

## FIRST DIVISION

[ A.M. No. MTJ-04-1534, September 07, 2004 ]

**EMELIE TAGUBA LUCERO, COMPLAINANT, VS. JUDGE FELINO U. BANGALAN, MUNICIPAL CIRCUIT TRIAL COURT, ALLACAPAN, CAGAYAN, RESPONDENT.**

### **DECISION**

**YNARES-SANTIAGO, J.:**

A judge should be faithful to the law and maintain professional competence.<sup>[1]</sup> As an administrative officer of the court, a judge should organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity.<sup>[2]</sup>

On August 15, 2003, Emelie Taguba Lucero filed a verified complaint<sup>[3]</sup> with the Office of the Court Administrator charging Judge Felino U. Bangalan, the presiding judge of the Municipal Circuit Trial Court of Allacapan, Cagayan, with Gross Ignorance of the Law for Rendering an Unjust Judgment, Violation of Republic Act No. 6713, *Code of Conduct and Ethical Standards for Public Officials and Employees*, and Rule 3.01, Canon 3 of the Code of Judicial Conduct and Violation of the Rule of Summary Procedure and Legal Ethics.

The present complaint originated from three (3) separate cases of Forcible Entry filed against herein complainant by Wilfredo Garo in Civil Case 250-L;<sup>[4]</sup> by Federico Aguinaldo in Civil Case 248-L<sup>[5]</sup> and by Rogelio Antonio in Civil Case 249-L.<sup>[6]</sup> All these cases were heard before the sala of the respondent judge.

In relation to the aforementioned civil cases, the office of the respondent judge through his Clerk of Court II, Fredelito R. Baltazar, issued three separate summonses<sup>[7]</sup> all addressed to complainant, Emelie Lucero.

Contrary to the express provisions of the 1991 Revised Rule on Summary Procedure that all cases of forcible entry, irrespective of the amount of damages or unpaid rentals sought to be recovered, will be governed by the said Rule,<sup>[8]</sup> the above summonses failed to state that summary procedure shall apply to the three civil cases of forcible entry.<sup>[9]</sup> Each of the said summons also required Emelie Lucero to file her answer to the complaint within 15 days upon her receipt of the summons.

Under the Revised Rule on Summary Procedure, defendants are required to file their answers within 10 days from receipt of the summons.<sup>[10]</sup>

On November 13, 2002, Process Server Bernardo B. Tan served the summonses together with copies of the complaints upon the person of Rendon Rivera, a purported nephew of complainant Emelie Lucero.<sup>[11]</sup> In her complaint, Emelie

Lucero stated that the deficiencies in the summons issued by the office of the respondent judge confused and misled her.<sup>[12]</sup> Notwithstanding the confusion, complainant filed her answers to each of the complaint filed against her on November 26, 2002.

Thereafter, respondent judge set the three civil cases for preliminary conference on January 15, 2003. However, the preliminary conference for Civil Case Nos. 250-L and 249-L was reset to February 6, 2003. On the other hand, the preliminary conference for Civil Case No. 248-L was reset to February 16, 2003,<sup>[13]</sup> a Sunday.

On February 12, 2003, before the preliminary conference in Civil Case No. 248-L was conducted, respondent judge rendered three separate decisions<sup>[14]</sup> ordering complainant to surrender the possession of the contested property. Respondent judge grounded his decision upon the failure of the complainant or her counsel to appear during the preliminary conference set on February 6, 2003.

Complainant appealed<sup>[15]</sup> the three decisions of the respondent judge to the Regional Trial Court of Ballesteros, Cagayan, Branch 33, which annulled, reversed and set aside the same on the ground of violation of due process in depriving the defendant, herein complainant, an opportunity to be heard. The Regional Trial Court held:

The records of the case bears out that on January 16, 2003 or prior to the scheduled preliminary conference, the defendant-appellant has submitted her pre-trial brief, thru counsel, while the plaintiff-appellee did not, which is a procedural requirement before the parties may go to the preliminary conference hearing. Instead, the lower Court has favorably granted the moved (*sic*) of the counsel for the plaintiff-appellee for judgment based on the allegations in the complaint.

It also shows that the notification for the pre-trial conference sent to the defendant-appellant was February 16, 2003, however, the decision was rendered on February 12, 2003, hence there was miscommunication of the scheduled pre-trial conference which the lower Court should have better look out (*sic*).<sup>[16]</sup>

When ordered to comment,<sup>[17]</sup> respondent judge raised the defense that it was his Clerk of Court II, Mr. Fredelito R. Baltazar, who erroneously indicated in the summons that the reglementary period to file answers was fifteen days instead of only ten days as provided for under the Revised Rule on Summary Procedure. Such error notwithstanding, respondent judge claimed that when complainant filed her answers to the three complaints on November 26, 2002, she effectively waived whatever formal defects may be found in the summonses issued by his office.

In his Comment, respondent judge did not explain why the summonses issued in the three civil cases of forcible entry filed against complainant failed to state that it shall be governed by the Rule on Summary Procedure. Neither did he explain why the preliminary conference for Civil Case No. 248-L was calendared on a Sunday, a non-working day.

On January 19, 2004, the Office of the Court Administrator submitted its report and

recommendation<sup>[18]</sup> that respondent judge be penalized with a fine of Five Thousand Pesos (P5,000.00) for negligence, with a warning that a repetition of the same or similar offense shall be dealt with more severely.

After a careful review of the records of this case, we agree with the findings of the Court Administrator, except as to the amount of fine to be imposed on respondent judge.

All the complaints filed with the lower court against the complainant clearly showed that they were "For: FORCIBLE ENTRY." These words appearing on the captions should have alerted the respondent judge that the Rule on Summary Procedure should be applied to all the three cases. Respondent judge's apparent laxity in the conduct of his official affairs paved the way for the issuance of three deficient summonses which not only failed to state that the Revised Rule on Summary Procedure shall govern but also gave defendant fifteen days to answer the complaints, instead of only ten days.

Courts exist to dispense and promote justice. The realization of this solemn purpose depends to a great extent on the intellectual, moral and personal qualities of the men and women who are called to serve as judges.<sup>[19]</sup> A judge owes it to himself and his office to know by heart basic legal principles and to harness his legal knowhow correctly and justly. When a judge displays an utter unfamiliarity with the law and the rules, he erodes the confidence of the public in the courts. Ignorance of the law by a judge can easily be the mainspring of injustice.<sup>[20]</sup> Thus, to the end that they be the personification of justice and rule of law, judges should strive for a level of excellence exceeded only by their passion for truth. Anything less than this strict standard would subject them to administrative sanction.<sup>[21]</sup>

Respondent judge's explanation that his staff was responsible for erroneously stating in the summons that complainant has 15 days to file her answer instead of the 10 day period prescribed under the Revised Rule on Summary Procedure deserves no consideration. Time and again we have ruled that a judge cannot hide behind the incompetence of his subordinates. He should be the master of his own domain and take responsibility for the mistakes of his subjects.<sup>[22]</sup> A judge should be an effective manager of the court and its personnel.<sup>[23]</sup> He is directly responsible for the proper discharge of the official functions of his staff. The efficient administration of justice cannot accept as an excuse the shifting of the blame from one court personnel to another.<sup>[24]</sup>

The setting of the preliminary conference in Civil Case No. 248-L on a Sunday, a non-working day, further underscores the negligence of the respondent judge. His collective actions fell short of the competence and faithfulness to the law required of judges.<sup>[25]</sup>

However, we find no basis to hold the respondent judge administratively liable for Rendering an Unjust Judgment and violation of Republic Act No. 6713. In administrative proceedings, the complainant has the burden of proving the allegations in his complaint with substantial evidence.<sup>[26]</sup> In this case, the complainant failed to substantiate her charges that respondent judge knowingly rendered an unjust judgment and that he violated the provisions of Republic Act No.