

SPOUSES JAIME AND PURIFICACION MORTA, COMPLAINANTS VS. JUDGE ANTONIO C. BAGAGÑAN, MUNICIPAL TRIAL COURT, GUINOBATAN, ALBAY; AND SHERIFF DANILO O. MATIAS, REGIONAL TRIAL COURT, B...

A.M. No. MTJ-03-1513. November 12, 2003

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

Unreasonable delay in resolving motions opens a judge to administrative sanctions. Likewise, a sheriff is administratively liable for delayed implementation of a writ of execution and failure to render the required reports thereon. These are necessary lessons from the time-honored principle that "justice delayed is justice denied."

The Case and the Facts

In their Administrative Complaint[1] dated July 26, 2001, Spouses Jaime and Purificacion Morta Sr. charged Judge Antonio C. Bagagñan of the Municipal Trial Court (MTC) of Guinobatan, Albay with gross ignorance of the law, incompetence, bias and delay. They also indicted Sheriff Danilo O. Matias of the Regional Trial Court (RTC) of Ligao, Albay (Branch 14) with gross ignorance of the law, negligence and connivance with the defendants in Civil Case Nos. 481 and 482 (MTC, Guinobatan, Albay). The Office of the Court Administrator (OCA) summarized the factual antecedents as follows:

"x x x [In] a Complaint-Affidavit dated July 26, 2001 (with enclosures), x x x [Spouses] Jaime and Purificacion Morta[,] through their counsel[,] Atty. Rodolfo R. Paulino[,] charg[ed] [Respondent] Judge Antonio C. Bagagñan and Sheriff Danilo O. Matias with gross ignorance of the law and procedure, incompetence, bias and delay in the disposition of Civil Case No. 481, entitled `Jaime Morta, Sr. and Purificacion Padilla vs. Jamie Occidental and Atty. Mariano Baranda, Jr.', for Damages with Prayer for a Writ of Preliminary Injunction, and Civil Case No. 482 entitled `Jaime Morta, Sr. and Purificacion Padilla vs. Jamie Occidental, Atty. Mariano Baranda, Jr. and Daniel Corral', for Damages with Prayer for a Writ of Preliminary Injunction.

"Complainants, who are the plaintiffs in the aforementioned civil cases, allege[d] that on March 29, 1994[,] the Municipal Trial Court [of] Guinobatan, Albay rendered a decision in their favor. The decretal portion of the decision reads:

`WHEREFORE, in view of the foregoing considerations, judgment is rendered in favor of the plaintiffs and against the defendants in both cases as follows:

1)

Ordering the defendants not to molest and disturb the peaceful possession of the plaintiffs in the lands in question situated at San Rafael, Guinobatan;

2)

Condemning the defendants in Civil Case No. 481 to jointly and severally pay the plaintiffs the total amount of

P8,130.00 representing the value of the coconuts, pili nuts and anahaw leaves and for the destroyed plants;

3)

Ordering the defendants in Civil Case No. 481 jointly and severally to reimburse the plaintiffs the amount of P202.00 as legal expenses incurred in filing their suit;

4)

Condemning the defendants in Civil Case No. 482 jointly and severally to pay the plaintiffs the total amount of P9,950.00 representing the value of the coconuts and anahaw leaves;

5)

Ordering the said defendants in Civil Case No. 482 to jointly and severally reimburse the plaintiffs the sum of P202.00 as legal expenses in filing this suit.'

"The defendants appealed to the Regional Trial Court [of] Ligao, Albay. In its decision dated August 10, 1994, the Regional Trial Court [RTC] dismissed the aforesaid cases on the ground that the claims for damages are tenancy-related problems which fall under the original and exclusive jurisdiction of the Department of Agrarian Reform Adjudicatory Board (DARAB). On September 9, 1994, the plaintiffs filed a petition for review with the Court of Appeals assailing the decision of the RTC. However, in its decision dated May 31, 1995, the Court of Appeals affirmed the lower court's ruling that the cases fall within the original and exclusive jurisdiction of DARAB. Thereafter, the First Division of this Court, acting on the petition for review on certiorari filed by the plaintiffs, rendered its decision dated June 10, 1999 in G.R. No. 123417 affirming the decision of the Municipal Trial Court, Guinobatan, Albay in Civil Case Nos. 481 and 482 and thereby setting aside the decision of the Court of Appeals in CA-GR SP No. 35300 and that of the Regional Trial Court in Civil Cases Nos. 1751 and 1752.

"They now complain that despite the fact that the decision of the Supreme Court in the aforesaid case had already become final and executory, the respondent Judge still refused to issue a writ of possession in their favor.

"Complainants further allege that on June 6, 2000 they filed a motion to cite Jaime Occidental for contempt of court. Although more than one (1) year had already elapsed since the motion was filed in the respondent Judge's sala, the same had remained unresolved up to the filing of the instant complaint.

"As against the respondent Sheriff, the complainants aver[red] that through his ignorance, negligence and connivance with the defendants, he failed to execute in full the writ of execution that had been previously issued by the court in Civil Case Nos. 481 and 482. Moreover, it took respondent Sheriff a long time before he finally submitted his Sheriff's Return of Service on the Writ of Execution." [2]

In his Answer/Comment [3] dated April 2, 2002, respondent judge explained that he had denied complainants' Motion for the issuance of a writ of possession because, by the time Civil Case Nos. 481 and 482 were finally decided by this Court on June 10, 1999, they had already been ousted from the lots in question pursuant to the Decisions in DARAB Case No. 2413 and Civil Case No. 1920. In Civil Case No. 1920, respondent judge ordered complainants to vacate the disputed lots. A Writ of Execution/Demolition was thereafter issued on January 29, 1998. On the other hand, the DARAB Decision, which became final and executory on October 27, 1998, directed them to cease and desist from disturbing the peaceful possession of therein Petitioner Jaime Occidental.

Regarding the alleged delay in the resolution of the Motion for Contempt filed by complainants, respondent judge contended that an ocular inspection and a hearing had been conducted by his court as early as June 16, 2000, to determine if their Motion had any basis. With the consent of their counsel, the hearing had to be deferred, however, pending receipt of the Sheriff's Report in Civil Case No. 1920.

For his part, Respondent Sheriff Matias admitted in his Comment[4] dated April 18, 2002, that there was delay in the full implementation of the Writ of Execution in Civil Case Nos. 481 and 482. Explaining that the delay was due to his heavy workload and thus unintentional, he begged for compassion from this Court.

Evaluation and Recommendation of the OCA

The OCA found that the explanation of respondent judge for not granting the Motion for Execution, filed by complainants, was sufficient. According to the court administrator, the records showed that they had indeed been evicted from the lots they were claiming when Civil Case Nos. 481 and 482 were finally decided by the Supreme Court on June 10, 1999.[5] Moreover, it emphasized that this Court had merely affirmed the Decision of the MTC insofar as the award of damages was concerned.

As to complainants' Motion to cite Occidental in contempt, the OCA held that the delay was due primarily to the need of the court to clarify some important matters, not to the negligence or partiality of respondent. Accordingly, it recommended that the charges against him be dismissed for lack of merit.

On the other hand, the OCA found that Sheriff Matias had failed to implement the Writ of Execution promptly and efficiently. It recommended that he be ordered to pay a fine of P1,000, with a warning that a repetition of the same or a similar act in the future would be dealt with more severely.

The Court's Ruling

We modify the OCA's findings and recommended penalties, consistent with Rule 140 of the Revised Rules of Court and the Revised Uniform Rules on Administrative Cases in the Civil Service.

Administrative Liability

We agree with the OCA that respondent judge acted correctly in not issuing a writ of execution/possession. His action was consistent with the Decision of this Court in GR No. 123417 affirming that of the MTC as to damages. Besides, the latter's Order directing defendants not to molest complainants in their peaceful possession was rendered moot when they were ousted from the disputed lots by virtue of the final and executory judgments in Civil Case No. 1920 and DARAB Case No. 2413. Indeed, the execution of a final judgment may be refused, as in this case, when there has been a change in the situation of the parties that would make its execution inequitable.[6]

The delay in the resolution of complainants' Motion, however, is an altogether different matter. The Code of Judicial Conduct enjoins trial court judges, as paragons of justice in the first instance, to dispose of the court's business promptly[7] and to decide cases and motions within the required periods.[8] Section 15(1) of Article VIII of the Constitution mandates them to do so within three months from the date of submission for decision or final resolution. This Court, through Administrative Circular No. 1,[9] also specifically requires all of them to act promptly on all motions and interlocutory matters pending before their courts.[10]

Hence, it is well-settled that the unexplained failure of judges to decide cases and resolve motions and incidents within the reglementary period of 90 days, which is fixed by the Constitution and the law, renders them administratively liable.[11] We have stressed often enough that delay in the administration of justice undermines the faith of the people in the judiciary, which is expected to hear their supplications promptly. Delay reinforces in the mind of litigants the impression that the wheels of justice grind ever so slowly.[12] As the time-honored principle goes, "justice delayed is justice denied."

In this case, respondent judge never resolved the Motion, filed on June 6, 2000, to cite Defendant Occidental for contempt. While it is true that the former immediately conducted an ocular inspection of the area to determine if the Motion had any basis, this act served only to mitigate his infraction, but not absolve him from it. The Sheriff's

Return of Service of the Writ of Demolition issued in Civil Case No. 1920 would have clarified whether or not Occidental had already been fully restored in possession. But while its absence was a valid reason to defer action on the contempt Motion at the outset, it was certainly not an excuse for the prolonged inaction.

Had respondent judge been so minded, he would have requested a copy of the Sheriff's Report, so that he could rule on the Motion with dispatch. He has not satisfactorily explained his failure to do so, considering that the Writ of Demolition issued in Civil Case No. 1920 had been fully executed as early as February 25, 1998, and the return thereon made on March 17, 1998.[13]

With respect to the charges against respondent sheriff, we agree with the OCA that he was remiss in his duty to implement the Writ fully in Civil Case Nos. 481 and 482. Time and time again, we have impressed upon those tasked to implement court orders and processes to see to it that the final stage in the litigation process -- the execution of judgment -- be carried out promptly. They should exert every effort and indeed consider it their bounden duty to do so, in order to ensure the speedy and efficient administration of justice.[14] A decision that is left unexecuted or delayed indefinitely because of the sheriff's inefficiency or negligence remains an empty victory on the part of the prevailing party.[15] For this reason, any inordinate delay in the execution of judgment is truly deplorable and cannot be countenanced by the Court.

There is no mistaking the mandatory character of the period prescribed under Section 14 of Rule 39 of the Revised Rules of Court on the Return of a Writ of Execution, which reads:

"SEC. 14. Return of writ of execution. - The writ of execution shall be returnable to the court issuing it immediately after the judgment has been satisfied in part or in full. If the judgment cannot be satisfied in full within thirty (30) days after his receipt of the writ, the officer shall report to the court and state the reason therefor. Such writ shall continue in effect during the period within which the judgment may be enforced by motion. The officer shall make a report to the court every thirty (30) days on the proceedings taken thereon until the judgment is satisfied in full, or its effectivity expires. The returns or periodic reports shall set forth the whole of the proceedings taken, and shall be filed with the court and copies thereof promptly furnished the parties."

A similar rule is stated in Administrative Circular No. 12 dated October 1, 1985, and incorporated in the Manual for Clerks of Court.[16] According to this Circular, all sheriffs and deputy sheriffs shall submit to the judge concerned a report on actions taken on all writs and processes assigned to them within 10 days from receipt.

Per the records of this case, a Writ of Execution was issued on November 22, 1999 in Civil Case Nos. 481 and 482.[17] Respondent Sheriff's Return of Service[18] of that Writ was filed only on May 25, 2000, however, or six months thereafter. There is nothing in the records showing that he submitted before then a periodic report on the actions he had taken on the Writ "every 30 days from the date of receipt" as required. On the contrary, the Report indicates that the Writ was partially executed on December 15-28, 1999 and January 11, 2000; and that the damages adjudged were partly paid in the amount of P3,500 plus one unit of Karaoke machine. But it was only on May 25, 2000, that this matter was reported to the trial court.

The excuse proffered by respondent sheriff -- heavy workload -- cannot absolve him from administrative sanctions.[19] As an officer of the court, he should at all times show a high degree of professionalism in the performance of his duties.[20] He has failed to observe that degree of dedication required of him as a sheriff. The charge of connivance is, however, dismissed for lack of basis.

Although the OCA recommended that Respondent Judge Bagagñan be absolved of all charges, we find him guilty of undue delay[21] in resolving a pending motion, an infraction that also constitutes a violation of a Court circular.[22] Under Section 11(B) of Rule 140 of the Revised Rules of Court, this less serious charge[23] may be

sanctioned by a fine of more than P10,000, but not exceeding P20,000.

As to Sheriff Matias, we find him guilty of simple neglect of duty,[24] a less grave offense under the Revised Uniform Rules on Administrative Cases in the Civil Service. This infraction is punishable by a suspension of one month and one day to six months.[25] But under the circumstances, we find it inadvisable to suspend respondent sheriff, considering that his work would be left unattended in his absence. Instead, we adopt our previous ruling in *Aquino v. Lavadia* [26] imposing a fine equivalent to his one-month salary, so that he can finally implement the subject Writ and perform his other duties.

WHEREFORE, Judge Antonio C. Bagagñan of the Municipal Trial Court of Guinobatan, Albay, is found guilty of unreasonable delay and is FINED P11,000 with a stern warning that a repetition of the same or a similar act in the future shall be dealt with more severely. On the other hand, Sheriff Danilo O. Matias of the Regional Trial Court of Ligao, Albay (Branch 14), is ordered to pay a fine equivalent to his one-month salary, with a similar warning of stiffer sanctions for the same or a similar act.

SO ORDERED.

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

[1] Rollo, pp. 2-9; signed by Atty. Rodolfo R. Paulino.

[2] OCA Report, pp. 1-2; rollo, pp. 117-118.

[3] Rollo, pp. 36-41.

[4] Id., pp. 92-95.

[5] *Morta Sr. v. Occidental*, GR No. 123417, June 10, 1999.

[6] *Philippine Sinter Corporation v. Cagayan Electric Power and Light Co., Inc.*, 381 SCRA 582, April 25, 2002; citing *Bachrach Corporation v. Court of Appeals*, 357 Phil. 483, September 25, 1998.

[7] Rule 1.02 of Canon 1 of the Code of Judicial Conduct.

[8] Rule 3.05 of Canon 3 of the Code of Judicial Conduct. See also *Sy Bang v. Judge Mendez*, 350 Phil. 524, March 6, 1998.

[9] Dated January 28, 1988.

[10] Paragraph 6.1 of Administrative Circular No. 1.

[11] *Lotino v. Judge Hernandez*, 388 Phil. 646, June 1, 2000; Re: *Cases Left Undecided by Judge Bumanglag Jr.*, 365 Phil. 492, April 21, 1999; *Dysico v. Judge Dacumos*, 330 Phil. 834, September 23, 1996.

[12] *Sy Bang v. Judge Mendez*, *supra*.

[13] Return of Service of the Writ of Demolition in Civil Case No. 1920 dated March 17, 1998, filed by Sheriff Angel C. Conejero, Sheriff IV of Ligao, Albay; rollo, p. 84.

[14] *San Juan Jr. v. Sangalang*, 351 SCRA 210, February 6, 2001; *Aquino v. Lavadia*, 417 Phil. 770, September 20, 2001; *Mamanteo v. Magumun*, 311 SCRA 259, July 28, 1999.

[15] *Visitacion Jr. v. Ediza*, 414 Phil. 699, August 9, 2001; citing *Jumio v. Egay-Eviota*, 231 SCRA 551, March 29, 1994.

[16] §E(4) of Chapter VIII, now §F(17.3) of Chapter VI of the 2002 Revised Manual for Clerks of Court.

[17] See Order dated November 22, 1999; rollo, p. 18.

[18] Annex "C" of the Complaint; rollo, p. 19.

[19] Aquino v. Lavadia, supra.

[20] Visitacion Jr. v. Ediza, supra; Dilan v. Dulfo, 364 Phil.103, March 11, 1999; Vda. de Tisado v. Tablizo, 324 Phil. 1, February 20, 1996.

[21] §9(1) of Rule 140 of the Rules of Court.

[22] §9(4) of Rule 140 of the Rules of Court.

[23] Ibid.

[24] Section 52 (B) (1) of Rule IV of the Revised Uniform Rules on Administrative Cases, CSC Resolution No. 991936.

[25] Ibid.

[26] Supra.

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