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THIRD DIVISION

[A.M. No. MTJ-11-1792. September 28, 2011]
(Formerly OCA I.P.I. No. 10-2294-MTJ)

ERNESTO Z. ORBE, *complainant, vs.* **JUDGE MANOLITO Y. GUMARANG, Pairing Judge, Municipal Trial Court, Imus, Cavite,** *respondent.*

SYLLABUS

1. **REMEDIAL LAW; PROCEDURE FOR SMALL CLAIMS CASES; PERIOD WITHIN WHICH JUDGMENT SHOULD BE RENDERED IS FIVE (5) DAYS. —** Section 22 of the Rule of Procedure for Small Claims Cases clearly provided for the period within which judgment should be rendered, to *wit*: Section 22. *Failure of Settlement* — If efforts at settlement fail, the hearing shall proceed in an informal and expeditious manner and be terminated within one (1) day. Either party may move in writing to have another judge hear and decide the case. The reassignment of the case shall be done in accordance with existing issuances. The referral by the original judge to the Executive Judge shall be made within the same day the motion is filed and granted, and by the Executive Judge to the designated judge within the same day of the referral. ***The new judge shall hear and decide the case within five (5) days from the receipt of the order of reassignment.***

2. **ID.; ID.; THEORY BEHIND THE SMALL CLAIMS SYSTEM. —** The theory behind the small claims system is that ordinary litigation fails to bring practical justice to the parties when the disputed claim is small, because the time and expense required by the ordinary litigation process is so disproportionate to the amount involved that it discourages a just resolution of the dispute. The small claims process is designed to function quickly and informally. There are no lawyers, no formal pleadings and no strict legal rules of evidence.

3. **ID.; ID.; EXIGENCY OF PROMPT JUDGMENT ON SMALL CLAIMS CASES, EMPHASIZED. —** [T]he intent of the law in providing the period to hear and decide cases falling under the Rule of Procedure for Small Claims Cases, which is within

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five (5) days from the receipt of the order of assignment, is very clear. The exigency of prompt rendition of judgment in small claims cases is a matter of public policy. There is no room for further interpretation; it does not require respondent's exercise of discretion. He is duty-bound to adhere to the rules and decide small claims cases without undue delay. The need for prompt resolution of small claims cases is further emphasized by Section 19 of the Rule, which provides that: SEC. 19. *Postponement When Allowed.* — A request for postponement of a hearing may be granted only upon proof of the physical inability of the party to appear before the court on the scheduled date and time. A party may avail of only one (1) postponement.

4. POLITICAL LAW; ADMINISTRATIVE LAW; JUDGES; GROSS IGNORANCE OF THE LAW AND PROCEDURE; PRESENT WHERE JUDGE FAILED TO APPLY ELEMENTARY RULES OF PROCEDURE AS RENDERING DECISION WITHIN THE REGLEMENTARY PERIOD. — Time and again, we have ruled that when the rules of procedure are clear and unambiguous, leaving no room for interpretation, all that is needed to do is to simply apply it. Failure to apply elementary rules of procedure constitutes gross ignorance of the law and procedure. In the instant case, neither good faith nor lack of malice will exonerate respondent, as the rules violated were basic procedural rules. We cannot countenance undue delay in the disposition of cases or motions, especially now when there is an all-out effort to minimize — if not totally eradicate — the problem of congestion long plaguing our courts. The requirement that cases be decided within the reglementary period is designed to prevent delay in the administration of justice. For obviously, justice delayed is justice denied. Delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards, and brings it into disrepute.

5. ID.; ID.; ID.; ID.; UNDUE DELAY IN RENDERING A DECISION ON SMALL CLAIMS; FINE OF ₱5,000 MADE PROPER. — Section 9 (1), Rule 140 of the Revised Rules of Court, as amended, provides that undue delay in rendering a decision or order is classified as a less serious charge, which is punishable by suspension from office, without salary and other benefits for not less than one (1) or more than three (3)

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months; or a fine of more than ₱10,000.00 but not exceeding ₱20,000.00. Considering that the Rule on small claims is a new rule, and that this is respondent judge's first violation of the rule, we deem it proper to impose a fine in the amount of ₱5,000.00.

D E C I S I O N

PERALTA, *J.*:

Before us is an administrative complaint[1] filed by complainant Ernesto Z. Orbe (Orbe) against Judge Manolito Y. Gumarang (respondent), Pairing Judge, Municipal Trial Court (MTC), Imus, Cavite for Violation of the Rule of Procedure for Small Claims Cases and the Code of Judicial Conduct.

The antecedent facts are as follows:

Orbe is the plaintiff of a small claims case docketed as Civil Case No. ICSCC 09-65 entitled *E.Z. Orbe Tax Accounting Services, thru, Ernesto Z. Orbe v. L.G.M. Silver Star Credit Corporation, represented by Librado Montano*, filed before the MTC of Imus, Cavite, presided by Judge Emily A. Geluz.

During the hearing of the case on February 9, 2010, the parties failed to reach an amicable settlement. On the same day, the case was assigned to respondent Judge Manolito Y. Gumarang, Assisting Judge of the MTC of Imus, Cavite, for the continuation of the trial.

Complainant alleged that the case was scheduled for hearing on March 4, 2010, but was postponed by respondent to March 11, 2010 because of power interruption. On March 11, 2010, again the hearing was reset by respondent Judge Gumarang to March 25, 2010 as he was due for medical check-up. On March 25, 2010, respondent conducted another Judicial Dispute Resolution (JDR), and again reset the hearing to April 15, 2010 when the parties failed to reach an amicable agreement.

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[1] *Rollo*, pp. 1-4.

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Complainant argued that Judge Gumarang violated the Rule of Procedure for Small Claims Cases for failure to decide the civil case within five (5) days from receipt of the order of reassignment.

On August 2, 2010, the Office of the Court Administrator (OCA) directed Judge Gumarang to submit his comment on the complaint against him.[2]

In his Comment[3] dated September 13, 2010, Judge Gumarang explained that as Assisting Judge in the MTC of Bacoor, Cavite, he tried small claims cases only on Thursdays. He admitted that he failed to decide the case within five (5) working days from receipt of the order, as mandated by the Rule. However, he pointed out that the Rule needed clarification since, as in his case, the five (5) working days should be construed to refer to five (5) calendared trial dates falling on Thursdays only, considering that he allotted only one day, that is Thursday, to hear and try small claims cases.

On May 10, 2011, the OCA, in its Memorandum,[4] recommended that the instant matter be redocketed as a regular administrative complaint. It likewise found Judge Gumarang guilty of Gross Ignorance of the Law, but recommended that he be fined in the amount of Five Thousand Pesos (₱5,000.00) only for violating the Rule of Procedure for Small Claims Cases.

We agree with the findings and recommendation of the OCA.

Indeed, Section 22 of the Rule of Procedure for Small Claims Cases clearly provided for the period within which judgment should be rendered, to *wit*:

> Section 22. *Failure of Settlement* — If efforts at settlement fail, the hearing shall proceed in an informal and expeditious manner and be terminated within one (1) day. Either party may move in writing

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[2] *Id.* at 43.

[3] *Id.* at 41-42.

[4] *Id.* at 45-47.

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to have another judge hear and decide the case. The reassignment of the case shall be done in accordance with existing issuances.

The referral by the original judge to the Executive Judge shall be made within the same day the motion is filed and granted, and by the Executive Judge to the designated judge within the same day of the referral. ***The new judge shall hear and decide the case within five (5) days from the receipt of the order of reassignment.***[5]

In this case, it is undisputed that it took more than two (2) months for respondent to render a decision on the subject case as he himself admitted the series of postponements which occurred during the pendency of the case. His lone argument was that he hears small claims cases on Thursdays only, hence, he claimed that, in his case, the period of five (5) working days being referred to by Section 22 of the Rule should pertain only to Thursdays.

We are unconvinced.

Judge Gumarang must have missed the very purpose and essence of the creation of the Rule of Procedure for Small Claims Cases, as his interpretation of the Rule is rather misplaced. It is, therefore, imperative to emphasize what the Court sought to accomplish in creating the Rule of Procedure for Small Claims Cases, to *wit*:

x x x Thus, pursuant to its rule-making power, the Court, under the present Constitution, can adopt a special rule of procedure to govern small claims cases and select pilot courts that would empower the people to bring suits before them *pro se* to resolve legal disputes involving simple issues of law and procedure without the need for legal representation and extensive judicial intervention. **This system will enhance access to justice, especially by those who cannot afford the high costs of litigation even in cases of relatively small value.** It is envisioned that by facilitating the traffic of cases through simple and expeditious rules and means, our Court can improve the perception of justice in this country, thus, giving citizens a renewed "stake" in preserving peace in the land. x x x[6]

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[5] Emphasis supplied.

[6] A.M. No. 08-8-7-SC, RULE OF PROCEDURE FOR SMALL CLAIMS CASES, EFFECTIVE OCTOBER 1, 2008, p. 34. (Emphasis supplied.)

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The theory behind the small claims system is that ordinary litigation fails to bring practical justice to the parties when the disputed claim is small, because the time and expense required by the ordinary litigation process is so disproportionate to the amount involved that it discourages a just resolution of the dispute. The small claims process is designed to function quickly and informally. There are no lawyers, no formal pleadings and no strict legal rules of evidence.[7]

Thus, the intent of the law in providing the period to hear and decide cases falling under the Rule of Procedure for Small Claims Cases, which is within five (5) days from the receipt of the order of assignment, is very clear. The exigency of prompt rendition of judgment in small claims cases is a matter of public policy. There is no room for further interpretation; it does not require respondent's exercise of discretion. He is duty-bound to adhere to the rules and decide small claims cases without undue delay.

The need for prompt resolution of small claims cases is further emphasized by Section 19 of the Rule, which provides that:

> SEC. 19. *Postponement When Allowed.* — A request for postponement of a hearing may be granted only upon proof of the physical inability of the party to appear before the court on the scheduled date and time. A party may avail of only one (1) postponement.

In the instant case, it is noteworthy to mention that the postponements were not attributed to any of the parties to the case. The numerous postponements, which in some instances were upon respondent's initiative, were uncalled for and unjustified, considering that it was already established that all efforts for amicable settlement were futile. Thus, the postponements were clear violation of the Rule and defeat the very essence of the Rule.

Time and again, we have ruled that when the rules of procedure are clear and unambiguous, leaving no room for interpretation,

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[7] *Rollo,* p. 36.

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all that is needed to do is to simply apply it. Failure to apply elementary rules of procedure constitutes gross ignorance of the law and procedure. In the instant case, neither good faith nor lack of malice will exonerate respondent, as the rules violated were basic procedural rules.

We cannot countenance undue delay in the disposition of cases or motions, especially now when there is an all-out effort to minimize — if not totally eradicate — the problem of congestion long plaguing our courts. The requirement that cases be decided within the reglementary period is designed to prevent delay in the administration of justice. For obviously, justice delayed is justice denied. Delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards, and brings it into disrepute.[8]

Section 9 (1), Rule 140 of the Revised Rules of Court, as amended, provides that undue delay in rendering a decision or order is classified as a less serious charge, which is punishable by suspension from office, without salary and other benefits for not less than one (1) or more than three (3) months; or a fine of more than ₱10,000.00 but not exceeding ₱20,000.00. Considering that the Rule on small claims is a new rule, and that this is respondent judge's first violation of the rule, we deem it proper to impose a fine in the amount of ₱5,000.00.

WHEREFORE, the Court finds Judge Manolito Y. Gumarang, Municipal Trial Court, Imus, Cavite, *GUILTY of Undue Delay in Rendering a Decision and Violation of the Rule of Procedure for Small Claims Cases,* and is hereby *ORDERED* to pay a fine of Five Thousand Pesos (₱5,000.00) and *WARNED* that a repetition of the same or similar act shall be dealt with more severely.

SO ORDERED.

Abad, Perez,[*] *Mendoza,* and *Perlas-Bernabe, JJ.,* concur.

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[8] *Visbal v. Sescon,* 456 Phil. 552, 558-559 (2003).

[*] Designated additional member in lieu of Associate Justice Presbitero J. Velasco, Jr., per Special Order No. 1102 dated September 21, 2011.