

## THIRD DIVISION

**[ A.M. No. MTJ-02-1429, October 04, 2002 ]**

**FRANCISCA P. PASCUAL, COMPLAINANT, VS. JUDGE EDUARDO U. JOVELLANOS, MUNICIPAL CIRCUIT TRIAL COURT, ALCALA, PANGASINAN, RESPONDENT.**

### D E C I S I O N

#### **PANGANIBAN, J.:**

Municipal trial court judges ought to be familiar with the Rules on Summary Procedure governing ejectment cases. Failure to observe them constitutes gross ignorance of the law.

#### **Statement of the Case**

The sworn Administrative Complaint,<sup>[1]</sup> filed by Francisca P. Pascual, charged Judge Eduardo U. Jovellanos of the Municipal Circuit Trial Court of Alcala, Pangasinan with gross ignorance of the law, bias and partiality, abuse of discretion and neglect of duty.<sup>[2]</sup>

#### **The Antecedents**

The facts in the present case are summarized by the Office of the Court Administrator (OCA) in its January 28, 2002 Memorandum<sup>[3]</sup> addressed to this Court as follows:

"Complainant x x x alleges that she filed a complaint for forcible entry docketed as Civil Case No. 730 against a certain Lorenzo L. Manaois. The complaint was dismissed without prejudice for being insufficient in some material allegations (Order dated 13 October 1999). On 15 November 1999, she filed a corrected complaint which was docketed as Civil Case No. 740.

"Instead of filing an answer, defendant filed a Motion to Strike Out arguing that the new allegations in the complaint are false. After the period to answer lapsed and no answer was submitted, complainant filed a Motion for Summary Judgment dated 15 December 1999. Defendant opposed the motion.

"On 30 May 2000, defendant's motion to strike out was granted by respondent Judge. Complainant filed a motion for reconsideration of the aforesaid order.

"Based on the foregoing, complainant accuse[d] respondent Judge of Neglect of Duty anchored on the following grounds:

'a. Defendant should have filed an answer instead of a Motion to Strike Out. In spite thereof, respondent Judge granted the motion 120 days after its filing, thus defeating the summary nature of the case;

'b. The Order granting the motion to strike out is bereft of any findings of fact because no hearing was conducted relative thereon;

'c. Respondent Judge exhibited his bias and partiality in favor of the defendant in his Order granting the motion to strike out when he pointed out 'x x x that the complaint in this case is virtually a rehash of the complaint in Civil Case No. 730 x x x'. Complainant asserts that the same is to be expected because the defects or insufficiency in the first complaint were just being rectified in the later one;

'd. Her Motion for Summary Judgment remains, until the present, unacted upon.'

"Meanwhile, defendant, taking advantage of the lull in the proceedings, started the construction of a one-storey building on the subject land. To protect her interest, complainant filed an Application for Preliminary Injunction dated 8 May 2000. Acting thereon, respondent Judge issued a Temporary Restraining Order dated 9 May 2000 and set the hearing on the Injunction. On said date, complainant was able to present evidence in support of her application while defendant chose not to present controverting evidence and to just submit a memorandum.

"On the last day of the effectivity of the TRO (29 May 2000), complainant filed an Extremely Urgent Ex-Parte Motion to grant her application for injunction. On 7 June 2000 defendant filed his memorandum. However, until the present, respondent Judge has not ruled on her application on preliminary injunction.

"Instead of obeying the TRO, defendant continued with the construction of the building and even started with a new one. Hence, a contempt charge was filed by herein complainant on 8 May 2000. Defendant moved to dismiss the contempt charge on the ground that it was filed in the same proceedings ([C]ivil [C]ase No. 740) and the filing fee was not paid. The court, however, *motu proprio* docketed the complaint for contempt as Civil Case No. 744 while the required docket and other fees were paid by defendant on 31 May 2000. On same date, the court issued an Order furnishing anew the defendants/respondents with a copy of the contempt charge. These, complainant claims, cured the defect cited by defendants/respondents in their motion to dismiss. However, respondent Judge still has not resolved the aforesaid motion to the prejudice of herein complainant."<sup>[4]</sup>

In his Comment<sup>[5]</sup> dated September 30, 2000, respondent denied the allegations in the Complaint. He accused Atty. Alejandro V. Peregrino, complainant's counsel in the forcible entry case, of having a penchant for filing administrative cases against him instead of appealing decisions before the proper court. Respondent added that none

of the charges had any factual or legal bases. He insisted that his Decision in Civil Case No. 730 had been rendered with utmost good faith, honesty and sound discretion.<sup>[6]</sup>

### **The OCA's Recommendation**

After investigation of this case, the OCA found that respondent failed to apply the Rule on Summary Procedure, which he ought to have been very conversant with, because it was a common procedure in municipal courts. Accordingly, it recommended that respondent "be FINED in the amount of P10,000.00 and warned that the commission of a similar infraction will be dealt with more severely."<sup>[7]</sup>

### **This Court's Ruling**

We agree with the findings of the OCA, but increase the penalty, taking note that this is respondent's second infraction.

### **Administrative Liability**

Judges are the visible representations of law and justice.<sup>[8]</sup> They ought to be embodiments of competence, integrity and independence.<sup>[9]</sup> In particular, municipal judges are frontline officers in the administration of justice.<sup>[10]</sup> It is therefore essential that they live up to the high standards demanded by the Code of Judicial Conduct.<sup>[11]</sup> 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. They are likewise expected to keep abreast of all laws and prevailing jurisprudence.<sup>[12]</sup> Judicial competence requires no less.<sup>[13]</sup>

Moreover, judges are bound to dispose of the court's business promptly and to decide cases within the required period.<sup>[14]</sup> For it cannot be gainsaid that justice delayed is justice denied. Procrastination among members of the judiciary in rendering decisions and in acting upon cases before them not only causes great injustice to the parties involved, but also invites suspicion of ulterior motives on their part.<sup>[15]</sup>

It must be emphasized that rules of procedure have been formulated and promulgated by this Court to ensure the speedy and efficient administration of justice. Failure to abide by these rules undermines the wisdom behind them and diminishes respect for the rule of law.<sup>[16]</sup> The Rule on Summary Procedure was promulgated precisely to achieve an expeditious and inexpensive determination of cases. Failure to observe the period within which to render a judgment subjects the defaulting judge to administrative sanctions.<sup>[17]</sup> For this reason, the Rule frowns upon delays and expressly prohibits, altogether, the filing of motions for extension.<sup>[18]</sup>

In this case, it is very clear that respondent lacks awareness of the relevant provisions on ejectment.<sup>[19]</sup> He has evidently been remiss in resolving the forcible entry case, pursuant to the Revised Rules on Summary Procedure.<sup>[20]</sup> Verily, judgment should have been rendered based on the allegations of the Complaint and the evidence presented therein, inasmuch as the defendant failed to file his answer