

BONIFACIO LAW OFFICE REPRESENTED BY ATTY. RICARDO M. SALOMON JR. COMPLAINANT, VS. JUDGE REYNALDO B. BELLOSILLO, METROPOLITAN TRIAL COURT, BRANCH 34, QUEZON CITY, RESPONDENT.

A.M. No. MTJ-00-1308. December 16, 2002

Ponente: PANGANIBAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/d10c9ede39fd/>

PANGANIBAN, J.:

Under the Rules of Court, delay in the rendition of judgments is administratively sanctionable with suspension or fine. When judges cannot for good reason comply with legal deadlines for rendering orders and decisions, they should file with this Court a timely request for extension, if they want to avoid administrative penalties.

The Case and the Facts

In a letter-complaint dated August 28, 1997, Atty. Ricardo M. Salomon Jr. of the Bonifacio Law Office charged then acting Judge Reynaldo B. Bellosillo of the Metropolitan Trial Court of Quezon City, Branch 34, with ignorance of the law, grave abuse of discretion, and obvious partiality. The Office of the Court Administrator (OCA) summarized the factual antecedents as follows:

“1. VERIFIED LETTER-COMPLAINT of Atty. Ricardo M. Salomon of the Bonifacio Law Office charging Judge Reynaldo B. Bellosillo, MeTC, Branch 34, Quezon City with Ignorance of the Law, Grave Abuse of Discretion and Partiality in connection with Civil Case No. 14913 for ejectment entitled ‘Ricardo M. Salomon, Jr. vs. Spouses Severino Fulgencio.’

“Complainant assails the Order dated April 2, 1996 referring the said ejectment case back to the barangay for conciliation proceedings despite the fact that it was alleged in the verified complaint, that the matter had already been referred to the barangay and that a copy of the Certification to File Motion was attached [to] the verified complaint as ANNEX E thereof. Bewildered with such Order, he tried to talk with respondent judge but was prevented to do so because of the strict and extremely tight ‘cordon sanitaire’ of the latter. He then inquired from the respondent’s branch clerk of court the reason behind such order and he was advised that perhaps he should submit the minutes of the hearings held in the barangay. Following said advice, he filed a compliance with respondent’s court attaching therewith a copy of his complaint filed before the barangay and the minutes of the proceedings held thereat.

“After the filing of said compliance, no action was taken by the court despite the fact that the case falls under the Rule on Summary Procedure and respondent judge has still to come up with a determination as to whether summons should be issued or not. He then inquired personally with the court about the status of the case and he was told that no action could be taken unless the Order of April 2, 1996 had been complied with. Dismayed by the Court’s insistence of referring the case to the barangay though it had already gone through all the requisite proceedings thereat, he decided not to pursue the case and filed a notice to withdraw complaint dated August 20, 1996. Said withdrawal however was denied by respondent on the basis of the action already taken thereon as contained in the questioned Order dated April 2, 1996. He then filed a Notice of Dismissal but the

same was still unacted upon by respondent.

“It was only after a year from the time the complaint was filed that respondent ordered that summons be served on defendants. When defendants failed to file an Answer, he (complainant) filed a Motion to Render Judgment in accordance with the provisions of Sec. 5 of the Rule on Summary Procedure. However, instead of rendering judgment, respondent merely required defendants to comment on the motion to render judgment. After defendants filed their comment, respondent still did not act on the said motion.

“The inordinate delay of respondent on acting upon said case has caused him so much suffering as his family is forced to rent a house to live in at a monthly rental rate of P19,000.00.

“2. ANSWER of respondent judge denying the charges leveled against him and alleging the following arguments:

“a. In all cases where there is failure of settlement of mediation proceedings before the Barangay Chairman, it is necessary that the Pangkat be constituted by the parties from the Lupon members in order that they may have a second opportunity to amicably settle their dispute. It is a mandatory duty of the Barangay Chairman to set the meeting of the parties for the constitution of the Pangkat upon failure of parties to amicably settle otherwise there is no compliance with the requirements of P.D. 1508, now Sec. 412, 1991 Local Government Code. In the case of complainant, it appears from the records thereof that there was premature issuance of the Certificate to File Action considering that there is no proof to show that the Pangkat was duly constituted before the said certificate was issued. Moreover, the belated submission by complainant of the Minutes of Proceedings before the Barangay Chairman, which was inaccurate and difficult to decipher glaringly reveals the non-compliance of complainant with the requirement of the aforecited law.

“As to the charge that there was inaction on his part on several motions filed by complainant, he claim[s] that the same is untrue and alleged the following:

“RE: NOTICE TO WITHDRAW COMPLAINT

“The same was noted without action as mediation process was still on going at the barangay level.

“RE: NOTICE OF DISMISSAL

“Before he could act on the same, complainant filed a manifestation praying that said notice be disregarded, rendering the issue thereon as moot and academic.

“RE: MOTION TO RENDER JUDGMENT

“The said motion was resolved by him in an Order dated August 18, 1997 granting the same and submitting the case for decision. However, considering that there was no proof yet that the said order was received by defendants the decision in said case was held in abeyance as the latter upon receipt hereof may yet avail of the right to appeal therefrom.

“Respondent likewise avers that complainant should have taken a more appropriate legal remedy than filing this instant administrative complaint which has deprived him of his precious time that could have been devoted to court hearing.”[1]

Evaluation and Recommendation of the OCA

The OCA found respondent either ignorant or negligent in referring the case back to the barangay despite the presence of what it considered to be a valid Certification to File Action. It also faulted him for disregarding the Rules on Summary Procedure by (1) calling for a preliminary conference, (2) directing the defendants to submit their Comment to complainant’s Motion to Render Judgment, and (3) failing to render judgment within the reglementary period.[2]

Finding merit in the charges, the OCA recommended “that the respondent Judge be FINED in the amount of Ten Thousand Pesos (P10,000.00) with the STERN WARNING that a repetition of the same will be dealt with more severely.”[3]

This Court’s Ruling

We agree with the findings of the OCA regarding the rules on summary procedure, but disagree with those relating to the barangay proceedings.

Administrative Liability

Complainant contends that he has complied with the mandatory barangay conciliation proceedings as evidenced by the Certification to File Action attached to the Complaint for ejectment.

The records, however, reveal that such Certification was improperly and prematurely issued. In what appears to be a pre-printed standard form thereof,[4] the “x” before the second enumerated statement clearly shows that no personal confrontation before a duly constituted Pangkat ng Tagapagkasundo took place. Respondent’s position that the Pangkat was not constituted, and that no face to face conciliation of the parties had taken place before it is substantiated by the Minutes[5] submitted by complainant. Evidently, complainant failed to complete the barangay conciliation proceedings.

We also note that the Complaint[6] before the barangay was dated February 16, 1996. Records show that the hearing was scheduled for February 26, 1996 and was reset for February 29, 1996.[7] And yet, the Certification to File Action[8] was issued on March 1, 1996, less than fifteen days after the first scheduled hearing before the barangay chairman.

Section 410 (b) of the Local Government Code is quoted hereunder:

“Mediation by lupon chairman. – Upon receipt of the complaint, the lupon chairman shall within the next working day summon the respondent(s), with notice to the complainant(s) for them and their witnesses to appear before him for a mediation of their conflicting interests. If he fails in his mediation effort within fifteen (15) days from the first meeting of the parties before him, he shall forthwith set a date for the constitution of the pangkat in accordance with the provisions of this Chapter.”

Furthermore, Administrative Circular No. 14-93 provides:

“x x x x x x x x

“In order that the laudable purpose of the law may not be subverted and its effectiveness undermined by indiscriminate, improper and/or premature issuance of certifications to file actions in court by the Lupon or Pangkat Secretaries, attested by the Lupon/Pangkat Chairmen, respectively, the following guidelines are hereby issued for the information of trial court judges in cases brought before them coming from the Barangays:

x x x x x x x x

“[II] 4. If mediation or conciliation efforts before the Punong Barangay proved unsuccessful, there having been no agreement to arbitrate (Sec. 410-{b}, Revised Rule Katarungang Pambarangay Law; Sec. 1,c,[1], Rule III, Katarungang Pambarangay Rules), or where the respondent fails to appear at the mediation proceeding before the Punong Barangay (3[rd] par. Sec. 8,a, Rule VI, Katarungang Pambarangay Rules), the Punong Barangay shall not cause the issuance of this stage of a certification to file action, because it is now mandatory for him to constitute the Pangkat before whom mediation, conciliation, or arbitration proceedings shall be held.

“III. All complaints and/or informations filed or raffled to your sala/branch of the Regional Trial Court,

Metropolitan Trial Court or Municipal Trial Court shall be carefully read and scrutinized to determine if there has been compliance with prior Barangay conciliation procedure under the Revised Katarungang Pambarangay Law and its Implementing Rules and Regulations, as a pre-condition to judicial action, particularly whether the certification to file action attached to the records of the case comply with the requirements hereinabove enumerated in part II; (Emphasis and italics supplied)

“IV. A case filed in court without compliance with prior Barangay conciliation which is a pre-condition for formal adjudication x x x may be dismissed upon motion of the defendant/s x x x or the court may suspend proceedings upon petition of any party x x x and refer the case *motu proprio* to the appropriate Barangay authority. x x x.”

Evidently, the barangay failed to exert enough effort required by law to conciliate between the parties and to settle the case before it. Hence, respondent judge was not incorrect in remanding the case to it for completion of the mandated proceedings. We cannot fault him for seeking to promote the objectives of barangay conciliation and for taking to heart the provisions of Supreme Court Circular No. 14-93. His referral of the case back to the barangay cannot be equated with gross ignorance of the law. Neither does it constitute grave abuse of discretion or obvious partiality.

Thereafter, complainant filed a Motion[9] praying that the proceedings already held before the barangay be considered as substantial compliance with the requirements of the law. Acting on the Motion, respondent judge issued the summons and opted to continue with the court proceedings without insisting on strict compliance with the mandated barangay proceedings. He did so after noting that complainant was apparently not making any move to complete the barangay proceedings after the case had been remanded to the barangay, and that the case fell under the Rules on Summary Procedure.

Section 18 of the Rules on Summary Procedure, however, provides that such cases may be revived only after the requirement for conciliation has been complied with. Nevertheless, respondent judge’s error is judicial in nature and cannot be corrected in administrative proceedings. At any rate, because he chose to continue with the proceedings of the case, and because respondents failed to answer the ejectment Complaint on time, he should have rendered judgment within thirty (30) days from the expiration of the period to file an answer. This action is required under the Rules on Summary Proceedings, which state:

“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 x x x.

“x x x x x x x x x x

“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.”

Complainant filed a Motion to Render Judgment[10] dated March 25, 1997. Refusing to heed the Motion, respondent instead called a preliminary conference and directed the defendants to submit their Comment. The OCA correctly arrived at the following findings:

“x x x [T]he Judge’s resolution [to] the complainant’s Motion to Render Judgement casts serious doubt on his understanding of the law. The express language of the law states that when an Answer has not been filed within the reglementary period, the judge, *motu proprio*, or on motion, ‘shall render judgment as may be warranted by the facts alleged in the complaint’ (Section 6, Revised Rule on Summary Procedure). This provision cannot, by any stretch of the imagination, be construed to mean anything other than what the words themselves communicate: that the rendition of judgment is mandatory, and that the judgment should be based only on what is contained within the four walls of the complaint.

“By calling for a preliminary conference and directing the defendants to submit their Comment to the complainant’s Motion, the Judge went beyond the bounds set by the law x x x. Moreover, when he finally resolved the motion – after the defendants had submitted their Comment – he merely ordered that the case be ‘deemed submitted for decision.’ Needless to say, ‘submission for decision’ is a far cry from ‘rendition of judgment,’ the character of immediacy implicit in the latter does not exist in the former. And in this case, supposedly to be resolved under the Summary Rule, immediacy is the defining characteristic. x x x.”[11]

Respondent rendered judgment on the case only on January 7, 1998,[12] almost a year from the time the case had been deemed submitted for resolution. Unacceptable is his explanation that he waited for the defendants to avail themselves of their right to appeal the Order deeming the case submitted for resolution. He has no duty to wait, because the law mandates him to act and decide the case promptly. 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. Their failure to do so constitutes gross inefficiency and warrants the imposition of administrative sanctions on them.[13]

Undue delay in rendering a decision constitutes a less serious charge under Section 9, Rule 140 of the Rules of Court; and a finding of guilt results in either suspension from the office without salary and other benefits for not less than one (1) month or more than three (3) months, or a fine of more than P10,000 but not exceeding P20,000.[14]

In determining the sanction to be imposed, we note that there was no showing of malice, corrupt motive or improper consideration on the part of respondent judge. We also take into consideration the fact that he has already resigned from the service effective March 27, 2002.

WHEREFORE, Judge Reynaldo B. Bellosillo is hereby found GUILTY of undue delay in rendering a decision and is ordered to pay a fine of P11,000 to be taken from the retirement benefits heretofore withheld from him.

SO ORDERED.

Puno (Chairman), Corona, and Carpio-Morales, JJ., concur.
Sandoval-Gutierrez, J., on leave.

[1] Rollo, pp.52-53.

[2] Report of the Court Administrator, pp. 3-4; rollo, pp. 54-55.

[3] Id., pp. 5 & 56.

[4] Rollo, p. 15.

[5] Id., p. 19.

[6] Id., p. 18.

[7] Id., p. 19.

[8] Rollo, p. 15.

[9] Motion p. 3; rollo, p. 26.

[10] Rollo, pp. 31-33.

[11] OCA Report, p. 4; rollo, p. 55.

[12] Decision in Civil Case No. 14913, p. 3; rollo, p. 67.

[13] Reaport v. Mariano, AM No. MTJ-00-1253, July 11, 2001; citing Report on the Judicial Audit conducted in RTC, Brs. 29, 56 & 57, Libmanan, Camarines Sur, 316 SCRA 272, October 7, 1999.

[14] Bontuyan v. Villarin, AM No. RTJ-02-1718, August 26, 2002.

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.