

DR. RAMIE G. HIPE, COMPLAINANT, VS. JUDGE ROLANDO T. LITERATO, MUNICIPAL TRIAL COURT, MAINIT, SURIGAO DEL NORTE, RESPONDENT.

A.M. No. MTJ-11-1781 (Formerly OCA I.P.I. No. 09-2161-MTJ). April 25, 2012

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

Before the Court is an administrative case^[1] for gross ignorance of the law, gross incompetence, and gross dereliction of duty filed by Dr. Ramie G. Hipe against Judge Rolando T. Literato, acting judge of the Municipal Trial Court (MTC), Mainit, Surigao del Norte, in relation to Civil Case No. 632.

Civil Case No. 632 was an action for unlawful detainer, damages, and attorney's fees instituted by the Municipality of Mainit, Surigao del Norte, represented by Municipal Mayor Ramon Beltran Mondano, against spouses Dr. Hector and Dr. Ramie Hipe (spouses Hipe), before the MTC on December 27, 2007.^[2] Counsel for the Municipality of Mainit was Atty. Elmer T. Paniamogan, a vice-mayorality candidate in the said municipality during the May 2007 elections who belongs to the same party as Mayor Mondano.

According to the complaint, Dr. Hector Hipe served as the Municipal Health Officer of Mainit until he resigned in April 2007 when he ran for Mayor in his hometown in Samar. As the Municipal Health Officer, Dr. Hector Hipe, together with his spouse, Dr. Ramie Hipe,^[3] had the privilege of using as doctor's quarters a two-storey residential building at the back of the Rural Health Center, owned by the Municipality of Mainit (subject property). The spouses Hipe continued to stay at the subject property, notwithstanding Dr. Hector Hipe's resignation as Municipal Health Officer, at the mere tolerance of the Municipality of Mainit, which was then still searching for a new Municipal Health Officer. Despite several demands made by the Municipality of Mainit on July 17, 2007, October 8, 2007, and October 23, 2007, the spouses Hipe failed and refused to vacate the subject property, insisting that they had the right to stay thereat since Dr. Ramie Hipe was also serving the Municipality of Mainit. The spouses Hipe were unmindful of the fact that Dr. Ramie Hipe was not at all an employee of the Municipality of Mainit. Thus, the Municipality of Mainit prayed that the MTC render judgment ordering the spouses Hipe:

- a. To vacate the doctor's quarter[s] located at the back of the Municipal Health Center, Mupas Street, Mainit, Surigao del Norte;
 - b. To pay to [the Municipality of Mainit] the P2,000.00 monthly rentals for the use of said premises from May 1, 2007 until the [spouses Hipe] finally vacate the same;
 - c. To pay to [the Municipality of Mainit] the sum of P20,000.00 as and by way of attorney's fees plus P2,000.00 per court appearance; and
- To pay the costs of the suit.

[The Municipality of Mainit] prays for such other remedy as this Court may deem just and equitable in the

premises.[4]

Summons was served upon the spouses Hipe on January 11, 2008.

Dr. Ramie Hipe, through counsel, filed her Answer on January 21, 2008, seeking the dismissal of Civil Case No. 632 “for being illegal, devoid of legal and factual bases and for utter lack of merit[;]”[5] and the grant of her counterclaims for P50,000.00 attorney’s fees, P200,000.00 moral damages, and P50,000.00 exemplary damages.

Judge Literato set the preliminary conference of Civil Case No. 632 on February 29, 2008.[6]

On February 25, 2008, Dr. Ramie Hipe filed a motion[7] to transfer the date of the preliminary hearing from February 29, 2008 to March 14, 2008 or April 4, 2008, for the reason that her counsel of record would be attending the Mandatory Continuing Legal Education (MCLE) from February 27, 2008 to March 1, 2008. Judge Literato subsequently reset the preliminary conference for Civil Case No. 632 to April 25, 2008.

On March 31, 2009, Dr. Ramie Hipe filed a motion to resolve her affirmative defenses,[8] to wit:

2. In her Answer, [Dr. Ramie Hipe] invokes the following affirmative defenses:

2-a. That she has the right to stay in the Doctor’s Quarter[s] as part of the housing privilege granted to her as a Public Health Worker pursuant to Republic Act 7305, known as the Magna Carta for Public Health Workers. This is purely a question of law which can be resolved by this Honorable Court in the exercise of its inherent power to interpret a given provision of law.

2-b. That there is no necessity for her Ejectment as the Doctor’s Quarter[s] is capable of accommodating even four (4) persons. This line of defense may be resolved by making reference to the physical structure of the edifice in question, which, in turn, may be substantiated thru the conduct of an actual ocular inspection.

2-c. That the filing of the instant case is illegal from the beginning since the Ejectment of [Dr. Ramie Hipe] interferes with, coerces or restrains her, as a public health worker, in the exercise of her functions as such, as well as her right to free housing granted by law, the resolution of which may be made by reference to Sections 32 and 39 of RA 7305.

3. In addition to the foregoing, [Dr. Ramie Hipe] beseeches this Honorable Court to take judicial notice of COA Circular No. 98-002 prohibiting employment by local government units of private lawyers to handle their legal cases and the decided cases of the Supreme Court x x x.[9]

Per the agreement of the parties, the preliminary conference was again reset by Judge Literato from April 25, 2008 to May 20, 2008. Apparently, however, the preliminary conference still did not take place on May 20, 2008.

Meanwhile, Judge Literato set for hearing on June 10, 2008 Dr. Ramie Hipe’s motion to resolve her affirmative defenses. At the end of said hearing, Judge Literato issued an Order submitting the motion for resolution.

On April 28, 2009, Judge Literato rendered a Decision[10] in Civil Case No. 632 in favor of the Municipality of Mainit. The dispositive portion of the decision reads:

WHEREFORE, in view of the foregoing, the [spouses Hipe] are hereby adjudged:

- TO IMMEDIATELY VACATE the two (2)[-]story Building utilized as doctor’s quarter[s] and residence of the Municipal Health Officer;
- And that the [spouses Hipe] are hereby adjudged TO PAY the amount of Two Thousand Pesos (P2,000.00) as filing fee;
- The [Municipality of Mainit] is not entitled to attorney’s fees for it is the Provincial Prosecutor who will

represent the [Municipality of Mainit] in any Court if no Municipal Attorney having been appointed.

In the case at bar, the payment for attorney's fee shall [be] chargeable to the Municipal Mayor and its Councilors in private capacity.

They cannot claim reimbursement from the Municipal Government of Mainit, Surigao del Norte for being not authorized to do so unless by law. The Municipal Government of Mainit is authorized to engage the services of the private lawyer to protect and de[f]end his case.[11]

As a result of the aforementioned events, Dr. Ramie Hipe filed on June 17, 2009 the present administrative complaint against Judge Literato, based on the following grounds: (1) from June 10, 2008 until April 28, 2009, a period of 322 days, Judge Literato took no further action in Civil Case No. 632, in violation of the Revised Rule on Summary Procedure; (2) since June 10, 2008 up to the filing of the present administrative complaint, Judge Literato failed to resolve Dr. Ramie Hipe's affirmative defenses; (3) since June 10, 2008 until the filing of the present administrative complaint, Judge Literato failed to conduct a preliminary conference in Civil Case No. 632; (4) Judge Literato already rendered on April 28, 2009 a judgment in favor of the Municipality of Mainit even though the parties had not been ordered to submit their positions papers, thus, violating Dr. Ramie Hipe's right to due process of law; and (5) Judge Literato's Decision dated April 28, 2009 in Civil Case No. 632 was grammatically flawed and displayed his gross incompetence.

In his defense, Judge Literato averred that the parties failed to appear at the preliminary conference set on February 29, 2008. Hence, the preliminary conference was reset to May 20, 2008, on which date, the parties were also required to file their respective position papers. While motions to reset the preliminary conference and resolve affirmative defenses are indeed prohibited pleadings, Judge Literato pointed out that Dr. Ramie Hipe herself filed said motions and that the Municipality of Mainit failed to object to the submission of the same.

In addition, Judge Literato argued that Dr. Ramie Hipe was not the real party-in-interest in Civil Case No. 632, but her husband, Dr. Hector Hipe. In any case, the issues and defenses raised by Dr. Ramie Hipe in her Answer in Civil Case No. 632 were already squarely passed upon in the Decision dated April 28, 2009. The proper recourse for Dr. Ramie Hipe should have been the timely filing of an appeal before the Regional Trial Court (RTC) of Judge Literato's Decision dated April 28, 2009 in Civil Case No. 632, not the institution of the present administrative complaint. Judge Literato also alleged that the parties in Civil Case No. 632 had reached an out-of-court settlement in which they agreed to divide the doctor's quarters between Dr. Ramie Hipe and the newly appointed municipal health officer.

Lastly, Judge Literato asserted that the periods provided under the Rules of Court should be leniently applied to his case as he presides over other salas throughout the Province of Surigao del Norte. Judge Literato further explained that he was able to conduct only five hearings in the MTC of Mainit from July 2008 to March 2009 owing to other official business (i.e., attending seminars in Boracay and Manila) and personal constraints (i.e., his hospitalization at Mernada Hospital, Surigao City).

On November 10, 2010, the Office of the Court Administrator (OCA) submitted its report[12] with the following recommendations:

RECOMMENDATION: It is respectfully recommended for the consideration of the Honorable Court:

- That the instant case be RE-DOCKETED as a regular administrative matter;
- That Judge Rolando T. Literato be FINED Twenty Thousand Pesos (P20,000.00) per Section 11 [B(2)], Rule 140, Rules of Court. However, he is ADMONISHED anew to be more circumspect in observing the reglementary periods for disposing of motions and cases, and that he be STERNLY WARNED with

FINALITY that a repetition of a similar act shall be dealt with UTMOST SEVERITY; and

- That Judge Rolando T. Literato's numerous court assignments be REDUCED in a number as the Honorable Court may deem appropriate.[13]

The Court agrees with the recommendations of the OCA, except as to the penalty imposed upon Judge Literato.

At the outset, the Court notes that Judge Literato's Decision dated April 28, 2009 in Civil Case No. 632 was appealed to the RTC. Thus, any issue concerning the propriety of said decision now rests with the RTC. The present administrative case is limited to Judge Literato's alleged disregard of the rules and delay in rendering judgment in Civil Case No. 632.

Significant herein is Section 7 of the Revised Rule on Summary Procedure, which provides:

Sec. 7. Preliminary conference; appearance of parties. – Not later than thirty (30) days after the last answer is filed, a preliminary conference shall be held. The rules on pre-trial in ordinary cases shall be applicable to the preliminary conference unless inconsistent with the provisions of this Rule.

The failure of the plaintiff to appear in the preliminary conference shall be a cause for the dismissal of his complaint. The defendant who appears in the absence of the plaintiff shall be entitled to judgment on his counterclaim in accordance with Section 6 hereof. All cross-claims shall be dismissed.

If a sole defendant shall fail to appear, the plaintiff shall be entitled to judgment in accordance with Section 6 hereof. This Rule shall not apply where one of two or more defendants sued under a common cause of action who had pleaded a common defense shall appear at the preliminary conference. (Emphasis supplied.)

There is no question that Civil Case No. 632, a case for ejectment, is covered by the Revised Rule on Summary Procedure. It is equally undisputed that in summary procedure, a preliminary conference should be held not later than 30 days after the last answer has been filed. Considering that no preliminary conference at all was held in Civil Case No. 632, Judge Literato evidently failed to comply with a basic rule of procedure for which he should accordingly be held accountable.

Judge Literato's inaction in Civil Case No. 632 for 322 days constitutes utter disregard for the summary nature of an ejectment case.

Rule 3.05, Canon 3 of the Code of Judicial Conduct mandates that a judge shall dispose of the court's business promptly and decide cases within the required periods. In general, courts are required to decide cases submitted for decision within three months from the date of such submission.[14] With respect to cases falling under the Rule on Summary Procedure, first level courts are only allowed 30 days following the receipt of the last affidavit and position paper, or the expiration of the period for filing the same, within which to render judgment.[15]

Competence is a mark of a good judge. When a judge displays an utter lack of familiarity with the rules, he erodes the public's confidence in the competence of our courts. It is highly imperative that judges be conversant with the law and basic legal principles. Basic legal procedures must be at the palm of a judge's hands.[16]

There is no showing herein that Judge Literato required the parties to file their position papers. Dr. Ramie Hipe filed her Answer in Civil Case No. 632 on January 21, 2008. Dr. Ramie Hipe also filed her motion to resolve her affirmative defenses on March 31, 2009, which was heard and submitted for resolution by Judge Literato on June 10, 2008. Judge Literato's next action thereafter was to render a Decision in Civil Case No. 632 on April 28, 2009. Even if the Court counts only from June 10, 2008 (the latest incident in Civil Case No. 632), it took Judge Literato 322 days to finally dispose of the case.

Judge Literato irrefragably failed to promptly decide Civil Case No. 632 in accordance with the Revised Rule on

Summary Procedure. Judge Literato's inaction in Civil Case No. 632 is contrary to the rationale behind the Rule on Summary Procedure, which was precisely adopted to promote a more expeditious and inexpensive determination of cases, and to enforce the constitutional rights of litigants to the speedy disposition of cases.[17]

The Court cannot stress enough the importance of prompt and expeditious resolution of cases. The Court reiterates its pronouncement in *Sanchez v. Vestil*[18]:

This Court has constantly impressed upon judges the need to decide cases promptly and expeditiously, for it cannot be gainsaid that justice delayed is justice denied. Delay in the disposition of cases undermines the people's faith and confidence in the judiciary. Hence, judges are enjoined to decide cases with dispatch. Their failure to do so constitutes gross inefficiency and warrants the imposition of administrative sanction on them.[19]

Judge Literato explains his delay in resolving Civil Case No. 632 by citing his duties in other courts throughout Surigao del Norte. Such an excuse is unacceptable. The additional court assignments or designations imposed upon Judge Literato does not make him less liable for the delay.[20] As the Court ruled in *Española v. Panay*,[21] if the caseload of the judge prevents the disposition of cases within the reglementary periods, he should ask this Court for a reasonable extension of time to dispose of the cases involved. This is to avoid or dispel any suspicion that something sinister or corrupt is going on. Judge Literato never made such a request. Instead, he kept his silence and left Civil Case No. 632, an ejectment case falling under the Revised Rule for Summary Procedure, pending for nearly a year.

In sum, Judge Literato is administratively guilty of gross ignorance of the Rule on Summary Procedure and undue delay in rendering a decision.

Under Section 8(9), Rule 140 of the Rules of Court, as amended by A.M. No. 01-8-10-SC, gross ignorance of the law or procedure is classified as a serious charge. Section 11(A) of the same Rule provides that the penalty to be imposed if a respondent Judge is found guilty of a serious charge is either a fine of more than P20,000.00 but not more than P40,000.00, suspension from office without salary and other benefits for more than three but not exceeding six months, or dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations.

Section 9 of Rule 140, as amended by A.M. No. 01-8-10-SC, classifies undue delay in rendering a decision and violation of Supreme Court circulars as a less serious charge for which the penalty is suspension from office without salary and other benefits for one month to three months, or a fine of P10,000.00 to P20,000.00.

Section 17 of the Omnibus Rules implementing the Civil Service Law states that if the respondent Judge is found guilty of two or more charges or counts, the penalty imposed should be that corresponding to the most serious charge or counts and the rest may be considered aggravating circumstances.

The most serious of the charges against Judge Literato is his gross ignorance of the Rule on Summary Procedure, and his undue delay in deciding Civil Case No. 632 is considered an aggravating circumstance. Another aggravating circumstance is the fact that Judge Literato was previously charged and found guilty of gross inefficiency and gross negligence in A.M. No. 03-10-250-MCTC, for which he had been fined P20,000.00. [22]

However, the Court takes into consideration that aside from his regular station in MTC-Taganaan, Surigao del Norte, Judge Literato sits as acting judge in the MTC-Mainit, and the MCTCs of Dapa, Socorro; Claver, Gicaquit; Del Carmen-Numancia, San Isidro, San Benito; General Luna, Pilar; Malimono, San Francisco; Placer, Bacnag; Sta. Monica, Burgos; and Tubod, Alegria. Additionally, Judge Literato has been in the service of the judiciary for

26 years.

Given the foregoing, the penalty of fine in the amount of P30,000.00[23] is deemed commensurate with Judge Literato's infractions.

WHEREFORE, respondent Judge Rolando T. Literato is FINED in the amount of P30,000.00 for gross ignorance of the Rule on Summary Procedure and unreasonable delay in rendering a judgment in Civil Case No. 632, and is STERNLY WARNED that a repetition of the same or similar acts in the future shall be dealt with utmost severity. Moreover, the Office of the Court Administrator is ORDERED to submit a report and recommendation on how Judge Rolando Literato's numerous court assignments could be reduced to a more reasonable and manageable number.

SO ORDERED.

Corona, C.J., (Chairperson), Bersamin, Del Castillo, and Villarama, JJ., concur.

[1] Rollo, pp. 1-12.

[2] Id. at 13-18.

[3] Dr. Ramie Hipe is the Medical Director of the Medicare Hospital in Mainit, which is operated and maintained by the Provincial Government of Surigao del Norte.

[4] Rollo, pp. 16-17.

[5] Id. at 34.

[6] Id. at 46.

[7] Id. at 47-48.

[8] Id. at 50-56.

[9] Id. at 50-51.

[10] Id. at 63-68.

[11] Id. at 67-68.

[12] Id. at 114-119.

[13] Id. at 118-119.

[14] Constitution of the Philippines, Article VIII, Section 15.

[15] Section 10, Revised Rule on Summary Procedure, completely reads:

SEC.10. Rendition of judgment. – Within thirty (30) days after receipt of the last affidavits and position papers, or the expiration of the period for filing the same, the court shall render judgment.

However, should the court find it necessary to clarify certain material facts, it may, during the said period, issue an order specifying the matters to be clarified, and require the parties to submit affidavits or other evidence on the said matters within ten (10) days from receipt of said order. Judgment shall be rendered within fifteen (15) days after the receipt of the last clarificatory affidavits, or the expiration of the period for filing the same.

The court shall not resort to the clarificatory procedure to gain time for the rendition of the judgment.

[16] Nedia, v. Laviña, A.M. No. RTJ-05-1957, September 26, 2005, 471 SCRA 10, 18-19.

[17] Sevilla v. Lindo, A.M. No. MTJ-08-1714, February 9, 2011, 642 SCRA 277, 284-285.

[18] 358 Phil. 477 (1998).

[19] Id. at 495.

[20] Re: Judicial Audit of the RTC, Br. 14, Zamboanga City presided over by the Hon. Ernesto R. Gutierrez, formerly the Presiding Judge thereof, 517 Phil. 507, 519 (2006).

[21] 319 Phil. 27, 31 (1995), citing Cruz v. Basa, A.M. No. MTJ-91-598, February 9, 1993, 219 SCRA 551, 557.

[22] Report on the Judicial Audit Conducted in the MCTC-Dapa, Surigao del Norte, A.M. No. 03-10-250-MCTC, September 30, 2004, 439 SCRA 487, 502.

[23] As revised.

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