

DR. JOSE S. LUNA, COMPLAINANT, VS. JUDGE EDUARDO H. MIRAFUENTE, MUNICIPAL TRIAL COURT, BUENAVISTA, MARINDUQUE, RESPONDENT.

A.M. NO. MTJ-05-1610 [FORMERLY OCA IPI NO. 04-1548-MTJ]. September 26, 2005

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

Judge Eduardo H. Mirafuente of the Municipal Trial Court of Buenavista, Marinduque, respondent, is charged with Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service, Violation of the Rules on Summary Procedure in Special Cases and Gross Ignorance of the Law by Dr. Jose S. Luna (Dr. Luna) arising from respondent's act of giving due course to the belatedly filed and unverified answer of the defendants in a complaint for unlawful detainer.

In May 2003, Dr. Luna filed a complaint for unlawful detainer, docketed as Civil Case No. Y2K3-01, against Florencio Sadiwa and Alex Sadiwa (the defendants) with the Municipal Trial Court of Buenavista, Marinduque presided by respondent.

As adverted to above, the defendants filed an unverified answer to the complaint, seven (7) days beyond the reglementary period of ten (10) days from the service of the summons on them.

In mid July 2003, Dr. Luna's counsel filed a Motion for Judgment,[1] invoking Section 6 of the Revised Rule on Summary Procedure, to which motion the defendants did not file any opposition. By Order[2] of August 28, 2003 respondent denied the motion.

Dr. Luna later filed an Urgent Manifestation[3] relative to the said order of respondent which the latter treated as a motion for reconsideration and which he denied.

Hence, arose the present administrative complaint[4] against respondent, Dr. Luna asserting that as the defendants' answer was unverified and belatedly filed, respondent should have *motu proprio* or on motion of the plaintiffs rendered judgment as warranted by the facts alleged in the complaint, following Section 6 of the Revised Rule on Summary Procedure.

In his Comment[5] dated April 16, 2004, respondent explains that his admission of the defendants' unverified, belatedly filed answer was premised on "the spirit of justice and fair play, which underlie[s] every court litigation and serves as the bedrock to preserve the trust and faith of parties litigants in the judicial system;" that the admission was proper because the delay was negligible, it involving only four (4) days as June 13 to 15, 2003 were non-working holidays (per presidential proclamation in connection with the Independence Day celebration); that the defendants might have believed that the period to file answer was 15 days, which is the usual or common period to file an answer; and that the delay was also excusable as defendants acted *pro se*, without the benefit of legal assistance, and not dilatory.

At any rate, respondent contends that, assuming *arguendo* that he erred in denying Dr. Luna's Motion for

Judgment, a judge may not be held administratively liable for every erroneous order or decision, for to hold otherwise would render judicial office untenable as no one called upon to try the facts or interpret the law in the process of administering the law can be infallible in his judgment. Besides, respondent adds, there is a judicial remedy to correct the error.

For ignorance of the law, the Office of the Court Administrator, by Report and Recommendation[6] dated December 21, 2004, recommends that respondent be faulted and ordered to pay a fine in the amount of P11,000.00, with stern warning that a repetition of the same or similar act shall be dealt with more severely.

The office of a judge exists for one solemn end – to promote the ends of justice by administering it speedily and impartially. A judge is the visible representation of the law and justice. These are self-evident dogmas which do not even have to be emphasized, but to which this Court is wont to advert when members of the judiciary commit legal faux pas, hopefully only through unwitting error or inattention.[7]

Delay in the disposition of cases undermines the people's faith and confidence in the judiciary. Hence, judges are enjoined to decide cases with dispatch.[8] Such a requirement is especially demanded in forcible entry and unlawful detainer cases.

For forcible entry and unlawful detainer cases involve perturbation of social order, which must be restored as promptly as possible, such that technicalities or details of procedure which may cause unnecessary delays should carefully be avoided.[9] That explains why the Revised Rule on Summary Procedure which governs ejectment, among other cases, lays down procedural safeguards to guarantee expediency and speedy resolution.

Sections 5 and 6 of the 1991 Revised Rule on Summary Procedure provide:

Sec. 5. Answer. – Within ten (10) days from service of summons, the defendant shall file his answer to the complaint and serve a copy thereof on the plaintiff. xxx

Sec. 6. Effect of failure to answer. – Should the defendant fail to answer the complaint within the period above provided, the court, *motu proprio*, or on motion of the plaintiff, shall render judgment as may be warranted by the facts alleged in the complaint and limited to what is prayed for therein: Provided, however, That the court may in its discretion reduce the amount of damages and attorney's fees claimed for being excessive or otherwise unconscionable. This is without prejudice to the applicability of Section 4, Rule 18 of the Rules of Court, if there are two or more defendants. (Italics in the original, emphasis and underscoring supplied)

The word "shall" in the above-quoted sections of the 1991 Revised Rule on Summary Procedure underscores their mandatory character.[10] Giving the provisions a directory application would subvert the nature of the Rule and defeat its objective of expediting the adjudication of the suits covered thereby. To admit a late answer is to put a premium on dilatory maneuvers – the very mischief that the Rule seeks to redress.

In the present case, respondent gave a liberal interpretation of the above-said Rule. Liberal interpretation or construction of the law or rules, however, is not a free commodity that may be availed of in all instances under the cloak of rendering justice. Liberality in the interpretation and application of Rules applies only in proper cases and under justifiable causes and circumstances. While it is true that litigation is not a game of technicalities, it is equally true that every case must be prosecuted in accordance with the prescribed procedure to insure an orderly and speedy administration of justice.[11]

Respondent's act, albeit a disregard of procedural rules, does not, however, constitute grave misconduct.

Neither does it constitute gross ignorance of the law. Gross ignorance transcends a simple error in the application of legal provisions. In the absence of fraud, dishonesty or corruption, the acts of a judge in his judicial capacity are generally not subject to disciplinary action, even though such acts are erroneous.[12]

For liability for ignorance of the law to attach, the assailed order, decision or actuation of the judge in the performance of official duties must not only be found to be erroneous but, most importantly, it must be established that the issuance thereof was actuated by bad faith, dishonesty, hatred or some other like motive.[13] Any of such circumstances does not obtain in the instant case.

That respondent granted complainant's motion for inhibition[14] just to erase any nagging doubts on his impartiality and fairness negates malice or any like motive on his part.

Respondent's act of admitting the belated answer violated Section 6 of the above-quoted Revised Rule on Summary Procedure, however, which violation is classified as less serious charge[15] under Section 9 of Rule 140, as amended by A.M. No. 01-8-10-SC[16] (Violation of Supreme Court rules, directives and circulars).

In *Ruperto v. Banquerigo*[17] wherein the therein respondent Judge was charged also for violation of some provisions of the Revised Rule on Summary Judgment, he was severely reprimanded after taking into account the fact that he was not only detailed to the court where the cases therein involved were pending, but also to other courts. Such multiple assignments were seen to affect his efficient handling of cases. Additionally, lack of showing of malice, corrupt motives or improper considerations on the part of the judge was appreciated.

Respecting respondent's admission of the unverified answer of the defendants, while paragraph (B) of Section 3 of the Revised Rule on Summary Procedure requires that "all pleadings shall be verified," the requirement is formal, not jurisdictional. The court may order the correction of the pleading if the verification is lacking or act on the pleading although it is not verified, if the attending circumstances are such that strict compliance with the rules may be dispensed with in order that the end of justice may thereby be served.[18]

After considering the appreciation by respondent of the fact that the defendants filed a belated and unverified answer without the assistance of counsel, and the lack of showing of malice, corrupt motives or the like on his part, this Court finds that, as in the above-cited *Ruperto* case, the penalty may be as it is hereby mitigated to severe reprimand.

WHEREFORE, for violation of Section 6 of the Revised Rule on Summary Procedure, respondent Judge Eduardo H. Mirafuente is hereby SEVERELY REPRIMANDED[19] with a warning that a repetition of the same or similar acts shall be dealt with more strictly.

SO ORDERED.

Panganiban, (Chairman), Sandoval- Gutierrez, Corona, and Garcia, JJ., concur.

[1] Rollo at 12.

[2] Id. at 14.

[3] Id. at 40.

[4] Id. at 12.

[5] Id. at 80.

[6] Id. at 122-125.

[7] Vide *Ruperto v. Banquerigo*, 293 SCRA 704, 708 (1998).

[8] *Bonifacio Law Office v. Bellosillo*, 394 SCRA 65, 72-73 (2002).

[9] *Arcadio v. Ylagan*, 143 SCRA 168, 175 (1986).

[10] *Gachon v. Devera, Jr.*, 274 SCRA 540, 549 (1997).

[11] *Don Tino Realty and Development Corporation v. Florentino*, 314 SCRA 197, 205 (1999).

[12] *Ang v. Asis*, 373 SCRA 91, 97-98 (2002).

[13] *Araos v. Luna-Pison*, 378 SCRA 246, 252 (2002).

[14] Annex 6; Rollo at 105.

[15] To which the Rule attaches a penalty of 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 P10,000.00 but not exceeding P20,000.00.

[16] Promulgated September 11, 2001 and took effect on October 1, 2001.

[17] 293 SCRA 704, 710 (1998)

[18] *Sy v. Habacon-Garayblas*, 228 SCRA 644, 646 (1993). See also *Uy v. Workmen's Compensation Commission*, 97 SCRA 255, 262 (1980).

[19] *Ruperto v. Banquerigo*, *supra*.

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