

ATTY. FACUNDO T. BAUTISTA, COMPLAINANT, VS. JUDGE BLAS O. CAUSAPIN, JR., PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH 32, GUIMBA, NUEVA ECIJA, RESPONDENT.

A.M. No. RTJ-07-2044 (FORMERLY OCA I.P.I. NO. 07-2553-RTJ). June 22, 2011

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

Before the Court is an administrative Complaint [1] filed by Atty. Facundo T. Bautista (Atty. Bautista) against Judge Blas O. Causapin, Jr. (Judge Causapin), Presiding Judge of the Regional Trial Court (RTC), Branch 32 of Guimba, Nueva Ecija, for gross ignorance of the law and gross misconduct.

The facts of the case, as culled from the records, are as follows:

On December 15, 2005, the heirs of Baudelio T. Bautista, represented by Delia R. Bautista; the heirs of Aurora T. Bautista, represented by Reynaldo B. Mesina; Elmer B. Polangco; Nancy B. Polangco; and Gabriel Bautista (plaintiffs), through counsel, Atty. Bautista, filed a Complaint for Partition before the RTC against Jose Bautista and Domingo T. Bautista (defendants), docketed as Civil Case No. 1387-G. Civil Case No. 1387-G was raffled to Judge Causapin's branch.

Defendants had until January 26, 2006 to file their answer, but on January 24, 2006, they filed a motion for an extension of 15 days within which to file the said pleading. Judge Causapin granted defendants' motion in an Order dated January 25, 2006.

Defendants filed on February 6, 2006 a second motion for extension to file answer. In an Order of even date, Judge Causapin granted defendants an "inextendible" extension of 15 days.

Defendants filed on February 20, 2006 a final motion for extension of 10 days within which to file their answer, which was again granted by Judge Causapin in an Order issued on the same day.

On February 25, 2006, Atty. Bautista filed a comment [2] on defendants' motions for extension of time to file answer. He pointed out that all three motions did not contain a notice of the time and place of hearing, thus, these should be considered mere scraps of paper.

Finally, on March 20, 2006, defendants filed their joint Answer with Counterclaim and Motion to Dismiss.

Plaintiffs countered by filing on March 27, 2006 a motion to declare defendants in default. Judge Causapin set the plaintiffs' motion for hearing on April 28, 2006.

Plaintiffs and Atty. Bautista appeared for the hearing set on April 28, 2006, but defendants failed to appear. Judge Causapin reset the hearing on plaintiffs' motion to May 19, 2006.

Plaintiffs and defendants with their respective counsels appeared during the hearing on May 19, 2006. Defendants' counsel, however, moved for time within which to file pleading, which was granted by Judge Causapin. The

hearing was reset to June 20, 2006.

Only plaintiffs and their counsel, Atty. Bautista, appeared for the hearing on June 20, 2006, thus, Judge Causapin again reset the hearing on plaintiffs' motion to July 11, 2006.

Atty. Bautista failed to appear for the hearing on July 11, 2006. Judge Causapin once more reset the hearing on plaintiffs' motion to August 28, 2006.

At the hearing on August 28, 2006, the parties and their counsels were present. Judge Causapin finally submitted for resolution plaintiffs' motion to declare defendants in default.

In the Resolution of Motion to Hold Defendants in Default [3] dated September 18, 2006, Judge Causapin dismissed the complaint without prejudice on the ground that plaintiffs Reynaldo Mesina and Nancy Polangco did not sign the verification and certification on non-forum shopping attached to the complaint, in violation of Rule 7, Section 5 of the Rules of Court. He cited the ruling in *Loquias v. Office of the Ombudsman*, [4] that "[w]here there are two or more plaintiffs or petitioners, a complaint or petition signed by only one of them is defective, unless he was authorized by his co-parties to represent them and to sign the certification." [5] Judge Causapin observed further that compulsory parties - plaintiffs heirs of Baudelio T. Bautista and Aurora T. Bautista, represented by Delia R. Bautista and Reynaldo Mesina, respectively - were not properly named in the complaint, in violation of Rule 3, Sections 2, 3, and 7 of the Rules of Court. Hence, Judge Causapin held in the end that defendants could not be declared in default for not answering a defective complaint, which in law does not exist.

Consequently, Atty. Bautista filed the present administrative Complaint against Judge Causapin for Gross Ignorance of the Law, for issuing (1) the Orders dated January 25, 2006, February 6, 2006, and February 20, 2006, which granted defendants' motions for extension of time to file their answer to the complaint in Civil Case No. 1387-G, without notice of hearing; and (2) the Resolution dated September 18, 2006, which summarily dismissed the complaint in Civil Case No. 1387-G without ruling on the plaintiffs' motion to declare defendants in default.

Atty. Bautista averred that Judge Causapin, in dismissing the complaint in Civil Case No. 1387-G, exhibited gross ignorance of the law and utter lack of professional competence. Atty. Bautista disputed the application of *Loquias* to Civil Case No. 1387-G, and insisted that *Cavile v. Heirs of Clarita Cavile* [6] was the more appropriate jurisprudence. In *Cavile*, the Supreme Court recognized the execution of the certificate of non-forum shopping by only one of the petitioners, on behalf of all other petitioners therein, as substantial compliance with the Rules of Court. In addition, Judge Causapin cannot *motu proprio* dismiss a case without complying with Rule 7, Section 5 of the Rules of Court which provides that the dismissal of a case without prejudice shall be upon motion and hearing. Atty. Bautista denied that there were other compulsory heirs who were not impleaded in the complaint in Civil Case No. 1387-G, and even if there were, the non-inclusion of compulsory parties was not a valid ground for dismissal of the complaint.

Atty. Bautista also questioned Judge Causapin's impartiality considering that (1) Judge Causapin was seen having a drinking spree with Jose T. Bautista, one of the defendants in Civil Case No. 1387-G, as attested to by Delia Ronquillo in an Affidavit dated October 16, 2006; [7] and (2) Judge Causapin and Jose Bautista, the other defendant in Civil Case No. 1387-G, are both active members of the Masonic Organization and drink together regularly. [8]

Lastly, Atty. Bautista charged Judge Causapin with gross misconduct. Atty. Bautista alleged that he was categorically requested by Judge Causapin to withdraw the motion to declare defendants in default since, as assured by said Judge, the plaintiffs' civil case for partition was already strong and there was no chance of

plaintiffs losing the case. Likewise constituting gross misconduct was the granting by Judge Causapin of defendants' many motions for extension of time to file answer on the very same day said motions were filed. A written motion without a Notice of Hearing was a mere scrap of paper.

In the 1[st] Indorsement [9] dated November 9, 2006, the Office of the Court Administrator (OCA), through then Court Administrator Christopher O. Lock, required Judge Causapin to comment on Atty. Bautista's complaint within 10 days from receipt.

On November 22, 2006, while the OCA was still awaiting Judge Causapin's comment to Atty. Baustista's complaint, said judge issued in Civil Case No. 1387-G a Resolution of Plaintiffs' Motion for Reconsideration of Order dated September 18, 2006, [10] wherein he clarified his reasons for dismissing Civil Case No. 1387-G:

The unsigned of the Verification and Certification of Non-Forum Shopping is the reason for the dismissal of the case without prejudice.

The Court considered also the fact that the Court cannot make a decision with finality in this case for partition since the names of the heirs of Baudelio Bautista were not on record as well as the heirs of Aurora T. Bautista represented by Reynaldo Mesina and since the Verification and Certification of Non Forum Shopping was not signed by two of the plaintiffs. The Court further considered the provisions of the Rules of Court in Rule 7, Section 5, paragraph 2 which provides "failure to comply with the foregoing requirements shall not be curable by mere amendment of the complaint or other initiatory pleading but shall be caused for the dismissal of the case without prejudice unless otherwise provided upon motion and after hearing." x x x

The Court under the circumstances obtaining in the case at bar was of the opinion that dismissing the case without prejudice would make it easier and simpler for the plaintiffs to rectify the errors observed by the Court by refiling a new complaint.

x x x x

The claim of the plaintiffs that there was no hearing held to hear is in violation of Rule 7, Section 5 of the Rules of Court is without merit.

The defendants in their Answer pointed to the fact that the plaintiffs' verification of their complaint was defective.

The case was scheduled for Pre-trial on June 20, 2006 but the parties did not finish the Pre-trial scheduled for several times. Both parties filed on June 20, 2006, separate motions submitting the issues for resolution of the court, hence, the questioned resolution of the court finding the defendants not in default and dismissing plaintiffs' complaint without prejudice.

The order dismissing the complaint without prejudice was made so that the plaintiffs will be afforded time to correct whatever deficiencies very much apparent in their complaint as to parties to the case and as to the Verification and Certification of Non-Forum Shopping which according to Rule 7, Section 5 of the Rules of Court cannot be cured by amendment. [11]

As regards the question of the appropriate jurisprudence, Judge Causapin held in his Resolution of November 22, 2006:

This Court cannot find any difference in the rule of Non-Forum shopping in the cases of Loquias vs. Office of the Ombudsman earlier cited and the case of Cavile et al. vs. Heirs of Clarita Cavile, et al., also herein before cited.

x x x x

The only difference between the two above-cited cases is that "the Supreme Court in the case of Cavile found

an exception to the general rule and allowed an exception to the general rule because it found the signature of one of the petitioners Thomas George Cavile, Sr. as the signature of the other petitioners who were all named as petitioners in the case to be having a common interest as against all the defendants calling the situation as a "special circumstance" to allow substantial compliance with the mandatory requirement of Rule 7, Section 5 of the Rules of Court.

The circumstance of parties to the case present in the case of Cavile do not obtain in this case which by no stretch of imagination and of facts cannot apply to the case at bar because there is no indication that all the parties-plaintiffs have a common interest against the defendants because not all the plaintiffs were named in the complaint. [12]

In the same Resolution, Judge Causapin defended his Orders granting defendants' motions for extension of time to file answer to the complaint, thus:

While it is true that all defendants['] Motion for Extension of Time to File Answer were furnished the plaintiffs, it is also true that all the motions of the defendants did not contain a setting of the motions for hearing.

The Court considered the motions for extension of time to file answer "motions" which the Court may act upon without prejudicing the rights of the adverse party as provided in Section 4, Rule 15 of the Rules of Court x x x.

The Court therefore Granted all the motions of extension of time filed by the defendants favorably. [13]

On December 6, 2006, Judge Causapin filed his Comment [14] to Atty. Bautista's complaint against him, essentially reiterating the ratiocinations in his Resolution dated November 22, 2006 in Civil Case No. 1387-G.

The OCA submitted on February 20, 2007 its Report [15] with the following recommendations:

Respectfully submitted for the consideration of the Honorable Court our recommendation that (a) the instant case be RE-DOCKETED as an administrative matter; and (b) respondent judge be FINED in the amount of P20,000.00, which shall be deducted from his accrued leave credits; in case such accrued leave credits be found insufficient to answer for the said fine, the respondent Judge shall pay the balance thereof to the Court.[16]

The Court re-docketed Atty. Bautista's Complaint as a regular administrative case and required the parties to manifest within 10 days from notice if they are willing to submit the matter for resolution based on the pleadings filed. [17] Even though both parties duly received notices, only Judge Causapin submitted such a Manifestation [18] on June 11, 2007. The Court finally deemed the case submitted for resolution based on the pleadings filed.

The Court finds that Judge Causapin is administratively liable for gross ignorance of the law and gross misconduct.

Rule 7, Section 5 of the Rules of Court - which already incorporated Supreme Court Circular No. 28-91, [19] as amended by Supreme Court Administrative Circular No. 04-94 [20] - requires the plaintiff or principal party to execute a certification against forum shopping, to be simultaneously filed with the complaint or initiatory pleading.

Rule 7, Section 5 of the 1997 Rules of Court prescribes:

SEC. 5. Certification against forum shopping. - The plaintiff or principal party shall certify under oath in the complaint or other initiatory pleading asserting a claim for relief, or in a sworn certification annexed thereto and simultaneously filed therewith: (a) that he has not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of his knowledge, no

such other action or claim is pending therein; (b) if there is such other pending action or claim, a complete statement of the present status thereof; and (c) if he should thereafter learn that the same or similar action or claim has been filed or is pending, he shall report that fact within five (5) days therefrom to the court wherein his aforesaid complaint or initiatory pleading has been filed.

Failure to comply with the foregoing requirements shall not be curable by mere amendment of the complaint or other initiatory pleading but shall be cause for the dismissal of the case without prejudice, unless otherwise provided, upon motion and after hearing. The submission of a false certification or non-compliance with any of the undertakings therein shall constitute indirect contempt of court, without prejudice to the corresponding administrative and criminal actions. If the acts of the party or his counsel clearly constitute willful and deliberate forum shopping, the same shall be ground for summary dismissal with prejudice and shall constitute direct contempt, as well as a cause for administrative sanctions.

No doubt this Court has held that the certificate of non-forum shopping should be signed by all the petitioners or plaintiffs in a case, and that the signing by only one of them is insufficient and constitutes a defect in the petition. The attestation requires personal knowledge by the party executing the same, and the lone signing petitioner cannot be presumed to have personal knowledge of the filing or non-filing by his co-petitioners of any action or claim the same as or similar to the current petition. [21]

It is true that in *Loquias*, the Court required strict compliance with Rule 7, Section 5 of the 1997 Rules of Court:

At the outset, it is noted that the Verification and Certification was signed by Antonio Din, Jr., one of the petitioners in the instant case. We agree with the Solicitor General that the petition is defective. Section 5, Rule 7 expressly provides that it is the plaintiff or principal party who shall certify under oath that he has not commenced any action involving the same issues in any court, etc. Only petitioner Din, the Vice-Mayor of San Miguel, Zamboanga del Sur, signed the certification. There is no showing that he was authorized by his co-petitioners to represent the latter and to sign the certification. It cannot likewise be presumed that petitioner Din knew, to the best of his knowledge, whether his co-petitioners had the same or similar actions or claims filed or pending. We find that substantial compliance will not suffice in a matter involving strict observance by the rules. The attestation contained in the certification on non-forum shopping requires personal knowledge by the party who executed the same. Petitioners must show reasonable cause for failure to personally sign the certification. Utter disregard of the rules cannot justly be rationalized by harking on the policy of liberal construction. [22]

Nevertheless, in *Cavile*, [23] the Court recognized an exception to the general rule, allowing substantial compliance with the rule on the execution of a certificate of non-forum shopping:

The rule is that the certificate of non-forum shopping must be signed by all the petitioners or plaintiffs in a case and the signing by only one of them is insufficient. However, the Court has also stressed that the rules on forum shopping, which were designed to promote and facilitate the orderly administration of justice, should not be interpreted with such absolute literalness as to subvert its own ultimate and legitimate objective. The rule of substantial compliance may be availed of with respect to the contents of the certification. This is because the requirement of strict compliance with the provisions regarding the certification of non-forum shopping merely underscores its mandatory nature in that the certification cannot be altogether dispensed with or its requirements completely disregarded. It does not thereby interdict substantial compliance with its provisions under justifiable circumstances.

We find that the execution by Thomas George Cavile, Sr. in behalf of all the other petitioners of the certificate of non-forum shopping constitutes substantial compliance with the Rules. All the petitioners, being relatives and co-owners of the properties in dispute, share a common interest thereon. They also share a common defense in the complaint for partition filed by the respondents. Thus, when they filed the instant petition, they filed it as a collective, raising only one argument to defend their rights over the properties in question. There is

sufficient basis, therefore, for Thomas George Cavili, Sr. to speak for and in behalf of his co-petitioners that they have not filed any action or claim involving the same issues in another court or tribunal, nor is there other pending action or claim in another court or tribunal involving the same issues. Moreover, it has been held that the merits of the substantive aspects of the case may be deemed as "special circumstance" for the Court to take cognizance of a petition for review although the certification against forum shopping was executed and signed by only one of the petitioners. [24]

Atty. Bautista argues that:

[T]he Cavile Case is more relevant to the case before [Judge Causapin] - the Loquias Case being an Election Contest; whereas, the Cavile Case was an action for Partition under Rule 69. Expectedly, the parties in an Election case may have different causes of action or defences; whereas, in a simple action for Partition, the plaintiffs normally have a common interest in the subject of the case, and therefore, a common cause of action against the defendants. Precisely, the matter of "common cause of action" was the rationale in allowing the signature of only one plaintiff in the Cavile case as substantial compliance with the requirements of Rule 7 Section 5 of the Rules of Civil Procedure. The conclusion of respondent-Judge is this respect displays his ignorance of the law and lack of competence. [25]

Judge Causapin concluded that Cavile does not apply to Civil Case No. 1387-G because the plaintiffs in the latter case do not have a common interest. Without notice and hearing, Judge Causapin dismissed the complaint in the said civil case because of the purported defect in the certificate of non-forum shopping. Thus, plaintiffs were not afforded the opportunity to explain, justify, and prove that the circumstances in Cavile are also present in Civil Case No. 1387-G.

Before a complaint can be dismissed for lack of a proper certificate of non-forum shopping, notice and hearing are required.

SC Administrative Circular No. 04-94 provided that:

- Any violation of this Circular shall be a cause for the dismissal of the complaint, petition, application or other initiatory pleading, upon motion and after hearing. However, any clearly willful and deliberate forum-shopping by any party and his counsel through the filing of multiple complaints or other initiatory pleadings to obtain favorable action shall be a ground for summary dismissal thereof and shall constitute direct contempt of court. Furthermore, the submission of a false certification or non-compliance with the undertakings therein, as provided in Paragraph 1 hereof, shall constitute indirect contempt of court, without prejudice to disciplinary proceedings against the counsel and the filing of a criminal action against the guilty party. (Emphasis ours.)

The same requirement was subsequently carried over to Rule 7, Section 5, second paragraph of the 1997 Rules of Court.

Moreover, defendants in Civil Case No. 1387-G did not file a proper motion to dismiss. According to Rule 16, Section 1 of the 1997 Rules of Court, a motion to dismiss should be filed "[w]ithin the time for but before filing the answer to the complaint[.]" Defendants in Civil Case No. 1387-G incorporated their motion to dismiss into their answer with counterclaim. They actually raised the defect in plaintiffs' certificate of non-forum shopping as a special and affirmative defense. This calls for the application of Rule 16, Section 6 of the Rules of Court which reads:

SEC. 6. Pleading grounds as affirmative defenses. - If no motion to dismiss has been filed, any of the grounds for dismissal provided for in this Rule may be pleaded as an affirmative defense in the answer and, in the discretion of the court, a preliminary hearing may be had thereon as if a motion to dismiss had been filed.

The dismissal of the complaint under this section shall be without prejudice to the prosecution in the same or separate action of a counterclaim pleaded in the answer.

Going by the foregoing rule, Judge Causapin had the discretion in Civil Case No. 1387-G of either (1) setting a preliminary hearing specifically on the defect in the plaintiffs' certificate of non-forum shopping; or (2) proceeding with the trial of the case and tackling the issue in the course thereof. In both instances, parties are given the chance to submit arguments and evidence for or against the dismissal of the complaint. Judge Causapin neither conducted such a preliminary hearing or trial on the merits prior to dismissing Civil Case No. 1387-G.

Where the law involved is simple and elementary, lack of conversance therewith constitutes gross ignorance of the law. Judges are expected to exhibit more than just cursory acquaintance with statutes and procedural laws. They must know the laws and apply them properly in all good faith. Judicial competence requires no less. The mistake committed by respondent Judge is not a mere error of judgment that can be brushed aside for being minor. [26] The disregard of established rule of law which amounts to gross ignorance of the law makes a judge subject to disciplinary action.

In *Pesayco v. Layague*, [27] the Court stressed that:

A judge must be acquainted with legal norms and precepts as well as with procedural rules. When a judge displays an utter lack of familiarity with the rules, he erodes the public's confidence in the competence of our courts. Such is gross ignorance of the law. One who accepts the exalted position of a judge owes the public and the court the duty to be proficient in the law x x x. Basic rules of procedure must be at the palm of a judge's hands. [28]

Atty. Bautista also charges Judge Causapin with gross misconduct, alleging that said judge had been having drinking sprees with the defendants in Civil Case No. 1387-G, and categorically requested Atty. Bautista to withdraw plaintiffs' motion to declare defendants in default in Civil Case No. 1387-G.

As the OCA pointed out, Judge Causapin failed to deny Atty. Bautista's allegations; and the Court deems Judge Causapin's silence as admission of the same. Judge Causapin could have easily denied the allegations and adduced proof to rebut the same, but he chose to sidestep said issue by being silent, notwithstanding that these constitute one of the principal charges against him. [29]

Judge Causapin's drinking sprees with the defendants and request for Atty. Bautista to withdraw plaintiffs' motion to declare defendants in default are evidently improper. These render suspect his impartiality. A judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary. The conduct of a judge must be free from any whiff of impropriety not only with respect to the performance of his judicial duties but also to his behavior outside his sala and even as a private individual. [30]

Nonetheless, we cannot hold Judge Causapin administratively liable for granting defendants' motions for extension of time to file answer without hearing and on the same day said motions were filed.

Atty. Bautista questions defendants' motions for extension of time to file answer, which did not contain notices of hearing as required by the following provisions under Rule 15 of the 1997 Rules of Court:

SEC. 4. Hearing of motion. - Except for motions which the court may act upon without prejudicing the rights of the adverse party, every written motion shall be set for hearing by the applicant.

Every written motion required to be heard and the notice of the hearing thereof shall be served in such a manner as to ensure its receipt by the other party at least three (3) days before the date of hearing, unless the court for good cause sets the hearing on shorter notice.

SEC. 5. Notice of hearing. - The notice of hearing shall be addressed to all parties concerned, and shall specify the time and date of the hearing which must not be later than ten (10) days after the filing of the motion.

As prescribed by the aforequoted provisions, a movant shall set his motion for hearing, unless it is one of those which a court can act upon without prejudicing the rights of the other party. The prevailing doctrine in this jurisdiction is that a motion without a notice of hearing addressed to the parties is a mere scrap of paper. [31]

The logic for such a requirement is simple: a motion invariably contains a prayer which the movant makes to the court, which is usually in the interest of the adverse party to oppose. The notice of hearing to the adverse party is therefore a form of due process; it gives the other party the opportunity to properly vent his opposition to the prayer of the movant. In keeping with the principles of due process, therefore, a motion which does not afford the adverse party the chance to oppose it should simply be disregarded. [32]

Yet the rule requiring notice of hearing is not unqualifiedly applicable to all motions, and there are motions which may be heard *ex parte*, as Rule 15, Section 4 of the 1997 Rules of Court also clearly acknowledges. Among the latter class of motions are precisely those seeking extension of time to plead, and the reason these are not strictly held to the requirement of notice is that they are non-contentious and do not as a rule involve the substantial rights of the other parties in the suit. [33] In *Amante v. Suñga*, [34] the Court declared that:

The motion for extension of time within which a party may plead is not a litigated motion where notice to the adverse party is necessary to afford the latter an opportunity to resist the application, but an *ex parte* motion "made to the court in behalf of one or the other of the parties to the action, in the absence and usually without the knowledge of the other party or parties." As "a general rule, notice of motion is required where a party has a right to resist the relief sought by the motion and principles of natural justice demand that his rights be not affected without an opportunity to be heard..."

It has been said that "ex parte motions are frequently permissible in procedural matters, and also in situations and under circumstances of emergency; and an exception to a rule requiring notice is sometimes made where notice or the resulting delay might tend to defeat the objection of the motion." [35]

Considering that a motion for extension of time may be acted upon by the court *ex parte* or without hearing, then it need not contain a notice of hearing. It is equally unnecessary for the court to wait until motion day, under Rule 15, Section 7 [36] of the 1997 Rules of Court, to act on a motion for extension of time. Therefore, contrary to the finding of the OCA, Judge Causapin did not commit abuse of discretion in granting defendants' motions for extension of time on the same day said motions were filed and even when the same motions did not contain a notice of hearing.

In conclusion, the Court finds Judge Causapin guilty of (1) gross ignorance of the law for dismissing, without hearing, the complaint in Civil Case No. 1387-G on the ground of non-compliance with Rule 7, Section 5 of the 1997 Rules of Court on execution of a certificate of non-forum shopping; and (2) gross misconduct for having drinking sprees with the defendants in Civil Case No. 1387-G and requesting Atty. Bautista to withdraw plaintiffs' motion to declare defendants in default in Civil Case No. 1387-G.

The Court now proceeds to determine the appropriate penalty imposable upon Judge Causapin for gross ignorance of the law and gross misconduct.

Rule 140, Section 8 of the 1997 Rules of Court characterizes both gross ignorance of the law and procedure and gross misconduct as grave offenses. The penalties prescribed for such offense are: (1) dismissal from 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, provided, however, that the forfeiture of benefits shall in no case include accrued leave credits; (2) suspension from office without salary and other benefits for more than three months but not exceeding six months; or (3) a fine of more than P20,000.00 but not exceeding P40,000.00.

Since Judge Causapin already retired compulsorily on November 24, 2006, the penalty of suspension is no longer feasible. Hence, the Court imposes upon him a fine of P20,000.00, to be deducted from his retirement benefits.

WHEREFORE, Judge Blas O. Causapin, Jr. is found GUILTY of both gross ignorance of the law and gross misconduct and is accordingly FINED the amount of P20,000.00, to be deducted from his retirement benefits or accrued leave credits; and if such amount is insufficient to answer for the said fine, Judge Causapin shall pay the balance thereof.

SO ORDERED.

Corona, C.J., (Chairperson), Del Castillo, Abad, [*] and Mendoza, [**] JJ., concur

[*] Per Raffle dated June 13, 2011.

[**] Per Special Order No. 1022 dated June 10, 2011.

[1] Rollo, pp. 8-19.

[2] Id. at 34-36.

[3] Id. at 58-59.

[4] 392 Phil. 596 (2000).

[5] Rollo, p. 59.

[6] 448 Phil. 302 (2003).

[7] Rollo, pp. 60-61.

[8] Id. at 62-63.

[9] Id. at 64.

[10] Id. at 68-77.

[11] Id. at 71-77.

[12] Id. at 76.

[13] Id. at 72.

[14] Id. at 65-67.

[15] Id. at 1-5.

[16] Id. at 5.

[17] Id. at 79.

[18] Id. at 84.

[19] Effective January 1, 1992.

[20] Effective April 1, 1994.

[21] Andres v. Justice Secretary Cuevas, 499 Phil. 36, 47 (2005).

[22] Loquias v. Office of the Ombudsman, supra note 4 at 603-604.

[23] Cavile v. Heirs of Clarita Cavile, supra note 6.

[24] Id. at 311-312.

[25] Rollo, p. 88.

[26] Jamora v. Bersales, A.M. No. MTJ-04-1529, December 16, 2004, 447 SCRA 20, 32.

[27] A.M. No. RTJ-04-1889, December 22, 2004, 447 SCRA 450.

[28] Id. at 459.

[29] See Perez v. Suller, A.M. No. MTJ-94-936, November 6, 1995, 249 SCRA 665, 670-671.

[30] Atty. Omaña v. Judge Yulde, 436 Phil. 549, 558-559 (2002).

[31] Basco v. Court of Appeals, 383 Phil. 671, 685 (2000); Marcos v. Ruiz, G.R. Nos. 70746-47, September 1, 1992, 213 SCRA 177, 192; National Power Corporation v. Jocson, G.R. Nos. 94193-99, February 25, 1992, 206 SCRA 520, 539; Prado v. Veridiano II, G.R. No. 98118, December 6, 1991, 204 SCRA 654, 667; Bank of the Philippine Islands v. Far East Molasses, Corp., G.R. No. 89125, July 2, 1991, 198 SCRA 689, 698; Cui v. Madayag, 314 Phil. 846, 858 (1995).

[32] Atty. Neri v. Judge De la Peña, 497 Phil. 73, 81 (2005).

[33] Denso (Phils.) Inc. v. Intermediate Appellate Court, 232 Phil. 256, 266 (1987).

[34] 159-A Phil. 474 (1975).

[35] Id. at 476-477.

[36] SECTION 7. Motion day. - Except for motions requiring immediate action, all motions shall be scheduled for hearing on Friday afternoons, or if Friday is a non-working day, in the afternoon of the next working day.

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