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Cancellation of Certificate of Candidacy and Disqualification filed by petitioner ROBERTO CONQUILLA against private respondent EDUARDO A. ALARILLA is *AFFIRMED*. Costs against petitioner.

SO ORDERED.

Melo, Puno, Vitug, Kapunan, Mendoza, Purisima, Buena and *Gonzaga-Reyes, JJ.*, concur.

Davide, Jr., C.J., on official leave.

Panganiban, Quisumbing, Ynares-Santiago, and *De Leon, Jr., JJ.,* are on leave.

Pardo, J., no part.

THIRD DIVISION

[A.M. No. MTJ-00-1273. June 1, 2000]

JANUARIO LOTINO, GEORGE MARINAS, GAUDENCIO MISOLAS, MARIANO MORATILLO, SR., FRUCTOSO M. MANCION, SEMEON MILITANTE, SR., JUANITO LOSIGRO, ARISTON BANIA, HEGINO MANCION, SR., AGAPITO MILOR, JR., DOMINGO MARINAS, BIENVENIDO ABRERA, ROSALEA SOLER MISOLAS, MAXIMO A. CASTUERA, *complainants, vs.* **JUDGE FROILAN N. HERNANDEZ, Municipal Trial Court, Pilar, Sorsogon,** *respondent.*

SYNOPSIS

Complainants Januario Lotino, *et al.* charged Judge Froilan N. Hernandez of the Municipal Trial Court of Pilar, Sorsogon with dereliction of duty relative to his inaction on Civil Case

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No. 409-422 for "Forcible Entry." They claimed that since they filed a motion for transfer of venue of the trial to Sorsogon, Sorsogon, it remained unacted upon by respondent Judge. In his comment, respondent Judge denied the validity of the charge against him. He reasoned out that he was handling two courts — he being designated as acting Judge in the Municipal Trial Court of Donsol which is 120 kilometers away from his post, and that the delay in the disposition of said motion was due to the wrong filing of said motion in his sala instead of its being properly submitted before the Executive Judge. The Office of the Court Administrator (OCA) initially found respondent Judge guilty and recommended that he be meted a fine of ₱1,000.00. However, when this Court inquired from him as to the status of the forcible entry cases, Judge Hernandez replied that the cases were still pending and awaiting for an "Answer" from the defendants and he informed the Court that he is already on leave in preparation to his retirement. The OCA reiterated its earlier findings, but this time recommended a higher fine of ₱5,000.00 after finding respondent Judge guilty of dereliction of duty and gross ignorance of the rules for failure to observe Sections 5 and 6 of the Rules on Summary Procedure.

This Court ruled that Rule 3.05, Canon 3 of the Canons on Judicial Ethics mandates that a judge should dispose of the court business promptly and decide cases within the periods prescribed therefore. The heavy caseload in his *sala*, although unfortunate, cannot excuse a judge from the due observance of the rules. Respondent Judge has failed in this regard. Compounding the matter, Civil Case No. 409-422 for forcible entry should have been resolved in accordance with the Revised Rules on Summary Procedure, over which respondent judge has evidently been remiss. His disregard of the rules shows either a contempt or an ignorance of the law, neither of which is acceptable for it is given that a member of the bench keeps himself constantly abreast of legal and jurisprudential developments, bearing in mind that this learning process never ceases even as it is so indispensable in the correct dispensation of justice.

The Court imposed a fine of ₱3,000.00 on Judge Hernandez.

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SYLLABUS

1. **LEGAL AND JUDICIAL ETHICS; CODE OF JUDICIAL CONDUCT; A JUDGE SHOULD DISPOSE OF THE COURT BUSINESS PROMPTLY AND DECIDE CASES WITHIN THE PERIODS PRESCRIBED THEREFOR.**— Rule 3.05, Canon 3 of the Canons on Judicial Ethics mandates that a judge should dispose of the court business promptly and decide cases within the periods prescribed therefor; if, indeed, it otherwise becomes unavoidable, the judge is not prevented from seeking additional time within which to dispose of the case by simply filing a request for such extension seasonably and with good reasons.

2. **ID.; ID.; ID.; HEAVY CASELOAD IS NOT AN EXCUSE FROM DUE OBSERVANCE THEREOF.**— The heavy caseload in his *sala,* although unfortunate, cannot excuse a judge from the due observance of the rules.

3. **ID.; ID.; CODE OF PROFESSIONAL RESPONSIBILITY; A JUDGE MUST KEEP HIMSELF CONSTANTLY ABREAST OF LEGAL AND JURISPRUDENTIAL DEVELOPMENTS; NOT COMPLIED IN CASE AT BAR.**— Civil Case No. 409-422 for forcible entry should have been resolved in accordance with the Revised Rules on Summary Procedure, over which respondent judge has evidently been remiss. His disregard of the rules shows either a contempt or an ignorance of the law, neither of which is acceptable, for it is given that a member of the bench keeps himself constantly abreast of legal and jurisprudential developments, bearing in mind that this learning process never ceases even as it is so indispensable in the correct dispensation of justice.

D E C I S I O N

VITUG, *J.*:

In a letter-complaint, dated 07 May 1996, filed by Januario Lotino, *et al.*, against Judge Froilan N. Hernandez of the Municipal Trial Court of Pilar, Sorsogon, complainants charged respondent Judge with dereliction of duty relative to his inaction on Civil Case No. 409-422 for "Forcible Entry." Complainants

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averred, further, that they had since filed a motion for the transfer of the venue of trial to Sorsogon, Sorsogon, but that, too, remained unacted upon by respondent Judge.

Respondent Judge, in his comment, denied the validity of the charge against him and countered that he was handling two courts — the Municipal Trial Court in Pilar wherein he regularly presided and the Municipal Trial Court of Donsol, about 120 kilometers away, where he was also designated as an Acting Judge — a double task he had to contend with. Respondent Judge claimed, with particular reference to the motion for the transfer of venue, that the delay in its disposition was due to the wrong filing thereof in his *sala* instead of its being properly submitted before the Executive Judge.

In its resolution of 23 September 1996, the Court referred the case to the Office of the Court Administrator ("OCA") for evaluation, report and recommendation. In a memorandum, dated 06 February 1997, the OCA found respondent Judge guilty and recommended that he be meted a fine of ₱1,000.00, with a warning that "a repetition of the same or similar conduct in the future will be dealt with more severely." In a resolution, dated 16 June 1997, the Court directed respondent Judge to inform the Court of the status of the forcible entry case and required the parties to manifest whether they would be willing to submit the case for resolution on the basis of what theretofore appeared to be on record.

Hegino M. Mancion, Sr., one of the complainants, in his letter of 21 July 1997, said that Judge Hernandez was already replaced by Judge Beatriz Bo.

In a memorandum addressed through the Chief Justice, Judge Hernandez reported that the cases were yet pending and still awaiting an "Answer" from the defendants, and that it was his Clerk of Court, Mrs. Aditha Lim, who could inform the Court of the status of the cases, he being already on leave preparatory to his retirement. He manifested, in his letter of 09 October 1997, his willingness to submit the case for resolution on the basis of the pleadings already on file.

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In a memorandum, dated 27 March 1998, the OCA, through Senior Deputy Court Administrator Reynaldo L. Suarez, reiterated its findings in its 06th February 1997 report, but this time recommended a higher fine of ₱5,000.00. Finding respondent Judge guilty of dereliction of duty and gross ignorance of the rules, the OCA declared:

"The complaint has merit. We find the explanation of the respondent unsatisfactory. In effect the reason for the delay as impressed by the respondent is the erroneous filing of the complainants' counsel of the motion for transfer of venue of trial of the civil cases with the respondent's sala. This is of no moment. Whether the motion should be filed with the Executive Judge as claimed by him it is still incumbent for him to take action on the motion and promptly dispose of it. He offered no explanation in his Answer as to what happened to the motion leading us to believe complainant's claim that truly, the same has not been acted upon by the respondent. A judge should be the embodiment of competency, integrity and independence (Canon 1, Rule 1.01, Code of Judicial Conduct) and should administer justice, impartially and without delay (Canon 1, Rule 1.02). All Presiding Judges must endeavor to act promptly on all motions and interlocutory matters pending before their courts (Paragraph 6.1, Administrative Circular No. 1, January 28, 1988).

"As to the allegation of the complainants that probably the reason for the delay is that one of the herein complainants Hegino Mancion, Sr. is a witness to the criminal complaint filed by Erwin Lladoc against herein respondent Judge, the same is speculative and has no basis at all."[1]

"x x x In addition to this, we find respondent Judge grossly ignorant of the Rules on Summary Procedure which governs Forcible Entry cases, particularly Secs. 5 and 6 thereof. Section 5 provides that within ten (10) days from service of summons, the defendant shall file his answer to the complaint and serve a copy thereof on the plaintiff. Under Section 6 of the same Rule, should the defendant fail to answer the complaint within the period above provided, the court *motu propio* or on motion of the plaintiff, shall render judgment as maybe warranted by the facts alleged in the complaint and limited to what is prayed for therein.

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[1] *Rollo*, p. 19.

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"It is evident that respondent Judge failed to apply these very basic rules as it appears from his manifestation that said civil cases has not been acted upon by him because he is still waiting for the defendants to file their pleadings or answers. It is very clear that respondent Judge seemingly lacks awareness of the provisions in forcible entry cases. Under the said Section 6, he should proceed to render judgment based on the allegations of the complaint and the evidence presented if after the lapse of ten (10) days from service of summons, the defendant failed to file his answer on the complaint. The provision is very explicit and elementary, so elementary that not to know this reflects some degree of incompetence on the part of the respondent Judge. Moreover, under Section 10 of the rule, respondent Judge is duty bound to render his decision within thirty (30) days from receipt of the last affidavits and position papers, or the expiration of the period for filing the same. Considering the summary nature of Forcible Entry cases, respondent judge in effect contributed to the delay in the speedy disposition of the cases. The reason being because were it not for his ignorance of the rules these cases could have been disposed of at once.

"The Rule on Summary Procedure was precisely enacted to achieve an expeditious and inexpensive determination of cases and failure to observe the 30-day period within which to render a judgment subjects the defaulting judge to administrative sanction (*Cruz vs. Pascual,* 244 SCRA 111 [1995])."[2]

In the resolution of 28 February 2000, the case was ordered docketed as a regular administrative matter, and the manifestation of complainants, required in the resolution of 16 June 1997, was dispensed with.

The Court sustains the findings and recommendation of the OCA, although, considering the explanation of respondent Judge, the Court deems it appropriate to reduce the suggested fine of ₱5,000.00.

Rule 3.05, Canon 3, of the Canons on Judicial Ethics mandates that a judge should dispose of the court business promptly and decide cases within the periods prescribed therefor;[3] if, indeed,

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[2] *Rollo*, pp. 28-29.

[3] *Office of the Court Administrator vs. Benedicto,* 296 SCRA 62.

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it otherwise becomes unavoidable, the judge is not prevented from seeking additional time within which to dispose of the case[4] by simply filing a request for such extension seasonably and with good reasons. The heavy caseload in his *sala*, although unfortunate, cannot excuse a judge from the due observance of the rules. Respondent Judge has failed in this regard. Compounding the matter, Civil Case No. 409-422 for forcible entry should have been resolved in accordance with the Revised Rules on Summary Procedure, over which respondent judge has evidently been remiss. His disregard of the rules shows either a contempt or an ignorance of the law, neither of which is acceptable, for it is given that a member of the bench keeps himself constantly abreast of legal and jurisprudential developments, bearing in mind that this learning process never ceases even as it is so indispensable in the correct dispensation of justice.[5]

WHEREFORE, finding respondent Judge Froilan N. Hernandez guilty of dereliction of duty and ignorance of the law, the Court hereby imposes a FINE of THREE THOUSAND (₱3,000.00) PESOS on him.

SO ORDERED.

Melo (Chairman), Purisima and *Gonzaga-Reyes, JJ.*, concur.

Panganiban, J., is on leave.

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[4] *Sanchez vs. Vestil*, 298 SCRA 1.

[5] See *Villaluz vs. Mijares*, 288 SCRA 594.