

GALAN REALTY CO., INC. REPRESENTED BY ITS PRESIDENT, HEIDE YU GALAN, COMPLAINANT, VS. HON. LUIS J. ARRANZ, PRESIDING JUDGE, METROPOLITAN TRIAL COURT, BRANCH 8, MANILA, RESPONDENT.

A.M. No. MTJ-93-878. October 27, 1994

Ponente: REGALADO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/b51e1e73ab90/>

REGALADO, J.:

In a verified complaint dated September 21, 1993 filed in this Court, complainant Galan Realty Co., Inc., through its President, Heide Yu Galan, charged respondent Judge Luis J. Arranz of the Metropolitan Trial Court, Branch 8, Manila, with gross ignorance of the law and incompetence.

Complainant avers that on June 10, 1993, it lodged a complaint for unlawful detainer against one of its lessees, Edilberto Arazo, Jr., in the Metropolitan Trial Court of Manila, docketed therein as Civil Case No. 141856. This ejectment case was then raffled to Branch 8 of said court, of which respondent is the presiding judge. For failure of the defendant therein to file his answer to the complaint, and on motion of complainant, respondent judge rendered a summary judgment in the case on July 22, 1993.[1]

When a copy of said decision was received by complainant, to her distress she noted that the dispositive part of the same did not order the defendant lessee and all persons claiming rights under him to vacate the premises of the leased property as is required in ejectment cases. An ex parte motion to amend the decision was accordingly initiated by complainant the following day and on August 9, 1993, respondent judge, finding the same to be well taken, modified his earlier decision. After receiving a copy of the order of amendment, complainant moved for execution of judgment on August 31, 1993.[2]

Complainant asserts that on September 3, 1993, it caused a verification of the action taken by respondent judge on said motion to be made and it was informed that no action had yet been taken because a copy of the aforesaid order amending the decision had not yet been served on the defendant. However, on September 17, 1993, complainant's counsel received a copy of another order dated September 9, 1993, wherein respondent judge gave due course to the notice of appeal filed by the defendant.[3]

Complainant maintains that respondent judge had manifestly acted with indecent haste in giving due course to the appeal of the defendant since the latter had not, at that stage, received the amendatory order. Furthermore, respondent exhibited evident partiality in refusing to act and grant the motion for execution filed by complainant. Finally, it claims that Judge Arranz committed grave error in giving due course to an appeal that lacked the requisite supersedeas bond. Complainant asserts that the foregoing errors of respondent judge are the result of his gross ignorance of the law and his incompetence.[4]

By resolution of the Court dated November 22, 1993, respondent judge was required to comment on the administrative complaint, with which he duly complied. He argues that he inadvertently omitted the "order to

vacate" portion in the questioned fallo. Nonetheless, he submits that a reading of the dispositive part in its entirety shows sufficient compliance with the prayer in the complaint. He also contends that he did not act on complainant's motion for execution because it was a mere scrap of paper since it did not contain a notice of hearing and, the defendant having perfected his appeal, he had lost jurisdiction to act on the same.[5]

Complainant having filed a reply thereto, this administrative matter was then referred to the Office of the Court Administrator for evaluation, report and recommendation. In compliance therewith, a memorandum was submitted to the Court by said office with the following findings:

"A perusal of the records disclosed that the copy of the original decision dated July 22, 1993 was received by the defendant on August 11, 1993 who seasonably filed his notice of appeal therefrom by registered mail on August 24, 1993. Plaintiff was served (its) copy thereof on August 12, 1993. Counting fifteen (15) days from the expiration of the period to appeal by the plaintiff, defendant is deemed to have perfected his appeal on August 27, 1993.

"Plaintiff filed its motion for execution on August 31, 1993, after the perfection of defendant's appeal from the original decision. However, the said motion did not contain a notice of hearing particularly setting the date, time and place of hearing in violation of Sec. 5, Rule 15 of the Rules of Court. It may, therefore, be considered a mere scrap of paper. For this reason, respondent Judge may not be faulted for not acting on it. Besides, plaintiff still had another remedy, that of filing the Motion for Execution Pending Appeal before the RTC, which it actually filed.

"On the other hand, the Order amending the decision of July 22, 1993, was issued on August 9, 1993. A copy thereof was received by the plaintiff on August 18, 1993 and by the defendant on September 7, 1993. Respondent Judge actually received defendant's notice of appeal from the original decision on September 3, 1993 as evidenced by the date of receipt stamped on the left-hand corner thereof (Rollo, p. 33). Obviously, therefore, respondent Judge had amended the decision before he had actual knowledge of the filing and perfection of the defendant's notice of appeal. It likewise appears that plaintiff's motion for execution was filed on August 31, 1993 or before the actual receipt of the notice of appeal. x x x."

On the foregoing factual premises, the Office of the Court Administrator had these criticisms of the actuations of respondent:

"x x x Respondent Judge should have been mindful of the fact that the amended decision superseded the original one. This notwithstanding, he still issued an Order dated September 9, 1993 for the elevation of the records thereof to the RTC, thus, the charge that he acted with indecent haste in approving the notice of appeal. Complainant likewise contends that the notice of appeal was approved without requiring the defendant to post the required supersedeas bond in order to stay the execution of judgment. The supersedeas bond should, as a general rule, be filed with the x x x municipal court, but the (regional trial court) may also allow its filing if the judgment is not yet executed, and, to this effect, it has the discretion to allow a reasonable time within which the supersedeas bond may be filed. x x x If only to erase suspicion of partiality on his part, respondent judge should have required the posting of a supersedeas bond, especially considering that the notice of appeal he approved was that from the original and not the amended decision.

"The fact remains that had respondent Judge exercised greater prudence in issuing the original decision, the 'order to vacate' portion could not have been omitted, thus, dispensing with the necessity of a motion to amend the same. In his comment, respondent claims that he amended the decision after finding out that when the draft decision was finalized, the said clause was inadvertently omitted. Such a reasoning, however, does not inspire belief as his very Order dated August 9, 1993 amending the (decision) explicitly states that it was issued on the basis of plaintiff's ex-parte motion to amend the same. x x x" (Citations omitted; corrections in parentheses and emphasis supplied).

Under the Code of Judicial Conduct, every judge is called upon to strive to be the embodiment of competence, integrity, and independence. In fact, these exacting standards of competence, integrity, moral character, and dedication to public service are much higher than those required of practicing lawyers.

Section 8, Rule 70 of the Rules of Court provides that immediate execution in ejectment cases is proper if the judgment is in favor of the plaintiff.[6] In order to stay the immediate execution of the judgment therein, the defendant should perfect his appeal, file the corresponding supersedeas bond, and periodically deposit the rentals falling due during the pendency of the appeal.[7] As in the case of ordinary civil actions, the appeal should be perfected by filing a notice of appeal and paying the docket fee of the appellate court within fifteen days from notice of the judgment.

On the other hand, the supersedeas bond which has to answer for the rents, damages, and costs accruing down to the judgment of the inferior court appealed from, must be filed in the lower court. However, the regional trial court, in its discretion and upon good cause shown, may allow the defendant to file such bond in said latter court.[8] Thus, on that account, respondent judge could not be faulted for allowing the notice of appeal as he believed that the supersedeas bond may still be filed with the regional trial court.

On another aspect, the rule is that a judgment may be modified prior to the perfection of the appeal while the lower court still has control over said judgment.[9] In the case involved, there was an actual material amendment of the dispositive portion of the original decision before an appeal was perfected by the defendant. It is likewise settled that, in such a situation and for all intents and purposes, a new judgment has been promulgated and it is from receipt thereof that the period to appeal must be reckoned.[10]

Stated otherwise, the order dated August 9, 1993 changed the disposition of the case as contained in the decision of July 22, 1993. The intercalation in the decretal part ordering the defendant therein and all persons claiming rights under him to vacate the leased premises is a material modification which supersedes the original adjudication and gives rise to an entirely new judgment. In the case at bar, the defendant received his copy of the order containing the amended mandate only on September 7, 1993. If we were to reckon the period within which the defendant may appeal therefrom, he still had until September 22, 1993 to file a seasonable appeal.

Respondent judge appeared to have ignored the aforesaid doctrinal ruling, as evidenced by his giving due course to the appeal of the defendant which was directed against the original decision of July 22, 1993. What he should have done, as a matter of procedure, was to refrain from acting on defendant's original appeal and, instead, wait for the latter to take his appeal from the amended judgment.

However, there has been no showing by clear evidence that respondent judge acted as he did with bad faith, bias or partiality. While he may have erroneously given due course to the notice of appeal of the defendant, still no clear act of malice on his part can be clearly inferred therefrom and the presumption of good faith in the performance of his official duties must, therefore, be conceded to him.

On the other hand, we agree with the observation of the Court Administrator that had respondent judge exercised the requisite prudence in the disposition of the original decision, no motion to amend the decision would have been necessary and thus, needless delay in the speedy disposition of the case would have been obviated. As it is, such an improvident omission, while corrected thereafter, had given rise to additional but avoidable controversies in a simple ejectment case and also brought about this administrative matter. It is a rule of procedure that a court should always strive to settle the controversy in a single proceeding, leaving no root or branch to bear the seeds of other future litigation[11] and, as in this case, additional disputes.

We have held that a judge should not unnecessarily be subjected to liability for his official acts, no matter how

erroneous, as long as he acts in good faith and without malice.[12] These are sufficient defenses protecting a judicial officer charged with ignorance of the law from being held accountable for errors of judgment, on the accepted premise that no one called upon to try the facts or interpret the law in the administration of justice can be infallible.[13] The proper remedy of the aggrieved party is not an administrative charge against the judge but an appeal or a petition for review of his decision.[14]

However, while judges should not be disciplined for inefficiency on account merely of occasional mistakes or errors of judgment, yet it is highly imperative that they should be conversant with fundamental and basic legal principles in order to merit the confidence of the citizenry.[15] The aforesaid rulings exculpatory of judicial error should not extend to mistakes of judgment on legal questions which are already so well settled or the answers to which are found even in bare codal provisions as to be elementary matters that should be known to all judges in every rung of the judicial ladder. After all, a judge is an arbiter from whom people seek the just and correct application of the law in regard to their causes and it would not, in the least, be too much for them to expect that he should apply the law intelligently and impartially.

As found by the Office of the Court Administrator, respondent judge committed at least two substantial errors, that is, in omitting from the dispositive portion of his original judgment the necessary and obvious directive for the defendant lessee to vacate the premises, and in giving due course to said defendant's appeal from that original judgment although respondent could not have been unaware that the same erroneous judgment had been amended by his own order issued twenty-four days prior to his receipt of that notice of appeal. These are regrettable mistakes that could have been avoided by ordinary diligence and probity. They are blunders that have no reason for being.

ON THE FOREGOING CONSIDERATIONS, we approve the findings and recommendation of the Office of the Court Administrator and hereby impose upon respondent Judge Luis J. Arranz a FINE of TWO THOUSAND PESOS (P2,000.00), with the warning that a repetition of the same or similar acts will be dealt with more severely.

SO ORDERED.

Narvasa, C.J., (Chairman), Puno, and Mendoza, JJ., concur.

[1] Rollo, 1-2.

[2] Ibid., 2-3.

[3] Ibid., 4.

[4] Ibid., 4.

[5] Ibid., 23-30.

[6] De Laureano vs. Adil, etc., et al., L-43345, July 29, 1976, 72 SCRA 148.

[7] Villaroman vs. Abaya, etc., et al., 91 Phil. 20 (1952).

[8] Tagulimot, et al. vs. Makalintal, etc., et al., 85 Phil. 40 (1949).

[9] De Nuqui vs. Yap, L-25676, March 27, 1968, 22 SCRA 1302.

[10] Magdalena Estate, Inc. vs. Caluag, etc., et al., L-16250, June 30, 1964, 11 SCRA 333.

- [11] Villocino, et al. vs. Doyon, L-28871, April 25, 1975, 63 SCRA 460.
- [12] Louis Vuitto S.A. vs. Villanueva, etc., A.M. No. MTJ-92-643, November 27, 1992, 216 SCRA 121.
- [13] Pilipinas Bank vs. Tirona-Liwag, A.M. No. CA-90-11, October 18, 1990, 190 SCRA 834.
- [14] Martin vs. Vallarta, A.M. No. MTJ-90-495, August 12, 1991, 200 SCRA 469.
- [15] Libarios vs. Dabalos, A.M. No. RTJ-89-286, July 11, 1991, 199 SCRA 48.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.