

THIRD DIVISION

[**A.M. No. MTJ-02-1404, December 14, 2004**]

EXEC. JUDGE HENRY B. BASILLA, COMPLAINANT, VS. JUDGE AMADO L. BECAMON, CLERK OF COURT LOLITA DELOS REYES AND JUNIOR PROCESS SERVER EDDIE DELOS REYES, MCTC, PLACER-ESPERANZA-CAWAYAN, MASBATE, RESPONDENTS.

R E S O L U T I O N

GARCIA, J.:

Under consideration is the sworn letter-complaint^[1] (with enclosures) dated December 6, 2000 filed with the Office of the Court Administrator by herein complainant, Executive Judge Henry B. Basilla, of the Regional Trial Court, Branch 49, Cataingan, Masbate against herein respondents, namely: **Judge Amado L. Becamon** of the Municipal Circuit Trial Court (MCTC) of Placer-Esperanza-Cawayan, Masbate; his clerk of court **Lolita delos Reyes**; and process server **Eddie delos Reyes**, charging them with gross neglect of duty and/or grave misconduct, gross ignorance of the law and violation of Canon 3 of the Code of Judicial Conduct on the part of respondent judge, relative to Civil Case No. 288 (MCTC Case No. 263-C), entitled *Visitacion Mahusay vda. de Du vs. Benjamin Du, et al.*, an action for recovery of possession and ownership of land.

In an earlier administrative case filed by the same complainant against the three (3) herein respondents, priorly docketed as **A.M. No. MTJ-02-1438**, entitled *Exec. Judge Henry B. Basilla*^[2] *vs. Judge Amado L. Becamon, Clerk of Court Lolita delos Reyes and Process Server Eddie delos Reyes*, this Court, in an *en banc* Resolution promulgated on January 22, 2004 (420 SCRA 608), found respondent Judge Amado L. Becamon liable for gross ignorance of the law and procedure and imposed upon him a fine in the amount of P21,000, while his co-respondents therein, Lolita delos Reyes and Eddie delos Reyes, were found guilty of simple neglect of duty and were each fined in the amount equivalent to one month and one day of their respective salaries.

A close examination of **A.M. No. MTJ-02-1438** and the present case, **A.M. No. MTJ-02-1404**, reveals that the latter case presents the same matter and raises the same issues as that of the earlier administrative case. Hereunder is our comparative study anent the complaint in both cases:

A.M. No. MTJ-02- 1438 arose from an Order dated April 5, 2000 issued by Executive Judge Henry B. Basilla dismissing the appeal in Civil Case No. 288 (MCTC Case No. 263-C) for being frivolous and filed out of time. In that same Order, Judge Basilla likewise required herein respondents to explain in writing why they should not be dealt with administratively. In full, said Order reads:

O R D E R

After considering the following facts in the record:

1. Judgment of the court a quo dated January 15, 1999 (mailed to counsels only on March 2, 1999) was received by defendants-appellants thru counsel on March 12, 1999 (p. 369, rec.);
2. Motion for reconsideration of the decision by defendants-appellants thru counsel was filed with the court a quo on March 15, 1999 by registered mail (p. 371, registry receipt, rec.);
3. Order of the court a quo dated May 7, 1999 denying the motion for reconsideration (p. 381, rec.);
4. Motion for execution of judgment dated September 9, 1999 filed with the court a quo on September 14, 1999 (rec.);
5. Order dated February 14, 2000 of the court a quo denying motion for execution of judgment and granting defendants fifteen (15) days to appeal (p. 400, rec.);
6. Notice of appeal filed with the court a quo on November 3, 1999 (p. 412, rec.);
7. Appeal fee paid after four (4) months on March 14, 2000 (p. 427, rec.); and
8. Order of the court a quo dated March 14, 2000 approving the appeal. (p. 429, rec.)

the court hereby resolved to dismiss the appeal for being filed out of time and frivolous.

The court has observed that:

1. Judge Amado L. Becamon, Mrs. Lolita delos Reyes and Mr. Eddie delos Reyes released the decision only after one month and a half (1 1/2) (p. 365, registry receipt, rec.) and the order dated May 7, 1999 denying the motion for reconsideration only after five (5) months (p. 381, registry receipt, rec.);
2. Judge Amado L. Becamon extended the period of appeal fixed by the Rules (p. 400, rec.);
3. The court still received the appeal fee on March 14, 2000 despite the lapse of the period of appeal (p. 427, rec.); and
4. Judge Amado L. Becamon still approved the appeal despite the lapse of the period of appeal (p. 429, rec.).

And, considering the gross irregularity in the record, Judge Amado L. Becamon, Mrs. Lolita delos Reyes, Clerk of Court II, and Eddie delos Reyes, Process Server, of the 4th MCTC of Placer-Cawayan-Esperanza,

Masbate are hereby ordered to explain in writing within ten (10) days from notice why they should not be dealt with administratively for grave misconduct, ignorance of law and dishonesty.

Furnish a copy of this order to Honorable Court Administrator for his information.

So ordered.

On the other hand, the present case - **A.M. No. MTJ-02-1404** - stemmed from a sworn letter-complaint of the same complainant against the very same respondents addressed to then Court Administrator Alfredo L. Benipayo. In said sworn letter-complaint, Judge Henry B. Basilla averred:

In compliance with your letter dated October 25, 2000, I, in my capacity as Executive Judge, after a careful study of the record in Civil Case No. 288 (MCTC Case No. 263-C) entitled "*Visitacion Mahusay vda. de Du, Plaintiff vs. Benjamin Du, et al., Defendants* for Recovery of Possession and Ownership of Land", hereby formally charge administratively Judge Amado L. Becamon, Mrs. Lolita delos Reyes, Clerk of Court II and Mr. Eddie delos Reyes, Junior Process Server, of MCTC of Placer-Cawayan-Esperanza, Masbate, for Gross Neglect of Duty and/or Grave Misconduct, for Ignorance of Law and for violation of Canon 3 of the Code of Judicial Conduct of 1989 (specially for Judge Amado L. Becamon) ---committed by freezing and delaying the release of the decision and the order denying to reconsider it, for one and a half months and five months, respectively, and extending the period of appeal fixed by the rules, and for receiving the appeal fee and after which approving the appeal despite the time to do so had long elapsed.

Attached herewith are the following documents:

- 1.)Annex "A" – Order dated April 5, 2000;
- 2.)Annex "B" – Judgment of the court a quo dated January 15, 1999 (mailed to counsel only on March 2, 1999, p. 365, registry receipt, rec.) was received by defendants-appellants thru counsel on March 12, 1999 (p. 369, rec.);
- 3.)Annex "C" – Motion for Reconsideration of the decision by defendants-appellants thru counsel was filed with the court a quo on March 15, 1999 by registered mail (p. 371, registry receipt, rec.);
- 4.)Annex "D" – Order of the court a quo dated May 7, 1999 denying the motion for reconsideration (p. 381, registry receipt, rec.);
- 5.)Annex "E" – Motion for execution of judgment dated September 9, 1999 filed with the court a quo on September 14, 1999 (rec.);
- 6.)Annex "F" – Order dated February 14, 2000 of the