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Except for the issue regarding the rate of interest and reckoning period for the payment thereof, and that the Tius should be credited with 49,800 shares of FLADC for their 151 sq. m. lot property contribution, we find no other error in the assailed Decision which was judiciously rendered by the Court of Appeals.

WHEREFORE, the decision appealed from is hereby *AFFIRMED* with the following *MODIFICATIONS*:

1. the ₱20 million loan extended by the Ongs to the Tius shall earn interest at twelve percent (12%) per annum to be computed from the time of judicial demand which is from April 23, 1996;

2. the ₱70 million advanced by the Ongs to the FLADC shall earn interest at ten percent (10%) per annum to be computed from the date of the FLADC Board Resolution which is June 19, 1996; and

3. The Tius shall be credited with 49,800 shares in FLADC for their property contribution, specifically, the 151 sq. m. parcel of land.

SO ORDERED.

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

FIRST DIVISION

[A.M. No. MTJ-00-1264. February 4, 2002]

RAMIR MINA, *complainant, vs.* **JUDGE RODOLFO GATDULA,** *respondent.*

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SYNOPSIS

Complainant filed two letter-complaints charging respondent Judge with (1) undue delay in rendering a decision and (2) rendering an unjust decision, ignorance of the law, and manifest partiality in an unlawful detainer case where the complainant was the attorney-in-fact of his parents, the defendants in the said case. Respondent Judge rendered his decision more than two years later, way beyond the thirty-day period prescribed by the Revised Rule on Summary Procedure.

The Supreme Court held that there was undue delay in the disposition of the said case which is clearly violative of Rule 3.05 of the Code of Judicial Ethics. The failure of a judge to decide a case within the prescribed period is inexcusable and constitutes gross dereliction of duty. With respect to cases falling under the Revised Rule on Summary Procedure in particular, first level courts are only allowed thirty days following the receipt of the last affidavit and position paper, or the expiration of the period for filing the same, within which to render judgment. Respondent's unreasonably long delay in the resolution of the case defeats the very purpose for the Revised Rule on Summary Procedure, which was precisely enacted to achieve an expeditious and inexpensive determination of cases.

On the other hand, for lack of evidence, the Court dismissed the second complaint for rendering an unjust decision, gross ignorance of the law and manifest partiality.

On the first complaint, the judge was fined in the amount of ₱5,000.00.

SYLLABUS

1. **LEGAL AND JUDICIAL ETHICS; JUDGES; DUTY TO DECIDE CASES WITHIN THE REQUIRED PERIODS; CASE AT BAR.**— Respondent's delay in rendering the decision in Civil Case No. 1752 is clearly violative of Rule 3.05 of the Code of Judicial Ethics, which provides that "A judge shall dispose of the court's business promptly and decide cases within the required periods." The failure of a judge to decide a case within the prescribed period is inexcusable and constitutes gross dereliction of duty.

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2. **REMEDIAL LAW; REVISED RULES ON SUMMARY PROCEDURE; PURPOSE OF; CASE AT BAR.**— With respect to cases falling under the Revised Rules on Summary Procedure in particular, first level courts are only allowed thirty (30) days following the receipt of the last affidavit and position paper, or the expiration of the period for filing the same, within which to render judgment. Respondent's unreasonably long delay in the resolution of the case defeats the very purpose for the Revised Rules on Summary Procedure, which was precisely enacted to achieve an expeditious and inexpensive determination of cases. This Court has consistently held that judges should be more conscientious in the discharge of their duties, particularly the prompt resolution of cases covered by the Rule on Summary Procedure, lest the rationale for its enactment be rendered meaningless and inutile.

3. **ID.; ID.; RECEPTION OF EVIDENCE ON CLARIFICATORY MATTERS; NOT A MATTER OF RIGHT ON THE PART OF THE PARTIES.**— Complainant should have been reminded that under the Revised Rule on Summary Procedure the discretion whether or not to receive evidence on clarificatory matters lies with the judge. It is not a matter of right on the part of the parties. The second paragraph of Section 10 of said Rule provides: However, should the court find it necessary to clarify certain material facts, it may, during the said period, issue an order specifying the matters to be clarified, and require the matters to be clarified, and require the parties to submit affidavits or other evidence on the said matters within ten (10) days from receipt of said order. Judgment shall be rendered within fifteen (15) days after the receipt of the last clarificatory affidavits, or the expiration of the period for filing the same.

4. **LEGAL AND JUDICIAL ETHICS; JUDGES; A DEFECTIVE DECISION IS PRESUMED TO HAVE BEEN ISSUED IN GOOD FAITH IN THE ABSENCE OF PROOF TO THE CONTRARY; CASE AT BAR.**— The Court cannot conclude that respondent judge is guilty of the charges against him. Notably, the judge's decision was affirmed by the Regional Trial Court. Even assuming that the decision of the judge is erroneous, his failure to correctly interpret the law or to properly appreciate the evidence does not necessarily render him administratively liable. To merit disciplinary sanction, the error or mistake must be gross or patent, malicious, deliberate, or

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in bad faith. In the absence of proof to the contrary, a defective or erroneous decision or order is presumed to have been issued in good faith.

RESOLUTION

KAPUNAN, *J.*:

Before this Court are two (2) letter-complaints filed by complainant Ramir Mina. In the first complaint, Mina charged Judge Rodolfo A. Gatdula of the Municipal Trial Court of Balanga, Bataan, with *Undue Delay* in rendering a decision. In the second complaint, he accused respondent of *Rendering an Unjust Decision, Ignorance of the Law, and Manifest Partiality*. Both complaints sprung from Civil Case No. 1752, entitled "*Sps. Reynaldo Raul and Maria Clara Chico vs. Sps. Florencio and Eliza Mina*."

On September 9, 1998, Mina filed his first complaint, alleging that he is the attorney-in-fact of his parents, the defendants in a case for Unlawful Detainer. The case arose when the Spouses Chico, the plaintiffs in the aforementioned civil case, instituted the action to eject the Spouses Mina from the land they had been occupying for the last fifty (50) years. The Office of the Court Administrator summarized the charge against the respondent as follows:

> [Defendants] on August 16, 1995 received summons from respondent judge in relation to said case. Complainant noted that said Order clearly stated that the case shall be governed by the Rules on Summary Procedure which, to complainants['] belief, should be decided within the period of sixty (60) days to ninety (90) days only.
>
> Complainant further avers that from the last hearing of the case on June 19, 1996, both parties having submitted their position papers, it took respondent judge two years to render a decision on July 7, 1998.[1]

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[1] Report of the Office of the Court Administrator dated March 2, 2000, p. 1.

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From the same unlawful detainer case, complainant filed on January 12, 2000 another complaint against respondent for rendering an unjust decision, ignorance of the law and manifest partiality.

x x x x x x x x x

What angered us was the manner in which Judge Rodolfo S. Gatdula handled and decided the case.

We had rented Lot 774 owned by Mr. Conrado P. Anastacio for almost 50 long years at ₱20.00 a year. Hence, we built a two (2) storey residential dwelling valued at more than ₱200,000.00. We declared said abode for taxation purposes and paid the corresponding taxes under tax declaration No. 4348.

We would like to categorically state that we rented said Lot 774 from Mr. Conrado Anastacio with a yearly rental of ₱20.00. We have a [sic] conclusive evidence of payment whereby acceptance of rental payment was received (Please see Annexes "F" and "F1"). The other receipts of rental payment were borrowed by Mr. Rico Anastacio (brother of Conrado) and were never returned since then.

Later, the plaintiffs amended their complaint by showing a "Deed of Donation" whereby the lot we are renting (Lot 774) was donated by Mr. Conrado P. Anastacio on Feb. 1, 1993 in favor of Ma. Clara Anastacio (now surnamed Chico) [Please see Annex "B"].

This deed of donation was a spurious instrument as the document number, book number, and page number appearing in the notarial registry of Bruno R. Flores, Notary Public, is not registered (Please See Annexes "B1 & B2").

What was inscribed in the said notarial registry of Atty. Bruno R. Flores was the following:

Name of Instrument - Affidavit of Loss

Name of Person - Pedro A. Dlanarang

Date - 2/1/93

Res. Cert. No. - 10812388-2-1-93

And not the said deed of donation.

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Further, a certification by the office of the clerk of court, RTC, Balanga, Bataan, was issued certifying that the questioned deed of donation was not filed in their office (Please see Annex "C").

The Community Tax Certificate Number used by the donee in the "Deed of Donation" belong to another person named "Anastacio Amelia P." who happens to be the mother of Donee as certified by Ms. Rosalina A. Andraneda, S.A. II (Please See Annex "D" and "D-1").

In our last hearing on June 19, 1996 Judge Gatdula he [sic] stated among others that the court must be given the change [sic] to study the case. We questioned the existence of the said "Deed of Donation" but we were [not] given the right to do so (Please [see] attached stenographic note marked as Annex "E").

Then on July 7, 1998 to our surprised [sic] a decision was promulgated the dispositive portion of which states:

> "Wherefore, judgement is hereby rendered in favor of the plaintiff as against the dependants [sic] by ordering the dependants [sic] and all persons claiming right under them to surrender peacefully Lot 774 to the plaintiff by demolishing their house thereon and vacating the said land. . . ["]
>
> It is our firm belief that the above decision was not supported by law and evidence. We have sufficient and ample proof that will support a dismissal of the case but Judge Gatdula intentionally refuse to appreciate/accept our evidences. Is that not clear partially [sic]?[2]

Respondent in his Letter-Comment, denied complainant's allegations. He claimed that during the pre-trial of the case, complainant Mina asked for the deferment of said pre-trial to explore the possibility of an amicable settlement. Proof of such request to postpone the pre-trial was supported by an affidavit of the Chico spouses' counsel, Atty. Zuniga. However, and on several occasions, complainant failed to indicate the price he was willing to offer to the Spouses Chico. It was only when respondent ordered complainant to finally state his offer when complainant declared that the highest price he could offer was

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[2] Letter-Complaint dated January 12, 2000 by Ramir Mina, pp. 1-2.

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the price of the property at the time they first occupied the same several years ago. Such offer was rejected outright by the Spouses Chico. The parties having failed to settle the case amicably, respondent decided the case in favor of the Spouses Chico based on the evidence presented by both parties. Complainant filed a timely appeal with the Regional Trial Court, which appeal was denied. The motion for reconsideration was also denied. Respondent theorized that the complaint against him was initiated by one Dolores Gomez, who has an axe to grind against him, having lost a case in his *sala*. Gomez has allegedly been spreading rumors that respondent will soon be dismissed from the service because of her complaint, and that she will stop at nothing until that happens.

In his Reply, complainant refuted respondent's reasons for the delay. According to complainant, the efforts at reaching an amicable settlement failed as early as 1996. He cited the transcript of stenographic notes of the hearing on January 24, 1996 to prove that the preliminary conference was terminated on that date.

Complainant further pointed out that the records show that complainant's offer of settlement was taken into consideration in the three (3) hearings of pre-trial from December 20, 1995 to January 24, 1996, or a period of thirty-five (35) days, not the two (2) years alluded to by respondent.

The Court finds undue delay in the disposition of Civil Case No. 1752.

Section 10 of the 1991 Revised Rule on Summary Procedure mandates that in civil cases covered by said rule the Municipal Trial Court shall render 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 Office of the Court Administrator (OCA) noted that respondent Judge received the affidavits and position papers of the defendant in the case on February 2, 1996, while the plaintiffs filed theirs on April 24, 1996. However, respondent rendered a decision only on July 7, 1998, or more than two (2) years later, way beyond the

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thirty (30) day period prescribed by the Revised Rules on Summary Procedure.

Respondent has not established that the cause of the delay was indeed the purported negotiations between the parties. He has not presented any motion praying or order holding the case in abeyance for such reason. He has not offered any transcript of proceedings wherein such motion or order was filed or issued. He did not even state in his Comment the date when plaintiffs allegedly rejected the offer of defendants.

Assuming that complainant indeed asked for the deferment of the pre-trial, the transcript of the hearing of June 19, 1996 shows that, by agreement of the parties, pre-trial was terminated on said date:[3]

ATTY. Z: Same appearance for the plaintiff, your Honor. We had (sic) already submitted the respective position papers, your Honor after receiving it we have now, after receiving the pre-trial order of this Honorable Court so we now manifest your Honor that we are willing to have this case submitted for decision pursuant to revised. . .

COURT: I would like to inform the parties that we are still on the pre-trial. Are you going to terminate the pre-trial?

ATTY. Z: Yes, your Honor.

ATTY. M: But, may we request that the defendant and this representation be allowed to make clarificatory questions on the defendants and the witnesses.

COURT: Well, I am asking about the pre-trial, are we going to terminate the pre-trial?

ATTY. M: We terminate the pre-trial.

COURT: *By agreement of the parties the pre-trial of this case is ordered terminated.* Both counsel affixed

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[3] For some reason, the parties submitted their position papers before the "pre-trial" (or more accurately, the preliminary conference) was terminated.

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> their signatures, in the stenographic notes. [Italics supplied.]

Respondent, however, rendered his decision only on July 7, 1998, two years after said termination of the pre-trial.

Respondent's delay in rendering the decision in Civil Case No. 1752 is clearly violative of Rule 3.05 of the Code of Judicial Ethics, which provides that "A judge shall dispose of the court's business promptly and decide cases within the required periods." The failure of a judge to decide a case within the prescribed period is inexcusable and constitutes gross dereliction of duty.[4] With respect to cases falling under the Revised Rules on Summary Procedure in particular, first level courts are only allowed thirty (30) days following the receipt of the last affidavit and position paper, or the expiration of the period for filing the same, within which to render judgment. Respondent's unreasonably long delay in the resolution of the case defeats the very purpose for the Revised Rules on Summary Procedure, which was precisely enacted to achieve an expeditious and inexpensive determination of cases. This Court has consistently held that judges should be more conscientious in the discharge of their duties, particularly the prompt resolution of cases covered by the Rule on Summary Procedure, lest the rationale for its enactment be rendered meaningless and inutile.[5]

For such infraction, the OCA recommended that respondent be imposed a fine of ₱5,000.00. It is true that respondent, in another administrative case,[6] had been previously found guilty of oppression and acts unbecoming a judge for which he was ordered to pay a fine of ₱10,000.00 with a warning that a repetition of the same or similar act shall be dealt with more severely. The present administrative case, however, does not involve the same or similar offense that would warrant a higher penalty.

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[4] *Gallego vs. Doronilla*, 334 SCRA 339 (2000).

[5] *Casia vs. Gestopa, Jr.*, 312 SCRA 204 (1999).

[6] *Gomez vs. Gatdula*, 243 SCRA 433 (1998).

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On the other hand, for lack of evidence, the Court dismisses the second complaint for rendering an unjust decision, gross ignorance of the law and manifest partiality.

Complainant bewails the failure of respondent judge to accord them the opportunity to present evidence showing that the deed of donation in favor of plaintiffs was spurious. In the hearing of the June 19, 1996, the following discussion took place:

COURT: May we hear now the parties after the termination of the pre-trial.

ATTY. Z: Yes, your Honor, we had submitted our affidavits and the respective affidavits of our witnesses, your Honor.

COURT: On the part of the defendants?

ATTY. M: We already file[d] the position papers and the affidavit, may I manifest on record that the plaintiffs did not file the position paper and affidavits on time and may we move, your Honor, that clarificatory question[s] be made on the plaintiffs and the witnesses.

ATTY. Z: Due defference [sic] to the move of defendant's counsel, under the Revised Rule on Summary Procedure said clarificatory question are no longer allowed on the basis of the affidavits and the evidences with the position paper the case can be deemed submitted for decision of the Honorable Court.

COURT: May we know the line of questioning of counsel.

ATTY. M: The defense is on the answer of the complaint, that there was no donation to the plaintiff by the father and it was not even recorded or filed before the Clerk of Court of Balanga, Bataan, that Deed of Donation. So we have to clarify that, your Honor. So the trend your Honor please, still in possession and owned by the plaintiff's father. The submission of the position paper and the counter-affidavit of the plaintiff came later with the attached donation of the father but it was not at that time when this

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case was filed, there was no donation so we have to clarify that.

COURT: Is this property titled?

ATTY. Z: Yes, your Honor.

COURT: In whose name?

ATTY. Z: The first lot, your Honor is in the name of the plaintiff, the second lot is in the name of the father who donated it to the plaintiff and we did not submit that Deed of Donation during the filing of this complaint for the reason that is evidentiary because we are intending to submit the same in proper time which is submission of the position paper affidavits and the evidences. That is why we had the marking during the pre-trial, your Honor.

ATTY. M: If the plaintiff at that time don't [sic] have any Deed of Donation supporting their allegation in the complaint, they should have attached their Deed of Donation. There was no Deed of [Donation] at that time and in fact, in our answer and we verified it from the Clerk of Court that [the] Deed of Donation did not exist so I have to clarify that, so it is only later at that time when they filed their position paper that this Deed of Donation was attached to that position paper.

COURT: At any rate you can examine that Deed of Donation, proper government authority.

ATTY. M: Yes, it came late, it is not at the time of the filing of the complaint.

COURT: So counsel will admit that there was a Deed of Donation that was submitted before the court.

ATTY. M: Later on.

COURT: At any rate, it was also admitted by counsel.

ATTY. M: Previous to that filing of the complaint at the time there was no Deed of Donation.

COURT: So I do believe that there was no necessity for us to present the plaintiff with respect to that particular

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issue because it was already admitted that it was filed later, and this is also based on your condition.

ATTY. M: How could we now verify from the plaintiffs['] witness, the father whether that Deed of Donation is...

COURT: In the first place, the father is not a witness in this case.

ATTY. M: He is a witness in this case because the Deed of Donation according to the plaintiff was executed later on after this case was filed.

COURT: Yes, but he is not a plaintiff neither he was [sic] used as a witness who submitted an affidavit to [sic] this case.

ATTY. M: No, your Honor, we have to clarify [with] the plaintiff's witness.

COURT: At any rate, your motion is submitted. *I will go over first on the record whether or not there is necessity also if on the basis, I can resolved [sic] based on that document.*

ATTY. M: With respect to this representation, your Honor, I had to clarify.

COURT: *Yes, we will also look on that issue. So the motion as well as the manifestation of both counsel[s] is being considered by this court. If there is any necessity for us to set this case in order to hear the testimony of the plaintiff and the witnesses, the court will do so and even the court will profound [sic] question[s] also if there is any necessity.*

ATTY. M: I think...

ATTY. Z: *Let's give the court the chance to study the case.* [Italics ours.]

Apparently, complainant took respondent's statement asking the parties to "give the court the chance to study the case" as an indication that, after such study, he will allow evidence to prove the spuriousness of the deed of donation upon which

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plaintiffs rely for their cause of action. Respondent, however, never gave them the opportunity to do so but instead, two years later, rendered a decision unfavorable to complainant.

Complainant should have been reminded that under the Revised Rule on Summary Procedure the discretion whether or not to receive evidence on clarificatory matters lies with the judge. It is not a matter of right on the part of the parties. The second paragraph of Section 10 of said Rule provides:

> However, should the court find it necessary to clarify certain material facts, it may, during the said period, issue an order specifying the matters to be clarified, and require the matters to be clarified, and require the parties to submit affidavits or other evidence on the said matters within ten (10) days from receipt of said order. Judgment shall be rendered within fifteen (15) days after the receipt of the last clarificatory affidavits, or the expiration of the period for filing the same.

Indeed, respondent remarked that he would first go over the records to determine whether there was a necessity for clarification. He even went to the extent of contemplating setting the case for hearing. He said, "If there is any necessity for us to set this case in order to hear the testimony of the plaintiff and the witnesses, the court will do so and even the court will profound [sic] question also if there is any necessity." This is precisely why he asked the parties to "give the court the chance to study the case," to allow him to determine if there is such a necessity.

Obviously, respondent saw no such need. Instead of issuing an order specifying the matters to be clarified, he rendered the adverse decision, albeit way past the mandatory period.

If complainant possessed evidence to support his defense or refute those of plaintiffs', it should have submitted these with its position paper, as required by Section 9 of the Revised Rule on Summary Procedure:

> SEC. 9. *Submission of affidavits and position papers.* -Within ten (10) days from receipt of the order [stating the matters taken up in the preliminary conference], the parties shall submit the affidavits

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of their witnesses and other evidence on the factual issues defined in the order, together with their position papers setting forth the law and the facts relied upon by them.

From the foregoing, the Court cannot conclude that respondent judge is guilty of the charges against him. Notably, the judge's decision was affirmed by the Regional Trial Court. Even assuming that the decision of the judge is erroneous, his failure to correctly interpret the law or to properly appreciate the evidence does not necessarily render him administratively liable. To merit disciplinary sanction, the error or mistake must be gross or patent, malicious, deliberate, or in bad faith. In the absence of proof to the contrary, a defective or erroneous decision or order is presumed to have been issued in good faith.[7]

WHEREFORE, respondent Judge Gatdula is found *GUILTY* of *GROSS INEFFICIENCY* on the first complaint and is hereby ordered to pay a *FINE* of ₱5,000.00, with a warning that the same or similar acts shall be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Puno, Pardo, and *Santiago, JJ.*, concur.

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[7] *Del Callar vs. Salvador*, 268 SCRA 320 (1997); *Riego vs. Leachon, Jr.* 268 SCRA 777 (1997); *Gutierrez vs. Palattao*, 292 SCRA 26 (1998); *Canson vs. Garchitorena*, 311 SCRA 268 (1999).