

SECOND DIVISION

[A.M. NO. MTJ-05-1585 (FORMERLY A.M. OCA IPI NO. 03-1505-MTJ), March 31, 2005]

ATTY. JOSE C. CLARO, COMPLAINANT, VS. JUDGE RAMON V. EFONDO, MUNICIPAL CIRCUIT TRIAL COURT, SIPOCOT-LUPI, CAMARINES SUR, RESPONDENT.

DECISION

CALLEJO, SR., J.:

In an amended verified Complaint dated October 13, 2003, Atty. Jose C. Claro charged Judge Ramon V. Efondo, Municipal Circuit Trial Court (MCTC), Sipocot-Lupi, Camarines Sur, with negligence and inefficiency, and ignorance of the law.

According to the complainant, he was the counsel for the plaintiff in Civil Case No. 517 entitled "*Pelagia Opiana v. Victoriano Escriba*" for declaration of ownership and recovery of possession with damages pending with the MCTC, Sipocot-Lupi, Camarines Sur. He presented evidence before then presiding Judge Daniel Joven to prove that the plaintiff was the owner of the subject property and entitled to its possession. A Motion to Admit Answer-in-Intervention was filed by Delfina Escriba-Castillo which was denied by Judge Joven. This prompted the former to file a petition for review on certiorari assailing such denial before the Regional Trial Court (RTC) of Libmanan, Camarines Sur, Branch 56, presided by Judge Lore R. Valencia-Bagalacsa. Upon the filing of the said petition, Judge Valencia-Bagalacsa ordered the suspension of the proceedings in Civil Case No. 517.^[1] The petition for certiorari was eventually dismissed.^[2]

The complainant alleged that while he was furnished with a copy of the decision, no entry of judgment was issued by the RTC; neither did he receive a copy of the entry of judgment of such decision. Thereafter, to his surprise, the respondent Judge ordered the dismissal of the main case,^[3] Civil Case No. 517, despite the fact that the evidence for the plaintiff had already been presented even prior to the filing of the petition for certiorari. The complainant then filed a motion for reconsideration^[4] thereof, upon which the respondent Judge issued an Order^[5] dated February 21, 2003, giving the opposing counsel a period of 10 days within which to comment on the said motion for reconsideration before considering the same as submitted for resolution. However, the motion remained unresolved despite the lapse of three months from such date; as such, the respondent Judge was guilty of gross negligence and inefficiency. The complainant alleged that the respondent Judge was likewise guilty of ignorance of the law for issuing the order dismissing Civil Case No. 517. The complainant further contended that the respondent Judge should have issued an order submitting the case for decision, since the plaintiff therein had already presented her evidence before the trial was suspended upon the filing of the petition for certiorari.

In his comment, the respondent Judge clarified that he did not preside over Civil Case No. 517; it was an inherited case which was never set for trial on the merits during his tenure as Acting Presiding Judge of the MCTC of Sipocot-Lupi, Camarines Sur. He further alleged that the complainant never moved for the court to hear the case since he assumed office in such capacity on March 8, 2002. Hence, the Order of dismissal dated January 30, 2003.

The respondent Judge admitted, however, that he remembered the pending motion for reconsideration of the order of dismissal only when he received a copy of the present administrative complaint on December 12, 2003. He then acted on the pending motion with dispatch that very same day. While the respondent Judge "[dared] not ask for total absolution for his lack of foresight" in preventing the delay, he explained that it was caused by mere inadvertence, thus:

Originally, the record of Civil Case No. 517, after it was dismissed on January 30, 2003, was shelved together with all the other disposed and terminated cases. In view of the motion for reconsideration of the dismissal order, the case record was retrieved and was included in those records with pending incidents for the immediate attention of the undersigned. It had a marginal note, like the other cases with pending incidents, stapled to the *expediente* cover indicating that a motion for reconsideration is submitted for the resolution of the undersigned. The record is placed, same as the other cases with pending incidents, at the sofa inside of the Judge's Chamber or on the desk for the undersigned's perusal and examination. This is the simple practice the court has adopted in order that motions and other incidents are resolved without unnecessary delay. But before the undersigned could resolve the motion for reconsideration of the dismissal Order in Civil Case No. 517, the prompt resolution of which was likewise derailed because the undersigned's attention was riveted on answering the earlier complaint (OCA IPI No. 03-1359-MTJ: Nablo v. Judge Efondo), comes the complainant's motion filed on March 11, 2003 for the undersigned to inhibit in several cases, including Civil Case No. 517. However, the motion to inhibit was promptly acted upon by the undersigned on March 27, 2003 after a thorough examination of all the cases involved therein. Not contented, complainant also filed a motion for reconsideration of the Order dated March 27, 2003 denying his motion for inhibition (Annex 6). There were, therefore, two (2) motions for reconsideration already filed by the complainant. But the motion for reconsideration of the Order dated March 27, 2003, denying his motion for inhibition, was first resolved. It was denied on April 25, 2003 (Annex 7). When all the copies of the Order dated April 25, 2003 were transmitted to all the counsels concerned, the clerk-in-charge mistakenly removed the marginal note attached to the cover of Civil Case No. 517, believing that there is no more incident to be resolved by the undersigned because the motion for reconsideration as noted in the *expediente* has already been resolved. He erroneously presumed that the note pertained only to the motion for reconsideration of the Order dated March 27, 2003 denying the motion for inhibition, which was already resolved, and forgot about the motion for reconsideration of the Order dated January 30, 2003 dismissing Civil Case No. 517. On the belief that there was no more incident to be

resolved, the clerk-in-charge unknowingly returned and kept the record of Civil Case No. 517 in the filing cabinet together with all the other disposed cases. (Please see the Joint Affidavit of Clerk of Court Pablo M. Echano and the clerk-in-charge Rogelio Sagario as Annex 8)^[6]

While the respondent Judge admitted that "proper and efficient court management is the judge's responsibility and he alone is directly responsible for the proper discharge of his official functions and cannot conveniently put the blame on his staff's mismanagement of the case records," he pointed out that he has, with utmost diligence, considerably reduced the dockets of the courts in which he sits by expediently acting on all the pending cases before him.

Anent the charge of gross ignorance of the law, the respondent Judge pointed out that not every error of judgment renders a judge liable for no judge is beyond error. He also pointed out that the complainant's remedy was to file an appropriate judicial proceeding to assail the Order of dismissal dated January 30, 2003 before the present administrative action could prosper. Since the complainant had already filed a notice of appeal which was given due course, the charge of ignorance of the law should be dismissed for being premature.

In its Report dated September 2, 2004, the Office of the Court Administrator made the following evaluation and recommendation of the case:

EVALUATION: Under Section 4, Rule 37 of the Rules of Court, a motion for reconsideration shall be resolved within 30 days from the time it is submitted for resolution. Clearly, as admitted by respondent judge in his Comment, there was delay in the disposition of the motion for reconsideration of the dismissal order in Civil Case No. 517 because it was only resolved on 12 December 2003 or almost after it was heard on 21 February 2003. Although it appears that the proximate cause of the delay was the negligence of respondent's clerk-in-charge who inadvertently removed the marginal note on the cover of the case record and placed the records in the filing cabinet for disposed cases, respondent may not be absolved. It is settled in jurisprudence that:

"A judge cannot take refuge behind the inefficiency or mismanagement by Court personnel. Proper and efficient court management is as much his responsibility. He is the one directly responsible for the proper discharge of his official functions. Court personnel are not the guardians of a Judge's responsibility." (A.M. No. R-465 MTJ and A.M. 87-9-2310, 29 June 1989, 174 SCRA 581, 586)

With regard to the charge of Ignorance of Law, we agree with respondent that it is premature because the issue involved in the charge is the subject of an appeal before the appellate court. Moreover, the questioned order of the respondent was done in his judicial capacity. As a general rule, the acts done by a judge in his judicial capacity are not subject to disciplinary action, even though erroneous. [These] acts become subject to disciplinary action only when they are attended by fraud, dishonesty, corruption, or bad faith (Abeira vs. Maceda, 233 SCRA 520).