

THIRD DIVISION

[A.M. No. MTJ-00-1308, December 16, 2002]

BONIFACIO LAW OFFICE REPRESENTED BY ATTY. RICARDO M. SALOMON JR. COMPLAINANT, VS. JUDGE REYNALDO B. BELLOSILLO, METROPOLITAN TRIAL COURT, BRANCH 34, QUEZON CITY, RESPONDENT.

D E C I S I O N

PANGANIBAN, J.:

Under the Rules of Court, delay in the rendition of judgments is administratively sanctionable with suspension or fine. When judges cannot for good reason comply with legal deadlines for rendering orders and decisions, they should file with this Court a timely request for extension, if they want to avoid administrative penalties.

The Case and the Facts

In a letter-complaint dated August 28, 1997, Atty. Ricardo M. Salomon Jr. of the Bonifacio Law Office charged then acting Judge Reynaldo B. Bellosillo of the Metropolitan Trial Court of Quezon City, Branch 34, with ignorance of the law, grave abuse of discretion, and obvious partiality. The Office of the Court Administrator (OCA) summarized the factual antecedents as follows:

"1. VERIFIED LETTER-COMPLAINT of Atty. Ricardo M. Salomon of the Bonifacio Law Office charging Judge Reynaldo B. Bellosillo, MeTC, Branch 34, Quezon City with Ignorance of the Law, Grave Abuse of Discretion and Partiality in connection with Civil Case No. 14913 for ejectment entitled 'Ricardo M. Salomon, Jr. vs. Spouses Severino Fulgencio.'

"Complainant assails the Order dated April 2, 1996 referring the said ejectment case back to the barangay for conciliation proceedings despite the fact that it was alleged in the verified complaint, that the matter had already been referred to the barangay and that a copy of the Certification to File Motion was attached [to] the verified complaint as ANNEX E thereof. Bewildered with such Order, he tried to talk with respondent judge but was prevented to do so because of the strict and extremely tight 'cordon sanitaire' of the latter. He then inquired from the respondent's branch clerk of court the reason behind such order and he was advised that perhaps he should submit the minutes of the hearings held in the barangay. Following said advice, he filed a compliance with respondent's court attaching therewith a copy of his complaint filed before the barangay and the minutes of the proceedings held thereat.

"After the filing of said compliance, no action was taken by the court despite the fact that the case falls under the Rule on Summary Procedure and respondent judge has still to come up with a determination as to whether summons should be issued or not. He then inquired personally

with the court about the status of the case and he was told that no action could be taken unless the Order of April 2, 1996 had been complied with. Dismayed by the Court's insistence of referring the case to the barangay though it had already gone through all the requisite proceedings thereat, he decided not to pursue the case and filed a notice to withdraw complaint dated August 20, 1996. Said withdrawal however was denied by respondent on the basis of the action already taken thereon as contained in the questioned Order dated April 2, 1996. He then filed a Notice of Dismissal but the same was still unacted upon by respondent.

"It was only after a year from the time the complaint was filed that respondent ordered that summons be served on defendants. When defendants failed to file an Answer, he (complainant) filed a Motion to Render Judgment in accordance with the provisions of Sec.5 of the Rule on Summary Procedure. However, instead of rendering judgment, respondent merely required defendants to comment on the motion to render judgment. After defendants filed their comment, respondent still did not act on the said motion.

"The inordinate delay of respondent on acting upon said case has caused him so much suffering as his family is forced to rent a house to live in at a monthly rental rate of P19,000.00.

"2. ANSWER of respondent judge denying the charges leveled against him and alleging the following arguments:

"a. In all cases where there is failure of settlement of mediation proceedings before the Barangay Chairman, it is necessary that the Pangkat be constituted by the parties from the Lupon members in order that they may have a second opportunity to amicably settle their dispute. It is a mandatory duty of the Barangay Chairman to set the meeting of the parties for the constitution of the Pangkat upon failure of parties to amicably settle otherwise there is no compliance with the requirements of P.D. 1508, now Sec. 412, 1991 Local Government Code. In the case of complainant, it appears from the records thereof that there was premature issuance of the Certificate to File Action considering that there is no proof to show that the Pangkat was duly constituted before the said certificate was issued. Moreover, the belated submission by complainant of the Minutes of Proceedings before the Barangay Chairman, which was inaccurate and difficult to decipher glaringly reveals the non-compliance of complainant with the requirement of the aforecited law.

"As to the charge that there was inaction on his part on several motions filed by complainant, he claim[s] that the same is untrue and alleged the following:

"RE: NOTICE TO WITHDRAW COMPLAINT

"The same was noted without action as mediation process was still on going at the barangay level.

"RE: NOTICE OF DISMISSAL

"Before he could act on the same, complainant filed a manifestation praying that said notice be disregarded, rendering the issue thereon as moot and academic.

"RE: MOTION TO RENDER JUDGMENT

"The said motion was resolved by him in an Order dated August 18, 1997 granting the same and submitting the case for decision. However, considering that there was no proof yet that the said order was received by defendants the decision in said case was held in abeyance as the latter upon receipt hereof may yet avail of the right to appeal therefrom.

"Respondent likewise avers that complainant should have taken a more appropriate legal remedy than filing this instant administrative complaint which has deprived him of his precious time that could have been devoted to court hearing."^[1]

Evaluation and Recommendation of the OCA

The OCA found respondent either ignorant or negligent in referring the case back to the barangay despite the presence of what it considered to be a valid Certification to File Action. It also faulted him for disregarding the Rules on Summary Procedure by (1) calling for a preliminary conference, (2) directing the defendants to submit their Comment to complainant's Motion to Render Judgment, and (3) failing to render judgment within the reglementary period.^[2]

Finding merit in the charges, the OCA recommended "that the respondent Judge be FINED in the amount of Ten Thousand Pesos (P10,000.00) with the STERN WARNING that a repetition of the same will be dealt with more severely."^[3]

This Court's Ruling

We agree with the findings of the OCA regarding the rules on summary procedure, but disagree with those relating to the barangay proceedings.

Administrative Liability

Complainant contends that he has complied with the mandatory barangay conciliation proceedings as evidenced by the Certification to File Action attached to the Complaint for ejectment.

The records, however, reveal that such Certification was improperly and prematurely issued. In what appears to be a pre-printed standard form thereof,^[4] the "x" before the second enumerated statement clearly shows that no personal confrontation before a duly constituted *Pangkat ng Tagapagkasundo* took place. Respondent's position that the *Pangkat* was not constituted, and that no face to face conciliation of the parties had taken place before it is substantiated by the Minutes^[5] submitted by complainant. Evidently, complainant failed to complete the barangay conciliation proceedings.

We also note that the Complaint^[6] before the barangay was dated February 16, 1996. Records show that the hearing was scheduled for February 26, 1996 and was reset for February 29, 1996.^[7] And yet, the Certification to File Action^[8] was issued