

FRANCISCA P. PASCUAL, COMPLAINANT, VS. JUDGE EDUARDO U. JOVELLANOS, MUNICIPAL CIRCUIT TRIAL COURT, ALCALA, PANGASINAN, RESPONDENT.

A.M. No. MTJ-02-1429. October 04, 2002

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

Municipal trial court judges ought to be familiar with the Rules on Summary Procedure governing ejectment cases. Failure to observe them constitutes gross ignorance of the law.

Statement of the Case

The sworn Administrative Complaint,[1] filed by Francisca P. Pascual, charged Judge Eduardo U. Jovellanos of the Municipal Circuit Trial Court of Alcala, Pangasinan with gross ignorance of the law, bias and partiality, abuse of discretion and neglect of duty.[2]

The Antecedents

The facts in the present case are summarized by the Office of the Court Administrator (OCA) in its January 28, 2002 Memorandum[3] addressed to this Court as follows:

“Complainant x x x alleges that she filed a complaint for forcible entry docketed as Civil Case No. 730 against a certain Lorenzo L. Manaois. The complaint was dismissed without prejudice for being insufficient in some material allegations (Order dated 13 October 1999). On 15 November 1999, she filed a corrected complaint which was docketed as Civil Case No. 740.

“Instead of filing an answer, defendant filed a Motion to Strike Out arguing that the new allegations in the complaint are false. After the period to answer lapsed and no answer was submitted, complainant filed a Motion for Summary Judgment dated 15 December 1999. Defendant opposed the motion.

“On 30 May 2000, defendant’s motion to strike out was granted by respondent Judge. Complainant filed a motion for reconsideration of the aforesaid order.

“Based on the foregoing, complainant accuse[d] respondent Judge of Neglect of Duty anchored on the following grounds:

‘a. Defendant should have filed an answer instead of a Motion to Strike Out. In spite thereof, respondent Judge granted the motion 120 days after its filing, thus defeating the summary nature of the case;

‘b. The Order granting the motion to strike out is bereft of any findings of fact because no hearing was conducted relative thereon;

‘c. Respondent Judge exhibited his bias and partiality in favor of the defendant in his Order granting the motion to strike out when he pointed out ‘x x x that the complaint in this case is virtually a rehash of the complaint in Civil Case No. 730 x x x’. Complainant asserts that the same is to be expected because the

defects or insufficiency in the first complaint were just being rectified in the later one;

‘d. Her Motion for Summary Judgment remains, until the present, unacted upon.’

“Meanwhile, defendant, taking advantage of the lull in the proceedings, started the construction of a one-storey building on the subject land. To protect her interest, complainant filed an Application for Preliminary Injunction dated 8 May 2000. Acting thereon, respondent Judge issued a Temporary Restraining Order dated 9 May 2000 and set the hearing on the Injunction. On said date, complainant was able to present evidence in support of her application while defendant chose not to present controverting evidence and to just submit a memorandum.

“On the last day of the effectivity of the TRO (29 May 2000), complainant filed an Extremely Urgent Ex-Parte Motion to grant her application for injunction. On 7 June 2000 defendant filed his memorandum. However, until the present, respondent Judge has not ruled on her application on preliminary injunction.

“Instead of obeying the TRO, defendant continued with the construction of the building and even started with a new one. Hence, a contempt charge was filed by herein complainant on 8 May 2000. Defendant moved to dismiss the contempt charge on the ground that it was filed in the same proceedings ([C]ivil [C]ase No. 740) and the filing fee was not paid. The court, however, *motu proprio* docketed the complaint for contempt as Civil Case No. 744 while the required docket and other fees were paid by defendant on 31 May 2000. On same date, the court issued an Order furnishing anew the defendants/respondents with a copy of the contempt charge. These, complainant claims, cured the defect cited by defendants/respondents in their motion to dismiss. However, respondent Judge still has not resolved the aforesaid motion to the prejudice of herein complainant.”[4]

In his Comment[5] dated September 30, 2000, respondent denied the allegations in the Complaint. He accused Atty. Alejandro V. Peregrino, complainant’s counsel in the forcible entry case, of having a penchant for filing administrative cases against him instead of appealing decisions before the proper court. Respondent added that none of the charges had any factual or legal bases. He insisted that his Decision in Civil Case No. 730 had been rendered with utmost good faith, honesty and sound discretion.[6]

The OCA’s Recommendation

After investigation of this case, the OCA found that respondent failed to apply the Rule on Summary Procedure, which he ought to have been very conversant with, because it was a common procedure in municipal courts. Accordingly, it recommended that respondent “be FINED in the amount of P10,000.00 and warned that the commission of a similar infraction will be dealt with more severely.”[7]

This Court’s Ruling

We agree with the findings of the OCA, but increase the penalty, taking note that this is respondent’s second infraction.

Administrative Liability

Judges are the visible representations of law and justice.[8] They ought to be embodiments of competence, integrity and independence.[9] In particular, municipal judges are frontline officers in the administration of justice.[10] It is therefore essential that they live up to the high standards demanded by the Code of Judicial Conduct.[11] To be able to render substantial justice and to maintain public confidence in the legal system, they are expected to exhibit more than just a cursory acquaintance with statutes and procedural rules. They are likewise expected to keep abreast of all laws and prevailing jurisprudence.[12] Judicial competence requires no less.[13]

Moreover, judges are bound to dispose of the court’s business promptly and to decide cases within the required period.[14] For it cannot be gainsaid that justice delayed is justice denied. Procrastination among members of the

judiciary in rendering decisions and in acting upon cases before them not only causes great injustice to the parties involved, but also invites suspicion of ulterior motives on their part.[15]

It must be emphasized that rules of procedure have been formulated and promulgated by this Court to ensure the speedy and efficient administration of justice. Failure to abide by these rules undermines the wisdom behind them and diminishes respect for the rule of law.[16] The Rule on Summary Procedure was promulgated precisely to achieve an expeditious and inexpensive determination of cases. Failure to observe the period within which to render a judgment subjects the defaulting judge to administrative sanctions.[17] For this reason, the Rule frowns upon delays and expressly prohibits, altogether, the filing of motions for extension.[18]

In this case, it is very clear that respondent lacks awareness of the relevant provisions on ejectment.[19] He has evidently been remiss in resolving the forcible entry case, pursuant to the Revised Rules on Summary Procedure.[20] Verily, judgment should have been rendered based on the allegations of the Complaint and the evidence presented therein, inasmuch as the defendant failed to file his answer after the lapse of ten (10) days from the service of the summons.[21] Section 6 of the Rule allows the trial court to render judgment, even *motu proprio*, upon failure of the defendant to file an answer within the reglementary period.[22] Moreover, under Section 10 of the Rule, respondent was duty-bound to render his decision within thirty (30) days from receipt of the last affidavits and position papers, or the expiration of the period for filing them.[23] This notwithstanding, he has not yet ruled on the Motion for Summary Judgment[24] dated December 15, 1999, filed in accordance with Section 6 of the Rule on Summary Procedure.

Furthermore, respondent failed to apply these very basic rules when he granted the defendant's Motion to Strike Out which was in reality a motion to dismiss, a prohibited pleading.[25] In his Order[26] dated May 30, 2000, he ruled that the Complaint in Civil Case No. 740 was a mere rehash of the dismissed Complaint in Civil Case No. 730. He cited Section 12[27] of Rule 8 of the 1997 Rules on Civil Procedure as basis for this ruling. In doing so, he committed an obvious mistake showing gross ignorance of the law. This is because the civil case assigned to him is for forcible entry, which is governed by the Rule on Summary Procedure.[28] In fact, all cases of forcible entry and unlawful detainer are governed by this Rule.[29]

It must likewise be underscored that respondent dismissed Civil Case No. 730 without prejudice, on the theory that the date of the dispossession had not been initially indicated in the Complaint. Thus, it would reasonably be expected that the allegations in that civil case would be reiterated in Civil Case No. 740. Needless to state, what also contributed to the delay in the resolution of the main case was the grant of the Motion to Strike Out based on misplaced reasoning.[30]

Lack of knowledge of the Rules on Summary Procedure reflects a serious degree of incompetence.[31] When the law is so elementary, as in this case, not to be aware of it constitutes gross ignorance of the law.[32] A member of the bench must be constantly abreast of legal and jurisprudential developments, bearing in mind that this learning process never ceases. It is indispensable to the correct dispensation of justice.[33]

Delay

Respondent claimed that if there was any delay on his part in resolving the incidents, it was not intentional but merely brought about by pressure from work.[34]

We are not convinced. Rule 3.05 of Canon 3 of the Canons on Judicial Ethics mandates that a judge should dispose of the court's business promptly and decide each case within the period prescribed therefor.[35] We have held in numerous cases that failure to decide within the reglementary period constitutes gross inefficiency and warrants the imposition of administrative sanctions.[36]

In the present case, the heavy caseload in respondent's sala, though unfortunate, cannot excuse him from due observance of the rules. We reiterate that judges, when burdened by heavy caseloads that prevent them from deciding cases within the reglementary period, may ask for additional time from this Court. Indubitably, respondent has failed to do so.[37] He ought to know that the speedy resolution of forcible entry cases is a matter of public policy. His inaction for almost three years on complainants' Motion for Summary Judgment practically rendered nugatory the whole purpose of summary proceedings -- to promote a more expeditious and inexpensive determination of cases.[38] By tarrying too long in deciding this forcible entry case, he failed to live up to the mandate of the Code of Judicial Conduct to "maintain professional competence." [39] Judges are called upon to observe utmost diligence and dedication in the performance of their judicial functions and duties.[40]

In determining his administrative liability, we note that this is not the first infraction of respondent.[41] In *Espiritu v. Jovellanos*, [42] he was found guilty of gross misconduct for his partiality to one of the parties, for which he was fined P20,000.

Indeed, it seems that he has remained undeterred in disregarding the law and the Code which he has pledged to uphold.[43] He appears to be unfazed by the previous penalties and warnings meted out to him.[44] Since this is his second infraction, he deserves a sanction heavier than that recommended by the OCA.

WHEREFORE, Judge Eduardo Jovellanos is hereby found GUILTY of gross ignorance of the law and is FINED in the amount of fifteen thousand pesos (P15,000). He is further warned that a repetition of this or similar offenses will be dealt with even more severely.

SO ORDERED.

Puno (Chairman), Corona, and Carpio-Morales, JJ., concur.
Sandoval-Gutierrez, J., abroad on official leave.

[1] Rollo, pp. 1-7. The Complaint was dated July 31, 2000.

[2] Complaint, p. 1; rollo, p. 1.

[3] Rollo, pp. 72-75. This was signed by Court Administrator Presbitero J. Velasco Jr.

[4] Rollo, pp. 72-73.

[5] *Id.*, pp. 66-68.

[6] *Id.*, p. 66.

[7] Court Administrator's Memorandum dated January 28, 2002, p. 4; rollo, p. 75.

[8] *Abundo v. Manio Jr.*, 312 SCRA 1, August 6, 1999.

[9] Rule 1.01, Canon 1, Code of Judicial Conduct.

[10] *Junio v. Rivera Jr.* 225 SCRA 688, August 30, 1993.

[11] *Agunday v. Tresvalles*, 319 SCRA 134, November 25, 1999.

[12] *Carpio v. De Guzman*, 262 SCRA 615, October 2, 1996.

[13] *Cortes v. Catral*, 279, SCRA 1, September 10, 1997.

[14] Rule 3.05, Canon 3, Code of Judicial Conduct.

[15] Office of the Court Administrator v. Quizon, AM No. RTJ-01-1636, February 13, 2002.

[16] Hilario v. Ocampo, AM MTJ-00-1305, December 3, 2001.

[17] Cruz v. Pascual, 244 SCRA 111, May 12, 1995.

[18] Gachon v. Devera Jr., 274 SCRA 540, June 20, 1997.

[19] Lotino v. Hernandez, 333 SCRA 1, June 1, 2000.

[20] Villaluz v. Mijares, 288 SCRA 594, April 3, 1998.

[21] Section 5 of the Rule on Summary Procedure provides:

“SEC. 5. Answer. – Within ten (10) days from service of summons, the defendant shall file his answer to the complaint and serve a copy thereof on the plaintiff. Affirmative and negative defenses not pleaded therein shall be deemed waived, except for lack of jurisdiction over the subject matter. Cross-claims and compulsory counterclaims not asserted in the answer shall be considered barred. The answer to counterclaims or crossclaims shall be filed and served within ten (10) days from service of the answer in which they are pleaded.”

[22] Gachon v. Devera Jr., *supra*, p. 549.

[23] Lotino v. Hernandez, *supra*, p. 4.

[24] Annex “E”; rollo, pp. 26-27.

[25] “SEC. 19. Prohibited pleadings and motions. - The following pleadings, motions, or petitions shall not be allowed in the cases covered by this Rule:

(a) Motion to dismiss the complaint or to quash the complaint or information except on the ground of lack of jurisdiction over the subject matter or failure to comply with the preceding section;

xxx xxx xxx.”

[26] Annex “H”; rollo, p. 32.

[27] “SEC. 12. Striking out of pleading or matter contained therein. — Upon motion made by a party before responding to a pleading or, if no responsive pleading is permitted by these Rules, upon motion made by a party within twenty (20) days after the service of the pleading upon him, or upon the court’s own initiative at any time, the court may order any pleading to be stricken out or that any sham or false, redundant, immaterial, impertinent, or scandalous matter be stricken out therefrom.”

[28] Sordan v. De Guzman, 342 SCRA 100, October 5, 2000.

[29] Rule 70, Section 3 of the Rules of Civil Procedure provides:

“SEC. 3. Summary procedure. — Except in cases covered by the agricultural tenancy laws or when the law otherwise expressly provides, all actions for forcible entry and unlawful detainer, irrespective of the amount of damages or unpaid rentals sought to be recovered, shall be governed by the summary procedure hereunder provided.”

[30] Villanueva Jr. v. Estoque, 346 SCRA 230, November 29, 2000.

[31] Lotino v. Hernandez, *supra*.

[32] Agcaoili v. Ramos, 229 SCRA 705, February 7, 1994; citing Santos v. Isidro, 200 SCRA 597, August 16,

1991.

[33] Villaluz v. Mijares, *supra*.

[34] Comment, p. 2; rollo, p. 67.

[35] Office of the Court Administrator v. Benedicto, 296 SCRA 62, September 25, 1998.

[36] Office of the Court Administrator v. Quiñanola, 317 SCRA 37, October 20, 1999; Dysico v. Dacumos, 262 SCRA 275, September 23, 1996; Bank of the Philippine Islands v. Generoso, 249 SCRA 477, October 25, 1995; Re: Judge Liberato C. Cortes, 242 SCRA 167, March 7, 1995; Ancheta v. Antonio, 231 SCRA 74, March 11, 1994.

[37] Sanchez v. Vestil, 298 SCRA 1, October 13, 1998.

[38] Seña v. Villarin, 328 SCRA 644, March 22, 2000.

[39] Canon 3, Code of Judicial Conduct; Aurillo Jr. v. Francisco, 235 SCRA 283, August 12, 1994.

[40] Gallego v. Doronilla, 334 SCRA 339, June 26, 2000; citing Re: Report on the Judicial Audit Conducted in the Municipal Circuit Trial Court, Dingle-Duenas, Iloilo, 280 SCRA 637, October 16, 1997.

[41] Cabatingan v. Arcuenco, AM No. MTJ-00-1323, August 22, 2002.

[42] 280 SCRA 579, October 16, 1997.

[43] Marcos-Manotoc v. Agcaoili, 330 SCRA 268, April 12, 2000.

[44] *Id.*, p. 277.

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