

**ATTY. MANUEL J. JIMENEZ, JR., COMPLAINANT, VS. JUDGE
MICHAEL M. AMDENGAN, PRESIDING JUDGE, MUNICIPAL TRIAL
COURT, ANGONO, RIZAL, RESPONDENT.**

A.M. No. MTJ-12-1818 [Formerly OCA I.P.I. No. 10- 2265-MTJ-P]. February 13, 2013

Ponente: SERENO, J.

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SERENO, J.:

Complainant Atty. Manuel J. Jimenez, Jr. (complainant) is the lawyer and attorney-in-fact of Olivia G. Merced, the plaintiff in the ejectment case docketed as Civil Case No. 001-09. The case is pending before the Municipal Trial Court (MTC), Angono, Rizal, presided by respondent Judge Michael M. Amdengan (respondent judge).

The Facts of the Case

The plaintiff Merced filed with the MTC an ejectment Complaint against the defendant Nelson Cana on 23 January 2009.[1] Summons was duly served on the defendant on 02 February 2009 per certification of the lower court's process server.[2] Despite the summons, the defendant did not file an Answer to the Complaint. As a result, the plaintiff filed a Motion for Judgment[3] asking for the grant of the reliefs prayed for in her Complaint. The Motion was opposed by the defendant and, on 22 July 2009, was denied by the MTC, which considered him to have voluntarily submitted to its jurisdiction. Consequently, it granted him 10 days to file his Answer,[4] which he did on 17 August 2009, stating therein his affirmative defenses.[5]

The preliminary conference of the parties was originally set by the MTC on 25 September 2009, but was later reset to 16 October 2009. During the preliminary conference, respondent judge referred the case for mediation. Due to the inability of the parties to arrive at a settlement, the case was referred back to the MTC for trial on the merits. On 04 December 2009, respondent ordered the parties to file their respective position papers within 30 days, after which the case was to be submitted for resolution.[6] On 04 January 2010, the parties simultaneously filed their Position Papers under the Rules of Summary Procedure.[7]

It was only on 17 February 2010 that respondent judge issued an order submitting the case for decision.[8] On 03 March 2010, he promulgated his ruling,[9] in which he noted that the plaintiff had failed to refer her Complaint to the Lupon for the mandatory barangay conciliation proceedings as required under the Revised Katarungang Pambarangay Law. Thus, her ejectment Complaint was dismissed without prejudice.[10]

On 07 April 2010, complainant filed the instant administrative case charging respondent judge with (1) gross inefficiency and negligence and (2) gross ignorance of law and jurisprudence. Complainant specifically alleged that respondent was guilty of gross inefficiency for failing to resolve the ejectment case within a period of 30 days as mandated under the Rules of Summary Procedure. Likewise, the latter was charged with gross ignorance of law for having dismissed the case on the ground of failure to comply with the barangay conciliation procedure.

On 06 May 2010, the Office of the Court Administrator (OCA) required respondent judge to file his Comment on the Complaint-Affidavit within 10 days. In the Comment he filed on 06 July 2010, he answered the first charge of gross inefficiency by admitting that after the ejectment case was deemed submitted for resolution on 04 January

2010, he indeed failed to resolve it within the prescribed 30-day period. Although he offered no excuse for that lapse, he prayed that whatever sanction would be given to him must be tempered and mitigated by mercy and compassion, given that he was already 69 years old and already blind in his left eye.[11]

On the second charge of gross ignorance of the law, he believed that in the event his ruling was not in accordance with law and jurisprudence, complainant should have availed himself of the proper remedies under the rules, instead of resorting to an administrative Complaint,[12] which should thus be dismissed. On 30 July 2012, complainant rebutted these allegations in his Reply to the Comment of respondent judge. On 19 August 2012, the latter filed his Rejoinder.

The Findings of the OCA

On 31 August 2010, the OCA promulgated its report and recommendation on the case. It found respondent judge guilty of gross inefficiency for having failed to resolve the ejectment case within the prescribed 30-day period after the filing of the parties' respective Position Papers, pursuant to Rule 70 of the Rules of Court and the 1991 Revised Rules on Summary Procedure. As he had incurred a one-month delay in resolving the ejectment case, it recommended that he be fined P20,000 pursuant to Sections 9 and 11, Rule 140 of the Rules of Court.[13]

The OCA found no merit in the charge of gross ignorance of the law allegedly committed by respondent judge for dismissing the ejectment Complaint on the ground that it had not been referred to the Lupon. It noted that complainant was already assailing the propriety of the Order, which it deemed to be judicial in nature. It held that the proper remedy for correcting the actions of judges should rest on judicial adjudication, and not on the filing of administrative complaints against them. Thus, the second charge was dismissed for being judicial in nature.

The OCA noted that respondent had previously been fined P20,000 for gross ignorance of law and/or procedure in the administrative case *Atty. Pablo B. Francisco v. Judge Michael M. Amdengan*, docketed as A.M. No. MTJ-09-1739. In that ejectment case, respondent entertained a motion to suspend proceedings similar to a Motion for Postponement, a prohibitive pleading under the Rules on Summary Procedure.[14]

Our Ruling

After a thorough review of the records, we AFFIRM the OCA findings in part.

It was sufficiently established that respondent judge committed undue delay in rendering a Decision in the subject ejectment Complaint. An action for ejectment is governed by the Rules of Summary Procedure, Section 10 of which provides:

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.

This provision is mandatory, considering the nature of an ejectment case as we have explained in *Teroña v. Hon. Antonio de Sagun*.^[15] We quote below the pertinent portion of that Decision:

The strict adherence to the reglementary period prescribed by the RSP [Rules on Summary Procedure] is due to the essence and purpose of these rules. The law looks with compassion upon a party who has been illegally dispossessed of his property. Due to the urgency presented by this situation, the RSP provides for an expeditious and inexpensive means of reinstating the rightful possessor to the enjoyment of the subject

property. This fulfills the need to resolve the ejectment case quickly.

Despite the simultaneous submissions of the parties' respective Position Papers on 04 January 2010, respondent judge – through an Order dated 17 February 2010 – still submitted the case for decision. By that time, the mandatory period of 30 days within which to render judgment on the case had already lapsed. By issuing the Order dated 17 February 2010 purportedly submitting the case for decision, he was subverting Section 10 of the Rules on Summary Procedure. Respondent considered his Order the start of the 30-day period within which to render a decision. The ruling was already due on 04 February 2010, reckoned from the date the parties last filed their respective Position Papers. He could not have extended the period by the mere issuance of an Order, when the rules clearly provide for a mandatory period within which to decide a case. Hence, he was guilty of undue delay in rendering a decision.

Under Section 9, Rule 140 of the Rules of Court, undue delay in rendering a decision or an order is classified as a less serious charge, punishable by either suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months, or a fine of more than P10,000 but not exceeding P20,000.[16] We take into consideration his candid admission and acceptance of his infraction as factors in imposing only a fine. We also take into account his age and frail health, although these factors do not in any way absolve him from liability or excuse him from diligently fulfilling his duties.

As for the dismissal of the charge of gross ignorance of the law, we sustain the OCA's recommendation. Indeed, complainant is already assailing the propriety of the Decision rendered by respondent judge. The administrative Complaint, however, contains no allegation that the dismissal of the ejectment case was marred by unethical behavior on his part. Thus, an administrative complaint against him is not the proper remedy to assail his judgment.

In *Rodriguez v. Judge Rodolfo S. Gatdula*,^[17] we have explained that administrative complaints against judges cannot be pursued simultaneously with the judicial remedies accorded to parties aggrieved by the erroneous orders or judgments of the former. Administrative remedies are neither alternative to judicial review nor do they cumulate thereto, where such review is still available to the aggrieved parties and the case has not yet been resolved with finality. In the instant case, complainant had the available remedy of appeal when her ejectment Complaint was dismissed. Hence, the OCA correctly dismissed the second charge against respondent judge.

WHEREFORE, we AFFIRM the findings of the OCA and ADOPT its recommendations with modification, as follows:

- 1) Finding respondent Judge Michael M. Amdengan GUILTY of Undue Delay in Rendering a Decision and accordingly FINE him in the amount of P10,000 with a STERN WARNING that a repetition of the same or a similar act will be dealt with more severely; and
- 2) DISMISSING the charge of gross ignorance of the law for being judicial in nature.

SO ORDERED.

Sereno, C.J., (Chairperson), Leonardo-De Castro, Bersamin, Villarama, Jr., and Reyes, JJ., concur.

[1] Rollo, Annex "A" of the Complaint-Affidavit.

[2] *Id.*, Annex "B" of the Complaint-Affidavit.

[3] *Id.*, Annex "C" of the Complaint-Affidavit.

- [4] Id., Annex “F” of the Complaint-Affidavit.
- [5] Id., Annex “G” of the Complaint-Affidavit.
- [6] Id., Annex “M” of the Complaint-Affidavit.
- [7] Id., Annexes “N” and “O” of the Complaint-Affidavit.
- [8] Id., Annex “Q” of the Complaint- Affidavit.
- [9] Id., Annex “R” of the Complaint-Affidavit.
- [10] Id. at 4.
- [11] Id., Comment of Judge Amdengan.
- [12] Id. at 3.

[13] Rule 140: SEC. 9. Less Serious Charges. – Less serious charges include:

- Undue delay in rendering a decision or order, or in transmitting the records of a case;
- Frequently and unjustified absences without leave or habitual tardiness;
- Unauthorized practice of law;
- Violation of Supreme Court rules, directives, and circulars;
- Receiving additional or double compensation unless specifically authorized by law;
- Untruthful statements in the certificate of service; and
- Simple misconduct.

SEC. 11. Sanctions.– A. If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:

x x x x

B. If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:

x x x x

2. A fine of more than P10,000.00 but not exceeding P20,000.00.

- [14] OCA Report dated 31 August 2010, p. 3
- [15] G.R. No. 152131, 29 April 2009, 587 SCRA 60, 72.
- [16] Teodosio v. Judge Arturo Carpio, 468 Phil.164 (2004).
- [17] 442 Phil. 307, 308 (2002).

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