Supreme Court E-Library

for bail *(Delos Santos-Reyes vs. Judge Montesa*, 247 SCRA 85 [1995]). Respondent judge's actions were inconsistent with the Code of Judicial Conduct which requires judges to act with competence, integrity and independence (Rule 1.01, Code of Judicial Conduct; *Pico vs. Judge Combong, Jr.*, 215 SCRA 421 [1992]).

WHEREFORE, respondent Judge Fabian M. Bautista is hereby found guilty of ignorance of the law, and he is consequently ordered to pay a fine of Five Thousand Pesos (₱5,000.00) with a warning that a future infraction will merit a severe chastisement of the Court.

SO ORDERED.

Vitug, Panganiban, and *Gonzaga-Reyes, JJ.*, concur.

FIRST DIVISION

[A.M. No. RTJ-99-1494. November 29, 2000]

ROMAN A. VILLANUEVA, JR., *complainant, vs.* **JUDGE APOLINARIO F. ESTOQUE, RTC, Branch 3, Butuan City,** *respondent.*

SYNOPSIS

In a letter-complaint received by the Office of the Court Administrator (OCA), Judge Apolinario F. Estoque of the Butuan City Regional Trial Court was charged with "Gross Ignorance of the Law, Grave Abuse of Discretion and Unjust Decision." Allegedly, respondent judge issued an order granting a Motion for Extension of Time to File Position Paper in violation of the Rules of Summary Procedure, and that after the filing of the position papers, respondent judge rendered a decision beyond the reglementary period in violation of the Rules of

Supreme Court E-Library

Civil Procedure. In his Comment, respondent judge claimed that he granted the Motion in the interest of justice and fair play. On the other hand, he attributed the delay in rendering judgment to the fact that he was acting Judge in four (4) other courts.

Respondent judge's grant of the motion for extension to file position paper on a misplaced concern for justice and fair play constituted a delay in the resolution of the forcible entry case. The delay tended to defeat the very purpose of the Revised Rules on Summary Procedure, which was precisely enacted to achieve an expeditious and inexpensive determination of the case. In this case, respondent judge's disregard of an established rule of law which amounted to gross ignorance of the law subjects him to disciplinary action. That respondent judge had to attend to some other courts will not save him from administrative sanction. If respondent judge felt that he could not decide the case within the reglementary period, all he had to do was to ask for a reasonable extension of time to decide the case. Time and again, the Court has stated that members of the judiciary have the sworn duty to administer justice without undue delay.

SYLLABUS

1. **REMEDIAL LAW; CIVIL PROCEDURE; RULES ON SUMMARY PROCEDURE; PROHIBITED PLEADINGS AND MOTIONS.**— Section 15 (e) of the Rule on Summary Procedure, which is now Section 19 (e) of the 1991 Revised Rule on Summary Procedure, provides that: SECTION 19. *Prohibited pleadings and motions.* — The following pleadings, motions or petitions shall not be allowed in the cases covered by this Rule: x x x (e) Motion for extension of time to file pleadings, affidavits or any other paper; x x x.

2. **ADMINISTRATIVE LAW; JUDGES; LIMITED TO INTERPRETING OR APPLYING THE LAW.**— There can be no mistaking the clear command of Section 19 (e) of the 1991 Revised Rule on Summary Procedure and judges have no option but to obey. When the law is clear, there is no room for interpretation. "For the first duty of the court is to *apply* the law. The court has no power to change but only to *interpret* the law as it stands at any given time." A judge is limited to

Supreme Court E-Library

interpreting or applying the law despite whatever doubts he may have about its wisdom. *Observance* of the law he is bound to know is required of respondent judge.

3. **ID.; ID.; DUTY-BOUND TO ADMINISTER SPEEDY AND IMPARTIAL JUSTICE; SUBSTANTIAL CASELOAD, NOT SUFFICIENT REASON FOR DELAY IN RESOLUTION OF CASES.**— As has been emphasized in *Ruperto v. Banquerigo*, "The office of a judge exists for one solemn end — to promote the ends of justice by administering it *speedily* and impartially. The judge as the person presiding over that court is the visible representation of the law and justice. These are self-evident dogmas which do not even have to be emphasized, but to which we are wont to advert to when some members of the judiciary commit legal missteps or stray from the axioms of judicial ethics x x x." The Court has consistently impressed upon judges the need to decide cases promptly and expeditiously on the principle that justice delayed is justice denied. Failure to resolve cases submitted for decision within the period fixed by law constitutes a serious violation of the constitutional right of the parties to speedy disposition of their cases. Needless to state, respondent judge's grant of the motion for extension to file position paper/evidence on a misplaced concern for "justice and fair play" constituted a delay in the resolution of the forcible entry case. It cannot be denied that respondent judge tarried too long in deciding the forcible entry case. That respondent judge had to attend to some other courts will not save him from administrative sanction. If respondent judge felt that he could not decide the case within the reglementary period, all he had to do was to ask for a reasonable extension of time to decide the case. This Court, cognizant of the caseload of judges and mindful of the difficulty encountered by them in the seasonable disposition of cases, would almost always grant the request. Time and again the Court has stated that members of the judiciary have the sworn duty to administer justice without undue delay. For failure to do so, respondent judge has to suffer the consequences of his omission. Any delay in the disposition of cases undermines the people's faith in the judiciary.

4. **ID.; ID.; DISREGARD OF BASIC LEGAL COMMAND AMOUNTS TO GROSS IGNORANCE OF LAW WARRANTING DISCIPLINARY ACTION.**— Failure to follow basic legal commands embodied in the law and the rules

Supreme Court E-Library

constitutes gross ignorance of the law from which no one may be excused, not even a judge, who, as an advocate of justice and the visible representation of the law, is expected to keep abreast with and be proficient in the interpretation thereof.

5. **ID.; ID.; INHIBITION FROM A CASE, WHEN PROPER.**— With regard to respondent's refusal to inhibit himself from hearing the forcible entry case because "the ground for inhibition is not among those provided for by the Rule on Disqualification of Judicial Officers from sitting in a case" —A presiding judge, to be sure, must maintain and preserve the trust and faith of the parties-litigants. He must hold himself above reproach and suspicion. *At the very first sign of lack of faith and trust in his actions, whether well-grounded or not, the judge has no other alternative but to inhibit himself from the case.* He should exercise his discretion in a way that the people's faith in the Courts of Justice is not impaired.

RESOLUTION

YNARES-SANTIAGO, *J.*:

On April 14, 1999, the Office of the Court Administrator (OCA) received a sworn letter-complaint charging Judge Apolinario F. Estoque, Acting Presiding Judge of the Regional Trial Court of Butuan City, Branch 3 for alleged "Gross Ignorance of the Law, Grave Abuse of Discretion and Unjust Decision."

The complaint alleges, among others, that in a case for "Forcible Entry with Preliminary Injunction and Damages" docketed as Civil Case No. 236 filed with the Municipal Trial Court of Nasipit, Agusan del Norte, respondent in his capacity as Acting Presiding Judge of said court issued an Order dated July 22, 1991 granting defendant's Motion for Extension of Time to file position paper in violation of Section 15 (e)[1] of the Rules of Summary Procedure. Complainant further alleged that after the filing of the position papers, respondent judge rendered a decision on August 4, 1991 which was beyond the reglementary period in violation of Section

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[1] Now Section 19 (e) of the 1991 Revised Rule on Summary Procedure.

Supreme Court E-Library

11, Rule 70 of the Rules of Civil Procedure. In addition, the complaint averred that the judgment rendered was contrary to the evidence.

The complainant then prayed that respondent judge be suspended pending the resolution of the administrative case for the reason "that Judge Estoque denied our petition for his inhibition from the case" and after trial on the merits judgment be rendered ordering: a.] the removal of respondent as judge of the Regional Trial Court; b.] the inhibition of respondent judge from hearing Criminal Case No. 7731 entitled "*People v. Allan Demello y Sacay and Rolinda Posadas y Gloria*" and Civil Case No. 911 entitled *"Felicidad De Peralta, et al. v. Heirs of Roman Villanueva, et al.*"

In his Comment dated May 7, 1999, respondent judge claims that the complaint is an off-shoot of the ill-feeling of the complainant against him for having lost in the forcible entry case. Respondent judge averred that complainant filed a motion for inhibition in the case of *People v. Rolinda Posadas, et al.* which was denied because the ground alleged was not among those provided for by the rules disqualifying a judicial officer from sitting in a case. Respondent further alleged that complainant was his classmate in a law school in Cebu City and that he would like to win the forcible entry case on a mere technicality. In the interest of justice and fair play, respondent granted the motion for extension of time to file position paper to enable him to decide the case on the basis of the evidence submitted by the parties. Respondent also pointed out that the forcible entry case was submitted for decision on August 7, 1991 and was decided on October 4, 1991 not August 4, 1991.

Respondent judge further contended that if the judgment rendered on the case was unjust as alleged by the complainant, he could have appealed the said judgment if he found the same contrary to the evidence; however, he did not appeal. Respondent likewise denied that he committed grave abuse of discretion considering that the complaint did not specify any particular act committed that would constitute grave abuse of discretion. Respondent explained that the delay in rendering judgment was.

Supreme Court E-Library

caused by his designation as Acting Judge in four (4) other courts in addition to his regular court. On the basis of the foregoing, respondent prayed that the complaint be dismissed "the same being the product of hatred and ill-feeling."

The OCA, to which the case was referred for evaluation and report recommended that: a.] the complaint be docketed as a regular administrative matter; b.] respondent judge be held liable for gravely abusing his discretion in violation of Section 15 (e) and Section 9 of the Revised Rule on Summary Procedure; c.] respondent be fined in the amount of Five Thousand Pesos (₱5,000.00) payable directly to the Court with a stern warning that the commission of the same or similar acts will be dealt with more severely.

In a Resolution dated October 6, 1999, the Court resolved to: a.] docket the case as a regular administrative proceeding; b.] require the parties to manifest if they are willing to submit the case for decision based on the pleadings.

On November 11, 1999, complainant manifested that he intended to file a memorandum or position paper before a decision is rendered and thus prayed that he be given up to November 26, 1999 to file the same. He further prayed that his complaint be consolidated with the administrative case filed by Francisca Villanueva-Flores and Tarcela Villanueva-Sajulan against respondent judge.

On November 22, 1999, respondent judge manifested his willingness to submit the case for decision based on the pleadings filed by the parties.

In a Resolution dated November 24, 1999, the Court noted the manifestation praying that complainant be given until November 26, 1999 to file a memorandum or position paper and granted the consolidation of this complaint with the administrative case filed by Tarcela Villanueva-Sajulan and Francisca Villanueva-Flores.

On November 26, 1999, complainant filed a "Position Paper" which was duly noted by the Court in a Resolution dated January 17, 2000.

Supreme Court E-Library

Section 15 (e) of the Rule on Summary Procedure, which is now Section 19 (e) of the 1991 Revised Rule on Summary Procedure, provides that:

> SEC. 19. *Prohibited pleadings and motions.* — The following pleadings, motions or petitions shall not be allowed in the cases covered by this Rule:
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> x x x x x x x x x
>
> (e) Motion for extension of time to file pleadings, affidavits or any other paper; x x x.

Respondent judge admits disregarding the foregoing prohibition but he insists that "(i)f herein undersigned respondent granted the respondent's motion for extension of time to file position paper/evidence in that subject forcible entry case, it is precisely because fair play dictates that in all court proceedings each party must be given full and every opportunity to be heard, otherwise the principle of due process would be violated. x x x In the interest of fair play and justice, if only to hear defendant's side and for herein respondent to be able to evaluate defendant's and plaintiff's evidence, the undersigned finds it fair and justifiable to allow and grant the motion for extension of time to file position paper/evidence for herein respondent to be able to appreciate the legal and factual side of each party and also for respondent to be able to decide the case on the basis of the position papers/evidence submitted by both parties, not only one party."

There can be no mistaking the clear command of Section 19 (e) of the 1991 Revised Rule on Summary Procedure and judges have no option but to obey. When the law is clear, there is no room for interpretation.[2] "For the first duty of the court is to *apply* the law.[3] The court has no power to change but only to

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[2] *Aguilar v. Judge Victor A. Dalanao*, A.M. No. MTJ-00-1275, 8 June 2000, p. 6.

[3] *Philippine Global Communications, Inc. v. Relova*, 145 SCRA 385 [1986].

Supreme Court E-Library

interpret the law as it stands at any given time."[4] A judge is limited to interpreting or applying the law despite whatever doubts he may have about its wisdom.[5] *Observance* of the law he is bound to know is required of respondent judge.[6] As this Court pointed out in *People v. Veneracion*:[7]

> ***Obedience to the rule of law forms the bedrock of our system of justice.*** *If judges, under the guise of religious or political beliefs were allowed to roam unrestricted beyond boundaries within which they are required by law to exercise the duties of their office,* then *law becomes meaningless. A government of laws, not of men excludes the exercise of broad discretionary powers by those acting under its authority.* Under this system, judges are guided by the rule of law, and ought "to protect and *enforce* it without fear or favor,"[8] resist encroachments by governments, political parties,[9] or even the interference of their own personal beliefs.
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> x x x x x x x x x
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> . . . Courts are not concerned with the wisdom, efficacy or morality of laws. In *People v. Limaco*[10] we held that:
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> > [W]hen . . . private opinions not only form part of their decision but constitutes a decisive factor in arriving at a conclusion and determination of a case or the penalty imposed, resulting in an illegality and reversible error, then we are constrained to state our opinion, not only to correct the error but for the guidance of the courts. x x x It is a well settled rule that the courts are not concerned with the wisdom, efficacy or morality of laws. The question falls exclusively within the

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[4] *Paredes v. Manalo*, 244 SCRA 64 [1995], citing *Ponce Enrile v. Salazar*, 186 SCRA 217 [1990] and *Panlilio v. De Leon*, 186 SCRA 233 [1990].

[5] *Commissioner of Internal Revenue v. Santos*, 277 SCRA 617 [1997].

[6] *Hermo v. Dela Rosa*, 299 SCRA 68 [1998].

[7] 249 SCRA 244 [1995].

[8] Act of Athens [1955].

[9] *Ibid.*

[10] 88 Phil. 36 [1951].

Supreme Court E-Library

> province of the Legislature which enacts them and the Chief Executive who approves or vetoes them. The only function of the judiciary is to interpret the laws and, if not in disharmony with the Constitution, to apply them. And for the guidance of the members of the judiciary we feel it incumbent upon us to state that while they as citizens or as judges may regard a certain law as harsh, unwise or morally wrong and may recommend to the authority or department concerned its amendment, modification or repeal, still ***as long as said law is in force, they must apply it and give it effect as decreed by the law-making body***.

As has been emphasized in *Ruperto v. Banquerigo*,[11] "The office of a judge exists for one solemn end — to promote the ends of justice by administering it *speedily* and impartially. The judge as the person presiding over that court is the visible representation of the law and justice. These are self-evident dogmas which do not even have to be emphasized, but to which we are wont to advert to when some members of the judiciary commit legal missteps or stray from the axioms of judicial ethics x x x." The Court has consistently impressed upon judges the need to decide cases promptly and expeditiously on the principle that justice delayed is justice denied. Failure to resolve cases submitted for decision within the period fixed by law constitutes a serious violation of the constitutional right of the parties to speedy disposition of their cases.[12]

Needless to state, respondent judge's grant of the motion for extension to file position paper/evidence on a misplaced concern for "justice and fair play" constituted a delay in the resolution of the forcible entry case, consequently —

> . . . The delay in the resolution of the case tended to defeat the very purpose of the Revised Rule on Summary Procedure, which was *precisely enacted to achieve an expeditious and inexpensive*

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[11] 293 SCRA 704 [1998].

[12] *Report on the Judicial Audit Conducted in Branch 34, Regional Trial Court of Iriga City*, A.M. No. 96-12-429-RTC, 2 February 2000, p. 4, citing *Re: Judge Fernando P. Agdamag*, 254 SCRA 644 [1996].

Supreme Court E-Library

determination of the cases.[13] 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.[14]

Failure to follow basic legal commands embodied in the law and the rules constitutes gross ignorance of the law[15] from which no one may be excused, not even a judge,[16] who, as an advocate of justice and the visible representation of the law, is expected to keep abreast with and be proficient in the interpretation thereof.[17] In this case there can be no question that respondent judge's disregard of an established rule of law which amounts to gross ignorance of the law subjects him to disciplinary action.[18]

It can not also be denied that respondent judge tarried too long in deciding the forcible entry case. In fact he himself points out in his comment that respondent decided said case on *October 4, 1991* not on August 4, 1991, which was beyond the reglementary 30-day period. Respondent, however, justifies the delay to the fact that in addition to his official station in the MTC of Carmen, Agusan del Norte, he also was the Acting MTC Judge of the MTCs of Nasipit, Buenavista, Magallanes and Las Nieves, all also of Agusan del Norte.

The reason proffered by respondent is not novel. That respondent judge had to attend to some other courts will not

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[13] *Cruz v. Pascual*, 244 SCRA 111 [1996].

[14] *Casia v. Gestopa, Jr.*, A.M. No. MTJ-99-1181, 11 August 1999, 312 SCRA 204, citing *Cruz v. Pascual, supra.*

[15] *Del Rosario v. Bartolome*, 270 SCRA 649 [1997]; *Aurillo v. Francisco*, 235 SCRA 283 [1994]; *Agcaoili v. Ramos*, 229 SCRA 705 [1994].

[16] *De Austria v. Beltran*, A.M. No. RTJ-98-1406, 1 September 1999, 313 SCRA 443, citing *Ualat v. Ramos*, 265 SCRA 345 [1996].

[17] *Northcastle Properties and Estate Corporation v. Paas*, A.M. No. MTJ-99-1206, 317 SCRA 148.

[18] *Almeron v. Sardido*, 281 SCRA 415 [1997].

Supreme Court E-Library

save him from administrative sanction.[19] If respondent judge felt that he could not decide the case within the reglementary period, all he had to do was to ask for a reasonable extension of time to decide the case. This Court, cognizant of the caseload of judges and mindful of the difficulty encountered by them in the seasonable disposition of cases, would almost always grant the request.[20] Time and again the Court has stated that members of the judiciary have the sworn duty to administer justice without undue delay. For failure to do so, respondent judge has to suffer the consequences of his omission. Any delay in the disposition of cases undermines the people's faith in the judiciary. To repeat that oft-stated reminder to all who don the judicial robe —

> . . . Delay in the disposition of cases undermines the people's faith and confidence in the judiciary. Hence, judges are enjoined to decide cases with dispatch. Their failure to do so constitutes gross inefficiency and warrants the imposition of administrative sanction[s] against them.[21]

With regard to respondent's refusal to inhibit himself from hearing the forcible entry case because "the ground for inhibition is not among those provided for by the Rule on Disqualification of Judicial Officers from sitting in a case" —

> . . . his attention is called to the pronouncement of the Court in *Pimentel v. Salanga*[22] reiterated in *Gutang v. Court of Appeals*:[23]

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[19] *Casia v. Gestopa, supra.*, citing *Perez v. Andaya*, 286 SCRA 40 [1998] and *Re: Report of Justice Felipe B. Kalalo*, 282 SCRA 61 [1997].

[20] *OCA v. Judge Lyliha A. Aquino*, A.M. No. RTJ-00-1555, 22 June 2000, p. 5, citing *Casia v. Gestopa, supra.*, citing *Report on the Judicial Audit Conducted in the Municipal Trial Court, Sibulan, Negros Oriental*, 282 SCRA 463 [1997].

[21] *Re: Report on the Judicial Audit of Cases in the RTC, Br. 35, Iriga City*, 299 SCRA 382 [1998], citing *OCA v. Judge Walerico Butalid*, 293 SCRA 589 [1998]; *Sanchez v. Vestil*, 298 SCRA 1 [1998], citing *OCA v. Judge Walerico Butalid, supra.*; *Ng v. Judge Leticia Ulibari*, 293 SCRA 342 [1998]; *Grefaldeo v. Judge Rica Lacson*, 293 SCRA 524 [1998].

[22] 21 SCRA 160 [1967].

[23] 292 SCRA 76 [1998].

Supreme Court E-Library

All the foregoing notwithstanding, this should be a good occasion as any to draw attention of all judges to appropriate guidelines in a situation where their capacity to try and decide a case fairly and judiciously comes to the fore by way of challenge from any one of the parties. A judge may not be legally prohibited from sitting in a litigation. *But when suggestion is made of record that he might be induced to act in favor of one party or with bias or prejudice against a litigant arising out of circumstance[s] reasonably capable of inciting such a state of mind, he should conduct a careful self-examination. He should exercise his discretion in a way that the people's faith in the courts of justice is not impaired. A salutary norm is that he reflect on the probability that the losing party might nurture at the back of his mind the thought that the judge unmeritoriously tilted the scales of justice against him.* That passion on the part of the judge may be generated because of serious charges of misconduct against him by a suitor or his counsel, is not altogether remote. He is a man subject to the frailties of other men. He should therefore exercise great care and caution before making up his mind to act or withdraw from a suit that party or counsel is involved. *He could in good grace inhibit himself where the case could be heard by another judge and where no appreciable prejudice would be occasioned to the others involved therein.* On the result of his decision to sit or not to sit may depend to a great extent the all-important confidence in the impartiality of the judiciary. If after reflection he should resolve to voluntarily desist from sitting in a case where his motives and fairness might be seriously impugned, his action is to be interpreted as giving meaning and substance to the second paragraph of Section 1, Rule 137. He serves the cause of the law who forestalls miscarriage of justice.

A presiding judge, to be sure, must maintain and preserve the trust and faith of the parties-litigants. He must hold himself above reproach and suspicion. *At the very first sign of lack of faith and trust in his actions, whether well-grounded or not, the judge has no other alternative but to inhibit himself from the case.*[24] He should exercise his discretion in a way that the people's faith in the Courts of Justice is not impaired. *The better course for the judge*

[24] *Gutang v. CA, supra.*

Supreme Court E-Library

under such circumstances is to disqualify himself. That way he avoids being misunderstood, his reputation for probity and objectivity is preserved. What is more important, the ideal of impartial administration of justice is lived up to.[25]

Judicial indolence is considered gross inefficiency punishable by a fine or suspension from service without pay with the gravity of the penalty dependent on the attendant aggravating or mitigating circumstances.[26] While this Court is not convinced that the magnitude of respondent judge's culpability warrants the penalty of removal from office, the Court nonetheless deems it appropriate that a fine of Five Thousand Pesos (₱5,000.00), accompanied by a stern warning that a repetition of the same or similar infraction shall be dealt with more severely, should be meted out to respondent.

WHEREFORE, respondent Judge Apolinario F. Estoque is *FINED* Five Thousand Pesos (₱5,000.00) and *STERNLY WARNED* that a repetition of the same or similar infraction shall be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., Puno, Kapunan, and *Pardo, JJ.*, concur.

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[25] *Ibid.*, citing *Intestate state of the late Vito Borromeo v. Fortunato Borromeo*, 152 SCRA 171 [1987], citing *Bautista v. Rebueno*, 81 SCRA 535 [1981].

[26] *Sanchez v. Vestil, supra,* citing *Report on the Judicial Audit Conducted in RTC Branches 29 and 59, Toledo City*, 292 SCRA 8 [1998].