

SECOND DIVISION

[**A.M. No. MTJ-00-1249 (Formerly OCA IPI No. 97-316-MTJ), September 04, 2001**]

**PHILIPPINE GERIATRICS FOUNDATION, INC., ATTY. EDUARDO S. RODRIGUEZ, AND ATTY. VICENTE S. PULIDO, COMPLAINANTS,
VS. JUDGE LYDIA QUERUBIN LAYOSA, PRESIDING JUDGE,
METROPOLITAN TRIAL COURT, BRANCH 12, MANILA,
RESPONDENT.**

DECISION

QUISUMBING, J.:

This is an administrative complaint for gross ignorance of the law, gross misconduct, and grave abuse of discretion filed by the Philippine Geriatrics Foundation, Inc., and lawyers Eduardo S. Rodriguez and Vicente S. Pulido^[1] against Judge Lydia Querubin Layosa, then presiding judge of Branch 12 of the Metropolitan Trial Court, Manila.^[2] Complainants urge the Court to dismiss respondent judge from the service.

It appears that this complaint arose after respondent judge dismissed the complaint filed by PGF against one Ligaya Santos, docketed as Civil Case No. 150316-CV and entitled "*Philippine Geriatrics Foundation, Inc. v. Ligaya Santos, a.k.a. Ligaya Salvador*."^[3]

The factual antecedents of this case are as follows:

In July 1966, complainant Philippine Geriatrics Foundation, Inc. (hereinafter PGF) moved from its former office in Sta. Cruz, Manila, to the ground floor of the Geriatrics Center building at Lions Rd., Arroceros St. (now Mayor Antonio J. Villegas St.), Ermita, Manila. PGF moved to its new office upon the invitation of Dr. Eliodoro Congco, who built said building with government financial assistance on government-owned lot^[4]

In 1971, PGF erected a structure for use as a gymnasium in the lot adjacent to said building. In 1979, the gymnasium was converted to a canteen and leased to Victor Jimenez. Jimenez was asked to vacate the canteen in 1989 for failure to pay the monthly rent. In December of the same year, the canteen was leased to herein respondent Ligaya Santos for a monthly "donation-rental" of P1,000.00 for the first year and P1,500.00 for the second year. After the two-year contract of lease expired, Santos occupied the canteen on a month-to-month lease basis.^[5]

In 1993, the Manila city government, through its City Legal Officer, asked PGF to vacate its office at the Geriatrics Building. In a letter to then Manila Mayor Alfredo S. Lim dated December 27, 1993, PGF agreed to vacate as soon as it had moved all its records and equipment to the canteen occupied by Santos. In another letter

bearing the same date, PGF asked Santos to vacate the canteen so it could use the space as its temporary office. Santos, however, refused to leave.^[6]

On January 7, 1994, Manila city officials ejected PGF from its office at the Geriatrics Building and placed its records and equipment along Lions Road. On January 14, 1994, PGF found temporary shelter at the UP-WILOCI Building on Lions Road.^[7]

On October 10, 1995, the PGF Board of Trustees passed a resolution to file an ejectment complaint against Santos. A complaint for unlawful detainer was filed on January 18, 1996 before the Metropolitan Trial Court of Manila, Branch 12, then presided by respondent. Judge Layosa, herein respondent, rendered a decision dismissing the complaint of PGF on February 26, 1997, on the ground that the PGF failed to prove the existence of a lease contract between it and Santos.^[8] PGF appealed the decision to the Regional Trial Court, which upheld the ruling of the MeTC.^[9] PGF then sought review of the RTC decision by the Court of Appeals, which set aside said decision and ordered Santos to vacate the premises subject of the case.^[10]

PGF, together with Atty. Rodriguez and Atty. Pulido filed their complaint against respondent on May 21, 1997, before the RTC rendered its decision on PGF's appeal and before said decision was reviewed by the CA. According to the complaint, respondent judge acted with gross ignorance of the law, gross misconduct, and grave abuse of discretion for dismissing the complaint.

PGF alleges that respondent judge is grossly ignorant of the law when she failed to consider that the answer given by Santos to PGF's complaint did not tender an issue, as Santos merely denied that the canteen was owned by PGF. According to PGF, Santos did not state details regarding her possession of the property. PGF contends that if respondent judge were not ignorant of the law, she would have rendered judgment based on the pleadings in favor of PGF.^[11]

PGF also argues that respondent judge committed gross misconduct when she failed to render a decision on the case within 30 days after the court's receipt of the last affidavit or position paper, as required by Section 10 of the Revised Rules on Summary Procedure.^[12] PGF claims that the last position paper filed with the court was the position paper filed by PGF on December 14, 1996.^[13] When respondent judge rendered her decision on February 26, 1997, seventy-four (74) days had already elapsed.

Finally, PGF contends that respondent committed grave abuse of discretion for not admitting secondary evidence to prove the existence of the lease contract between PGF and Santos and for arbitrarily and maliciously disregarding the existing jurisprudence on "possession by tolerance".^[14] PGF then points out portions of respondent judge's decision to illustrate her alleged grave abuse of discretion and erroneous decision.

In her comment, received by the Office of the Court Administrator on September 16, 1997, respondent prays that the charges against her be dismissed. She denies that the decision she rendered in Civil Case No. 150316-CV was erroneous. Even if it were, respondent pointed out that judges cannot be administratively held liable for