

FIRST DIVISION

[A.M. No. MTJ-01-1339, February 13, 2002]

EFREN MORALES, SR., COMPLAINANT, VS. JUDGE CESAR M. Dumlao, PRESIDING JUDGE AND DANILO B. RAMONES, CLERK OF COURT, MUNICIPAL TRIAL COURT, SAN MATEO, ISABELA, RESPONDENTS.

RESOLUTION

YNARES-SANTIAGO, J.:

In a verified complaint dated May 10, 1999,^[1] Efren Morales, Sr. charged Judge Cesar M. Dumlao, Presiding Judge of Municipal Trial Court, San Mateo, Isabela with Abuse of Authority, Conduct Unbecoming a Judge and Violation of Supreme Court Circular No. 1-90, and Clerk of Court Danilo B. Ramones with Abuse of Authority.

The complaint alleges that on May 18, 1996, Marciano Morales, father of complainant and plaintiff in Civil Case No. 4038, executed a General Power of Attorney (GPA)^[2] authorizing complainant Efren Morales, Sr. to perform acts of general administration over the property of the family, and empowering him to represent his father in a pending civil case and to mortgage a portion of the land to finance the litigation.

Subsequently, Marciano Morales filed an action for unlawful detainer,^[3] docketed as Civil Case No. 4038, praying that Efren Morales, Sr., be evicted from the properties he was administering after due demand. The case was filed with the Municipal Trial Court of San Mateo, Isabela.

On October 12, 1998, Marciano Morales executed a revocation of the General Power of Attorney in favor of complainant Efren Morales, Sr.^[4] The revocation of the power of attorney was notarized by respondent Judge.

On March 12, 1999, respondent Judge issued an Order^[5] deputizing respondent Clerk of Court to supervise the harvest of the palay and to deposit the harvest in a bonded warehouse.

Complainant claims that the act of the respondent Judge in notarizing the revocation of the General Power of Attorney violated Supreme Court Circular No. 1-90, which delineates the power of Municipal Trial Court Judges and Municipal Circuit Trial Court Judges to act as Notaries Public *Ex Officio*. Complainant also assails the issuance of the Order dated March 12, 1999 without a hearing, arguing that the same was in the nature of a restraining order.

In his Answer/Comment dated September 22, 1999,^[6] respondent Judge admitted having notarized the revocation of the special power of attorney, but averred that

the same was done inadvertently. He, nevertheless, advised plaintiffs and their counsel about the matter. Respondent Judge also admitted having issued the order deputizing respondent Clerk of Court to supervise the harvest and deposit the same in a bonded warehouse. However, he contended that the prevailing circumstances of the case demanded immediate action, inasmuch as the property subject matter of the ejectment case is agricultural land planted to palay. Thus, he issued the order in order to protect the harvest of the land.

For his part, respondent Clerk of Court submitted the Counter-affidavit he executed in Ombudsman Case No. OMB-1-99-0971, which he adopted as his Answer to the administrative complaint.^[7] Respondent Clerk of Court denied the allegations that the palay was sold over complainant's objections thereto. According to said respondent, the palay was actually deposited and the parties were properly informed as to the whereabouts thereof. The palay was brought to the FCC Palay Buying Station together with the representative of Marciano Morales and the complainant himself together with his sons, Efren, Jr. and Roger, where the same was weighed in their presence and receipted by FCC with their corresponding number of cavans, kilos and price per kilo.

After evaluating the complaint, the Office of the Court Administrator (OCA) recommended that: 1) respondent Judge be ordered to pay a fine of Five Thousand Pesos (P5,000.00) with a warning that a repetition of the same or similar offense shall be dealt with more severely; and 2) the complaint against respondent Clerk of Court be dismissed.

We adopt the recommendation of the OCA.

This Court has consistently held that judges must be conversant with basic legal principles.^[8] Indeed, the Code of Judicial Conduct enjoins judges to "be faithful to the law and maintain professional competence."^[9] Respondent judge owes it to the public and to the legal profession to know the law he is supposed to apply to a given controversy.^[10] Verily –

The case of respondent Judge should be no different. For judges are called to exhibit more than just a cursory acquaintance with statutes and procedural laws. They are not "common men and women, whose errors men and women forgive and time forgets. Judges sit as the embodiment of the people's sense of justice, their last recourse where all other institutions have failed." Most importantly, respondent Judge is required by Canon 3, Rule 3.01 of the Code of Judicial Conduct to be faithful to the law and maintain professional competence. As we held in one case, there will be faith in the administration of justice only if there be a belief on the part of the litigant that the occupants of the bench cannot be justly accused of deficiency in their grasp of legal principles.^[11]

Supreme Court Circular 1-90, dated February 26, 1990, specifically provides, in pertinent part:

MTC and MCTC judges may act as notaries public ex officio in the notarization of documents connected only with the exercise of their official functions and duties. They may not, as notaries public ex officio, undertake the preparation and acknowledgment of private documents,