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THIRD DIVISION

[A.M. No. MTJ-99-1184. March 2, 2000]

AMPARO S. FARRALES and ATTY. RAUL S. SISON, *complainants, vs.* **JUDGE RUBY B. CAMARISTA,** *respondent.*

SYNOPSIS

Respondent was charged with gross incompetence, gross inefficiency, and ignorance of the law with regard to two civil cases, both for Ejectment/Unlawful Detainer. Complainants alleged delay by respondent in the disposition of the two cases and error in the referral of the case to the *barangay* level for conciliation when the parties reside in *barangays* of different cities/municipalities.

The crux of the matter is the violation of the 1991 Revised Rule on Summary Procedure and the erroneous application of the Katarungang Pambarangay Law. The Rules on Summary Procedure clearly provides that, "within 30 days after receipt of the last affidavits and position papers, or the expiration of the period for filing the same, the court shall render judgment." Failure to observe the time provisions for the rendition of judgments constitutes a ground for administrative sanction against the defaulting judge, absent sufficient justification for the non-compliance therewith. Thus, the referral of the subject civil cases to the *lupon* was saliently an unsound exercise of discretion considering that unlawful detainer cases fall under the Rule on Summary Procedure.

SYLLABUS

1. REMEDIAL LAW; RULES ON SUMMARY PROCEDURE; RENDITION OF JUDGMENT; PERIOD. — The Rule on Summary Procedure clearly and undoubtedly provides for the period within which judgment should be rendered. Section 10 thereof provides: *Rendition of judgment.* — Within thirty (30) days after receipt of the last affidavits and position papers, or the expiration of the period for filing the same, the court shall

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render judgment. This is in keeping with the spirit of the rule which aims to achieve an expeditious and inexpensive determination of the cases falling thereunder.

2. **ADMINISTRATIVE LAW; JUDGES; CODE OF JUDICIAL CONDUCT; DUTY TO COMPLY WITH PROVISIONS FOR RENDITION OF JUDGMENT.** — The jurisprudential direction consistently taken by the Court adheres to the rule that failure to decide a case within the required period is not excusable and constitute gross inefficiency. Delay in disposition of cases erodes the faith and confidence of the people in the judiciary, lowers its standards, and brings it into disrepute. Canon 3, Rule 3.05 of the Code of Judicial Conduct admonishes all judges to dispose of the court's business promptly and decide cases within the period fixed by law. Rule 3.01 compels them to be faithful to the law and prompts them to maintain professional competence. Failure to observe time provisions for the rendition of judgments constitutes a ground for administrative sanction against the defaulting judge, absent sufficient justification for his non-compliance therewith. Of special import is the requirement under the Rule on Summary Procedure which was intended precisely for the expeditious resolution of cases failing thereunder. For this reason, respondent's attempt to excuse herself from such requirement must necessarily fail.

3. **REMEDIAL LAW; JURISDICTION; KATARUNGANG PAMBARANGAY LAW; SUBJECT MATTER FOR AMICABLE SETTLEMENT; CASES FALLING UNDER THE RULE ON SUMMARY PROCEDURE, NOT INCLUDED.** — Respondent erroneously applied the Katarungang Pambarangay Law. The last paragraph of Sec. 408 of RA No. 7160 which refers to Subject Matter for Amicable Settlement and its Exceptions, apparently gives the Court discretion to refer the case to the *lupon* for amicable settlement although it may not fall within the authority of the *lupon* (such as the civil cases subject of this administrative proceeding). However, referring the subject civil cases to the *lupon* is saliently an unsound exercise of discretion considering that the matter falls under the Rule on Summary Procedure. As aptly explained in *Gachon vs. Devera, Jr.* (274 SCRA 540 [1997]), The Rule on Summary Procedure was promulgated for the purpose of achieving "an expeditious and inexpensive determination of cases." The fact that unlawful detainer cases fall under summary procedure, speedy resolution

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thereof is thus deemed a matter of public policy. Thus, the Rule frowns upon delays. Manifestly, respondents's act of referring the subject cases to the *lupon* subverts the very nature of the Rule and defeats its objective of expediting the adjudication thereof. Besides, as correctly explained by the Court Administrator, the preliminary conference under Sections 7 and 8 serves the purpose of a possible amicable settlement.

4. ADMINISTRATIVE LAW; JUDGES; ADMINISTRATIVE CASE NOT AFFECTED BY AFFIDAVIT OF DESISTANCE. — The last issue that we have to pass upon is the effect of the affidavit of desistance on respondent's administrative liability. In *Rogue vs. Grimaldo* (260 SCRA 1 [1996]), the complainants, who filed a complaint against a court stenographer for illegal exaction of money, later executed an affidavit of desistance which prompted therein respondent to move for the dismissal of the complaint. We pronounced that the affidavit of desistance by the complainant cannot divest this Court of its jurisdiction to investigate and ascertain the truth of the matter alleged in the complaints against respondent. We cited *Caña vs. Santos* (234 SCRA 17 [1994]) where we held that "[t]he Court has an interest in the conduct of the officials and employees of the judiciary and in improving the delivery of justice to the people and its efforts in that direction cannot be frustrated by any private arrangement of the parties. All the more in the instant case, which involves a judge, must we apply the above-stated rule for a judge should always be the embodiment of competence, integrity and independence and should administer justice impartially and without delay (*Bolalin vs. Occiano,* 266 SCRA 203 [1997]). Judges, who are called upon to administer the law and apply it to the facts, should be studious of the principles of law and diligent in endeavoring to ascertain the facts. They should exhibit more than just a cursory acquaintance with the statutes and procedural rules (*Del Callar vs. Salvador,* 268 SCRA 320 [1997]). They must always strive to live up to their responsibility of assisting parties litigants in obtaining a just, speedy, and inexpensive determination of their cases and proceedings (*Perez vs. Andaya;* 286 SCRA 40 [1998]).

APPEARANCES OF COUNSEL

Raul S. Sison & Associates Law Offices for complainants.

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RESOLUTION

MELO, *J.*:

Through a verified complaint dated December 15, 1997, complainants, client and counsel, charged respondent with gross incompetence, gross inefficiency, and ignorance of the law, with regard to two civil cases, as follows: (a) Civil Case No. 144411-CV entitled "*Amparo Farrales, represented by her Attorney-in-Fact, Atty. Eldorado T. Lim vs. Mrs. Meny Martin*" (also referred to in the record as Menny Martin) for Ejectment/Unlawful Detainer; and Civil Case No. 144414-CV entitled "*Amparo Farrales, represented by her Attorney-in-Fact, Atty. Eldorado T. Lim vs. Mrs. Mely Rizon*" for Ejectment/Unlawful Detainer.

The factual antecedents of the subject complaint are as follows:

On June 10, 1994 and June 13, 1994, both aforestated cases were filed by complainants and were raffled to Branch I, Metropolitan Trial Court, Manila, presided over by respondent.

In the first case, therein defendant, on June 22, 1994, filed her responsive pleading. On January 25, 1995, respondent, *motu proprio* issued an order referring the case for conciliation to the *barangay* chairman of Barangay 676, Zone 73, Ermita, Manila. From January 25, 1995 to January 25, 1996, the case was not calendared for hearing, until herein complainant-counsel, Atty. Raul S. Sison, who took over the case from Atty. Eldorado T. Lim, filed his formal entry of appearance. On February 2, 1996, the plaintiff (complainant herein) filed a motion to set aside the order of January 25, 1995, and to set the case for preliminary conference, which was denied by respondent. Subsequently, the parties submitted themselves to conciliation but no settlement was reached. There being no clarificatory hearing set, the case was deemed submitted for decision as of October, 1996. On February 27, 1997, plaintiff filed a motion for early decision. However, despite repeated follow-ups, the case remained undecided.

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In the second case, the defendant therein, on June 21, 1994, filed a motion for referral to the proper *barangay* for arbitration and/or conciliation. Later, respondent issued two orders dated November 7, 1994 and January 27, 1995, respectively, directing the parties to conciliate before the Chairman of Barangay 676, Zone 73, Ermita, Manila. Meanwhile, complainant Sison entered his appearance as counsel for plaintiff therein. On February 12, 1996, complainants filed a motion to set aside the order of November 7, 1994, as well as to render judgment. Respondent denied the same and referred the case to said *barangay* for conciliation proceedings under penalty of the case being dismissed. Subsequently, a certificate to file action was issued by the *barangay* chairman following defendant's failure to appear during the scheduled conciliation meeting. On July 12, 1996, after the lapse of two years and one month from the service of summons, defendant filed her answer. However, notwithstanding the lapse of time in filing the answer and plaintiff's opposition thereto, respondent, in an order dated September 3, 1996, directed the parties to file their respective position papers. After the lapse of thirty days from submission of position papers and there being no decision rendered by respondent, plaintiff filed a motion for early decision on February 27, 1997. When still no decision was rendered, complainant Sison (plaintiff's counsel) wrote respondent on July 18, 1997 requesting that a decision be rendered in the case. Still, the case remained unresolved.

Herein complainants contend that the delay in the disposition of the abovestated cases was a result of respondent's lack of basic knowledge of the 1991 Revised Rule on Summary Procedure and/or her ignorance of the law. They likewise question respondent's act of referring the case to the *barangay* level for conciliation when the parties actually reside in *barangays* of different cities/municipalities.

Thereafter, complainant Sison submitted his manifestation dated January 26, 1998 informing the Court that despite the filing of the instant administrative complaint, no decision had yet been rendered by respondent in the two civil cases.

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In respondent's answer, she alleged that the subject civil cases were two of those left by then Acting Presiding Judge Alden Cervantes and were originally pending before Branch 28, Metropolitan Trial Court, Manila before they were reassigned by raffle to respondent's sala. She also contends that although *barangay* conciliation is not necessary in Civil Case No. 144414-CV, she referred the case, *motu proprio*, to the *lupon* of the *barangay* where the realty subject thereof is located in accordance with the last paragraph of Section 2, Presidential Decree No. 1508, and the last paragraph of Section 408 of the Local Government Code of 1991. For failure of the parties to settle the case before the *lupon*, the same was deemed submitted for decision.

The subject complaint also cited our decision in Administrative Matter No. MTJ-97-1123 (initiated by Atty. Joselito Enriquez against herein respondent on the basis of which the latter was found to be unconscientious and not prompt in the performance of her duties and was fined ₱3,000.00 with a warning that a repetition of the same or similar acts in the future will be dealt with more severely). Respondent avers that such conclusion was arrived at since the Court overlooked some facts in her favor in imposing upon her a fine with warning.

On March 17, 1999, the Court issued a resolution requiring the parties to manifest if they were submitting the case for resolution on the basis of the pleadings. Atty. Sison filed his manifestation to the effect that complainants were withdrawing their complaint. Respondent, on the other hand, submitted a supplemental answer or explanation. On the basis of the second, the Office of the Court Administrator recommends that a fine in the amount of ₱20,000.00 be imposed against respondent with a stern warning that the same or similar acts in the future be dealt with more severely.

The crux of the matter is respondent's violation of the 1991 Revised Rule on Summary Procedure and her erroneous application of the Katarungang Pambarangay Law (Presidential Decree No. 1508).

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The Rule on Summary Procedure clearly and undoubtedly provides for the period within which judgment should be rendered. Section 10 thereof provides:

SEC. 10. *Rendition of judgment.*—Within thirty (30) days after receipt of the last affidavits and position papers, or the expiration of the period for filing the same, the court shall render judgment.

However, should the court find it necessary to clarify certain material facts, it may, during the said period, issue an order specifying the matters to be clarified, and require the parties to submit affidavits or other evidence on the said matters within ten (10) days from receipt of said order. Judgment shall be rendered within fifteen (15) days after the receipt of the last clarificatory affidavits, or the expiration of the period for filing the same.

The court shall not resort to the clarificatory procedure to gain time for the rendition of the judgment.

Section 8 thereof, which provides the contents of the record of the preliminary conference, includes a statement as to —

c) Whether, on the basis of the pleadings and the stipulations and admissions made by the parties, judgment may be rendered without the need of further proceedings, in which event the judgment shall be rendered within thirty (30) days from issuance of the order;

It is thus very clear that the period for rendition of judgment in cases falling under summary procedure is thirty days. This is in keeping with the spirit of the rule which aims to achieve an expeditious and inexpensive determination of the cases falling thereunder.

The jurisprudential direction consistently taken by the Court adheres to the rule that failure to decide a case within the required period is not excusable and constitutes gross inefficiency *Abarquez vs. Rebosura*, 285 SCRA 109 [1998]; *In re Judge Jose F. Madara*, 104 SCRA 245 [1981]; *Longboan vs. Judge Polig*, 186 SCRA 557 [1990]; *Sabado vs. Cajigal*, 219 SCRA 800 [1993]). Delay in disposition of cases erodes the faith and confidence of the people in the judiciary, lowers its standards, and brings it into disrepute (*Abarquez vs. Rebosura, supra*).

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Canon 3, Rule 3.05 of the Code of Judicial Conduct admonishes all judges to dispose of the court's business promptly and decide cases within the period fixed by law. Rule 3.01 compels them to be faithful to the law and prompts them to maintain professional competence.

Failure to observe time provisions for the rendition of judgments constitutes a ground for administrative sanction against the defaulting judge (*Alfonso-Cortes vs. Maglalang*, 227 SCRA 482 [1993]; *Mappala vs. Nuñez*, 240 SCRA 600 [1995]), absent sufficient justification for his non-compliance therewith (*Abarquez vs. Rebosura, supra*). Of special import is the requirement under the Rule on Summary Procedure which was intended precisely for the expeditious resolution of cases falling thereunder. For this reason, respondent's attempt to excuse herself from such requirement must necessarily fail.

The last affidavits and position paper in Civil Case No. 144411-CV were filed on October 25, 1996, whereas the last pleading (defendant's position paper) in Civil Case No. 144414-CV was filed on October 23, 1996. Notwithstanding the provisions of Section 10 of the Rule, complainant Sison received the decision in both cases only on February 12, 1998, almost two years from submission of the last affidavits and position papers therein.

Respondent submits that she cannot be held administratively liable for gross inefficiency because both cases were not originally assigned to her but to Branch 28, Metropolitan Trial Court, Manila, and were only assigned to her on October 24, 1994. She also claims that her court was transferred in an untimely and abrupt manner to a makeshift office too small for proper court operations which left both the court records and court personnel in disarray to such degree that disallowed the latter to have an effective filing system. Further, it is argued that at the time of the pendency of the subject cases, Republic Act No. 7691 which provides for the expanded jurisdiction of the inferior court, was at its peak. Consequently, the sudden deluge of cases unloaded by the regional trial court together with those filed by litigants combined with the deplorable conditions of her court caused the delay.

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All the above-stated posturings are lame excuses for a delayed decision, especially when it falls under the Rule on Summary Procedure. To accept them as valid will defeat the very purpose of the rule since any judge would be given the imprimatur of violating the time provisions merely for such frivolous reasons.

In addition, respondent also erroneously applied the Katarungang Pambarangay Law. She anchors her act on Section 2 thereof (or Sec. 408, Republic Act No. 7160) which reads in full:

SEC. 408. *Subject Matter for Amicable Settlement; Exception Thereto.*—The *lupon* of each *barangay* shall have authority to bring together the parties actually residing in the same city or municipality for amicable settlement of all disputes except:

(a) Where the party is the government, or any subdivision or instrumentality thereof;

(b) Where one party is a public officer or employee, and the dispute relates to the performance of his official functions;

(c) Offenses punishable by imprisonment exceeding one (1) year or a fine exceeding Five thousand pesos (₱5,000.00);

(d) Offenses where there is no private offended party;

(e) Where the dispute involves real properties located in different cities or municipalities unless the parties thereto agree to submit their differences to amicable settlement by an appropriate *lupon*;

(f) Disputes involving parties who actually reside in *barangays* of different cities or municipalities, except where such *barangay* units adjoin each other and the parties thereto agree to submit their differences to amicable settlement by an appropriate *lupon*;

(g) Such other classes of disputes which the President may determine in the interest of justice or upon the recommendation of the Secretary of Justice.

The court in which non-criminal cases not falling within the authority of the *lupon* under this Code are filed may, at any time before trial, *motu proprio* refer the case to the *lupon* concerned for amicable settlement.

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The last paragraph of the aforecited provision apparently gives the Court discretion to refer the case to the *lupon* for amicable settlement although it may not fall within the authority of the *lupon* (such as the civil cases subject of this administrative proceeding). However, referring the subject civil cases to the *lupon* is saliently an unsound exercise of discretion considering that the matter falls under the Rule on Summary Procedure. As aptly explained in *Gachon vs. Devera, Jr.* (274 SCRA 540 [1997]), the Rule on Summary Procedure was promulgated for the purpose of achieving "an expeditious and inexpensive determination of cases." The fact that unlawful detainer cases fall under summary procedure, speedy resolution thereof is thus deemed a matter of public policy. Thus, the Rule frowns upon delays.

Manifestly, respondent's act of referring the subject cases to the *lupon* subverts the very nature of the Rule and defeats its objective of expediting the adjudication thereof. Besides, as correctly explained by the Court Administrator, the preliminary conference under Sections 7 and 8 serves the purpose of a possible amicable settlement, *viz*:

SEC. 7. *Preliminary conference; appearance of parties.*—Not later than thirty (30) days after the last answer is filed, a preliminary conference shall be held. The rules on pre-trial in ordinary cases shall be applicable to the preliminary conference unless inconsistent with the provisions of this Rule.

The failure of the plaintiff to appear in the preliminary conference shall be a cause for the dismissal of his complaint. The defendant who appears in the absence of the plaintiff shall be entitled to judgment on his counterclaim in accordance with Section 6 hereof. All cross-claims shall be dismissed.

If a sole defendant shall fail to appear, the plaintiff shall be entitled to judgment in accordance with Section 6 hereof. This Rule shall not apply where one of two or more defendants sued under a common cause of action who had pleaded a common defense shall appear at the preliminary conference.

Section 8 of said Rule reads in full:

SEC. 8. *Record of preliminary conference.*—Within five (5) days after the termination of the preliminary conference, the court shall

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issue an order stating the matters taken up therein, including but not limited to:

a) Whether the parties have arrived at an amicable settlement, and if so, the terms thereof;

b) The stipulations or admissions entered into by the parties;

c) Whether, on the basis of the pleadings and the stipulations and admissions made by the parties, judgment may be rendered without the need of further proceedings, in which event the judgment shall be rendered within thirty (30) days from issuance of the order;

d) A clear specification of material facts which remain controverted; and

e) Such other matters intended to expedite the disposition of the case.

The last issue that we have to pass upon is the effect of the affidavit of desistance on respondent's administrative liability. In *Rogue vs. Grimaldo* (260 SCRA 1 [1996]), the complainants, who filed a complaint against a court stenographer for illegal exaction of money, later executed an affidavit of desistance which prompted therein respondent to move for the dismissal of the complaint. We pronounced that the affidavit of desistance by the complainant cannot divest this Court of its jurisdiction to investigate and ascertain the truth of the matter alleged in the complaints against respondent. We cited *Caña vs. Santos* (234 SCRA 17 [1994]) where we held that "[t]he Court has an interest in the conduct of the officials and employees of the judiciary and in improving the delivery of justice to the people and its efforts in that direction cannot be frustrated by any private arrangement of the parties."

All the more in the instant case, which involves a judge, must we apply the above-stated rule for a judge should always be the embodiment of competence, integrity and independence and should administer justice impartially and without delay (*Bolalin vs. Occiano*, 266 SCRA 203 [1997]). Judges, who are called upon to administer the law and apply it to the facts, should be studious of the principles of law and diligent in endeavoring to ascertain the facts. They should exhibit more

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than just a cursory acquaintance with the statutes and procedural rules *(Del Callar vs. Salvador*, 268 SCRA 320 [1997]). They must always strive to live up to their responsibility of assisting parties litigants in obtaining a just, speedy, and inexpensive determination of their cases and proceedings (*Perez vs. Andaya*, 286 SCRA 40 [1998]).

Considering that this is not respondent's first administrative case of the same nature, we take cognizance of the Court Administrator's reasons for recommending a fine of ₱20,000.00. Nevertheless, we deem the amount of ₱10,000.00 as a reasonable fine under the circumstances.

ACCORDINGLY, respondent Judge Ruby B. Camarista, presiding judge of Branch I, Metropolitan Trial Court of Manila, is hereby declared GUILTY of gross incompetence, gross inefficiency, and ignorance of the law, and is hereby ordered to pay a FINE of Ten Thousand Pesos (₱10,000.00). She is also WARNED that the commission of the same or similar acts in the future will be dealt with more severely.

SO ORDERED.

Vitug, Panganiban, Purisima, and *Gonzaga-Reyes, JJ.*, concur.

THIRD DIVISION

[A.M. No. RTJ-99-1454. March 2, 2000]
(Formerly OCA-IPI No. 98-522-RTJ)

ATTY. NESCITO C. HILARIO, *complainant, vs.* **Judge CRISANTO C. CONCEPCION,** *respondent.*

SYNOPSIS

Atty. Nescito C. Hilario is the lawyer of private complainant Jonathan dela Cruz in Criminal Case No. 4597 entitled *People*