

EMMANUEL RAMOS, COMPLAINANT, VS. HON. JOSELITO SD. GENEROSO, JUDGE, METROPOLITAN TRIAL COURT, QUEZON CITY, BRANCH 34, AND MR. JESUS T. FRANCO, JR., DEPUTY SHERIFF, METROPOLITAN ...

A.M. No. MTJ-91-600. October 27, 1992

Ponente: GRINO-AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/dfe708089cc0/>

GRINO-AQUINO, J.:

Respondents are charged with violation of Articles 204, 205, 206 and 207 of the Revised Penal Code, grave abuse of authority and serious misconduct for allegedly erroneously applying the rules on summary procedure and rendering an unjust judgment in Civil Case No. 2944 of the Metropolitan Trial Court, Branch 34 of Quezon City ("Spouses Angeles A. Arañez and Corazon C. Arañez vs. Spouses Emmanuel Ramos and Mercedes Ramos"), an action for ejectment and collection of unpaid rentals.

The plaintiffs in the case (the Arañez spouses) are the owners of a building and lot located at 411 Boni Serrano, Murphy, Quezon City and a two-door apartment situated at No. 2, 11th Avenue, Murphy, Quezon City, which they had leased to the Ramos spouses. The defendants violated the terms and conditions of the leases by defaulting in the payment of the monthly rentals, as well as the telephone and water bills. The lessors, after failing to reach a settlement at the barangay level, filed Civil Case No. 2944 to eject the Ramoses from the two premises, and to recover the rental arrearages, unpaid water bills and electric charges in the total sum of P26,633.20 plus attorney's fees of P5,000.00.

Summons was served upon the defendants requiring them to answer the complaint. The Rule on Summary Procedure was erroneously applied to the case. After trial, the Metropolitan Trial Court rendered a decision on June 7, 1991, the dispositive portion of which reads:

"WHEREFORE, in view of all the foregoing, this Court finds in favor of plaintiffs, and against defendant Emmanuel Ramos. The crossclaim filed by defendant Emmanuel Ramos against defendant Mercedes Ramos is hereby dismissed for lack of merit. Defendant Emmanuel Ramos and all persons claiming rights under him is hereby ordered:

"1. To vacate and surrender the premises to plaintiffs of the ground floor of the building located at No. 411 Boni Serrano Street, Quezon City;

"2. To vacate and surrender to the plaintiffs the premises of the two door apartment located at No. 2 11th Ave., Murphy, Quezon City;

"3. To pay his rental arrearages as follows:

"a) P6,000.00 per month for the ground floor of the premises at the given address;

"b) P3,500.00 per month for the 2-door apartment at the above given address counted from February 1990 until

the above premises are finally vacated;

"4. To pay all unpaid water, electric and telephone bills from February 10, 1990 until the above premises are finally vacated;

"5. To pay P10,000.00 as attorney's fees.

"6. To pay cost of suit." (pp. 23--24, Rollo.)

Ramos filed a motion for reconsideration of the decision. On July 18, 1991, Judge Generoso denied the motion for reconsideration "for being a prohibited pleading under the Rules on Summary Procedure." (p. 22, Rollo). He further ruled that his decision had become final and executory for failure of the defendant to appeal within the reglementary period. He issued a writ of execution on the same day.

Assailing Judge Generoso's ruling, Ramos filed on July 24, 1991, a petition for certiorari, prohibition and injunction in the Regional Trial Court of Quezon City, Branch 106 (Special Civil Action No. Q91-9543). To maintain the status quo, the regional trial court issued on July 25, 1991 a temporary restraining order enjoining the Quezon City sheriff from enforcing the writ of execution.

On July 26, 1991, within the reglementary period for appeal, Ramos filed a notice of appeal from the decision of the Metropolitan Trial Court on the grounds of: (1) grave error of facts and law, and (2) confusing Summary Judgment (Sec. 3, Rule 34 of the Rules of Court) with Summary Procedure. He alleged that his right to appeal was not lost (by his filing a motion for reconsideration) because the total claim of the plaintiffs for damages and rentals exceeded the P20,000.00-limit of the Metropolitan Trial Court's jurisdiction at the time of filing the complaint, hence, the Rule on Summary Procedure was inapplicable to the case. His motion for reconsideration of the judgment was a proper pleading which suspended the finality of the decision of the trial court, despite the temporary restraining order issued by the Regional Trial Court on July 25, 1991. However, according to respondent Judge, the appeal was not perfected because appellant (herein complainant) failed to pay the appeal docket fee.

Deputy Sheriff Jesus T. Franco, Jr. enforced on August 23, 1991, the writ of execution issued on July 18, 1991 by respondent Metropolitan Trial Court Judge Generoso. The possession of the premises in question was delivered to the Arañez spouses on the same day. Nevertheless, shortly thereafter, Ramos forced open the locked doors of the apartment units at No. 2, 11th Avenue, Murphy, Quezon City, and the ground floor of the building at 411 Boni Serrano Street and re-occupied both premises, in total disregard of the writ of execution. Plaintiffs immediately filed a motion to cite Ramos for contempt of court.

On October 8, 1991, Ramos filed this administrative complaint against Judge Generoso and his deputy sheriff, Jesus Franco, Jr. On October 25, 1991, he also filed an urgent motion for an order of preventive suspension and/or restraining order against them, to enjoin them from further exercising jurisdiction "and adjudicative powers over Civil Case No. 2944," because the respondents lost jurisdiction when he appealed the decision to the Regional Trial Court. Ramos claims that Judge Generoso's ruling that his decision had become final and executory was "contrary to applicable rules" (p. 43, Rollo) because he (Ramos) had already perfected an appeal by filing a notice of appeal on July 26, 1991.

On March 24, 1992, the Regional Trial Court of Quezon City, Branch 106, granted Ramos' petition for certiorari, prohibition and injunction. It set aside Judge Generoso's Order of July 18, 1991, and directed him to resolve the motion for reconsideration in accordance with regular rules, which respondent Judge complied with. On April 24, 1992, he denied Ramos' motion for reconsideration. On May 9, 1992, the appeal period having expired, the judgment became final and executory.

After deliberating on the administrative complaint against Judge Generoso and Deputy Sheriff Franco and the respondents' answer thereto, the Court finds that while respondent Judge may not be accused of having knowingly rendered an unjust judgment in the ejectment case, his issuance of a writ of execution on July 18, 1991 was improper because he labored under the erroneous belief that the case was subject to the Rule on Summary Procedure and that his decision had become final because Ramos' motion for reconsideration did not suspend its finality. Still his error in applying the Rule on Summary Procedure in the case, did not constitute serious misconduct and gross ignorance of the law. He simply failed to exercise due care to ascertain the applicable rule of procedure in the case before he set the adjudicative process in motion. He was careless in failing to notice that the summons he issued in the case did not indicate that the Rule on Summary Procedure would be applied. His mistake in applying the Rule on Summary Procedure led to his error in declaring his decision final and in issuing an order for its execution on July 18, 1991. That error did not constitute a grave abuse of authority or defiance of the Regional Trial Court for when he issued the order of execution, the Regional Trial Court had not yet issued a temporary restraining order in the certiorari case (Civil Case No. Q-91-9543). He could not possibly have disobeyed the temporary restraining order of the Regional Trial Court for it was issued on July 25, 1991 only, or seven (7) days after he had issued the order of execution in the ejectment case. (*Ella vs. Salonga*, 35 SCRA 86.)

The case against respondent Deputy Sheriff Jesus T. Franco, Jr. is different. Respondent sheriff went ahead with the execution of the decision in the ejectment case on August 23, 1991 despite the Regional Trial Court's restraining order which was explicitly addressed to him. However, his action is in a way excusable for the Regional Trial Court's Order was carelessly prepared thus:

"Considering that it will take time before the matter could be heard on notice, so as not to render the action moot and academic, and in order to maintain the status quo, let a temporary restraining order issue for twenty (20) days, enjoining the City Sheriff of Quezon City Jesus T. Franco, Jr. to enforce the writ of execution issued by Honorable Joselito SD. Generoso, dated July 18, 1991." (p. 32, Rollo.)

It enjoined the sheriff "to enforce the writ of execution" instead of enjoining him not to enforce it. However, common sense should have informed Franco that as the purpose of the restraining order was "to maintain the status quo," (p. 32, Rollo) he should not enforce the writ of execution which had not yet been implemented on the date the temporary restraining order was issued and received by him.

WHEREFORE, respondent Judge Joselito SD. Generoso is admonished to exercise due care in the discharge of his judicial functions, especially in ascertaining whether regular or summary procedure should be followed in the cases assigned to him for trial and adjudication. Respondent Deputy Sheriff Jesus T. Franco, Jr. is hereby reprimanded and ordered to pay a fine of P1,000.00 for his willful disobedience of the temporary restraining order issued by the Regional Trial Court in Civil Case No. Q-91-9543.

SO ORDERED.

Cruz, (Chairman), Padilla, and Bellosillo, JJ., concur.
Medialdea, J., on leave.

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.