

FIRST DIVISION

[A.M. No. MTJ-04-1539, April 14, 2004]

ELENA R. ALCARAZ, COMPLAINANT, VS. JUDGE FRANCISCO S. LINDO, METROPOLITAN TRIAL COURT OF MALABON, BRANCH 55, RESPONDENT.

YNARES-SATIAGO, J.:

Judges are the visible representations of law and justice. They ought to be embodiments of competence, integrity and independence. In particular, judges are frontline officers in the administration of justice. It is therefore essential that they live up to the high standards demanded by the Code of Judicial Conduct. To be able to render substantial justice and to maintain public confidence in the legal system, they are expected to exhibit more than just a cursory acquaintance with statutes and procedural rules. Judicial competence requires no less.^[1]

Complainant Elena Alcaraz was one of the defendants in Civil Case No. 1782-98, an action for sum of money entitled, "*Maria Aurora C. Santos, Plaintiff versus Rufina Eligio, Elena Alcaraz & her husband, Raustino C. Alcaraz, and Conchita Ocampo & her husband, Rodolfo Ocampo, Defendants.*" The case was filed on January 9, 1998 before the Metropolitan Trial Court of Malabon and raffled to Branch 55, presided by respondent Judge Francisco S. Lindo. Plaintiff therein, Atty. Ma. Aurora C. Santos, sought the collection of the unpaid obligation of defendants under the promissory note they executed in her favor.^[2]

Defendant Eligio filed a motion to dismiss the complaint,^[3] which was denied by respondent judge in an Order dated February 13, 1998.^[4]

On June 5, 1998, respondent judge, acting on an Omnibus Motion filed by plaintiff,^[5] issued an Order declaring the Alcaraz spouses and the Ocampo spouses in default for failure to file their respective answers.^[6] Subsequently, defendant Eligio was likewise declared in default for failure to file answer. Accordingly, plaintiff Santos was allowed to present her evidence *ex-parte*.^[7]

On October 15, 1998, judgment by default was rendered against defendants, ordering them, jointly and severally, to pay the unpaid obligation under the promissory note with interest and penalty thereon, attorney's fees and liquidated damages.^[8]

On February 19, 1999, defendant Elena Alcaraz filed a Motion for Annulment of Decision.^[9] The Motion was denied by respondent judge in an Order dated June 22, 1999.^[10]

Hence, on July 22, 1999, Elena Alcaraz instituted the instant petition for disbarment

against respondent judge. She alleged that she was not furnished a copy of the Order dated June 5, 1998 declaring her and the other defendants in default, or of the Order declaring the other defendant, Rufina Eligio, in default; that respondent judge, in rendering the judgment by default, did not diligently ascertain the facts; and that respondent judge committed abuse of discretion when he denied complainant's Motion for Annulment of Decision on the basis only of the arguments in the opposition filed by plaintiff Santos.

When required to comment, respondent judge alleged that complainant's Motion for Annulment of Decision was not properly verified and was not accompanied by an affidavit showing fraud, accident, mistake and excusable negligence; that notwithstanding these defects, he took cognizance of the Motion, set it for hearing and resolved the same; that he denied the Motion because the allegations therein were false. He reminded complainant that she still had three days to appeal the decision, but no appeal was filed. He further averred that his judgment was rendered based on substantial evidence and the monetary awards therein were in accordance with the contracts between the parties.^[11]

In her Reply,^[12] complainant asserted that she was not furnished copies of the following pleadings and court orders:

- (a) The Motion to Dismiss filed by defendant Eligio;
- (b) The Order denying the said motion;
- (c) The Omnibus Motion of the plaintiff praying that the defendants (except Rufina Eligio) be declared in default;
- (d) The Order declaring four of the defendants, including the complainant, in default;
- (e) The Motion to declare Eligio in default;
- (f) The documentary exhibits of the plaintiff consisting of the promissory notes, summary of payments and the demand letter;
- (g) The withdrawal of the appearance of Atty. Mario M. Villegas as counsel for the defendants;
- (h) The Order granting the said withdrawal and directing the defendants to hire the services of a new counsel; and
- (i) The Motion to Admit Opposition with the Opposition attached filed by the plaintiff to oppose the Motion for Annulment of Decision.

The case was referred to the Office of the Court Administrator for evaluation, report and recommendation. On March 28, 2000, Court Administrator Alfredo L. Benipayo recommended that respondent judge be fined in the amount of P3,000.00 for failure to comply with Rule 9, Sections 3 (a) and 3(b) of the 1997 Rules of Civil Procedure, with a warning that the repetition of the same offense shall merit a stiffer penalty.^[13]