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SECOND DIVISION

[A.M. No. MTJ-00-1249. September 4, 2001]

PHILIPPINE GERIATRICS FOUNDATION, INC., ATTY. EDUARDO S. RODRIGUEZ, AND ATTY. VICENTE S. PULIDO, *complainants, vs.* **JUDGE LYDIA QUERUBIN LAYOSA, Presiding Judge, Metropolitan Trial Court, Branch 12, Manila,** *respondent.*

SYNOPSIS

Petitioners filed an administrative complaint against respondent Judge for gross ignorance of the law, gross misconduct and grave abuse of discretion. Petitioners alleged that respondent misappreciated the law on donations in dismissing the unlawful detainer case it filed against one Ligaya Santos and that she failed to render a decision within 30 days from receipt of the last pleading which was received by the trial court on December 23, 1996. Respondent admitted that there was delay in the rendition of said judgment, but claimed that her failure to ask for extension to decide the case was caused by mere inadvertence.

Matters of judicial adjudication are not subject of administrative complaints. The proper recourse by a party aggrieved by a decision of a judge is to appeal to the proper court.

A judge may not be held administratively liable for every erroneous decision he makes, for no judge is infallible. But she may be held administratively liable for failure to decide a case within the required periods, as in this case.

SYLLABUS

1. JUDICIAL ETHICS; JUDGES; ADMINISTRATIVE COMPLAINT; MATTERS FOR JUDICIAL ADJUDICATION, NOT SUBJECT THEREOF. — Apart from the issue of deciding the case within the prescribed period, complainants raise in their pleadings questions which are capable of judicial, not administrative,

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determination. For instance, complainants argue that respondent misappreciated the law on donations when the latter stated in her decision that the words "rental" and "donation" cannot be interchanged, as was written in the alleged copy of the lease contract between PGF and Santos. Complainants also discuss the rules on forms of contract, possession by tolerance, and admission of secondary evidence to refute the arguments raised by respondent in her decision. These are clearly matters for judicial adjudication. The proper recourse of a party aggrieved by the decision of a judge is to appeal to the proper court, not file an administrative complaint. We note that complainants did, in fact, appeal their case to the RTC and elevated the case to the CA.

2. ID.; ID.; MAY NOT BE HELD ADMINISTRATIVELY LIABLE FOR EVERY ERRONEOUS DECISION MADE. — A judge may not be held administratively liable for every erroneous decision he makes, for no judge can be infallible. Only in cases where the error is gross or patent, deliberate and malicious, or incurred with evident bad faith may administrative sanctions be imposed. We find no proof of such patent error, bad faith or malice in respondent's dismissal of Civil Case No. 150316-CV. That decision was even upheld by the RTC, notwithstanding that the CA later on reversed the RTC.

3. ID.; CODE OF JUDICIAL CONDUCT; JUDGES MANDATED TO DISPOSE OF COURT'S PROCESSES PROMPTLY AND TO DECIDE CASES WITHIN PRESCRIBED PERIOD; FAILURE OF RESPONDENT JUDGE TO DECIDE CASE WITHIN PRESCRIBED PERIOD IN CASE AT BAR. — Respondent admits that there was delay in her rendering of the decision in Civil Case No. 150316-CV. She states that the last pleading filed in the case was complainant's position paper, which was mailed on December 14, 1996 and received by the MeTC on December 23, 1996. The Code of Judicial Conduct mandates judges to dispose of the court's business promptly and to decide cases within the required periods. Compliance with this mandate is required of all judges, since failure to decide cases on time violates a litigant's right to speedy disposition of his case. When compliance will be rendered difficult due to a heavy caseload, all that a judge has to do is to ask the Court for additional time. *WHEREFORE,* respondent Judge Lydia Querubin Layosa is *REPRIMANDED* for her failure to decide Civil Case No. 150316-CV, at the

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Metropolitan Trial Court of Manila, Branch 12, within the period prescribed by law. She is warned that a repetition of the same or similar act will be dealt with more severely. The other charges against her being judicial in nature are *DISMISSED*.

APPEARANCES OF COUNSEL

Vicente S. Pulido for complainant.

D E C I S I O N

QUISUMBING, *J.*:

This is an administrative complaint for gross ignorance of the law, gross misconduct, and grave abuse of discretion filed by the Philippine Geriatrics Foundation, Inc., and lawyers Eduardo S. Rodriguez and Vicente S. Pulido[1] against Judge Lydia Querubin Layosa, then presiding judge of Branch 12 of the Metropolitan Trial Court, Manila.[2] Complainants urge the Court to dismiss respondent judge from the service.

It appears that this complaint arose after respondent judge dismissed the complaint filed by PGF against one Ligaya Santos, docketed as Civil Case No. 150316-CV and entitled "*Philippine Geriatrics Foundation, Inc. v. Ligaya Santos, a.k.a. Ligaya Salvador.*"[3]

The factual antecedents of this case are as follows:

In July 1966, complainant Philippine Geriatrics Foundation, Inc. (hereinafter PGF) moved from its former office in Sta. Cruz, Manila, to the ground floor of the Geriatrics Center building at Lions Rd., Arroceros St. (now Mayor Antonio J. Villegas St.), Ermita, Manila. PGF moved to its new office upon the

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[1] President-Trustee and Trustee, respectively, of PGF.

[2] Judge Layosa had since been appointed presiding judge of Branch 217, Regional Trial Court, Quezon City. See *rollo*, p. 374.

[3] *Rollo*, p. 21.

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invitation of Dr. Eliodoro Congco, who built said building with government financial assistance on government-owned lot.[4]

In 1971, PGF erected a structure for use as a gymnasium in the lot adjacent to said building. In 1979, the gymnasium was converted to a canteen and leased to Victor Jimenez. Jimenez was asked to vacate the canteen in 1989 for failure to pay the monthly rent. In December of the same year, the canteen was leased to herein respondent Ligaya Santos for a monthly "donation-rental" of ₱1,000.00 for the first year and ₱1,500.00 for the second year. After the two-year contract of lease expired, Santos occupied the canteen on a month-to-month lease basis.[5]

In 1993, the Manila city government, through its City Legal Officer, asked PGF to vacate its office at the Geriatrics Building. In a letter to then Manila Mayor Alfredo S. Lim dated December 27, 1993, PGF agreed to vacate as soon as it had moved all its records and equipment to the canteen occupied by Santos. In another letter bearing the same date, PGF asked Santos to vacate the canteen so it could use the space as its temporary office. Santos, however, refused to leave.[6]

On January 7, 1994, Manila city officials ejected PGF from its office at the Geriatrics Building and placed its records and equipment along Lions Road. On January 14, 1994, PGF found temporary shelter at the UP-WILOCI Building on Lions Road.[7]

On October 10, 1995, the PGF Board of Trustees passed a resolution to file an ejectment complaint against Santos. A complaint for unlawful detainer was filed on January 18, 1996 before the Metropolitan Trial Court of Manila, Branch 12, then presided by respondent. Judge Layosa, herein respondent, rendered a decision dismissing the complaint of PGF on February

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[4] *Id.* at 3-4.

[5] *Id.* at 4-5.

[6] *Ibid.*

[7] *Id.* at 5.

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26, 1997, on the ground that the PGF failed to prove the existence of a lease contract between it and Santos.[8] PGF appealed the decision to the Regional Trial Court, which upheld the ruling of the MeTC.[9] PGF then sought review of the RTC decision by the Court of Appeals, which set aside said decision and ordered Santos to vacate the premises subject of the case.[10]

PGF, together with Atty. Rodriguez and Atty. Pulido filed their complaint against respondent on May 21, 1997, before the RTC rendered its decision on PGF's appeal and before said decision was reviewed by the CA. According to the complaint, respondent judge acted with gross ignorance of the law, gross misconduct, and grave abuse of discretion for dismissing the complaint.

PGF alleges that respondent judge is grossly ignorant of the law when she failed to consider that the answer given by Santos to PGF's complaint did not tender an issue, as Santos merely denied that the canteen was owned by PGF. According to PGF, Santos did not state details regarding her possession of the property. PGF contends that if respondent judge were not ignorant of the law, she would have rendered judgment based on the pleadings in favor of PGF.[11]

PGF also argues that respondent judge committed gross misconduct when she failed to render a decision on the case within 30 days after the court's receipt of the last affidavit or position paper, as required by Section 10 of the Revised Rules on Summary Procedure.[12] PGF claims that the last position paper filed with the court was the position paper filed by PGF

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[8] *Id.*, at 203-206.

[9] *Id.* at 215-224.

[10] *Id.* at 499.

[11] *Id.* at 7-8.

[12] 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.

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on December 14, 1996.[13] When respondent judge rendered her decision on February 26, 1997, seventy-four (74) days had already elapsed.

Finally, PGF contends that respondent committed grave abuse of discretion for not admitting secondary evidence to prove the existence of the lease contract between PGF and Santos and for arbitrarily and maliciously disregarding the existing jurisprudence on "possession by tolerance."[14] PGF then points out portions of respondent judge's decision to illustrate her alleged grave abuse of discretion and erroneous decision.

In her comment, received by the Office of the Court Administrator on September 16, 1997, respondent prays that the charges against her be dismissed. She denies that the decision she rendered in Civil Case No. 150316-CV was erroneous. Even if it were, respondent pointed out that judges cannot be administratively held liable for every erroneous judgment they make, since to make them so would be nothing short of harassment and would make the position of judge unbearable. Respondent stresses that no judge is infallible in his judgment.[15]

However, respondent admits that there was delay in her rendering of the decision in Civil Case No. 150316-CV. She states that the last pleading filed in the case was complainant's position paper, which was mailed on December 14, 1996 and received by the MeTC on December 23, 1996. Respondent claims that her failure to ask for an extension to decide the case was a mere inadvertence, caused by pressure at work and the Christmas rush. She points out that during that same month, she asked for and was granted extension to decide another case, proof that she had no intention of disregarding the period prescribed for deciding cases.

Complainants filed a reply to respondent's comment, containing a discussion of legal principles of which respondent is allegedly

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[13] *Rollo*, p. 8.

[14] *Id.* at 11.

[15] *Id.* at 101, 103.

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unaware or which respondent misapplied, and again stressing respondent's alleged erroneous judgment in Civil Case No. 150316-CV and her liability therefor.

Respondent filed a rejoinder; and complainants, a sur-rejoinder.

In its evaluation of the case, the OCA recommended that respondent be reprimanded for her failure to decide Civil Case No. 150316-CV within the 30-day period prescribed by law. As for the other charges, the OCA recommended that they be dismissed, being judicial in nature and therefore not proper subjects of an administrative complaint.

Indeed, apart from the issue of deciding the case within the prescribed period, complainants raise in their pleadings questions which are capable of judicial, not administrative, determination. For instance, complainants argue that respondent misappreciated the law on donations when the latter stated in her decision that the words "rental" and "donation" cannot be interchanged, as was written in the alleged copy of the lease contract between PGF and Santos. Complainants also discuss the rules on forms of contract, possession by tolerance, and admission of secondary evidence to refute the arguments raised by respondent in her decision. These are clearly matters for judicial adjudication. The proper recourse of a party aggrieved by the decision of a judge is to appeal to the proper court, not file an administrative complaint.[16] We note that complainants did, in fact, appeal their case to the RTC and elevated the case to the CA.

A judge may not be held administratively liable for every erroneous decision he makes, for no judge can be infallible. Only in cases where the error is gross or patent, deliberate and malicious, or incurred with evident bad faith may administrative sanctions be imposed.[17] We find no proof of such patent error, bad faith or malice in respondent's dismissal

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[16] *Dionisio v. Escano*, 302 SCRA 411, 422 (1999).

[17] *Madredijo v. Loyao, Jr.*, 316 SCRA 544, 568 (1999), citing *In Re: Joaquin T. Borromeo*, A.M. No. 93-7-696-0, 241 SCRA 405, 464-465 (1995).

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of Civil Case No. 150316-CV. That decision was even upheld by the RTC, notwithstanding that the CA later on reversed the RTC.

However, respondent's admitted delay in the disposition of Civil Case No. 150316-CV could not be winked away. As respondent herself said, she was able to ask for an extension to decide another case in the same month when the decision in Civil Case No. 150316-CV was supposed to be rendered. We find no valid reason why she failed to ask for an extension to dispose of Civil Case No. 150316-CV. Such failure cannot be condoned, nor left without corresponding sanction.

The Code of Judicial Conduct mandates judges to dispose of the court's business promptly and to decide cases within the required periods.[18] Compliance with this mandate is required of all judges, since failure to decide cases on time violates a litigant's right to speedy disposition of his case. When compliance will be rendered difficult due to a heavy caseload, all that a judge has to do is to ask the Court for additional time.

WHEREFORE, respondent Judge Lydia Querubin Layosa is *REPRIMANDED* for her failure to decide Civil Case No. 150316-CV, at the Metropolitan Trial Court of Manila, Branch 12, within the period prescribed by law. She is warned that a repetition of the same or similar act will be dealt with more severely. The other charges against her being judicial in nature are *DISMISSED*.

SO ORDERED.

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

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[18] Canon 3, Rule 3.05; *Ricolcol v. Camarista*, 312 SCRA 468, 473 (1999).