

SECOND DIVISION

[A.M. No. MTJ-15-1851, February 11, 2015]

**CHUA KENG SIN, PETITIONER, VS. JUDGE JOB M. MANGENTE,
METROPOLITAN TRIAL COURT, BRANCH 54, NAVOTAS CITY,
RESPONDENTS.**

D E C I S I O N

LEONEN, J.:

This is a Complaint^[1] filed by Chua Keng Sin against Metropolitan Trial Court Judge Job M. Mangente for gross ignorance of the law and gross inefficiency relative to a criminal case for slight physical injuries docketed as Criminal Case No. 10-13570, entitled "*People of the Philippines v. Chua Keng Sin*."^[2]

On April 9, 2013, complainant Chua Keng Sin executed a Complaint-Affidavit stating that respondent Judge Job M. Mangente's violation of the Local Government Code's provisions on *Katarungang Pambarangay*, Section 18 of the 1991 Revised Rules on Summary Procedure,^[3] and Rule 37, Section 4 of the Revised Rules of Court^[4] denied him of his right to the speedy disposition of his case.^[5] Complainant asserts that the laws and rules that respondent failed to apply are so basic and elementary, their violation constituted gross ignorance of the law and gross inefficiency.^[6]

Complainant alleged that he and his brother, Victorio Chua (Victorio), "separately filed their complaints for slight physical injuries against each other before the *Lupon* of *Barangay Bangkulasi*, Navotas City."^[7] Complainant filed his Complaint earlier than Victorio.^[8] When Victorio learned that his Complaint would be considered as a counterclaim, he decided not to attend the scheduled hearings set by the *Lupon*.^[9] Instead, Victorio filed "a [C]omplaint for attempted murder against complainant before the Office of the City Prosecutor of Navotas City."^[10]

"Due to Victorio's failure to appear, the *Lupon* issued (1) a Certification to File Action dated March 3, 2009 in favor of complainant allowing him to file his [C]omplaint [for slight physical injuries] before the Office of the City Prosecutor of Navotas City; and (2) a Certification to Bar Action/Counterclaim . . . against Victorio due to his failure or refusal to appear in the hearing."^[11]

The respective Complaints for slight physical injuries and attempted murder were jointly heard by Navotas Assistant City Prosecutor Lemuel R. Nobleza.^[12] It was "recommended that both brothers be charged with slight physical injuries."^[13] Informations for the Complaints were filed and docketed as Criminal Case No. 10-13569 (*People v. Victorio Chua*) and Criminal Case No. 10-13570 (*People v. Chua Keng Sin*).^[14]

Criminal Case No. 10-13570 was raffled to Branch 54 of the Metropolitan Trial Court, Navotas City presided by respondent. Complainant filed a Motion to Dismiss Case No. 10-13570 on the ground that "Victorio's [C]omplaint was filed in court without the required certification to file action."^[15] Furthermore, the *Lupon* had issued a certification to bar action/counterclaim against Victorio.^[16] Respondent denied complainant's Motion to Dismiss in the Order dated September 15, 2010^[17] "on the ground that it was a prohibited pleading . . . under the Rule on Summary Procedure."^[18]

Complainant sought the reconsideration of the Order.^[19] After almost two (2) years, respondent denied the Motion for Reconsideration in the Order dated October 16, 2012 on the ground that the *Lupon* had issued a certificate to file action.^[20] During the intervening period, "complainant filed a [M]otion for determination of probable cause assailing the [R]esolution of the reviewing prosecutor[,] upgrading the offense of slight physical injuries complainant was charged with to attempted homicide[.]"^[21]

On November 3, 2010, the Motion for determination of probable cause was heard, "giving Victorio fifteen (15) days . . . to file his comment/opposition to the [M]otion[,] while complainant was given ten (10) days from receipt of the [C]omment to file his [R]epley."^[22] Victorio's Comment was filed on November 17, 2010.^[23] Respondent declared complainant's Motion for determination "submitted for resolution on 22 November 2010[,] without waiting for the expiration of complainant's period to file [R]epley[.]"^[24]

On November 23, 2010, respondent denied complainant's Motion for determination of probable cause for lack of merit.^[25]

Complainant argued that respondent's refusal to grant his Motion to Dismiss was "violative of Section 412 of the Local Government Code of 1991[,] which prohibits the filing or institution of a complaint, petition, action or proceeding involving any matter within the authority of the *Lupon* directly in court of any other government office for adjudication unless there has been a confrontation between the parties before the *Lupon*, and that no conciliation or settlement has been reached as certified by the *Lupon*."^[26] Contrary to respondent's interpretation, the certification to file action issued by the *Lupon* was in favor of complainant, not his brother Victorio. The certification did not authorize Victorio to pursue his own action.^[27]

He further argued that respondent's denial was also violative of "Section 18 of the 1991 Revised Rules on Summary Procedure[,] [which] provides for the dismissal of cases requiring referral to the *Lupon* for conciliation where there is no showing of compliance with such requirement."^[28] Complainant also averred that the delay in resolving the Motion was in violation of Rule 37, Section 4 of the Revised Rules of Court. It was decided two (2) years after the prosecution filed its Comment, instead of resolving it within 30 days from the time it was submitted for resolution.^[29]

As to the denial of his Motion to determine probable cause, complainant averred that respondent violated his right to due process when the Motion was resolved "before the expiration of the period given to him to file his [R]epley[.]"^[30]

In his Comment dated June 25, 2013, respondent admitted and apologized for his mistake, "attributing it to pure oversight and inadvertence."^[31] He said that "[h]e had no intention to disregard the Revised Rule on Summary Procedure or apply his own interpretation of the rule."^[32] He explained that the inadvertence "was mainly because of the bulk of work that he had to attend to, as [the case was brought to him] barely a year since he was appointed [as] judge[.]"^[33] He admitted that "he erroneously thought that the certification to file action was for Criminal Case No. 10-13570 [and not Criminal Case 10-13569]."^[34]

Respondent argued, however, that "when the information [against complainant] was amended from slight physical injuries to attempted homicide, prior referral to the *Lupon* was no longer necessary since [the latter] is an offense punishable by imprisonment exceeding one (1) year[,], and the *Barangay Lupon* has no jurisdiction for offenses punishable by imprisonment exceeding one (1) year."^[35]

As for the hurried Resolution of the Motion to determine probable cause, he explained that he had done so "on the honest belief that the Motion was already due for resolution."^[36] However, he argued that "[h]e did not violate complainant's right to due process because [complainant's] motion was set for hearing and was duly heard."^[37]

Respondent further claimed that "complainant cannot . . . put the blame on him for the delay in resolving the [M]otions."^[38] He was of the opinion that complainant and his counsel had the responsibility of following up the status of his case.^[39]

Findings of the Office of the Court Administrator

In the Report^[40] dated July 23, 2014, the Office of the Court Administrator recommended that respondent be held administratively liable for gross ignorance of the law and delay in resolving the Motion for Reconsideration dated September 30, 2010 and Motion to Admit Amended Information dated October 7, 2010.^[41]

The Office of the Court Administrator found "[respondent's] handling of Criminal Case No. 10-13570 injudicious."^[42] While his inadvertence was mainly due to the bulk of his work and his being a newly appointed judge, it cannot be used as an excuse, "considering the extent of his experience as public attorney for nine (9) years and as prosecutor for twelve (12) years."^[43] The rules he failed to observe were basic and elementary that he should have been aware of their well-settled doctrines.^[44]

As for the delay, respondent should have made a formal request to this court for extension. This court almost always grants requests of such nature in consideration of the numerous difficulties faced by judges in the timely disposition of cases.^[45]

"Under Section 8(9), Rule 140 of the Rules of Court, gross ignorance of the law or procedure is a serious charge[.]"^[46] However, the Office of the Court Administrator gave due consideration of the fact that it is respondent's first administrative offense, and that "he has expressed remorse and conveyed his apology, promising to be

more mindful of his duties in the future, not to mention his court's heavy caseload of over one thousand (1,000) cases."^[47] In view of these circumstances, the Office of the Court Administrator recommended that:

(1) the instant administrative complaint be **RE-DOCKETED** as a regular administrative matter against [respondent Judge Mangente]; and

(2) respondent Judge be **FINED** . . . FIVE THOUSAND PESOS (P5,000.00) for gross ignorance of the law or procedure and undue delay in rendering his orders, and **STERNLY WARNED** that a commission of the same or similar acts shall be dealt with more severely.^[48] (Emphasis in the original)

This court's ruling

Respondent is guilty of gross ignorance of the law.

We agree with the Office of the Court Administrator's finding that the Complaint against respondent is meritorious. Upon thorough evaluation of the parties' respective arguments, the Office of the Court Administrator found that respondent should be held administratively liable for gross ignorance of the law and delay.

Due to the procedural carelessness exhibited by respondent in Criminal Case No. 10-13570, the penalty imposed should be increased to suspension of six (6) months.

In *Re: Anonymous letter dated August 12, 2010, complaining against Judge Ofelia T. Pinto*:^[49]

"To be able to render substantial justice and maintain public confidence in the legal system, judges should be embodiments of competence, integrity and independence." *Judges are also "expected to exhibit more than just a cursory acquaintance with statutes and procedural rules and to apply them properly in all good faith." Judges are "likewise expected to demonstrate mastery of the principles of law, keep abreast of prevailing jurisprudence, and discharge their duties in accordance therewith."* . . .

. . . .

We have previously held that *when a law or a rule is basic, judges owe it to their office to simply apply the law. "Anything less is gross ignorance of the law."* There is gross ignorance of the law when an error committed by the judge was "gross or patent, deliberate or malicious." *It may also be committed when a judge ignores, contradicts or fails to apply settled law and jurisprudence because of bad faith, fraud, dishonesty or corruption. Gross ignorance of the law or incompetence cannot be excused by a claim of good faith.*^[50] (Emphasis supplied, citations omitted).