

EDUARDO R. SANTOS, PETITIONER, VS. JUDGE ORLANDO C. PAGUIO, MTC, MEYCAUAYAN, BULACAN, RESPONDENT.*A.M. No. MTJ-93-781. November 16, 1993*

Ponente: DAVIDE, JR., J.

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The complainant herein is the lawyer for the defendants in Civil Case No. 90-1706, an action for unlawful detainer commenced on 5 May 1990 with the Municipal Trial Court of Meycauayan, Bulacan, while the respondent is the presiding Judge of the said court. In his verified complaint filed through the Office of the Court Administrator on 18 March 1993, the complainant charges the respondent with gross ignorance of the law and gross incompetence. The complainant supports his charge with the allegation that after the answer in the said case was filed and “without notice and hearing,” the latter rendered a decision on 28 June 1991,[1] the decretal portion of which reads as follows:

“WHEREFORE, in view of all the foregoing considerations, it is hereby respectfully prayed that judgment be rendered in accordance with plaintiff’s prayer in their Complaint in the above-entitled case.

SO ORDERED.”

He further alleges that Branch 18 of the Regional Trial Court (RTC) of Bulacan, in its Order of 19 January 1993 in Sp. Civil Action No. 03-M-93[2] -- a petition for certiorari filed by the defendants in Civil Case No. 90-1706 -- had already opined that the said decision is void upon its face because it:

“x x x would be impossible to be implemented for the simple or obvious reason that the same cannot be considered a decision at all. Instead of deciding or ordering something to be done, it merely prays that judgment be rendered.”

but despite this, the respondent still “changed and amended [his] final decision [of 28 June 1991] in order to nullify the order of a superior Court, the RTC of Bulacan” via a new decision in Civil Case No. 90-1706[3] promulgated on 25 January 1993. The dispositive portion of this new decision reads as follows:

“WHEREFORE, in view of all the foregoing, judgment is hereby rendered in favor of the plaintiff by:

1. Ordering defendants and persons claiming any rights under them to vacate the premises occupied by them, more particularly the portion on which are erected their respective dwelling structure/unit, at 117 Bayugo, Meycauayan, Bulacan (or lot of plaintiff aforementioned) and to remove said dwelling structure/units from said subject premises of plaintiff;
2. Ordering defendants individually to pay the sum of P350.00 Philippine Currency, per month by way of monthly rental commencing from May 16, 1990, and thereafter until they shall have vacated the premises of the plaintiff;
3. Ordering the defendants to pay jointly and severally the sum of P2,000.00, Philippine currency, on account of

plaintiff's attorney's fees (retainer) and P500.00, Philippine Currency, for every hearing/trial attended by said attorney before this Honorable Court; and

4. Ordering the defendants to pay costs.

SO ORDERED.”

According to the complainant, the dispositive portion of the 28 June 1991 Decision exhibits the respondent's gross ignorance in “decision preparation,” and that the respondent's “haste to amend the same to favor plaintiff was both appalling (sic) and downright improper.” The complainant then prays that the respondent “be removed from office if only to save the integrity of the judiciary.”

In his Comment filed on 2 July 1993,[4] the respondent denies the imputations and alleges, inter alia, that: (1) the complainant was not the original counsel for the defendants but one Atty. Adriano Javier, Sr. who represented the latter until the time that the parties were directed to file their respective position papers, specifically until 29 November 1991 when Atty. Javier filed a motion to withdraw his appearance and the complainant filed his notice of appearance as counsel for the defendants; (2) the Decision of 28 June 1991 was rendered only after a preliminary conference was held where the parties with their respective counsels discussed the possibility of an amicable settlement and after the defendants failed to comply with the 16 November 1990 Order for the parties to submit in writing their “respective position statements setting forth the law and the facts relied upon by them and to submit the affidavits of their witnesses and other evidences in support thereof within fifteen (15) days from receipt” thereof, prompting the plaintiff to file on 5 April 1991 an ex-parte motion praying that judgment be rendered in the case; (3) the defendants did not appeal from the 28 June 1991 Decision, hence the plaintiff filed a motion for execution on 2 September 1991, which the defendants did not oppose; instead they filed a motion for reconsideration and to declare the decision null and void on the ground that the plaintiff did not file her pre-trial brief and there was no valid pre-trial order; (4) on 4 December 1991, the plaintiff's motion for execution was granted and a writ of execution was issued, a copy of which was sent to the Clerk of Court of the RTC of Malolos for service; (5) on 5 January 1991,[5] he received an order from Branch 18 of the RTC of Bulacan directing him to desist from implementing the writ of execution; (6) the presiding judge of said Branch 18, Judge Demetrio B. Macapagal, Sr., issued on 19 January 1993 its order disposing of Sp. Civil Action No. 03-M-93; (7) thereafter, he (respondent) handed down a new decision in Civil Case No. 90-1706 on 25 January 1993 that contained “completely the missing sentences needed in the dispositive portion” of its earlier decision; (8) instead of appealing therefrom, the defendants filed on 4 February 1993 a motion to set aside the decision, which the court set for its consideration and to which the plaintiff filed its opposition on 8 February 1993 together with a motion for immediate execution; (9) on 22 March 1993, the complainant filed a motion to inhibit the respondent but the former did not appear on the date it was set for consideration. He finally contends that the issue regarding the dispositive portion of the 28 June 1991 Decision was rendered moot and academic by the corrections made in the Decision of 25 January 1993; that the charge of gross ignorance is contemptuous and unfounded; and the complainant's sweeping conclusions show his disrespectful attitude.

In his 17 June 1993 Rejoinder filed on 7 July 1993,[6] the complainant reiterates his charge that the respondent is incompetent because he lacks the “ability to prepare a sensible and credible decision,” and maintains that the respondent's attempt to convince this Court that the dispositive portion of the 28 June 1991 Decision is permissible and proper shows “gross ignorance.” Further, that the respondent believes that “he could correct the decision after its finality” and after the RTC of Bulacan had declared it to be null and void upon its face clearly manifests his “patent ignorance of our laws and jurisprudence.”

In his Sur-Rejoinder filed on 13 July 1993,[7] the respondent argues that while the 28 June 1991 Decision “could

hardly be enforced for the reason that there is some sort of ambiguity or omission (sic) in its dispositive portion,” he was not prohibited from having the defect “timely corrected and clarified,” which was what he had in fact done, and that the “clarified decision” did not prejudice “the substantial rights of the parties” since they “were given their day in court and passed through the usual course of the proceedings.” Accordingly, he could not be guilty of gross ignorance of the law and of lack of competence.

Wanting to have the last word, the complainant filed a Reply to Sur-rejoinder and Manifestation on 28 July 1993.[8] Not to be outdone, the respondent filed a Manifestation to Reply on 9 August 1993.[9]

The Court referred this case to the Office of the court Administrator for evaluation, report and recommendation.

On 31 August 1993, the Office of the Court Administrator submitted its Memorandum containing its evaluation, report and recommendation. After summarizing the antecedent facts, the said office submitted that the instant complaint is meritorious, and made the following findings:

“It is quite unbelievable, nay, impossible for respondent to have overlooked the missing dispositive portion of his original decision which is considered the executory portion thereof. The only ineluctable conclusion is that respondent never read said decision before he signed the same. If only he devoted even only a little time to read the same, such a missing portion considered to be the most important part of a decision could not have escaped his attention. The alleged dispositive portion was a prayer. It did not have the effect of finally disposing the case. Presumably, this must have been simply copied from plaintiff’s complaint.

True, it was legally permissible for respondent to amend his original defective decision since the RTC dismissed the petition for certiorari although Judge Perfecto Macapagal found that what was rendered by Judge Paguio ‘can not be considered a decision at all’. It took respondent Judge 1-½ years to discover and correct his error; the error could have easily been discovered at the time the Motion for Execution was filed on September 2, 1991. But the writ was nonetheless issued on December 4, 1991. Hence the belated correction would not mitigate his liability. There is no denying that the quality of a decision rendered by the judge such as herein respondent, is a reflection on the integrity of the court in dispensing justice to whom it is due. Respondent was at the very least careless in failing to read carefully the decision that he signed. In fact, both the original and amended decisions still contained errors in grammar and syntax indicating that there was no adequate editing of the decision that was signed by him. If he had been more careful, he would have avoided such fractured phrases as:

- ‘1. Plaintiff on being opposed to this motion, countered as follows: (Page 5, Decision, June 28, 1991);
2. For a more vivid explanation showing the incidental facts (Ibid);
3. And defendants seems that they are not really sincere (Ibid);
4. But nothing has been done by the latter to renew such contract of lease of which right becomes one of a detainer plain and simple (page 6, Ibid);
5. That being the case to allow them will mean ownership over the property (Ibid)’.

It is possible that this is not the usual language of the Judge, for their fractured constructions have no place in a court decision. Careful editing and rewriting should have been done.”

and recommends that:

“x x x a fine of P5,000.00 be imposed upon respondent with a warning that any repetition of the same or similar infraction shall be meted with a more severe penalty of dismissal from the service. He is also admonished to exhibit greater care in the writing of his decisions.”

We find the above observations of the Office of the Court Administrator to be sufficiently supported by the pleadings submitted by the parties in this case.

After a careful examination of the respondent's "Decision" of 28 June 1991, we do find its body to be flawed with grammatical and syntactic errors. Its "dispositive portion" disposes of, resolves or decrees nothing. It cannot even be called a dispositive or decretal portion at all. It is obviously a prayer lifted from a pleading of the plaintiff, such as a Memorandum or the ex-parte manifestation and motion praying that judgment be rendered filed after the defendants failed to file their position paper, although not from the complaint as suspected by the Court Administrator. How it gained entry into what should have been the fallo is an arcanum. Any attempt to unravel the mystery may only complicate the matter against the respondent who is only charged herein with gross ignorance or incompetence.

There can, however, be no dispute that behind the errors of grammar and syntax and the fatally infirmed "dispositive portion" is the inefficiency, neglect of duty or carelessness on the part of the respondent betraying absence of due care, diligence, conscientiousness and thoroughness -- qualities which Judges must, among others, possess. Respondent could have easily avoided the errors and the defects had he taken a little more time and effort to at least read its original copy before he finally affixed his signature thereon. While this Court cannot expect every Judge to be an expert on the English language or an authority in grammar, he must, however, do everything he can, through constant study, extraordinary diligence, and passion for excellence, to produce a decision which fosters respect for and encourages obedience to it and enhances the prestige of the court.

As we see it then, the respondent failed to comply with two standards of conduct prescribed by the Canons of Judicial Ethics, namely: that "[h]e should exhibit an industry and application commensurate with the duties imposed upon him"[10] and that he should be conscientious, studious and thorough.[11]

Moreover, the respondent did not only issue a manifestly infirmed "decision," he even granted the motion for its execution and issued the corresponding writ with full knowledge that there was nothing to execute. He could not have feigned ignorance of such nothingness for it is embarrassingly self-evident. He nevertheless ordered its execution, exhibiting once more his inefficiency, carelessness, negligence, or even his incompetence.

We must add, however, that it is not the respondent alone who must be blamed for such unmitigated faux pas. The counsel for the parties in the case knew or ought to have known the fatal defect of the dispositive portion and the obvious inefficacy of any writ for its execution, yet, the plaintiff's counsel still filed a motion for execution, while the counsel for the defendants -- the complainant herein -- merely filed a motion for reconsideration based solely on the ground that the plaintiff did not file her pre-trial brief and that there was no valid pre-trial order. Obviously, the complainant initially believed in the completeness of the decision. As a matter of fact, when he assailed the 25 January 1993 Decision, he alleged that what was amended was a "final decision," a position totally inconsistent with his claim that the latter was void as declared by the RTC of Bulacan. As officers of the court who owe to it candor, fairness and good faith,[12] both attorneys should have called the court's attention to the glaring defect of the "dispositive portion" of the 28 June 1991 Decision.

We thus conclude that the respondent Judge is guilty of, in the very least, inefficiency, neglect of duty and the violation of Canons 5 and 31 of the Canons of Judicial Ethics. He could not, however, be liable for ignorance of law and jurisprudence or for incompetence when he handed down a new decision on 25 January 1993. The 28 June 1991 Decision was "incomplete" since, for all legal intents and purposes, it had no fallo and could not attain finality, hence the respondent had the power to amend it to make it conformable to law and justice.[13] It is not therefore correct to say, as the complainant suggested, that the order of the RTC of Bulacan in Sp. Civil Action No. 03-M-93 stating that the respondent's Decision of 28 June 1991 is "void upon its face" forever bars the

respondent from rendering a new or amended decision in the ejectment case.

We take this opportunity to stress once again that the administration of justice is a sacred task and all those involved in it must faithfully adhere to, hold inviolate, and invigorate the principle solemnly enshrined in the Constitution that a public office is a public trust and all public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency, and act with patriotism and justice and lead modest lives.[14] Every Judge should never forget that he is the visible representation of the law and, more importantly, of justice.[15] Therefore, he must constantly be the embodiment of competence, diligence, conscientiousness, thoroughness, efficiency, and integrity so as to preserve, promote and enhance the people's confidence in the Judiciary.

A few words must also be made of record regarding the complainant. We note that in his complaint in this case he alleged under oath that after the defendants filed their answer, the respondent "without any hearing, or at least this counsel was never notified of any such hearing," rendered the 28 June 1991 Decision. This is of course inaccurate, if not outright false. What the complainant conveniently left out in his complaint was that, as disclosed in the Comment which he did not refute, after the defendants' answer with counterclaim was admitted by the court, the case was set for preliminary conference and thereafter the parties were required to submit their position papers and the affidavits of their witnesses and other evidence. We find that the case was properly placed and considered under the Rule on Summary Procedure and, accordingly, the court could decide the case on the basis of the submitted position papers, affidavits and other pieces of evidence. Complainant further suppressed the fact that he entered his appearance as counsel for the defendants only after the court had conducted the preliminary conference and issued the order for the submission of the foregoing pleadings and documents. He was not, therefore, entitled to any notice before then.

The failure to divulge the foregoing facts may have been intended by the complainant to give his complaint a strong prima facie case against the respondent. While he is entitled to adopt certain strategies in his pleadings, he forgot that he owes to this Court absolute candor, fairness and good faith. This Court can neither condone nor tolerate attempts to mislead it through suppression of important facts which would have a bearing on its initial action. Complainant should, therefore, be admonished to faithfully adhere to the Code of Professional Responsibility.

WHEREFORE, for inefficiency and neglect of duty amounting to a violation of Canons 5 and 31 of the Canons of Judicial Ethics, respondent Judge ORLANDO C. PAGUIO is hereby sentenced to pay a FINE of Five Thousand Pesos (P5,000.00). He is further warned that a repetition of the same or similar infractions shall be dealt with more severely.

Complainant is hereby ADMONISHED to be more careful in the drafting of pleadings, always keeping in mind his duty under Canon 10 of the Code of Professional Responsibility.

SO ORDERED.

Cruz, (Chairman), and Quiason, JJ., concur.
Bellosillo, J., on official leave.

[1] Annex "A" of Complaint; Rollo, 17-25.

[2] Annex "D" of Petition; Rollo, 26-27. Per Judge Demetrio B. Macapagal, Sr.

[3] Annex "C" of Comment; Id., 50-57.

- [4] Rollo, 29-40.
- [5] Should be 1993 (as appearing in Annex “A” of Comment; Rollo, 45).
- [6] Should be Reply; Rollo, 69-72.
- [7] Should be Rejoinder; Id., 82-86.
- [8] Should be sur-rejoinder only; Rollo, 88-92.
- [9] Unpaginated in the rollo.
- [10] Canon 5.
- [11] Canon 31.
- [12] Canon 10, Code of Professional Responsibility.
- [13] Section 5(g), Rule 135, Revised Rules of Court.
- [14] Sy vs. Academia, 198 SCRA 705 [1991].
- [15] De la Paz vs. Inutan, 64 SCRA 540 [1975].

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