

FIRST DIVISION

[A.M. No. MTJ-00-1332, February 15, 2004]

RODRIGO Q. TUGOT, COMPLAINANT, VS. JUDGE MAMERTO Y. COLIFLORES, RESPONDENT.

D E C I S I O N

PANGANIBAN, J.:

Once again, we remind trial judges to observe the Canons of Judicial Ethics. Thus, a violation of the Rule on Summary Procedure subjects the offender to administrative sanction.

The Case and the Facts

This administrative case finds its roots in Rodrigo Q. Tugot's Letter-Complaint^[1] dated October 14, 1998, charging Judge Mamerto Y. Coliflores of the Municipal Trial Court in Cities (Branch 1) of Cebu City with gross ignorance of the law, knowingly rendering an unjust judgment, infidelity in the custody of public records/documents, and violation of Section 3 (e) of Republic Act No. 3019.

The facts of the case are summarized by the Office of the Court Administrator (OCA) in this wise:

"On 18 November 1998, the Office of the Ombudsman indorsed to this Office the VERIFIED LETTER-COMPLAINT dated 14 October 1998 of Rodrigo Q. Tugot charging Judge Mamerto Coliflores with Gross Ignorance of the Law, Knowingly Rendering Unjust Judgment, Infidelity in the Custody of Public Records/Documents and Violation of Section 3 (e), R.A. 3019, and Branch Clerk of Court Jose Legaspi with Neglect of Duty and Infidelity in the Custody of Public Records/Documents, relative to Civil Case No. R-35137 entitled 'Rodrigo Tugot, et al. vs. Fely Lausa, et al.' for Ejectment.

"Complainant is one of the plaintiffs in Civil Case No. R-35137 which was dismissed by the respondent judge in August 1998. The decision was allegedly without any factual and legal basis, and prepared not by the respondent judge but by the respondent Clerk of Court. The plaintiffs appealed but the notice of appeal was not attached to the records of the case transmitted to the appellate court. They were informed that the notice of appeal together with the other documents were lost so they were advised to file another notice of appeal and to pay another filing fee. Plaintiffs filed a motion to transmit the entire records of the case to the Regional Trial Court but the same was not acted upon because the records were not complete. Thereafter, they received a request from the respondent Clerk of Court for a copy of the notice of appeal since the

court's copy was misplaced.

"In his Comment dated 06 April 1999, respondent judge denied the complainant's charges of gross ignorance of the law and knowingly rendering an unjust judgment. Respondent judge averred that the subject judgment was based on applicable laws and evidence presented during trial. He himself prepared the decision and not the respondent Clerk of Court since the latter was then reviewing in Manila for the 1998 Bar examination. Respondent judge further averred that the notice of appeal was only misplaced and not lost.

"Respondent Clerk of Court vehemently denied the allegations that he was the one who prepared the decision in Civil Case No. R-35137 since he was on leave of absence from August to September 1998 taking the review classes in San Beda College for the 1998 Bar examination. Considering that he was on leave of absence, it was not he but Mr. Jude Henritz Yeong, the Court Legal Researcher, who prepared and forwarded the original records of the case to the Regional Trial Court of Cebu City.

"The REPLY of the complainant dated 06 May 1999 rebutted the allegations in the comment of the respondent judge. Complainant added that the respondent judge waited for about nine hundred (900) days for the defendants to submit their pre[-]trial brief, and the preliminary conference was conducted in violation of the requirements of the Rules on Summary Procedure. In deciding the case in favor of the defendants, the respondent judge manifested ignorance of the law and bias resulting in their prejudice. Complainant contended that one of the defendants did not file an answer while the other answers were unsworn to and unverified and therefore should have been considered as mere scraps of paper. The position papers of the defendants were submitted beyond the period provided for by the rules but the respondent judge accepted the same.

x x x

x x x

x x x

"In [its September 18, 2000 Agenda Report, the OCA, after investigation of the case], submitted the following recommendations:

- a.) the case be re-docketed as a regular administrative matter;
- b.) the charges of gross ignorance of the law, knowingly rendering an unjust judgment and violation of R.A. 3019 against the respondent judge be dismissed for lack of basis;
- c.) the charges of neglect of duty and infidelity in the custody of public document against the respondent clerk of court be dismissed for lack of merit;
- d.) respondent judge [b]e ordered to pay a fine of P2,000.00 for his gross inefficiency relative to the delay in the conduct of the preliminary conference with a warning that a repetition of

the same or similar act shall be dealt with more severely;

e.) respondent judge be admonished for simple neglect of duty relative to the loss of the complainant's notice of appeal with a warning to be more diligent in the management of court personnel; and

f.) Jude Henritz Yeong, Legal Researcher, MTCC, Branch 1, Cebu City be ordered to submit his explanation regarding the loss of the complainant's notice of appeal.

"The Court's Third Division Resolution dated 25 October 2000 adopted the recommendation of [the OCA] x x x. The Resolution further required the parties to manifest to the Court whether they would like to submit the case on the basis of the pleadings/records already filed with respect to the charge of alleged delay of the respondent judge in the conduct of preliminary conference and his neglect of duty relative to the loss of the complainant's notice of appeal.

"Complainant submitted his Manifestation on 08 January 2001 with his concurrence to submit the case on the basis of the records already filed and submitted. He, however, appealed for reconsideration on the dismissal of the charges of ignorance of the law, knowingly rendering an unjust judgment and violation of R.A. 3019. The Court Third Division in its Resolution dated 31 January 2001 NOTED the complainant's Manifestation but DENIED the reconsideration appealed by the complainant as no substantial arguments were raised to warrant the same. The same Resolution referred to this Office for evaluation, report and recommendation the letter-explanation, dated 16 December 2000, of Court Legal Researcher Jude Henritz Yeong particularly about the missing notice of appeal.

"In his explanation, Court Legal Researcher Yeong stated that he only assumed office on 16 March 1998. Barely a month after, their Branch Clerk of Court left for Manila to review for the 1998 Bar Examination. Nobody was designated by Judge Coliflores to perform the duties of the Branch Clerk of Court. He remembered that Judge Coliflores asked him to draft an order pertaining to the notice of appeal for Civil Case No. R-35137 and thereafter submit the draft order for approval and signature.

"It was only after an inquiry from the plaintiffs that they found out that the notice of appeal was not attached to the records. When asked, Judge Coliflores informed them that he already signed the notice and had it attached to the records of the case. Subsequently, when Yeong was trying to arrange some files below the table of one of the staff member, the notice of appeal and the order granting the appeal was found below a heap of expedientes. Yeong opined that the alleged loss transpired when the records [were] brought out from the office of the Judge and before the staff segregated the copies of the order. Notably, Yeong was not designated as officer-in-charge so he was never in control or supervision of the court records.

"In its Memorandum Report dated 30 May 2001, [the OCA] found no cause to hold Yeong negligent. In the absence of the branch clerk of court without designation of an officer-in-charge, the duties of the former were assumed by Judge Coliflores. He has the direct responsibility for the proper discharge of the official function of his court personnel and may not put blame on his subordinates for his remissness.

"[The OCA then] recommended to the Court that it NOTE with satisfaction the letter-explanation of Court Legal Researcher Yeong. Since the records showed that the respondent judge had not yet submitted his Comment on the issue of delay in the conduct of preliminary conference raised by the complainant in his Reply dated 6 May 1999, [the OCA] further recommended that Judge Coliflores be directed to forthwith submit his comment thereto.

"The Court Third Division adopted *en toto* the abovementioned recommendation x x x in its Resolution dated 11 July 2001. Due to the failure of the respondent judge to comply with the directive of the Court, another Resolution was issued on 10 March 2003 requiring him to SHOW CAUSE why he should not be [disciplined] for his failure to comply with the Court's directive and to file the required Comment within ten (10) days from notice.

"On 11 April 2003, the Third Division of this Court received a letter from Judge Coliflores, through fax, requesting a copy of the complainant's reply dated 6 May 1999. The request was immediately responded to by Assistant Clerk of Court Lucita Soriano of the Court Third Division in her letter dated 14 April 2003.

"The comment of respondent Judge Coliflores was received by [the OCA] on 21 May 2003. Therein, respondent judge explained that he applied the provisions on the Rules on Pre-trial under Rule 18 of the Revised Rules of Court relative to the preliminary conference of Civil Case No. R-35137. [He said that w]hile he may have been wrong on this point, an administrative case is not the proper remedy for an alleged error committed by the judge in deciding a case x x x.

"The judge likewise noted that the case is already on appeal in the Court of Appeals and until the case is finally terminated, there is yet no basis to pass upon his liabilities for the charges against him."^[2]

The OCA's Recommendation

In its September 3, 2003 Memorandum, the OCA recommended that respondent be administratively sanctioned for conducting the preliminary conference in Civil Case No. R-35137 beyond the period mandated by the Rules of Court. It said that "[s]uch rules are elementary matters with which all dispensers of justice should be conversant."^[3]

It added that respondent should also be accountable for losing or misplacing the Notice of Appeal of complainant; and for failing for almost two years to submit his Comment on the latter's Reply, as directed by the Supreme Court.