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SECOND DIVISION

[A.M. No. MTJ-99-1229. October 22, 1999]

ROSARIO GARCIA, *complainant, vs.* **JUDGE PIO PASIA, Municipal Trial Court, San Luis, Batangas,** *respondent.*

SYNOPSIS

Complainant filed an administrative complaint against respondent municipal trial judge for allegedly rendering a manifestly unjust judgment in connection with an ejectment case wherein complainant is the vice president of the defendant-corporation. Complainant alleged that respondent judge did not give them an extension or a reasonable period of time within which to wind up their business operations and to vacate and remove the improvements in the land and worse he ordered the corporation to pay the lessee ₱50,000.00 a month from the expiration of the lease contract until it vacates the property when the rental under the lease contract is only ₱4,000.00 a month. Complainant also asserts that respondent judge erroneously ordered the execution of his decision after the Municipal Trial Court had lost jurisdiction of the case when the corporation filed its notice of appeal. The Office of the Court Administrator recommended that respondent judge be fined ₱1,000.00 for ordering the execution of his decision after he had lost jurisdiction of the case.

The Supreme Court affirmed the finding of the Office of the Court Administrator that respondent judge acted in the case after it had lost jurisdiction is correct. The records show that the corporation and the counsel for the plaintiffs received copies of the decision on May 19 and 17, 1995 respectively. The corporation timely filed its notice of appeal on June 1, 1995. On the other hand, the plaintiffs filed their motion for execution pending appeal only on June 13, 1995 by which time the Municipal Trial Court had lost jurisdiction over the case and any motion for execution should have been filed with the Regional Trial Court. The Court, however, did not passed upon the issue of reasonableness of the monthly rental for the use and occupation of the leased premises after the expiration of

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the contract of lease. The Court ruled that an administrative case is not the proper remedy for alleged errors committed by a judge in deciding a case. Complainant's remedy is to file a judicial, not an administrative complaint. Respondent judge was fined in the amount of ₱10,000.00 for gross ignorance of the law with stern warning that repetition of the same or similar acts will be dealt with more severely.

SYLLABUS

1. **POLITICAL LAW; ADMINISTRATIVE LAW; PUBLIC OFFICERS; JUDGES; RESPONDENT JUDGE FINED FOR GROSS IGNORANCE OF THE LAW.** — The finding of the OCA that Judge Pasia acted in the case after he had lost jurisdiction is correct. The records show that Sun Chemicals Corporation and the counsel for the spouses dela Rosa received copies of the decision of Judge Pasia on May 19 and 17, 1995, respectively. Sun Chemicals Corporation timely filed its notice of appeal on June 1, 1995. On the other hand, the spouses dela Rosa filed their motion for execution pending appeal only on June 13, 1995, by which time the Municipal Trial Court had lost jurisdiction over the case. At that point, the Regional Trial Court had already acquired jurisdiction over the case and any motion for execution of the decision should have been filed with it. In *Mocles v. Maravilla*, a Judge of a Municipal Trial Court in Cities, who issued an order allowing execution pending appeal in an ejectment case over which his court had already lost jurisdiction, was fined ₱1,000.00. Hence, the imposition of a fine of ₱1,000.00 on Judge Pasia is reasonable.

2. **ID.; ID.; ID.; AN ADMINISTRATIVE CASE IS NOT THE PROPER REMEDY FOR ALLEGED ERRORS COMMITTED BY A JUDGE IN DECIDING A CASE; IT IS MATTER FOR THE APPELLATE COURTS TO DECIDE.** — Complainant also claims that Judge Pasia acted arbitrarily in ordering Sun Chemicals Corporation to pay monthly rentals of ₱50,000.00 when under the lease it should only be ₱4,000.00. As already noted, Judge Pasia justifies the amount fixed as reasonable considering the fact that it is for the use of three parcels of land. This is a matter for the appellate courts to decide. Complainant's remedy is to file a judicial, not an

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administrative, complaint. An administrative case is not the proper remedy for alleged errors committed by a judge in deciding a case. Judge Pasia's denial of the prayer of Sun Chemicals Corporation for an extension of time to wind up its business in the subject premises and his order for it to pay the spouses dela Rosa monthly rentals of ₱50,000.00 after the expiration of the lease contract should have been raised by complainant or Sun Chemicals Corporation on appeal.

DECISION

MENDOZA, *J.*:

This is an administrative complaint filed by complainant Rosario U. Garcia against respondent Judge Pio Pasia of the Municipal Trial Court, San Luis, Batangas, for allegedly rendering a manifestly unjust judgment. Sun Chemicals Corporation, of which complainant is the acting vice president, was the defendant in an ejectment suit (Civil Case No. 93-9) before the Municipal Trial Court, Branch 11, San Pedro, Laguna, then presided over by Judge Pasia. In his decision dated May 5, 1995, Judge Pasia ruled in favor of the plaintiffs, spouses Moises and Esperanza dela Rosa.

The complainant in this case alleges that —

All we were asking for in said case is for a reasonable period of time after the abrupt expiration of our lease contract within which to wind up our business operations and vacate and remove our improvements in the land consisting primarily of a perlite processing plant valued more than ₱5,000,000.00. But this is all water under the bridge so to speak, because we have now vacated the premises without waiting for the grant of our requested winding up period.

The sad part which raises our blood pressure against the judge is his disposition compelling us to pay, believe it or not, a whooping ₱50,000.00 a month when the rental under the lease contract is only ₱4,000.00 a month! This disposition of the judge in the dispositive portion of his decision, has no support whatsoever in the body of the decision. Definitely something is rotten in Denmark!

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To our mind, this is a form of judicial extortion!

What is worse is that said decision rendered without any hearing whatsoever in a so-called summary proceeding is being executed pending our appeal by a Mr. Ireneo S. Paz, a laborer in the plantilla of personnel in the municipality of Binan, Laguna, detailed to the RTC, Br. I in Binan, Laguna, and tolerated to perform the duties of a sheriff who bullied us around. This abusive laborer has levied on our machineries valued at about ₱2,000,000.00, including certain machines we have borrowed belonging to other people valued at about ₱1,000,000.00. We have filed criminal charges of Usurpation of Authority or Official Functions against this fake sheriff who is not only a disgrace to the judiciary but also to the government as a whole.

In his comment, Judge Pasia points out that, as explained in his decision, the prayer of Sun Chemicals Corporation for an extension of time within which to wind up its business in the subject premises could not be granted because the lease contract had a fixed term of 20 years. He claims that his order for Sun Chemicals Corporation to pay the spouses dela Rosa ₱50,000.00 a month from the expiration of the lease contract until it vacates the property is reasonable since the amount is for the lease of three parcels of land located in a prime commercial zone with a total area of more than one hectare.

In reply, complainant asserts that Judge Pasia erroneously ordered the execution of his decision after the Municipal Trial Court had lost jurisdiction over the case when Sun Chemicals Corporation filed its notice of appeal. Complainant also alleges that the decision was illegally executed by one Ireneo S. Paz, a laborer in the Office of the Mayor, Municipality of Biñan, who was improperly designated by then Executive Judge Rodrigo V. Cosico of the Regional Trial Court, Biñan, Laguna, now Associate Justice of the Court of Appeals, as special deputy sheriff of that court.

The Office of the Court Administrator, in its report dated September 21, 1999, recommended (1) that Judge Pasia be fined ₱1,000.00 for ordering the execution of his decision after he had lost jurisdiction over the case; (2) that Associate Justice Cosico be required to comment on the allegation against him; (3) and that the charges against Irineo S. Paz be dismissed.

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The finding of the OCA that Judge Pasia acted in the case after he had lost jurisdiction is correct. The records show that Sun Chemicals Corporation and the counsel for the spouses dela Rosa received copies of the decision of Judge Pasia on May 19[1] and 17,[2] 1995, respectively. Sun Chemicals Corporation timely filed its notice of appeal on June 1, 1995.[3] On the other hand, the spouses dela Rosa filed their motion for execution pending appeal only on June 13, 1995,[4] by which time the Municipal Trial Court had lost jurisdiction over the case. At that point, the Regional Trial Court had already acquired jurisdiction over the case and any motion for execution of the decision should have been filed with it.

In *Mocles v. Maravilla*,[5] a Judge of a Municipal Trial Court in Cities, who issued an order allowing execution pending appeal in an ejectment case over which his court had already lost jurisdiction, was fined ₱1,000.00. Hence, the imposition of a fine of ₱1,000.00 on Judge Pasia is reasonable.

Complainant also claims that Judge Pasia acted arbitrarily in ordering Sun Chemicals Corporation to pay monthly rentals of ₱50,000.00 when under the lease it should only be ₱4,000.00. As already noted, Judge Pasia justifies the amount fixed as reasonable considering the fact that it is for the use of three parcels of land. This is a matter for the appellate courts to decide. Complainant's remedy is to file a judicial, not an administrative, complaint. An administrative case is not the proper remedy for alleged errors committed by a judge in deciding a case. Judge Pasia's denial of the prayer of Sun Chemicals Corporation for an extension of time to wind up its business in the subject premises and his order for it to pay the

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[1] Reply, Annex A, *Rollo*, p. 23.

[2] Report of the Office of the Court Administrator, Annex B, *Rollo*, p. 80.

[3] Reply, Annex C, *Rollo*, p. 26.

[4] Reply, *Rollo*, p. 18.

[5] 239 SCRA 188 (1994).

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spouses dela Rosa monthly rentals of ₱50,000.00 after the expiration of the lease contract should have been raised by complainant or Sun Chemicals Corporation on appeal.[6]

Associate Justice Cosico and Irineo S. Paz are not respondents in this case. If complainant desires to bring an administrative case against them, the appropriate complaint should be filed against these parties.

WHEREFORE, judgment is hereby rendered imposing a FINE of ₱1,000.00 on Judge Pio Pasia for gross ignorance of the law, with the stern WARNING that a repetition of the same or similar acts in the future will be dealt with more severely.

SO ORDERED.

Buena and *De Leon, Jr., JJ.,* concur

Bellosillo and *Quisumbing, JJ.*, on official leave.

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[6] In re: *Joaquin T. Borromeo*, 241 SCRA 405 (1995); *Flores v. Abesamis*, 275 SCRA 302 (1997).