

DR. CONRADO T. MONTEMAYOR, COMPLAINANT, VS., JUDGE JUAN O. BERMEJO, JR., METROPOLITAN TRIAL COURT, BRANCH 3, MANILA, RESPONDENT.

A.M. No. MTJ-04-1535. March 12, 2004

Ponente: TINGA, J.

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TINGA, J.:

The instant administrative case traces its roots from an unlawful detainer case[1] filed by Benjamin and Desmond T. Montemayor against Lolita Marco. The case was raffled to Metropolitan Trial Court[2] Judge, Hon. Juan O. Bermejo, Jr. (Judge Bermejo), the respondent herein.

The records reveal that the pre-trial conference was held on May 20, 2002. Finding no possibility of settlement, Judge Bermejo issued a Pre-Trial Order of even date defining the issues submitted for decision and the stipulations agreed upon, and directing the parties to submit their respective position papers within 10 days from receipt of the Order, after which, the case shall be deemed submitted for decision.[3]

Accordingly, the plaintiffs submitted their Position Paper on June 13, 2002. More than a month later, they filed a Motion for Early Resolution dated July 30, 2002. The defendant, on the other hand, submitted her Position Paper only on August 14, 2002.

The plaintiffs then filed another Motion for Early Resolution on September 6, 2002. Acting on this motion, Judge Bermejo issued an Order dated September 23, 2002 declaring the case submitted for decision.

On October 10, 2002, Judgment was rendered in favor of the plaintiffs. Copies thereof were sent by registered mail to the parties and their respective counsels on October 16, 2002.

On December 12, 2002, the plaintiffs filed their first Motion for Execution and set the same for hearing on December 16, 2002. However, the motion was not included in the court calendar because December 16, 2002 apparently was not a motion day.

On December 20, 2002, the defendant filed a Notice of Appeal.

Subsequently, the plaintiffs' filed a Second Motion for Execution dated December 26, 2002 and set the same for hearing on January 3, 2003. Concomitantly, Dr. Conrado T. Montemayor (Dr. Montemayor), the complainant herein and the plaintiffs' attorney-in-fact, also filed on December 26, 2002 a Motion to Require Defendant's Counsel to Inform the Court the Date He Received a Copy of the Judgment[4] and set the same for hearing on January 3, 2003. Judge Bermejo did not act on either motion.

In his Order[5] dated January 6, 2003, the respondent Judge gave due course to the defendant's appeal and required the latter to post a supersedeas bond in the amount of P587,500.00 within 10 days from receipt thereof.

On January 21, 2003, the plaintiffs filed their Third Motion for Execution. On the same day, Dr. Montemayor filed a Second Motion to Require Defendant's Counsel to Inform the Court the Date He Received a Copy of the

Judgment.[6] Both motions were heard on January 31, 2003, during which, Judge Bermejo directed the plaintiffs to submit to the court an Affidavit of Service to the defendant of the pending motions.

Accordingly, the plaintiffs filed a Compliance and Manifestation[7] on February 4, 2003 stating, among other things, that the defendant was served copies of the Motion for Execution, on December 12, 2002; Second Motion for Execution, on December 26, 2002; Motion to Require Defendant's Counsel to Inform the Court the Date He Received a Copy of the Judgment, on December 26, 2002; Third Motion for Execution, on January 21, 2003; Second Motion to Require Defendant's Counsel to Inform the Court the Date He Received a Copy of the Judgment, on January 22, 2003; and Compliance and Manifestation, on February 3, 2003.

The plaintiffs also filed on February 24, 2003 an Ex-Parte Motion to Resolve All Pending Incidents of even date. Resolving this motion, Judge Bermejo issued an Order dated March 12, 2003, stating that the Motion for Execution dated December 12, 2002, was not resolved because the day it was set for hearing, i.e., December 16, 2002, was not a motion day and because there was no proof that the defendant had already received a copy of the Judgment dated October 10, 2002. Further, the Second Motion for Execution dated December 26, 2002, was not acted upon considering the Notice of Appeal filed by the defendant and the court's own Order dated January 6, 2003, requiring the former to post a supersedeas bond. Anent the Motion to Require Defendant's Counsel to Inform the Court the Date He Received a Copy of the Judgment, the same was not acted upon because the court was then conducting a semestral inventory of its pending cases. Finally, the Third Motion for Execution dated January 31, 2003 was deemed submitted for resolution.

On April 24, 2003, the defendant filed an Urgent Motion for Extension[8] dated April 23, 2003 claiming that she only had until April 21, 2003 within which to post a supersedeas bond and praying for an extension of 10 days, or until May 1, 2003, to post the bond. In an Order dated April 24, 2003,[9] the respondent Judge granted the motion and gave the defendant until May 5, 2003 within which to post a supersedeas bond.

Upon the defendant's posting of a supersedeas bond, Judge Bermejo issued an Order[10] dated May 5, 2003 directing the Branch Clerk of Court to transmit the entire records of the case to the Regional Trial Court for further proceedings in connection with the defendant's appeal.

Incensed by the foregoing proceedings, Dr. Montemayor filed with the Office of the Court Administrator (OCA) the instant Administrative Complaint[11] charging Judge Bermejo with gross incompetence and inefficiency, gross negligence, gross ignorance of the law, gross misconduct, and/or conduct prejudicial to the best interest of the service.

In the instant complaint, Dr. Montemayor asserts that the respondent Judge failed to decide the case within the period provided under Section 11, Rule 70 of the 1997 Rules of Civil Procedure (Rules of Court). He alleges that Judge Bermejo "did not bother to check defendant's preposterous claim that she received a copy of the Judgment only on December 5, 2002, even if it was released more than forty-five (45) days earlier on October 16, 2002." [12] He stresses that even if the defendant received a copy of the Judgment on December 5, 2002, still, Judge Bermejo should have reckoned the period to appeal from the time the defendant's counsel received a copy of the Judgment and not when the defendant received it herself. What is more, the registry return card showing the date the defendant's counsel received a copy of the Judgment was missing from the records.

Dr. Montemayor adds that the Order dated January 6, 2003 giving due course to the defendant's appeal and requiring the latter to post a supersedeas bond within 10 days from receipt thereof was released by registered mail more than one month later on February 11, 2003,[13] and personal service thereof was made on April 9, 2003, or more than three months after the issuance thereof. The motive for the belated service was purportedly to give the defendant more time to post a supersedeas bond. Dr. Montemayor also faults the respondent Judge for granting

the defendant's Urgent Motion for Extension to post a supersedeas bond in violation of Section 13, Rule 70 of the Rules of Court.

Moreover, Judge Bermejo did not resolve the three (3) Motions for Execution and two (2) Motions to Require Defendant's Counsel to Inform the Court the Date He Received a Copy of the Judgment.

Dr. Montemayor also avers that Judge Bermejo prevented the transmittal of the records of the case to the appellate court within 15 days from the perfection of the appeal in violation of Section 6, Rule 40 of the Rules of Court. According to him, it was only after the respondent Judge received the defendant's supersedeas bond that the former issued the Order dated May 5, 2003 directing the Branch Clerk of Court to transmit the records of the case to the appellate court.[14]

Required to comment, Judge Bermejo vigorously disputes Dr. Montemayor's allegations.

In his Comments[15] dated August 11, 2003, he explains that he did not act on the plaintiffs' Motion for Early Resolution dated July 30, 2002 because there was yet no proof that the defendant already received the Order of May 20, 2002 requiring the parties to submit their respective position papers, the affidavits of their witnesses and other documentary evidence. Indeed, after the defendant filed her Position Paper on August 14, 2002, he issued an Order on September 23, 2002 declaring the case submitted for decision. Hence, the Judgment rendered on October 10, 2002 was well within the prescribed period of 30 days under the 1991 Revised Rule on Summary Procedure (Rule on Summary Procedure).

Judge Bermejo says that he did not act on the first Motion for Execution because the court had not yet received the registry return receipts of the service of judgment at that time. Furthermore, December 16, 2002, the hearing date the plaintiffs requested, was not a motion day. He also did not act upon the Second Motion for Execution and the Motion to Require Defendant's Counsel to Inform the Court the Date He Received a Copy of the Judgment both filed on December 26, 2002 because at that time, the court was conducting a semestral inventory of pending cases, and also because the defendant had already filed a Notice of Appeal on December 20, 2002.

Judge Bermejo denies that he did not act on the Third Motion for Execution and the Second Motion to Require Defendant's Counsel to Inform the Court the Date He Received a Copy of the Judgment which were set for hearing on January 31, 2003. He claims that he issued an Order on the same date requiring Dr. Montemayor to submit to the court an Affidavit of Service of said motions on the defendant. He further claims that he even advised Dr. Montemayor's counsel in open court to find out the registry receipt number of the registered mail containing the court's Judgment addressed to the defendant's counsel to enable Dr. Montemayor to secure a certification from the Philippine Postal Office regarding the date the defendant's counsel received a copy of the Judgment. In any event, the respondent Judge asserts that he resolved the plaintiffs' Ex-Parte Motion to Resolve All Pending Incidents in the Order dated March 12, 2003.

Judge Bermejo also denies that the registry return card indicating the date the defendant's counsel received a copy of the Judgment was missing from the records. He says that at the time the defendant filed her Notice of Appeal, the court had not yet received the registry return card.

Respondent Judge admits that he gave due course to the Notice of Appeal of the defendant in an Order dated January 6, 2003 and required the latter to post a supersedeas bond within 10 days from receipt of the same. He alleges that to ensure that the defendant would receive a copy of the Order, he even required the Sheriff to personally serve it to the defendant, and ordered another copy to be sent by registered mail. The respective counsels of the parties were also furnished copies of the said Order both by personal service and by registered mail. The Judge does not deny, however, that when Dr. Montemayor filed the Compliance and Manifestation on

February 4, 2003, the court was still waiting for the defendant to post a supersedeas bond.

Judge Bermejo rationalizes the granting of the defendant's Urgent Motion for Extension of time to post a supersedeas bond since the bond had already been processed and was ready for signature, but the signatories and approving officials of the bonding company were not available because of the Lenten season. He maintains that the said motion for extension is not a prohibited pleading under the Rules of Court, and that the granting thereof was made in good faith and in the interest of justice.

He further denies that he prevented the transmittal of the records of the case to the appellate court. Given that the defendant had not yet posted the supersedeas bond, and there was no proof to convince him that the latter had already received a copy of the Order requiring her to file the bond, the court could not transmit the records.

In his Reply dated August 21, 2003, Dr. Montemayor points out that copies of the Judgment were sent to the parties by registered mail on October 16, 2002, as certified by the Branch Clerk of Court, and not on October 11, 2002, as claimed by Judge Bermejo.[16]

He also disputes the respondent Judge's claim that he did not act on the first Motion for Execution because there was yet no proof of receipt of the Judgment by the defendant's counsel. Dr. Montemayor highlights the fact that the first Motion for Execution was already pending at the time the Notice of Appeal was filed. He also notes that while Judge Bermejo required the plaintiffs to submit an Affidavit of Service relative to the Second Motion to Require Defendant's Counsel to Inform the Court the Date He Received a Copy of the Judgment, he did not require the same of the defendant when she filed her Notice of Appeal. Finally, Dr. Montemayor denies that Judge Bermejo resolved all pending incidents in the Order dated March 12, 2003, because the Judge did not act on the plaintiffs' Third Motion for Execution.

On September 11, 2003, the respondent Judge filed a Rejoinder maintaining that Judgment was rendered well within the 30-day period required under the Rule on Summary Procedure. Thereafter, he filed a Manifestation asking that the present administrative case be submitted for resolution without further argument from the parties.

In his Reply to Rejoinder, Dr. Montemayor submits a Certification from the Manila Central Post Office stating that the defendant received the mail matter containing a copy of the Judgment on October 17, 2002.[17] Another Certification from the Makati Central Post Office[18] stating that the defendant's counsel received a copy of the Judgment on October 18, 2002, Dr. Montemayor claims, contradicts Judge Bermejo's allegation that the court received no proof that the defendant's counsel had received a copy of the Judgment.

Required to evaluate the complaint, the OCA submitted its Report and Recommendation on November 11, 2003 finding merit in the complaint and recommending that Judge Bermejo be fined in the amount of P5,000.00 for failing to decide the case within the period fixed by law.

The respondent Judge maintains that he is not liable for delay in the rendition of judgment. In essence, he argues that since the Order deeming the case submitted for resolution was issued on September 23, 2002, the rendition of judgment on October 10, 2002 was made within the mandatory 30-day period.

The Court is not persuaded.

Section 11, Rule 70 of the Rules of Court provides a period of 30 days for the court to render judgment in forcible entry and unlawful detainer cases. This period shall be counted from the receipt of the affidavits and position papers, or the expiration of the period for filing the same.

Section 11, Rule 70 echoes Section 10 of the Rule on Summary Procedure which governs unlawful detainer cases, among others.[19] The latter provision similarly mandates the resolution of such cases within 30 days after receipt

of the last affidavits and position papers, or the expiration of the period for filing the same.

Clearly, the reckoning point from which the mandatory period for rendition of judgment should be computed is the receipt of the last affidavits and position papers of the parties, or the expiration of the period for filing the same, as provided by the Rules, not from the issuance of the order by the judge deeming the case submitted for resolution. The reckoning point is fixed by law, not by the judge. A judge cannot by himself choose to prolong the period for deciding cases beyond that authorized by the law.[20]

The records do not reveal when the parties received Judge Bermejo's Order requiring them to submit their respective affidavits and position papers. Assuming, however, that the court received the defendant's Position Paper on August 14, 2002, as respondent Judge claims, judgment should have been rendered on September 13, 2002. Instead, the decision was dated October 10, 2002, or nearly a month after the lapse of the mandatory period for rendition of judgment and almost two months from the receipt of the defendant's Position Paper. Plainly, Judge Bermejo is guilty of delay and, thus, administratively liable.

Rule 1.02 of the Code of Judicial Conduct requires judges to administer justice without delay. Rule 3.05 of the same Code admonishes all judges to dispose of the court's business promptly and decide cases within the required periods. The failure to decide a case within the required period is not excusable, constitutes gross inefficiency[21] and is a ground for the imposition of administrative sanctions against the defaulting judge.[22]

Delay in the rendition of judgment, however, is the least of Judge Bermejo's administrative transgressions.

Section 19, Rule 70 of the Rules of Court, states: "If judgment is rendered against the defendant, execution shall issue immediately upon motion, unless an appeal has been perfected and the defendant to stay execution files a sufficient supersedeas bond, approved by the Municipal Trial Court and executed in favor of the plaintiff to pay the rents, damages, and costs accruing down to the time of the judgment appealed from...." The judgment is executed immediately in favor of the plaintiff, as a matter of right, to prevent further damage arising from the loss of possession.[23]

The respondent Judge, however, can only offer feeble excuses for his inaction on the plaintiffs' Motions for Execution. He claims that the first Motion for Execution prayed that hearing be set on a date that was not a motion day. Judge Bermejo forgets that while the Rules of Court requires all motions to be scheduled for hearing on Friday afternoons, or if Friday is a non-working day, in the afternoon of the next working day, the same Rules provides an exception for motions requiring immediate action.[24] Perhaps, as a judgment in favor of the plaintiffs in an unlawful detainer case is immediately executory, the plaintiffs believed that their motion came under the exception. However, if the respondent Judge did not share this view, he could have simply set the motion for hearing on the next motion day. Instead, he untenably ignored the motion.

Judge Bermejo also rationalizes his failure to act on the motion on the ground that there was no proof yet that the defendant's counsel had received notice of the Judgment. In this connection, Dr. Montemayor alleges that the registry return card indicating the defense counsel's notice of judgment is missing from the records, a charge that respondent Judge vehemently denies. By doing so, he placed himself in a Catch-22. His denial exposes his liability, as the succeeding discussion shows.

Copies of the Judgment were transmitted to the parties on October 16, 2002 by registered mail. The plaintiffs filed their first Motion for Execution almost two months later on December 12, 2002. The fact that the registry receipts of the service of judgment had not yet returned at this point would have been cause for apprehension for any responsible judge. Yet Judge Bermejo has not conveyed any semblance of anxiety. He did not inquire from, nor inform, the Clerk of Court about the absence of the receipts two months after copies of the Judgment were sent to

the parties. Instead, he found the lack of registry receipts a convenient reason for tarrying on the motion.

Questioning the timeliness of the defendant's Notice of Appeal, Dr. Montemayor subsequently filed two separate motions to require the defense counsel to inform the court of the date of his receipt of a copy of the Judgment. This is a strange request since that fact could have been easily verified from the registry return receipts, if indeed they were extant from the records. But Judge Bermejo did not act on either motion. Stranger still, he admits to advising Dr. Montemayor to secure the registry receipt number of the notice of judgment to the defendant's counsel to establish the latter's date of receipt when, to repeat, all the respondent Judge had to do was look into the records.

These circumstances may lead a sophisticated mind to conclude one of two things.

One, the registry receipts are indeed missing from the records but Judge Bermejo is denying it to cover up such loss. This conclusion is buttressed by the odd fact that, despite the seriousness of Dr. Montemayor's allegations, the respondent Judge has not offered in these administrative proceedings any evidence of the existence of the registry receipts. An obvious disregard of keeping records is evidence of incompetence and lack of professionalism. The Court has held that:

A judge is charged with exercising extra care in ensuring that the records of the cases and official documents in his custody are intact. There is no justification for missing records save fortuitous events... This Court reiterates that judges must adopt a system of record management and organize their dockets in order to bolster the prompt and efficient dispatch of business. It is, in fact, incumbent upon him to devise an efficient recording and filing system in his court because he is after all the one directly responsible for the proper discharge of his official functions.[25]

Two, Judge Bermejo is suppressing proof of the registry return receipts, in which case, he is not only guilty of dragging his feet in the resolution of the motions but, worse, bias in favor of the defendant. On such receipts hinge the answer to Dr. Montemayor's question: Did the defendant file her Notice of Appeal on time? A negative answer would have dire consequences for the defendant since it would preclude any stay in the execution of the adverse judgment.

Other circumstances support the theory of bias. Judge Bermejo provides a flimsy justification for his inaction on Dr. Montemayor's Second Motion for Execution. According to the respondent Judge, the court was undertaking its semestral inventory when the motion was filed. Even if the Court were to admit the adequacy of this obvious pretext, Judge Bermejo, at the very least, should have set the motion for hearing on the next motion day after the inventory. But again, he disregarded the second motion.

Next, under Section 19, Rule 70, *supra*, in case the defendant does not file any supersedeas bond or did not make any monthly deposit, the plaintiff would be entitled as a matter of right to the immediate execution of the inferior court's judgment. In such a case the execution is mandatory.[26] In *Fernandez v. Español*, the Court held:

. . . . Considering these principles, respondent judge should simply have ascertained from the records the allegations in complainant's motion for execution and, on that basis, resolved the motion. Had she done this, she could not have failed to notice that the defendant had not given a supersedeas bond to stay immediate execution of the judgment and had not paid the current rents as they fell due. The defendant's failure to comply with these requisites entitled the complainant to the immediate execution of the judgment. The court's duty was simply to order such execution.[27]

In this case, Judge Bermejo did not order the immediate execution of the Judgment. On the contrary, he even ordered defendant to file a supersedeas bond, which, in any event, should have been posted within the period to file an appeal. In *Chua v. Court of Appeals*,[28] the Court declared:

As a general rule, a judgment in favor of the plaintiff in an ejectment suit is immediately executory, in order to prevent further damage to him arising from the loss of possession of the property in question. To stay the immediate execution of the said judgment while the appeal is pending, the foregoing provision requires that the following requisites must concur: (1) the defendant perfects his appeal; (2) he files a supersedeas bond; and (3) he periodically deposits the rentals which become due during the pendency of the appeal. The failure of the defendant to comply with any of these conditions is a ground for the outright execution of the judgment, the duty of the court in this respect being “ministerial and imperative.” Hence, if the defendant-appellant perfected the appeal but failed to file a supersedeas bond, the immediate execution of the judgment would automatically follow. Conversely, the filing of a supersedeas bond will not stay the execution of the judgment if the appeal is not perfected. Necessarily then, the supersedeas bond should be filed within the period for the perfection of the appeal. [Emphasis supplied.]

The records show that on January 6, 2003, Judge Bermejo granted the defendant 10 days from receipt of the Order giving due course to the Notice of Appeal to post a supersedeas bond. Assuming that the defendant received a copy of the Judgment only on December 5, 2002, the period granted was way beyond the 15-day period for perfecting an appeal.

More than three months after, the defendant filed an Urgent Motion for Extension alleging that “she had until April 21, 2003 to file her supersedeas bond” and asking for 10 more days to post the same.[29] How service of the Order of January 6, 2003 took so long was not sufficiently explained. Moreover, the Urgent Motion for Extension was filed only on April 24, 2003[30] or three days after her alleged last day to post the bond on April 21, 2003,[31] in violation of the rule that motions for extension must be filed prior to the expiration of the period sought to be extended.[32] Compounding the erroneous admission of said motion for extension, Judge Bermejo, on the same day, issued an Order allowing the defendant an additional extension of 15 days, more than the 10 days she initially asked for, and in further violation of the rule enunciated in Chua, supra. In the meantime, the transmittal to the appellate court of the case’s records was deferred to await the posting of the supersedeas bond.

Actions for forcible entry or unlawful detainer involve perturbation of social order which must be resolved as promptly as possible and, accordingly, technicalities or details of procedure which may cause unnecessary delay should carefully be avoided.[33] This rule lost all significance in the plaintiffs’ unlawful detainer case. Not only did they suffer delay in the resolution of the action and in the execution of the decision in their favor, but likewise delay in the appeal process.

The Court is not prepared to rule that Judge Bermejo is guilty of the loss of the registry receipts proving the date of receipt by the defendant’s counsel of the notice of judgment in the absence of the records of Civil Case No. 171824-CV before us.

Neither is the Court quick to hold respondent Judge guilty of bias and prejudice in the absence of any showing that his acts stem from an extrajudicial source resulting in an opinion in the merits on some basis other than what the respondent Judge learned from his participation in the case.[34] Judge Bermejo claims that he was moved by good faith and the interest of justice, particularly in granting the defendant her motion for extension to post a supersedeas bond, considering that the bond was ready for signing anyway. The Court is inclined to give respondent Judge the benefit of the doubt, especially in light of his Judgment in the unlawful detainer case, which was in favor of the plaintiffs.

However, by countenancing, permitting, and even creating the many delays in obvious disregard of the letter and the spirit of the Rules of Court and the Rule on Summary Procedure, Judge Bermejo has put in question his partiality. It bears reminding him that a judge must at all times not only be impartial but maintain the appearance of impartiality.[35] Thus, under Canon 2 of the Code of Judicial Conduct, a judge should avoid impropriety and

appearance of impropriety in all activities. Specifically, under Rule 2.01 of the Code, a judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary. The appearance of bias or prejudice can be as damaging to public confidence and the administration of justice as actual bias or prejudice.[36]

ACCORDINGLY, the Court finds respondent Judge Juan O. Bermejo, Jr., of Branch 3 of the Metropolitan Trial Court of Manila guilty of delay in the rendition of judgment in violation of Rules 1.02 and 3.05 of the Code of Judicial Conduct for which he is fined the amount of P5,000.00. Respondent Judge is also declared guilty of impropriety in violation of Canon 2 of said Code and is fined the amount of P10,000.00.

SO ORDERED.

Quisumbing, (Acting Chairman), Austria-Martinez, and Callejo, Sr., JJ., concur.

Puno, J., on leave.

[1] Civil Case No. 171824-CV.

[2] Metropolitan Trial Court of Manila, Branch III.

[3] Rollo, p. 36.

[4] Id. at 22.

[5] Id. at 18.

[6] Id. at 24.

[7] Id. at 59-62.

[8] Id. at 19.

[9] Id. at 21.

[10] Id. at 27.

[11] Id. at 1.

[12] Id. at 2.

[13] Id. at 2.

[14] Id. at 27.

[15] Id. at 31.

[16] Id. at 77.

[17] Id. at 96, Annex S-Reply to Rejoinder.

[18] Id. at 97, Annex T-Reply to Rejoinder.

[19] 1991 Revised Rule on Summary Procedure, Sec. 1.

[20] *Saceda v. Gestopa*, A.M. No. MTJ-00-1303, December 13, 2001, 372 SCRA 192.

[21] *Farrales v. Camarista*, A.M. No. MTJ-99-1184, March 2, 2000, 327 SCRA 84.

- [22] Alfonso-Cortes v. Maglalang, A.M. No. RTJ-88-170, November 8, 1993, 227 SCRA 482.
- [23] San Manuel Wood Products, Inc. v. Judge Tupas, 319 Phil. 594 (1995).
- [24] 1997 Rules of Civil Procedure, Rule 15, Sec. 7.
- [25] Beso v. Judge Daguman, 380 Phil. 544, citing Sabitsana v. Villamor, 202 SCRA 435 (1991); Bernardo v. Judge Amelita A. Fabros, AM No. MTJ-99-1189, 12 May 1999; OCA v. Judge Francisco D. Villanueva, 279 SCRA 267 (1997); OCA v. RTC Judge Amelita DK Benedicto, 296 SCRA 62 (1998); Mamamayan ng Zapote I, Bacoar, Cavite v. Balderian, 265 SCRA 360 (1996); Celino v. Abrogar, 245 SCRA 304 (1995).
- [26] De Laureano v. Adil, G.R. No. L-43345, July 29, 1976, 72 SCRA 148; Philippine Holding Corp. v. Valenzuela, G.R. No. L-55972, May 13, 1981, 104 SCRA 401; Hualam Construction and Dev't. Corp. v. Court of Appeals, G.R. No. 85466, October 16, 1992, 214 SCRA 612.
- [27] Fernandez v. Español, A.M. No. MTJ-98-1150, April 15, 1998, 289 SCRA 1.
- [28] G.R. No. 113886, February 24, 1998, 286 SCRA 437.
- [29] Supra, note 3 at 19.
- [30] Id. at 68, Annex O of Respondent Judge.
- [31] Ibid.
- [32] Philippine Long Distance Telephone Co., Inc. v. Court of Appeals, G.R. No. 57079, September 29, 1989, 178 SCRA 94, citing Galima, et al. v. CA, No. L-21046, January 31, 1966, 16 SCRA 140 and Tuason v. Court of Appeals, G.R. No. L-32682, February 29, 1972, 43 SCRA 664.
- [33] Torno v. Intermediate Appellate Court, L-72622, October 28, 1988, 166 SCRA 742; De Papa v. Camacho, G.R. No. L-28032, September 24, 1986, 144 SCRA 281.
- [34] Soriano v. Angeles, G.R. No. 109920, August 31, 2000, 339 SCRA 366.
- [35] De Guzman, Jr. v. Sison, A.M. No. RTJ-01-1629, March 26, 2001, 355 SCRA 69.
- [36] Re: Release by Judge Manuel T. Muro, RTC, Br. 54, Manila, of an Accused in a Non-Bailable Offense, A.M. No. 00-7-323-RTJ, October 17, 2001, 367 SCRA 285.

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