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THIRD DIVISION

[A.M. No. MTJ-99-1187. February 15, 2000]

PACIFICA A. MILLARE represented by: PATERNO A. MILLARE, *complainant, vs.* **Judge REDENTOR B. VALERA, Municipal Trial Court, Bangued, Abra,** *respondent.*

SYNOPSIS

Herein complainant filed ejectment and unlawful detainer cases with a claim for unpaid rentals exceeding ₱20,000.00 against Spouses Co with the Municipal Trial Court. The cases were consolidated and were not de-consolidated despite the coming into effect of the Rule on Summary Procedure. In the course of the trial, defendant Spouses Co filed an urgent motion to defer actions on the cases with a motion to dismiss. The same was denied in an order dated June 1, 1990 issued by Judge Guy who ruled that for failure of the defendants to secure a restraining order and proceed with the trial the evidence for the defendants were ordered closed and the cases deemed submitted for decision. The cases were transferred to respondent judge when Judge Guy inhibited himself on sitting on the cases. Defendant spouses filed a notice of appeal and moved for the elevation of the cases to the RTC on the ground that the amount of the rent being claimed by the plaintiffs was beyond the jurisdiction of the MTC. The same was opposed by complainant, who, on December 11, 1990, moved for the early resolution of the cases. Two more motions dated February 25, 1991 and June 29, 1993 were subsequently filed but remained unacted upon. Hence, the present administrative complaint against respondent Judge for gross negligence and inefficiency for the delay in the disposition of the cases. Respondent Judge denied inaction. He claimed that the cases were not yet submitted for decision, that the motions for early resolution had become moot and academic when defendants voluntary vacated the premises, that the issue of back rentals was beyond the jurisdiction of the MTC, and that the June 1, 1990 order of Judge Guy did not become final with the appeal interposed by the defendants. The OCA, to whom the complaint was referred to, found respondent guilty of the charges and recommended that respondent be fined ₱10,000.00. It explained

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that the order of June 1, 1990 considering the cases submitted for decision was interlocutory, hence, cannot be the subject of an appeal. The amendatory rule in the Rule on Summary Procedure which excepts from its jurisdiction claims for damages or unpaid rentals exceeding ₱20,000.00 did not excuse respondent Judge from his inaction.

The Supreme Court agreed with the report of the OCA and adopted its recommendation with the modification that the amount of the fine be reduced from ₱10,000.00 to ₱5,000.00.

The Code of Judicial Conduct required Judges to dispose of the court's business promptly and to act one way or another on cases pending before him within the prescribed period therefor.

SYLLABUS

JUDICIAL ETHICS; JUDGES; REQUIRED TO DISPOSE COURTS' BUSINESS PROMPTLY AND TO ACT ON CASES WITHIN PRESCRIBED PERIOD; RESPONDENT JUDGE FINED FOR FAILURE TO SEASONABLY DISPOSE CASES.— Indeed established was that Judge Guy had issued an order, dated 01 June 1990, submitting the cases for decision. Hardly acceptable was respondent's allegation that he could not have acted on the cases because of the notice of appeal said to have been filed by the defendants. Clearly, the order of Judge Guy, being interlocutory, could not have been the subject of an appeal. Nor could respondent's claim that the unpaid rentals exceeded ₱20,000.00 be a valid excuse. At the time *Civil Case No. 661 was filed on 01 September 1980*, the exclusive jurisdiction over forcible entry and unlawful detainer cases rested upon Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts. It is true that when *Civil Case No. 961 was filed on 06 November 1986*, the Rule on Summary Procedure was already in effect vesting upon the Metropolitan Trial Court, the Municipal Trial Courts and the Municipal Circuit Trial Courts cases of forcible entry and unlawful detainer, *except where the damages or unpaid rentals sought to be recovered by the plaintiff exceeded ₱20,000.00 at the time of the filing of the complaint.* This amendatory rule, however, did not excuse respondent Judge from his inaction. He could have de-consolidated the cases and forthwith dismiss the one over which the court had no jurisdiction instead of sitting on them for years. The Code of Judicial Conduct required him to dispose of the court's

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business promptly and to act, one way or the other, on cases pending before him within the prescribed period therefor. The Court, therefore, adopts the recommendation of the OCA with the modification that the suggested amount of ₱10,000.00 fine be reduced, given the circumstances of this case, to ₱5,000.00.

RESOLUTION

VITUG, *J.*:

Pacifica A. Millare, represented by her son Paterno A. Millare, has charged Judge Redentor B. Valera of the Municipal Trial Court ("MTC") of Bangued, Abra, with gross negligence and inefficiency in the performance of his duties relative to the delay in the disposition of Civil Case No. 661 ("*Pacifica A. Millare vs. Elsa Co*") for ejectment and Civil Case No. 961 ("*Pacifica A. Millare vs. Elsa Co*") for unlawful detainer.

Civil Case No. 661, for ejectment, was initially archived pending the resolution of another civil case (Civil Case No. 1436) for the renewal of a contract of lease filed by the spouses Antonio and Elsa Co. Following the dismissal of the latter case (Civil Case No. 1436), Civil Case No. 661 was revived and, by agreement of the parties, jointly tried with Civil Case No. 961 for unlawful detainer. The cases were assigned to Judge Esteban Guy. On 03 May 1990, the spouses Co filed an "urgent motion to defer action on the cases with motion to dismiss." On 01 June 1990, Judge Guy issued an order denying the motion to defer the hearings and to dismiss the cases. In the same order, Judge Guy ruled that "for failure of the defendants to secure a restraining order and failure to proceed with the trial of the cases, the evidence of the defendants are ordered CLOSED, and the above entitled cases are deemed submitted for decision." The defendants appealed the order.

At some point later, Judge Guy inhibited himself from further trying the two cases. Respondent Judge Valera then took over from Judge Guy. On 22 August 1990, Judge Valera ordered that the cases be set for hearing. The spouses Co moved for the elevation of the cases to the Regional Trial Court of Abra stating that they had meanwhile filed a notice of appeal on the thesis that the actions

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had become moot and academic, the premises having been vacated since 01 May 1987 and that, moreover, the amount of rent being claimed by the plaintiffs was beyond the jurisdiction of the MTC. The plaintiff opposed the motion and averred that the key to the premises was turned over not to her but to Atty. Demetrio V. Pre (an uncle of the counsel for the plaintiff) and that the defendants allowed one Lilia Co and her family to use the premises from 13 September 1988 to January 1989. In an order, dated 03 December 1990, Judge Valera ordered Atty. Demetrio V. Pre to hand over the key of the leased premises to the plaintiff or to her counsel or through the court. The key was later withdrawn by the plaintiff.

On 11 December 1990, the plaintiff filed a motion for an early resolution of the cases. Another motion for early resolution was filed on 25 February 1991. On 29 June 1993, a similar motion was filed. The inaction of respondent prompted complainant to file the instant administrative case.

Respondent Judge, in his answer to the complaint, denied the asseveration of inaction on the cases and averred that the cases were not yet submitted for decision. According to him, the motions for early resolution and for rendition of decision filed by the plaintiff were mere scraps of paper for failure to comply with Sections 4, 5 and 6, Rule 15, of the Rules of Court. In addition, the motions had become moot and academic in view of the act of the defendants in voluntarily vacating the premises. He further averred that the issue on the back rentals was beyond the jurisdiction of the MTC to decide.

Complainant, in her reply, contended that an order submitting the cases for decision was issued by Judge Guy on 31 June 1990. She also argued that the return of possession of the premises did not render the cases moot and academic since still unresolved was the obligation to pay the accrued rentals and damages.

In a rejoinder, respondent Judge admitted the existence of the 01 June 1990 order of Judge Guy. He countered, however, that the order was not yet final because of the appeal interposed by the defendants on 13 June 1990 which remained unresolved. He set the cases for hearing but the defendants moved to elevate the cases to the Abra RTC. He also learned that the key to the leased premises

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was already deposited in the law office of Atty. Demetrio Pre, counsel for the plaintiff, and that the defendants already vacated the premises.

In her sur-rejoinder, complainant claimed that her counsel, Atty. Cielo Pre, did not receive the key and that the notice of appeal filed by the defendants was not yet perfected.

The Office of the Court Administrator, after evaluating the case, recommended that respondent Judge Redentor B. Valera be fined ₱10,000.00 for his failure to decide Civil Case No. 661 and No. 961 within the prescribed period therefor, and that he be directed to decide the aforementioned cases with utmost dispatch. The OCA explained:

"It is a firmly settled rule that only a *final order or judgment on the merits may be the subject of an appeal (Gold City Integrated vs. IAC, 171 SCRA 579; Day vs. RTC of Zamboanga City, Branch XIII; Investments, Inc. vs. Court of Appeals, 147 SCRA 334).* A judgment on the merits is one rendered after a determination of which party is in the right and must prevail, as distinguished from a judgment rendered upon some preliminary or formal or merely technical point. In other words, after a final order or judgment, the court should have nothing more to do in respect of the relative rights of the parties to the case. Conversely, an order that does not finally dispose of the cases and does not end the court's task of adjudicating the parties' contentions in determining their rights and liabilities as regards each other, but obviously indicates that other things remain to be done by the court, is interlocutory (*BA Finance Corporation vs. Court of Appeals,* 178 SCRA 589).

"The lower court's order dated June 1, 1990 closing the reception of evidence on the part of the defendants and submitting the cases for decision is merely an interlocutory order as it does not dispose of the case completely but leaves something more to be done upon its merits. A judgment completely disposing of the cases is yet to be rendered. This is what respondent Judge failed to do even after the lapse of more than six years from the time the cases were submitted for decision.

"x x x x x x x x x

"Similarly, respondent Judge ought to know that all judgments determining the merits of cases shall be in writing personally and directly prepared by the judge, stating clearly and distinctly the facts and the law on which it is based, signed by him, and filed with the clerk of the court.

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This is a requirement not only of the Rules of Court but by the Constitution. Hence, his claim that the cases for ejectment and unlawful detainer have become moot and academic by reason of the return of possession did not automatically dispose of the controversy unless a judgment or decision is rendered to that effect. If ever that is his finding, he should render a decision on the matter to give the parties the opportunity to appeal or to exhaust any other remedy available under the rules."

The Court agrees with the above report.

Indeed established was that Judge Guy had issued an order, dated 01 June 1990, submitting the cases for decision. Hardly acceptable was respondent's allegation that he could not have acted on the cases because of the notice of appeal said to have been filed by the defendants. Clearly, the order of Judge Guy, being interlocutory, could not have been the subject of an appeal.[1] Nor could respondent's claim that the unpaid rentals exceeded ₱20,000.00 be a valid excuse. At the time *Civil Case No. 661 was filed on 01 September 1980*, the exclusive jurisdiction over forcible entry and unlawful detainer cases rested upon Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts.[2] It is true that when *Civil Case No. 961 was filed on 06 November 1986*, the Rule on Summary Procedure was already in effect[3] vesting upon the Metropolitan Trial Court, the Municipal Trial Courts and the Municipal Circuit Trial Courts cases of forcible entry and unlawful detainer, *except where the damages or unpaid rentals sought to be recovered by the plaintiff exceeded ₱20,000.00 at the time of the filing of the complaint.* This amendatory rule, however, did not excuse respondent Judge from his inaction. He could have de-consolidated the cases and forthwith dismiss the one over which the court had no jurisdiction instead of sitting on them for years. The Code of Judicial Conduct required him to dispose of the court's business promptly and to act, one way or the other, on cases pending before him within the prescribed period therefor.

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[1] See *Go vs. Court of Appeals*, 297 SCRA 574.

[2] Section 33(2), Batas Pambansa Blg. 129.

[3] The Rule became effective on 01 August 1983.

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The Court, therefore, adopts the recommendation of the OCA with the modification that the suggested amount of ₱10,000.00 fine be reduced, given the circumstances of this case, to ₱5,000.00.

WHEREFORE, respondent Judge Redentor B. Valera is found to have remiss in seasonably disposing of Civil Case No. 661 and Civil Case No. 961 before his court and a *FINE* of ₱5,000.00 is imposed on him. He is directed to decide said cases with utmost dispatch and to submit to the Office of the Court Administrator a copy of his decision within ten (10) days from promulgation thereof.

SO ORDERED.

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

SECOND DIVISION

[A.M. No. P-00-1362. February 15, 2000]

ORLANDO LAPEÑA, *complainant, vs.* **JOVITO PAMARANG, Sheriff IV, Regional Trial Court — Office of the Clerk of Court, Urdaneta, Pangasinan,** *respondent.*

SYNOPSIS

This is an administrative complaint filed against respondent, the sheriff of Regional Trial Court (RTC) of Urdaneta, Pangasinan charging him with ignorance of the law, gross misconduct and neglect of duty for filing the return of the writ of execution four days late than what was required under Rule 39, Section 11 of the Rules of Court. Upon the recommendation of the Office of the Court Administrator, the case was referred to the Executive Judge of the RTC for investigation, report and recommendation. On the scheduled hearing on December 7, 1999, complainant manifested that he was no longer interested in pursuing the case and wanted