules on Summary Procedure, the OCA summarized the actions that should have been done thereafter, to wit:

"1. five (5) days thereafter, or on August 30, 1994, Judge Garcia should have issued an order stating the matters taken up therein;

"2. within ten (10) days from receipt of this order, or on September 19, 1994, the parties shall submit the affidavits of their witnesses and other evidence on the factual issues defined in the order;

"3. within thirty (30) days after receipt of the last affidavits or position papers, or on October 29, 1994, 'the court shall render judgment;'

"4. assuming that Judge Garcia wanted to clarify certain material facts, he could issue an order specifying the matters to be clarified during the said period. Assuming that said order was issued on October 29, 1994, the same would have been received by the parties on November 8, 1994;

"5. since the parties had ten (10) days to submit affidavits or other evidence on said matters, the court would have received said clarificatory affidavits and evidence by November 28, 1994;

"6. the court then had fifteen (15) days within which to render judgment, or on December 13, 1994."[5]

Judging from the records, it would indeed seem that respondent Judge has been quite remiss in the due observance of the summary procedure required in the disposition of the ejectment suit. The OCA is correct in pointing out that -

"Dela Cruz vs. Court of Appeals involved an ejectment case filed in 1977, Alvir vs. Vera involved one filed in 1972, Chua Peng Hian vs. Court of Appeals was not an unlawful detainer case but one for specific performance but with the ultimate result that the lessee had to vacate the premises, Miraflor vs. Court of Appeals involved a 1966 ejectment case, but which was really an accion publiciana, and Velez vs. Avelino involved a case where the people being ejected from the land in question were really squatters.

"Not only is Judge Garcia out of step with the latest laws applicable to unlawful detainer cases but his research is haphazard and erroneous. Picking out the syllabi of the editors annotating the cases decided by the Court and using the same to support court decisions is detrimental to one's stature as a judge who is supposed to know the law and latest jurisprudence, to say the least."[6]

The Court accepts the recommendation of OCA in the imposition of a fine on respondent Judge, now already retired, in the reduced amount of P2,000.00 deductible from the retirement and other benefits still due him.

Atty. Elmer T. Paniamogan, being neither a party to this administrative case nor a court personnel, cannot be so admonished as suggested by OCA. The recourse against him lies elsewhere and only after due observance of the established process designed therefor by the Rules. It would be unduly precipitate for the Court to react here and now on the matter.

WHEREFORE, finding respondent Judge guilty of undue delay in the disposition of the aforementioned ejectment case, the Court resolves, as it is hereby RESOLVED, to order Judge Jose M. Garcia to pay a FINE of P2,000.00 to be deducted from his retirement and other benefits.

SO ORDERED.

Davide, Jr., Bellosillo, Panganiban, and Quisumbing, JJ., concur.

[1] SEC. 33. Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts in Civil Cases. - x x x

(2) Exclusive original jurisdiction over cases of forcible entry and unlawful detainer: Provided, That when, in such cases, the defendant raises the question of ownership in his pleadings and the question of possession cannot be resolved without deciding the issue of ownership, the issue of ownership shall be resolved only to determine the issue of possession.

[2] In his supplemental comment, dated 23 September 1996, respondent Judge said that he denied due course to the appeal filed by complainant because it was not perfected within fifteen (15) days from the date of receipt of the counsel of the assailed judgment.

[3] *Alvir vs. Vera*, 138 SCRA 357 and *Chua Peng Hian vs. Court of Appeals*, 133 SCRA 572.

[4] *Rollo*, p. 70.

[5] *Rollo*, pp. 67-68.

[6] *Rollo*, p. 69.

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