NORTHCASTLE PROPERTIES AND ESTATE CORPORATION REPRESENTED BY JENNYLYN L. CHUA COMPLAINANTS, VS. ACTING PRESIDING JUDGE ESTRELLITA M. PAAS, METC, BRANCH 45, PASAY CITY, RESPONDENT.

A.M. No. MTJ-99-1206. October 22, 1999

Ponente: PARDO, J.

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PARDO, J.:

Competence is a mark of a good judge. All judges must be competent and, of course, possessed of the highest degree of integrity.

The present complaint arose from a judge's interpretation of Section 19, Rule 70 of the 1997 Rules of Civil Procedure, involving an ejectment case.

In a complaint dated December 4, 1997, Northcastle Properties and Estate Corporation (hereafter Northcastle) represented by Jennylyn Chua charged Acting Presiding Judge Estrellita M. Paas with gross ignorance of the law and/or grave abuse of discretion in relation to her acts in Civil Case No. 546-96 entitled "Northcastle Properties and Estate Corporation vs. Sajjan Thadani, et al." for unlawful detainer.

Judge Paas denied a motion for execution despite the decision of the Regional Trial Court affirming the Metropolitan Trial Court's decision ordering the ejectment of the lessees from the subject premises.

The undisputed facts are as follows:

Northcastle is the owner of a townhouse unit located at No. 229 Roxas Seafront Garden, Pasay City, leased to Sajjan Thadani, Lavina Thadani, a.k.a. Lavi S. Pamani in April 1992.

Before the expiration of the lease contract on April 28, 1996, complainants notified the Thadanis that it would no longer renew the lease and that they had to vacate the premises on April 28, 1996. Complainants later on gave them an extension until June 30, 1996 but the occupants still failed to vacate the premises.

Thus complainants filed an unlawful detainer case[1] before the Metropolitan Trial Court of Pasay City, Branch 45.

On November 21, 1996, Presiding Judge Manuel G. Garcia rendered a decision ordering the Thadanis to vacate the premises.

On appeal to the Regional Trial Court,[2] Presiding Judge Lilia C. Lopez affirmed the decision of the trial court with some modification as to the rentals to be paid by defendants.

On June 25, 1997 Northcastle moved for execution of the decision[3] in accordance with Section 21, Rule 70 of the Rules of Court. On September 11, 1997, however, Judge Paas denied the motion. Complainant then filed a motion for reconsideration of the denial but Judge Paas likewise denied it without any explanation as to why she

considered the motion not meritorious.

Hence, this complaint.

After investigation, on June 4, 1999, Court Administrator Alfredo L. Benipayo submitted the following recommendation:

> "RECOMMENDATION: Respectfully submitted for the consideration of the Honorable Court are the following recommendations.
>
> "1. that the instant administrative complaint be RE-DOCKETED as an administrative matter; and
>
> "2. A FINE in the amount of P10,000.00 be imposed against respondent Judge Estrellita M. Paas for Gross Ignorance of the Law with a warning that a repetition of the same or similar acts in the future will be dealt with more severely."[4]

In her answer,[5] Judge Paas contended that Section 19, Rule 70 of the Rules on Civil Procedure allows the stay of execution of judgment if the defendant files sufficient supersedeas bond and deposits to the appellate court from time to time the amount of rent due under the contract. Since Thadanis deposited sufficient supersedeas bond and are up to date in depositing the monthly rental of P17,000.00 including 20% rental increase, Judge Paas stayed execution of the judgment. She cited the case of Heirs of J.B.L. Reyes vs. Metro Manila Builders, Inc.,[6] for unlawful detainer.6 where the Court of Appeals granted a temporary restraining order restraining the court of origin from enforcing the execution until final disposition of the case.

Northcastle on the other hand argued that the word "shall" in Section 21, Rule 70 of the 1997 Rules of Civil Procedure means that it is the ministerial duty of the court to immediately execute the decision. Such interpretation, according to complainants, is consistent with the summary nature of ejectment proceedings.

A careful perusal of the two provisions reveals the applicability of Section 19 only to ejectment cases pending appeal with the Regional Trial Court, and Section 21 to those decided by the Regional Trial Court.

Section 19, Rule 70 of the 1997 Rules on Civil Procedure provides:

> "Section 19. Immediate execution of judgment; how to stay same.- 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, and unless, during the pendency of the appeal, he deposits with the appellate court the amount of rent due from time to time under the contract, if any, as determined by the judgment of the Municipal Trial Court. In the absence of a contract, he shall deposit with the Regional Trial Court the reasonable value of the use and occupation of the premises for the preceding month or period at the rate determined by the judgment of the lower court on or before the tenth day of each succeeding month or period. The supersedeas bond shall be transmitted by the Municipal Trial Court, with the other papers, to the clerk of the Regional Trial Court to which the action is appealed.
>
> "All amounts so paid to the appellate court shall be deposited with said court or authorized government depositary bank, and shall be held there until the final disposition of the appeal, unless the court, by agreement of the interested parties, or in the absence of reasonable grounds of opposition to a motion to withdraw, or for justifiable reasons, shall decree otherwise. Should the defendant fail to make the payments above prescribed from time to time during the pendency of the appeal, the appellate court, upon motion of the plaintiff, and upon proof of such failure, shall order the execution of the judgment appealed from with respect to the restoration of possession, but such execution shall not be a bar to the appeal taking its course until the final disposition thereof on the merits.

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> "After the case is decided by the Regional Trial Court, any money paid to the Court by the defendant for purposes of the stay of execution shall be disposed of in accordance with the provisions of the judgment of the Regional Trial Court. In any case wherein it appears that the defendant has been deprived of the lawful possession of land or building pending the appeal by virtue of the execution of the judgment of the Municipal Trial Court, damages for such deprivation of possession and restoration of possession may be allowed the defendant in the judgment of the Regional Trial Court disposing of the appeal.

On the other hand, Section 21, Rule 70 of the 1997 Rules on Civil Procedure provides:

> "Section 21. Immediate execution on appeal to Court of Appeals or Supreme Court – The judgment of the Regional Trial Court against the defendant shall be immediately executory, without prejudice to a further appeal that may be taken therefrom."" (Emphasis supplied)

We agree with the complainants.

The decision of the Regional Trial Court in an ejectment case is immediately executory without prejudice to a petition for review with the Court of Appeals.

Judge Paas based her decision on her personal experience in an ejectment case, where the Court of Appeals restrained the execution of the judgment rendered by the Regional Trial Court. However, she missed one point – the TRO issued by the Court of Appeals in that case had in no way amended the law. It was just an isolated incident which ought not to restrain her from applying the correct legal provision in the absence of any TRO or injunction issued by a superior court.

Judge Paas' application of Section 19 showed her utter lack of familiarity with the Rules, which undermines the public confidence in the competence of our courts. Such act constitutes gross ignorance of the law.

The serious nature of the tasks of judges requires them to be mindful in rendering their decisions lest a party be unjustly deprived of his rights. We cannot over-emphasize the fact that as an advocate of justice and a visible representation of the law, a judge is expected to be abreast with and proficient in the interpretation of our laws. A judge should be acquainted with legal norms and precepts[7] as well as with the statutes and procedural rules.[8] Unfamiliarity with the Rules of Court is a sign of incompetence, which goes against Canon 3, specifically Rule 3.01, of the Code of Judicial Conduct.

Having accepted the exalted position of a judge, respondent judge owes the public and the court she sits in to be proficient in the law. She must have the basic rules at the palm of her hand as she is expected to maintain professional competence at all times.[9]

WHEREFORE, we resolve to impose on JUDGE ESTRELLITA M. PAAS a fine in the amount of P5,000.00 with warning that a repetition of the same or similar act would be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., (Chairman), and Puno, JJ., concur.

Kapunan, and Ynares-Santiago, JJ., on official business abroad.

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[1] Docketed as Civil Case No. 546-96.

[2] Branch 109, Pasay City.

[3] Rollo, pp. 17-20.

[4] Rollo, pp. 103-109.

[5] Filed on April 7, 1998, Rollo, pp. 27-32.

[6] Civil Case No. 113-1

[7] De la Cruz vs. Febreo, 82 SCRA 379 (1978).

[8] Librarios vs. Dabalos, 199 SCRA 48 (1991); see also Ajeno vs. Inserto, 71 SCRA 166 (1976); Abad vs. Bleza, 145 SCRA 1 (1986); Ubarra vs. Tecson, 134 SCRA 4 (1985); Arpon vs. Dela Paz, 64 SCRA 156 (1975); Ubangan vs. Mayo, 99 SCRA 30 (1980); Paredes vs. Manolo, 244 SCRA 64 (1995).

[9] People vs. Serrano, G.R. No. 135451, September 30, 1999, citing Rule 3.01, Code of Judicial Conduct.

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