

## FIRST DIVISION

**[ A.M. No. MTJ-09-1728 (FORMERLY OCA I.P.I. NO. 04-1623-MTJ), July 21, 2010 ]**

**ATTY. JOSE A. BERNAS, COMPLAINANT, VS. JUDGE JULIA A. REYES, METROPOLITAN TRIAL COURT, BRANCH 69, PASIG CITY, RESPONDENT.**

### D E C I S I O N

**LEONARDO-DE CASTRO, J.:**

In a verified complaint<sup>[1]</sup> dated September 29, 2004 filed with the Office of the Court Administrator (OCA), complainant Jose A. Bernas charged respondent Judge Julia A. Reyes of the Metropolitan Trial Court (MeTC), Branch 69, Pasig City, with gross ignorance of the law and manifest partiality in connection with an eviction suit before the *sala* of respondent Judge.

As gathered from the complaint and the subsequent documents filed, the antecedent facts of the case, originally docketed as OCA I.P.I. No. 04-1623-MTJ, are as follows:

Complainant was the counsel for Oakridge Properties, Inc. (Oakridge) in an eviction suit<sup>[2]</sup> filed by the latter against Atty. Joseph M. Alejandro, a tenant in one of its condominium units, who had refused to pay rentals and common expenses since August 15, 2001. For his part, Atty. Alejandro explained that his failure to pay rentals was justified since the air-conditioning unit which Oakridge provided in the leased premises was allegedly defective.

On June 1, 2004, and during the pendency of the eviction suit, Oakridge padlocked the leased premises, alleging that it was authorized to do so by the terms and conditions of the Contract of Lease.<sup>[3]</sup> Atty. Alejandro then filed a Petition for Writ of Preliminary Injunction with prayer for a Temporary Restraining Order (TRO) to have the unit reopened. This was heard on June 11, 2004. At the hearing, respondent Judge granted the TRO and ordered Oakridge to reopen the leased premises and to padlock it only if the proper bond was not posted on or before June 18, 2004. She also set the pre-trial or preliminary conference hearing on June 22, 2004.

On June 18, 2004, respondent Judge issued a TRO,<sup>[4]</sup> one of the bases for the instant complaint, which reads:

Defendant [Atty. Alejandro] having complied with the Order dated June 11, 2004, by filing in Court the necessary injunctive bond in the amount of Php 2,594,556.00, the same is hereby approved.

Accordingly, let a Temporary Restraining Order (TRO) be issued in defendant's [Atty. Alejandro's] favor, ordering plaintiff [Oakridge] to remove the padlock in the premises located at Unit 2402 Discovery Centre, No. 25 ADB Avenue, Ortigas Center, Pasig City and ordering plaintiff [Oakridge] to discontinue the intended inventory of properties found inside the aforesaid premises pending the resolution of this case.

And again on August 16, 2004, respondent Judge issued another Order,<sup>[5]</sup> which in part reads:

In this regard, Plaintiff Oakridge Properties, Inc., through its Sales and Marketing Manager, Deborah Singson, who signed the instant complaint and its counsel Atty. Jose A. Bernas are hereby ordered to explain in writing within 48 hours from receipt of this Order why they should not both be cited in contempt for failure to comply with the lawful Order of this Court dated June 11, 2004 directing the plaintiff to remove the padlock of the leased premises not later than 5:00 o'clock of the same day. The Temporary Restraining Order (TRO) issued by the court on June 18, 2004 was an ultimatum on plaintiff to remove the padlock within a period of twenty (20) days from date of said Order. Certainly, the lapse of said 20-day period did not, in any way, change the order of this court dated June 11, 2004 for plaintiff not to padlock the subject premises.

Less than 48 hours thereafter, and without waiting for the explanations from Oakridge, respondent Judge rendered a Decision<sup>[6]</sup> dated August 17, 2004, which effectively disposed of the matter covered by the show cause order, as well as the merits of the case itself, notwithstanding the fact that there was still a pre-scheduled hearing on September 21, 2004 and several motions pending action from respondent Judge.

Hence, the instant complaint alleging that respondent Judge displayed gross ignorance of the law and manifest partiality. Complainant alleged that respondent Judge committed a flagrant violation of the rules when she unduly extended the 20-day lifetime of a TRO. Likewise, complainant maintained that respondent Judge erroneously granted a relief which was not prayed for and even awarded damages which were way beyond the jurisdiction of a first-level court. Complainant thereafter requested that an investigation be conducted and that appropriate penalties be imposed on respondent Judge.

On November 3, 2004, the OCA, through then Court Administrator Presbitero J. Velasco, Jr. (now a member of this Court), referred to respondent Judge the complaint for her comment thereon.<sup>[7]</sup>

In her Manifestation and Motion<sup>[8]</sup> dated November 12, 2004, respondent Judge claimed that since the subject case had already been appealed by complainant and Oakridge and that the entire records thereof had already been elevated to the Regional Trial Court (RTC), the complainant should be directed to furnish her a complete set of the records of the case to enable her to comment intelligently on the instant complaint.

At the same time, respondent Judge asserted that it was actually complainant himself who asked for the early resolution of the case and that while he sought relief from the court, he simultaneously effected the relief himself in disregard of the authority of the court.

Complainant then filed an Entry of Appearance and Opposition to Manifestation and Motion dated November 22, 2004,<sup>[9]</sup> arguing that he cannot be required to furnish respondent Judge with copies of the entire records of the case since A.M. No. 01-8-10-SC<sup>[10]</sup> does not require him to do so, and that respondent Judge was already furnished by the OCA with the complaint together with the necessary documents and attachments thereto, through the 1<sup>st</sup> Indorsement of the OCA.

On January 24, 2005, the OCA received a telegram<sup>[11]</sup> dated January 21, 2005 from a certain Atty. Carlos Z. Ambrosio, who requested, as counsel for respondent Judge, for the suspension of the proceedings in all the administrative cases filed against respondent Judge. Atty. Ambrosio further manifested therein that a formal motion on the matter will follow as soon as possible.

On June 14, 2005, we issued a Resolution<sup>[12]</sup> in A.M. No. 04-12-335-MeTC, which reads:

(a) DENY for lack of merit the motion dated 26 January 2005 filed by Atty. Carlos Z. Ambrosio seeking the suspension of the proceedings in all the administrative cases against respondent Judge Julia A. Reyes; and

(b) ORDER respondent Judge Julia A. Reyes to FILE her answer to, or comment on, all the administrative complaints filed against her, within a NON-EXTENDIBLE period of fifteen (15) days from notice hereof. Failure to submit the required answer or comment shall be deemed as waiver on her part to submit the same; and thereafter, all the administrative cases shall be evaluated and acted upon based on the evidence available on record.

No comment was filed by respondent Judge despite having been repeatedly required to file one. Thus, the OCA deemed her failure to comply with the directive as a waiver of her right to present evidence.

In its report and recommendation<sup>[13]</sup> dated April 6, 2006, the OCA, through then Senior Deputy Court Administrator and Officer-in-Charge Zenaida N. Elepaño and then Assistant Court Administrator Antonio H. Dujua, found respondent Judge guilty of manifest bias, partiality, and grave abuse of authority and recommended that she be dismissed from the service with forfeiture of all benefits, except accrued leave credits, if any, and with prejudice to reemployment in the Government or any subdivision, agency or instrumentality thereof, including government-owned and -controlled corporations and government financial institutions.

We concur with the OCA's findings, but with some modification on the penalty imposed.

At the outset, it bears stressing that respondent Judge was required to comment on the instant complaint through the 1<sup>st</sup> Indorsement dated October 13, 2004. However, respondent Judge merely filed a Manifestation and Motion dated November 12, 2004, wherein she requested for a copy of the entire records of the case. Respondent Judge neither made any further attempts nor exerted any effort to present her defense. She did not even identify the pertinent documents which she claimed she needed in order to "intelligently comment" on the charges against her. Clearly, her alleged need for verification of the records was but a flimsy excuse since all the pertinent documents were already attached to the complaint which the OCA furnished her. Moreover, respondent Judge knew fully well how and where to secure copies of the rest of the records she needed relative to the case that she decided as these were available upon request with the RTC, Pasig City.

We quote with approval the following disquisition of the OCA regarding this matter:

The Court's Resolution dated June 14, 2005 gave the respondent judge a non-extendible period of fifteen days from notice within which to file her answer/comment, with the warning that failure to comply shall be deemed waiver to submit comment and that the case shall thereafter be evaluated based on the evidence available on record. Her failure to comply with the said Resolution has thus resulted in her waiver to present further evidence but has also exposed her indifference to and lack of respect for the Court.

The respondent judge's failure to comply with the Court's directive to file her comment to the complaint against her constitutes a blatant display of her disobedience to the lawful directives of the Court. A resolution of the Supreme Court requiring comment on an administrative complaint against officials and employees of the judiciary should not be construed as a mere request from the Court. Nor should it be complied with partially, inadequately or selectively. Respondents in administrative complaints should comment on all accusations or allegations against them because it is their duty to preserve the integrity of the judiciary.

In the instant case, the respondent judge's continued failure to comply with the directive of the Court underscores her lack of respect for and defiance of authority. Respectful obedience to the dictates of the law and justice is expected of every judge. Willfully omitting to comply with the Court's directive already exposes the respondent judge to administrative sanction.<sup>[14]</sup>

With regard to the charge of gross ignorance of the law, we agree with the findings of the OCA that the bases for this charge involve contentious issues which could properly be resolved through an appropriate appeal or other judicial remedies and not through the instant administrative action.

For one, a careful perusal of the documents submitted reveals that the assailed TRO was issued only on June 18, 2004 and not in open court on June 11, 2004 as complainant contends.<sup>[15]</sup> Respondent Judge, in open court, stated that the TRO