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complaint for expropriation, particularly the hearing for the condemnation of the properties sought to be expropriated. Expropriation proceedings consists of two stages: first, condemnation of the property after it is determined that its acquisition will be for a public purpose or public use and, second, the determination of just compensation to be paid for the taking of private property to be made by the court with the assistance of not more than three commissioners.[24]

WHEREFORE, the decision, dated November 16, 1999, and resolution, dated February 23, 2000, of the Court of Appeals are REVERSED and the order of the trial court, dated December 15, 1998, is REINSTATED. This case is REMANDED to the trial court for further proceedings.

SO ORDERED.

Bellosillo (Chairman), Quisumbing, Buena, and *De Leon, Jr., JJ.*, concur.

SECOND DIVISION

[A.M. No. MTJ-01-1342. June 21, 2001]

BISHOP CRISOSTOMO A. YALUNG and ATTY. ROY MANUEL M. VILLASOR, *complainants, vs.* **JUDGE ENRIQUE M. PASCUA, 8th MCTC of Paoay - Currimao, Ilocos Norte, in his capacity as Acting Presiding Judge, MeTC, Branch 64, Makati City,** *respondent.*

SYNOPSIS

Respondent judge was charged for gross misconduct, dishonesty, and the commission of acts inimical to the interest of the judiciary. The Court found him guilty of the acts and omissions charged.

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[24] *Barangay San Roque, Talisay, Cebu v. Heirs of Francisco Pastor*, G.R. No. 138896, June 20, 2000.

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On the allegation of delay in the decision of cases, the Court found respondent guilty as regards Civil Case No. 50450 for failure to render a decision on the case within the 90-day period provided by law. Hence, respondent was fined the amount of P5,000. On the allegation that respondent misrepresented certain facts in his answers in JBC Form No. 1, the Court found respondent guilty in answering Question No. 24. Respondent made it appear that he had never been charged with any violation of law, decree, ordinance, or regulation when the fact is that he was. Hence, the Court deemed it proper to impose a penalty of six-months' suspension from office without pay. Further, respondent is warned that commission of similar offenses will be dealt with more severely.

SYLLABUS

1. **JUDICIAL ETHICS; JUDGES; DELAYS IN DISPOSITION OF CASES UNDERMINE FAITH AND CONFIDENCE OF THE PEOPLE IN THE JUDICIARY, DEBASE ITS STANDARDS, AND BRING IT INTO DISREPUTE.—** As regards Civil Case No. 50450, the records disclose that respondent was designated to Branch 64 on April 6, 1999 after Civil Case No. 50450 had been submitted for decision. If, as respondent claims, he could not have rendered a decision in the case within three months because the records were voluminous and he had to attend to other cases, respondent could have asked for an extension of time to decide the case instead of allowing the 90-day period to expire. It is well to state once again that delays in the disposition of cases undermine the faith and confidence of the people in the judiciary, debase its standards, and bring it into disrepute.

2. **ID.; ID.; FINE; RESPONDENT JUDGE FINED FOR FAILURE TO DECIDE CASE WITHIN 90-DAY PERIOD.—** We now consider the penalty to be imposed on respondent. With regard to respondent's failure to decide Civil Case No. 50450, a fine in the amount of ₱5,000.00 should be imposed on him in line with our rulings involving the same offense.

3. **ID.; ID.; SUSPENSION; RESPONDENT JUDGE SUSPENDED FOR HIS MISREPRESENTATION IN ACCOMPLISHING HIS PERSONAL DATA SHEET.—** With regard to the misrepresentation committed by respondent in accomplishing his personal data sheet submitted to the JBC, the Court, taking cognizance of the fact that respondent has been in the government

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service for 26 years and that he does not appear to have any prior administrative record, deems it appropriate to impose on him the penalty of suspension. In *Bolalin v. Occiano*, this Court imposed a six-month suspension on a judge who was found guilty of having falsified his service records, in addition to having failed to seasonably decide an election case. A suspension for six months in this case would appear to be appropriate.

D E C I S I O N

MENDOZA, *J.*:

This is a complaint against Judge Enrique M. Pascua of the Metropolitan Trial Court, Branch 64, Makati City, for gross misconduct, dishonesty, and the commission of acts inimical to the interest of the judiciary.

The complaint charges the following acts and/or omissions against respondent.

1. *Delay in the decision of cases.* It is alleged that respondent failed to decide Civil Case No. 50450, entitled *"The Roman Catholic Archbishop of Manila v. Limitless Potentials, Inc."* and a motion incident to the execution of the judgment in Civil Case No. 48664, entitled *"The Roman Catholic Archbishop of Manila v. Nari Gidwani, et al."* wherein complainant Crisostomo A. Yalung is the plaintiff's Auxilliary Bishop and concurrent moderator *curiae.*

2. *Refusal to recuse himself.* It is alleged that respondent should have inhibited himself from Criminal Case No. 207096, entitled *"People v. Crisostomo Yalung, Roy Manuel M. Villasor, SG Fernando Tagle, and SG Ronan Guerrero"* because respondent's nephew, Atty. Cris Pascua Zafra, is married to the daughter of Atty. P. M. Castillo, complainants' defense counsel in that case. Complainants' claim that although respondent's relationship is to the husband of the daughter of their counsel, they did not want respondent to try their case because they wanted "to [avoid] any stigma and/or cloud of doubt on any order/decision" which respondent may render on the case.[1] Besides, they contend,

[1] Complaint, pp. 1-2; *Rollo*, pp. 1-2.

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respondent was actually biased against them as shown by the fact that he arbitrarily denied their request for the issuance of subpoenas to three law enforcement agents from Laoag, Ilocos Norte and three members of respondent's judicial staff, who would have respectively testified that respondent engaged in illegal activities while assigned to the Municipal Circuit Court of Paoay, Ilocos Norte and that he committed irregularities in his handling of Criminal Case No. 207096.[2] However, respondent denied the motion filed by complainants for his inhibition.

3. *Other arbitrary acts.* Complainants allege that they filed a motion for preliminary determination of probable cause in the criminal case against them (Criminal Case No. 207096), but respondent not only arbitrarily denied their motion but even caused his order of denial to be served on them by telephone, at 6:45 in the morning, the day after it was issued.[3]

4. *Dishonesty/Perjury.* Complainants allege that in his application for transfer/promotion which he filed with the Judicial and Bar Council (JBC), respondent stated in JBC Form No. 1 (Personal Data Sheet) that he had not been charged with any criminal and/or administrative case or complaint when the fact is that he had been charged with bribery/extortion before the Office of Provincial Prosecutor of Ilocos Norte[4] and with administrative offenses in two complaints[5] filed before this Court.[6]

5. *Other illegal/criminal activities.* Lastly, complainants allege that as judge of the MCTC, Paoay, Ilocos Norte, respondent gave "protection" to cattle rustlers, caused the dismissal of two police officers, and used his chamber as a "sex den."[7]

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[2] *Id.*, pp. 3-4; id., pp. 3-4.

[3] *Id.*, p. 2; id., p. 2.

[4] I.S. No. 96-676, entitled *"National Bureau of Investigation v. Judge Enrique M. Pascua,"* subsequently re-docketed as OMB-1-97-1881 in the Office of the Deputy Ombudsman for Luzon.

[5] MTJ-87-101-6, *"Francisco Pobre v. Judge Enrique Pascua"* and MTJ 9493, entitled *"Teodorico Tabije v. Judge Enrique Pascua."*

[6] Complaint, pp. 4-5; *Rollo*, pp. 4-5;

[7] *Id.*, p. 4; *id.*, p. 4.

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In his Comment, respondent denied the allegations against him, saying that complainants are disgruntled parties in the cases decided by him against them.

First, with regard to complainants' claim that he failed to render judgment in Civil Case Nos. 48664 and 50450 within the prescribed 90-day period, respondent claims that Civil Case No. 48664 was in fact decided by his predecessor, Judge Romulo J. Lapus, on January 31, 1996 and that, on November 25, 1998, Judge Socorro B. Inting of Branch 63 already issued a writ of execution thereon. As for Civil Case No. 50450, he claims that he took over the case after it had been submitted for decision and, owing to its voluminous records, he needed more time to decide the case.[8]

Second, as to Criminal Case No. 207096, respondent states that he denied complainant's motion for the determination of probable cause as such question had been resolved earlier by Judge Cesar D. Santamaria, Branch 62, who found that there was probable cause.[9]

As to complainants' motion seeking to inhibit him in the same case, respondent contends that the question is now moot and academic as he inhibited himself not only in Criminal Case No. 207096 but also in Civil Case No. 50450 on August 4, 1999. According to respondent, he did so although the motion had no merit because the fact was that he was not related to counsel of the accused in the criminal case although counsel's daughter is the wife of his (respondent's) nephew.

Third, respondent denied complainants' request for the issuance of subpoenas because the proposed testimony of the law enforcements agents had already been passed upon by the Deputy Ombudsman for Luzon who dismissed the criminal complaint filed against him (OMB-1-97-1881).[10] As for the members of his staff, respondent submitted a joint affidavit executed by them wherein members of respondent's staff stated that respondent did

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[8] *Id.*, pp. 1-2; *id.*, pp. 18-19.

[9] *Id.*, pp. 2-3; *id.*, pp. 19-20.

[10] *Id.*, p. 4; *id.*, p. 21.

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not commit any irregularity in the promulgation and service of the order of July 8, 1999 (denying complainants' motion for determination of probable cause) in Criminal Case No. 207096.[11]

Fourth, respondent denied having committed any misrepresentation in his personal data sheet (JBC Form No. 1) in connection with his request for transfer or promotion. Respondent stated that he indicated therein that there was no pending administrative or criminal case filed against him because, at the time he filled up his application form, the cases filed against him in A.M. No. MTJ-90-493 and A.M. No. MTJ-87-101 had already been dismissed, while the case filed against him in OMB 1-97-1881 had been dismissed by the Office of the Deputy Ombudsman for Luzon.

Fifth, as to the allegations that he protected cattle rustlers in Paoay, Ilocos Norte, that he caused the dismissal of two police officers, and that he used his chambers as his "sex den," respondent said that these are mere fabrications and lies. In the case of the two police officers, he alleged that he merely issued the warrant of arrest against them for cattle rustling and that the police officers in question are still in active service.

In his report, then Court Administrator Alfredo L. Benipayo states:

> There is nothing in the record which would indicate that respondent judge failed to decide/resolve within the reglementary period the cases pending before him.
>
> The record reveals that the Civil Case No. 48664 had long been decided by Judge Romulo Lapus on November 25, 1998 and a writ of execution thereof was issued by Judge Socorro B. Inting of MTC, Branch 63. Civil Case No. 50450 was an inherited case and considering that it was not the respondent who heard the same, he really needed time to study the said case before resolving any incident. The finding of the probable cause in Criminal Case No. 207096 had long been determined by Judge Cesar D. Santamaria . . . . There is no need [for] another determination of the probable cause. Therefore, respondent judge is justified when he denied the accused-complainants' motion for

[11] Annex R; *Rollo*, pp. 101-102.

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Preliminary Determination *Ad Cautelam.* Moreover, respondent, upon motion, voluntarily inhibited himself from further trying these two cases.

Respondent judge, may however, be administratively [held] liable with respect to the charge of misrepresentation in his answer in his application for promotion where he made it appear that he had not been charged with any criminal and/or administrative cases when . . . two (2) administrative cases and one (1) criminal case had been filed against him although these cases were later dismissed.

While it is true that at the time of the filling up his (respondent judge) personal data sheet the two administrative cases filed against him were already dismissed, the same should still be indicated considering the question being asked therein was about past and pending charges. Likewise, the criminal charge for extortion/bribery was indubitably very much pending at the time respondent judge filled up his personal data sheet on February 19, 1998 because it was dismissed only on May 8, 1998.

Clearly, respondent purposely withheld the information regarding the cases filed against him in order to mislead the JBC into favorably considering his application.[12]

On the basis of the foregoing, the Court Administrator recommends that respondent be fined ₱5,000.00 for falsely stating in his personal data sheet submitted to the JBC that he had not been charged with any criminal and/or administrative cases and that there was no pending case or complaint against him. The Court Administrator recommends the dismissal of the charge pertaining to respondent's alleged failure to decide on time Civil Case Nos. 48664 and 50450 for lack of merit.[13]

With certain exceptions, the foregoing recommendations of the Office of the Court Administrator are approved.

First. The question involving Civil Case No. 48664 is not whether respondent timely rendered a decision thereon, but, as complainants allege, whether he timely resolved their motion incident to the execution of the judgment which they allegedly submitted for resolution on June 10, 1999. However, complainants failed to specify the nature of such motion or attach a copy thereon

[12] *Rollo*, pp. 191-192.

[13] *Id.*, p. 192.

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in their complaint. Furthermore, at the time they filed their complaint on August 17, 1999, the 90-day period for resolving the motion, which would expire on September 8, 1999, had not yet lapsed. There is thus no basis to hold respondent liable thereon.

As regards Civil Case No. 50450, the records disclose that respondent was designated to Branch 64 on April 6, 1999 after Civil Case No. 50450 had been submitted for decision. If, as respondent claims, he could not have rendered a decision in the case within three months because the records were voluminous and he had to attend to other cases, respondent could have asked for an extension of time to decide the case instead of allowing the 90-day period to expire.[14] It is well to state once again that delays in the disposition of cases undermine the faith and confidence of the people in the judiciary, debase its standards, and bring it into disrepute.[15]

Second. With regard to the allegation that respondent misrepresented certain facts in his answers, JBC Form No. 1 contains the following questions:[16]

> 23. Do you have any civil, criminal or administrative (including disbarment) case or complaint filed or pending before the Integrated Bar of the Philippines or before any prosecution office, court or government office?
>
> 24. Have you ever been charged with or convicted of or otherwise imposed a sanction for violating any law, decree, ordinance or regulation by any court, quasi-judicial office or tribunal of the Philippines or in any foreign country, or found guilty of an administrative offense?
>
> [ ] Yes [ ] No. If your answer is "Yes" to any of the questions, give particulars.

Respondent answered both questions in the negative. As earlier stated, the OCA found respondent liable for misrepresentation

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[14] *Office of the Court Administrator v. Butalid*, 293 SCRA 589 (1998); *Española v. Panay*, 248 SCRA 684 (1995); *Cruz v. Basa*, 218 SCRA 55 (1993).

[15] *Request of Judge Irma Zita Masamayor, RTC, Br. 52, Talibon, Bohol for Extension of Time to Decide Crim. Case No. 96-251*, 328 SCRA 584 (2000); *Sta. Ana v. Arinday, Jr.*, 283 SCRA 392 (1997).

[16] *Rollo*, p. 13.

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with regard to his answer to Question No. 23 since at the time respondent allegedly accomplished the JBC form on February 19, 1998, the criminal complaint against respondent in OMB-1-97-1881 was still pending before the Ombudsman and was dismissed only on May 8, 1998.

This is error. The OCA considered February 19, 1998, which appears at the bottom of the JBC form, as the date respondent accomplished the form. However, this is not the date respondent accomplished the form but the date of the issuance of respondent's residence certificate. This is evident from the jurat of the document.[17] On the other hand, respondent's letter to the JBC, to which the above form was attached, was dated October 27, 1998 and was received by the JBC on January 12, 1999. This is the date he accomplished the JBC form. Since the two administrative cases filed against respondent were dismissed by this Court on August 24, 1990 and July 9, 1991, respectively, while the complaint against respondent before the Deputy Ombudsman was dismissed on May 8, 1998, it is clear that at the time respondent filed with the JBC his application for promotion/transfer, there was indeed no longer any pending case or complaint against him. Thus, respondent did not misrepresent anything when he indicated in the JBC form that he had no pending cases before any court or tribunal.

It was in answering Question No. 24 that respondent was not truthful. The question was: "Have you ever been charged . . . for violating any law, decree, ordinance, or regulation?" In answering the question, respondent made it appear that he had never been charged with any violation of law, decree, ordinance, or regulation when the fact is that, as already stated, he was. His explanation that he saw no need to indicate this fact in his personal data sheet because a certain congressman had allegedly already informed the JBC of his case before the Ombudsman is flimsy. As a judge, respondent ought to know better than this.[18]

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[17] *Id.*, p. 14.

[18] *See Office of the Court Administrator v. Estacion, Jr.*, 181 SCRA 33 (1990).

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Third. With regard to the other charges made by complainants, the Court finds them to be without merit. As pointed out by respondent, the matters raised by complainants pertaining to their motion to inhibit respondent in Criminal Case No. 207096 had been rendered moot by the fact that respondent in the end inhibited himself not only in that case but also in Civil Case No. 50450. In any event, the grounds relied upon by complainants to support their motion, *i.e.*, that respondent's nephew is the husband of the daughter of the counsel for the accused; that they lacked confidence in respondent's impartiality; and that respondent was involved in criminal activities while in Paoay, Ilocos Norte, have no merit.

The first is not a ground for mandatory disqualification of judges under Rule 137, §1 since respondent is not even related to counsel for the accused. On the other hand, the other two grounds were negated by the dismissal of the criminal complaint by the Office of the Ombudsman and by the joint affidavit of the members of respondent's staff who affirmed his innocence of the charges.

Nor have the charges pertaining to respondent's alleged involvement in cattle rustling while sitting as judge of the MCTC, Paoay, Ilocos Norte, as well as of his alleged use of his chamber therein as a "sex den," been substantiated.

We now consider the penalty to be imposed on respondent. With regard to respondent's failure to decide Civil Case No. 50450, a fine in the amount of ₱5,000.00 should be imposed on him in line with our rulings involving the same offense.[19]

With regard to the misrepresentation committed by respondent in accomplishing his personal data sheet submitted to the JBC, the Court, taking cognizance of the fact that respondent has been in the government service for 26 years and that he does not appear to have any prior administrative record, deems it appropriate to impose on him the penalty of suspension. In *Bolalin v. Occiano*,[20] this Court imposed a six-month suspension on a judge who was found guilty of having falsified his service records, in addition

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[19] *E.g.*, *Balayo v. Buban, Jr.*, 314 SCRA 16 (1999).

[20] 266 SCRA 203 (1997).

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to having failed to seasonably decide an election case. A suspension for six months in this case would appear to be appropriate.

WHEREFORE, the Court finds respondent Judge Enrique M. Pascua, Metropolitan Trial Court, Branch 64, Makati City, guilty of gross inefficiency and dishonesty for which he is ordered to pay a fine in the amount of ₱5,000.00 and to suffer suspension from office for a period of six (6) months without pay with WARNING that commission of similar offenses will be dealt with more severely.

SO ORDERED.

Bellosillo (Chairman), Quisumbing, Buena, and *De Leon, Jr., JJ.*, concur.

THIRD DIVISION

[G.R. No. 108558. June 21, 2001]

ANDREA TABUSO and RENATO BISMORTE, *petitioners, vs.* **COURT OF APPEALS and the HEIRS OF ESTEBAN ABAD represented by Nemesio Abad and Ana Abad Paghubasan,** *respondents.*

SYNOPSIS

Private respondents obtained a favorable judgment in an action for declaration of ownership of an unregistered parcel of land. The trial court ruled that abundant proof was presented establishing private respondents ownership over the lot and that possession of a portion of the lot by petitioners was by mere tolerance. Evidences considered were tax declarations in private respondents' names for the years 1923 to 1982, a demand letter to vacate sent to petitioners who had built a *"barong barong"* or a small house on the lot, a contract of lease executed by Nemesio Abad in favor of Valentin Poblete, the deed of donation executed by Maria Montes