

## THIRD DIVISION

[ A.M. NO. MTJ-02-1461, March 31, 2005 ]

**MA. TERESA D. COLUMBRES, COMPLAINANT, VS. JUDGE ANICETO L. MADRONIO, RESPONDENT.**

### R E S O L U T I O N

**GARCIA, J.:**

Under consideration is the **letter (with annexes) dated June 8, 2001<sup>[1]</sup>** of **Ma. Teresa D. Columbres**, addressed to and directly filed with the Office of the Court Administrator (OCA) but eventually referred to the Court, relative to certain actuations of **Judge Aniceto L. Madronio, Sr.** of the Municipal Circuit Trial Court (MCTC) of San Fabian-San Jacinto, Pangasinan in connection with Civil Case No. 1014 (SJ-99), entitled *Lucille S. Columbres vs. Ma. Teresa Columbres*, an action for forcible entry with damages filed against the letter-writer by her stepmother, Lucille S. Columbres. More specifically, the letter submits for the Court's consideration the propriety of Judge Madronio's actuations/inaction in the same case, to wit: (a) issuing a writ of preliminary mandatory injunction without the benefit of hearing; (b) ordering writer Ma. Teresa Columbres as defendant in the same case to surrender to the plaintiff therein a Volkswagen car not involved in the suit; and (c) failure to act for an unlimited period of time on Teresa's motion to lift the writ of preliminary mandatory injunction issued in said case.

The background facts:

On October 22, 1999, in the MCTC of San Fabian-San Jacinto, Pangasinan then presided by Judge Madronio, Ma. Teresa's stepmother Lucille S. Columbres filed against her a complaint<sup>[2]</sup> for forcible entry with damages, thereat docketed as **Civil Case No. 1014 (SJ-99)**.

The complaint alleged that on or about the second week of October 1999, defendant Ma. Teresa with several companions, by means of force, strategy and stealth unlawfully entered Lucille Columbres' premises at 144 San Ildefonso Poblacion, San Jacinto, Pangasinan and carted away personal belongings and goods found in her store amounting to P300,000. Before leaving, the intruders even padlocked the house and the store. Despite demand, defendant refused to vacate the premises. Plaintiff thus prayed that defendant Ma. Teresa be ordered to vacate the premises and its possession restored to plaintiff and for the defendant to account for valuables and stocks taken from plaintiff's store, plus damages and litigation expenses.

In her answer<sup>[3]</sup> dated November 5, 1999, defendant Ma. Teresa denied the material allegations of the complaint and asked for its dismissal, and the award of her counterclaim for damages, incidental expenses and attorney's fees.

Meanwhile, on November 3, 1999, plaintiff filed a Motion For Writ of Preliminary Mandatory Injunction<sup>[4]</sup> so that she may be restored to the possession of the premises in question.

On November 25, 1999, defendant Ma. Teresa filed her Opposition<sup>[5]</sup> to the aforementioned motion, arguing that said motion, aside from having been filed out of time under Section 15, Rule 70, is also not verified, contrary to the requirement of Section 4, Rule 58, of the Rules of Court.

As evidently no writ of preliminary mandatory injunction has yet been issued by Judge Madronio, plaintiff filed on December 3, 1999 an urgent *ex-parte* motion for the issuance of the desired writ. On December 14, 1999, after considering the allegations in said motion and the earlier opposition interposed by the defendant, Judge Madronio granted said urgent *ex-parte* motion thru his handwritten notation<sup>[6]</sup> at the bottom of the same motion, to wit:

Granted as prayed for but the movant is hereby ordered to post a bond of P30,000 to answer for any damage which the defendant may suffer.

On December 16, 1999, Judge Madronio formalized his handwritten notation by actually issuing a writ of preliminary mandatory injunction<sup>[7]</sup> addressed to the City and Provincial Ex-Officio Sheriff, RTC, Dagupan City reading, as follows:

G R E E T I N G S :

A verified complaint and an Urgent Motion to Reiterate Motion For the Issuance of a Writ of Preliminary Mandatory Injunction having been filed before this Court against defendant Ma. Teresa Columbres, praying that a preliminary injunction issue against said defendant restraining her from continuing with the performance of certain acts mentioned in the complaint and in her urgent motion and the affidavit of the plaintiff, as well as the evidence presented for the purpose, and it appearing to the satisfaction of the Court that this case where a Writ of Injunction should issue, sufficient reasons having been alleged and the bond required by law having been given thru surety in the sum of Thirty Thousand (P30,000.00) Pesos, to the satisfaction of the Court;

IT IS HEREBY ORDERED by the undersigned Judge, that, until further orders, you the said Ma. Teresa Columbres and all your attorneys, representatives, agents and any other persons assisting you or acting in your behalf, to restore the possession to the plaintiff of the residential house/ premises in question which you forcibly took possession through force, strategy and stealth by padlocking the same and to refrain from carting away personal belongings of herein plaintiff from the residential house/ premises, **particularly the Volkswagen Car** (Emphasis Supplied).

On December 23, 1999, plaintiff Lucille Columbres filed an Urgent *Ex-Parte* Motion To Break Open,<sup>[8]</sup> alleging that despite the earlier writ of preliminary mandatory injunction, defendant Ma. Teresa padlocked the gate of the premises.

On January 20, 2000, defendant Ma. Teresa filed a Motion To Lift Writ of Preliminary

Injunction And To Reconsider Order to Surrender Volkswagen,<sup>[9]</sup> therein denying having carted away plaintiff's personal belongings nor padlocking the latter's room. As regards the Volkswagen car, defendant claimed that it has always been in her possession and is not involved in the forcible entry suit.

In her subject letter of June 8, 2001, Ma. Teresa represents that as of said date, her aforesaid motion, filed way back on January 20, 2000, was merely sat upon by the Judge and remained unresolved "for an unlimited period of time".

Required by OCA to comment on the letter, Judge Madronio, by way of a return indorsement, submitted his Comment<sup>[10]</sup> on July 27, 2001.

In said Comment, Judge Madronio denied Ma. Teresa's allegation in her letter that he issued the writ of preliminary mandatory injunction without the benefit of hearing. He alleged that Ma. Teresa was furnished with a copy of plaintiff's motion therefor and that the latter in fact filed her opposition thereto, adding that he issued the writ only after due consideration of the allegations in the motion and Ma. Teresa's opposition. He averred that Ma. Teresa, despite having been furnished with a copy of the writ, defied the same, thus constraining him to issue a break open order as prayed for by the plaintiff.

Anent Ma. Teresa's lament that he merely sat on her motion to lift the writ of preliminary mandatory injunction and to reconsider his order to surrender the Volkswagen car, the judge averred that he had already resolved and denied the same.

In the same Comment, Judge Madronio, while admitting having granted plaintiff's motion for a writ of preliminary injunction thru mere handwritten notation at the bottom of the motion, explained that he formalized the grant by actually issuing the desired writ on December 16, 1999.

In a Resolution<sup>[11]</sup> dated November 20, 2002, the Court had the case docketed as a regular administrative matter and required the parties to manifest within ten (10) days from notice whether they are willing to submit the case on the basis of the pleadings filed. No response was received from both of them. Hence, in a subsequent Resolution of April 12, 2004,<sup>[12]</sup> the Court required the parties to show cause why they should not be disciplinarily dealt with for such failure, and again to manifest if they were willing to submit the case for resolution based on the pleadings filed.

On June 20, 2004, respondent judge manifested his willingness to submit the case for resolution based on the pleadings at hand.<sup>[13]</sup>

In its Memorandum Report, the OCA recommended, *inter alia*, that respondent judge be found guilty of gross ignorance of the law and grave abuse of discretion for which he should be ordered to pay a fine of P10,000 with a stern warning that repetition of the same or similar act will be dealt with more severely.

Indeed, respondent judge committed grave abuse of discretion when he granted the application for a writ of preliminary mandatory injunction in Civil Case No. 1014 (SJ-99) without any notice of hearing. Section 15, Rule 70 on Forcible Entry and