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SECOND DIVISION

[A.M. No. MTJ-00-1265. April 6, 2000]

VALENCIDES VERCIDE, *complainant, vs.* **JUDGE PRISCILLA T. HERNANDEZ, Fifth Municipal Circuit Trial Court, Clarin and Tudela, Misamis Occidental,** *respondent.*

SYNOPSIS

Respondent Judge Priscilla T. Hernandez of the Fifth Municipal Circuit Trial Court, Clarin and Tudela, Misamis Occidental, was charged by complainant Valencides Vercide with grave abuse of authority and ignorance of the law for her dismissal of a case, Civil Case No. 295, which he and his wife had filed against Daria Lagas Galleros for recovery of possession of a piece of land located in Upper Centro, Tudela, Misamis Occidental. Defendant Galleros is a resident of the same municipality, while complainant and his wife are residents of Dipolog City. Thus, the case was filed in court without prior referral to the Lupong Tagapamayapa. The matter was raised by defendant Galleros in her answer as an affirmative defense, and respondent, in her order of July 15, 1997, ordered the dismissal of the case without prejudice to the prosecution of the counterclaim pleaded by the defendant in her answer.

The Supreme Court found respondent judge guilty of gross ignorance of the law. Respondent showed patent ignorance if not disregard of the Court's rulings on the jurisdiction of the Lupong Tagapamayapa by her erroneous quotations of the provisions of the Katarungang Pambarangay Rules implementing R.A. No. 7160. While a judge may not be held administratively accountable for every erroneous order or decision he renders, his error may be so gross or patent that he should be administratively disciplined for gross ignorance of the law and incompetence. The Court observed that respondent at first cited P.D. No. 1508, §3 as basis of her action. When her attention, however, was called to the fact that this provision had been repealed by §409(c) of R.A. No. 7160, respondent, who obviously was more intent in justifying her previous order than correcting her error, quoted out of context the provisions of the Katarungang Pambarangay Rules implementing the

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Katarungang Pambarangay provisions of R.A. No. 7160. The Court also ruled that respondent judge violated Canon 3 of the Code of Judicial Conduct which provides that "In every case, a judge shall endeavor diligently to ascertain the facts and the applicable law unswayed by partisan interest, public opinion or fear of criticism." Contrary to respondent's interpretation, it is clear even from the Katarungang Pambarangay Rules that recourse to *barangay* conciliation proceedings is not necessary where the parties do not reside in the same municipality or city or in adjoining *barangays*. Respondent Judge was ordered to pay a fine of ₱2,000.00 with a warning that a repetition of the same or similar acts will be dealt with more severely.

SYLLABUS

JUDICIAL ETHICS; JUDGES; RESPONDENT JUDGE SHOWED PATENT IGNORANCE IF NOT DISREGARD OF THIS COURT'S RULINGS ON THE JURISDICTION OF THE LUPONG TAGAPAMAYAPA BY HER ERRONEOUS QUOTATIONS OF THE PROVISIONS OF THE KATARUNGANG PAMBARANGAY RULES IMPLEMENTING R.A. NO. 7160.— In the case at bar, respondent showed patent ignorance — if not disregard — of this Court's rulings on the jurisdiction of the Lupong Tagapamayapa by her erroneous quotations of the provisions of the Katarungang Pambarangay Rules implementing R.A. No. 7160. While a judge may not be held administratively accountable for every erroneous order or decision he renders, his error may be so gross or patent that he should be administratively disciplined for gross ignorance of the law and incompetence. In this case, respondent at first cited P.D. No. 1508, §3 as basis of her action. When her attention was called to the fact that this had been repealed by §409(c) of R.A. No. 7160, respondent, who obviously was more intent in justifying her previous order than correcting her error, quoted out of context the provisions of the Katarungang Pambarangay Rules implementing the Katarungang Pambarangay provisions of R.A. No. 7160. She thus violated Canon 3 of the Code of Judicial Conduct which provides that "In every case, a judge shall endeavor diligently to ascertain the facts and the applicable law unswayed by partisan interest, public opinion or fear of criticism."

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APPEARANCES OF COUNSEL

Bernaldez and Estandarte Law Office for complainant.

DECISION

MENDOZA, *J.*:

This is a complaint filed against Judge Priscilla T. Hernandez of the Fifth Municipal Circuit Trial Court, Clarin and Tudela, Misamis Occidental, charging her with grave abuse of authority and ignorance of the law for her dismissal of a case which complainant Valencides Vercide and his wife had filed against Daria Lagas Galleros for recovery of possession of a piece of land. The land is located in Upper Centro, Tudela, Misamis Occidental. Defendant Galleros is a resident of the same municipality, while complainant and his wife are residents of Dipolog City. Because of this fact, the case was filed in court without prior referral to the Lupong Tagapamayapa.

However, this matter was raised by defendant in her answer as an affirmative defense, and respondent, in her order of July 15, 1997, ordered the dismissal of the case without prejudice to the prosecution of the counterclaim pleaded by the defendant in her answer. In support of her order, respondent cited P.D. No. 1508, §3 of which provides:

> *Venue.* — Disputes between or among persons actually residing in the same *barangay* shall be brought for amicable settlement before the Lupon of said *barangay.* Those involving actual residents of different *barangays* within the same city or municipality shall be brought in the *barangay* where the respondent or any of the respondents actually resides, at the election of the complainant. *However, all disputes which involve real property or any interest therein shall be brought in the barangay where the real property or any part thereof is situated.* (Italics added)

Complainant and his wife moved for a reconsideration, citing the following provisions of R.A. 7160, "The Local Government Code of 1991":

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SEC. 408. *Subject matter for Amicable Settlement; Exception Thereto.* — The lupon of each barangay shall have authority to bring together the parties actually residing in the same city or municipality for amicable settlement of all disputes except:

(a) Where one party is the government of any subdivision or instrumentality thereof;

(b) Where one party is a public officer or employee, and the dispute relates to the performance of his official functions;

(c) Offenses punishable by imprisonment exceeding one (1) year or a fine exceeding Five Thousand pesos (₱5,000.00);

(d) Offenses where there is no private offended party;

(e) Where the dispute involves real property located in different cities or municipalities unless the parties thereto agree to submit their differences to amicable settlement by an appropriate *lupon;*

(f) Disputes involving parties who actually reside in *barangays* of different cities or municipalities, except where such *barangay* units adjoin each other and the parties thereto agree to submit their differences to amicable settlement by an appropriate *lupon;*

(g) Such other classes of disputes which the President may determine in the interest of justice or upon recommendation of the Secretary of Justice.

The court in which the non-criminal cases not falling within the authority of the *lupon* under this Code are filed may, at any time before trial, *motu proprio* refer the case to the *lupon* concerned for amicable settlement.

SEC. 409. *Venue.* — (a) Disputes between persons actually residing in the same *barangay* shall be brought for amicable settlement before the *lupon* of said *barangay.*

(b) Those involving actual residents of different *barangays* within the same city of municipality shall be brought in the *barangay* where the respondent or any of the respondents actually resides, at the election of the complainant.

(c) All disputes involving real property or any interest therein shall be brought in the *barangay* where the real property or the larger portion thereof is situated.

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(d) Those arising at the workplace where the contending parties are employed or at the institution where such parties are enrolled for study shall be brought in the *barangay* where such workplace or institution is located.

Objections to venue shall be raised in the mediation proceedings before the *punong barangay;* otherwise, the same shall be deemed waived. Any legal question which may confront the *punong barangay* in resolving objections to venue herein referred to may be submitted to the Secretary of Justice or his duly designated representative whose ruling thereon shall be binding.

They argued that under §408(f), in relation to §409(c), where the parties to a dispute involving real property or any interest therein are not actual residents of the same city or municipality or of adjoining *barangays,* prior resort to *barangay* conciliation is not required.

However, respondent denied the motion. In her order dated September 9, 1997, respondent stated:

The Court after taking into consideration the Motion for Reconsideration and the ground relied upon by the counsel finds that counsel for the plaintiffs failed to correlate Sections 408 and 409 of Republic Act No. 7160 and to consider Rule VIII, paragraph (a) of the *Katarungang Pambarangay Rules,* the rules and regulations [of] which were promulgated to implement Sections 399 to 422, Chapter 7, Title One, Book III and Section 515, Book IV of R.A. No. 7160, otherwise known as the Katarungang Pambarangay Law, to wit:

"RULE VIII — PRE-CONDITION FOR FORMAL ADJUDICATION

Conciliation, pre-condition for filing of complaint in court or government office.

(a) No individual may go directly to court or to any government office for adjudication of his dispute with another individual upon any matter falling within the authority of the Punong Barangay or Pangkat ng Tagapagkasundo to settle under these Rules, unless, after personal confrontation of the parties before them earnest efforts to conciliate have failed to result in a settlement or such settlement has been effectively repudiated."

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and also Rule VI, Section 3, paragraph (c) of the same Katarungang Pambarangay Rules which provides:

"Rule VI — Amicable Settlement of Disputes

Section 3. Venue. — The place of settlement shall be subject to the following rules:

x x x x x x x x x

(c) Dispute involving real property shall be brought for settlement in the Barangay where the real property or larger portion thereof is situated.

From the provisions of the above-cited Rules it was very clear that parties whose disputes involved real property should first br[ing] the said dispute before the *barangay* where the property was located, and that [because of] failure to bring the dispute before the Barangay for conciliation no action may be filed in court for final adjudication of the said dispute.

That parties should first comply with the provisions of the Katarungang Pambarangay Law before the Court can acquire jurisdiction over the complaint. That non-compliance of the plaintiff to the requirement of the Katarungang Pambarangay Law was admitted by her in paragraph 3 of the complaint. Her allegation of non-compliance with the mandatory requirement of Lupon Conciliation before the filing of the complaint, in a way divest[s] the Court of its jurisdiction over the case. In the 1997 Rules of Civil Procedure, Rule 16, Section 1, paragraph (j) provides:

"That a condition precedent for filing the claim has not been complied with"

WHEREFORE, in view of the foregoing, the Motion for Reconsideration is hereby denied.

Complainant alleges that in dismissing Civil Case No. 295, respondent judge committed "(a) Grave abuse of authority by knowingly rendering an unjust and unlawful order; (b) Ignorance of the law in its highest order, she being a judge; (c) Grave disobedience to the jurisprudence laid down by the Supreme Court of the Philippines on the matter of exemption of *lupon* conciliation of contending parties who are not residen[ts] of the same city or municipality." He states that respondent "practically threw several decisions of the Supreme Court on the matter out of the window

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and obviously followed hook, line and sinker the arguments of the [defendant] Daria Galleros."

In answer, respondent judge claims that she merely followed the law in dismissing the case. She prays that the complaint against her be dismissed and that complainant be ordered to stop harassing her just because he had not been able to obtain the relief he wanted in Civil Case No. 295.

In its memorandum dated February 29, 2000, the Office of the Court Administrator recommends the dismissal of this case on the ground that the "issue [raised] is purely judicial and is best resolved by a court of competent jurisdiction" and that, even if respondent had erred, she should not be held administratively liable since there is no allegation that she acted in bad faith or knowingly rendered an unjust judgment.

In *Tavora v. Veloso*,[1] this Court already ruled that where parties do not reside in the same city or municipality or in adjoining *barangays,* there is no requirement for them to submit their dispute involving real property to the Lupong Tagapamayapa. As explained in that case:

> The sole issue raised is one of law: Under the given facts, is the respondent judge barred from taking cognizance of the ejectment case pursuant to Sec. 6 of PD 1508 establishing a system of amicably settling disputes at the *barangay* level? The section reads:
>
> "SECTION 6. Conciliation, precondition to filing of complaint. — No complaint, petition, action or proceeding involving any matter *within the authority of the Lupon* as provided in Section 2 hereof shall be filed or instituted in court or any other government office for adjudication unless there has been a confrontation of the parties before the Lupon Chairman or the Pangkat and no conciliation or settlement has been reached as certified by the Lupon Secretary or the Pangkat Secretary, attested by the Lupon or Pangkat Chairman, or unless the settlement has been repudiated. . . ." (Italics supplied)
>
> For the above provision to be operative, the controversy must be *within the jurisdiction* of the Lupong Tagapayapa (Lupon or Barangay court). On this point, the relevant provisions of PD 1508 are:

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[1] 117 SCRA 613 (1982).

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"SECTION 2. Subject matters for amicable settlement. — The Lupon of each *barangay* shall have authority to bring together the *parties actually residing in the same city or municipality* for amicable settlement of all disputes except:

(1) Where one party is the government, or any subdivision or instrumentality thereof;

(2) Where one party is a public officer or employee, and the dispute relates to the performance of his official functions;

(3) Offenses punishable by imprisonment exceeding 30 days, or a fine exceeding ₱200.00;

(4) Offenses were there is no private offended party;

(5) Such other classes of disputes which the Prime Minister may in the interest of justice determine, upon recommendation of the Minister of Justice and the Minister of Local Government.

"SECTION 3. *Venue.* — Disputes between or *among persons actually residing in the same barangay* shall be brought for amicable settlement before the Lupon of said *barangay.* Those involving *actual residents of different barangays within the same city or municipality* shall be brought in the *barangay* where the respondent or any of the respondents actually resides, at the election of the complainant. However, all disputes which involve real property or any interest therein shall be brought in the *barangay* where the real property or any part thereof is situated.

"The Lupon shall have *no authority* over disputes:

(1) involving *parties who actually reside in barangays of different cities or municipalities*, except where such *barangays* adjoin each other; and

(2) involving real property located in different municipalities." (italics supplied)

The foregoing provisions are quite clear. Section 2 specifies the conditions under which the Lupon of a *barangay* "shall have authority" to bring together the disputants for amicable settlement of their dispute: The parties must be "actually residing in *the same* city or municipality." At the same time, Section 3 — while reiterating that the disputants must be "actually residing in *the same* barangay" or in "different *barangays within the same* city or municipality" — unequivocably declares that the Lupon shall have "no authority" over disputes "involving parties who actually reside in *barangays* of *different* cities or municipalities," except where such *barangays* adjoin each other.

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Thus, by express statutory inclusion and exclusion, the Lupon shall have no jurisdiction over disputes where the parties are not actual residents of the same city or municipality, except where the *barangays* in which they actually reside adjoin each other.

It is true that immediately after specifying the *barangay* whose Lupon shall take cognizance of a given dispute, Sec. 3 of PD 1508 adds:

"However, all disputes which involve real property or any interest therein shall be brought in the *barangay* where the real property or any part thereof is situated."

Actually, however, this added sentence is just an ordinary *proviso* and should operate as such.

The operation of a proviso, as a rule, should be limited to its normal function, which is to restrict or vary the operation of the principal clause, rather than expand its scope, in the absence of a clear indication to the contrary.[2]

To be sure, the Court was interpreting in that case the provisions of P.D. No. 1508 which, except for some modifications, are applicable to the case before respondent judge because they are now found in §§408-409 of R.A. No. 7160 which took effect on January 1, 1992. The ruling in *Tavora v. Veloso*, reiterated in other cases,[3] should be familiar to the bench and the bar. As we have held in *Espiritu v. Jovellanos*,[4] the phrase "Ignorance of the law excuses no one" has a special application to judges who, under the injunction of Canon 1.01 of the Code of Judicial Conduct, "should be the embodiment of competence, integrity, and independence." In *Bacar v. De Guzman*,[5] it was held that when the law violated is basic, the failure to observe it constitutes gross ignorance. Reiterating this ruling, it was emphasized in *Almeron v. Sardido*[6] that the disregard of an established rule of law amounts to gross ignorance of the law and makes the judge subject to disciplinary action.

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[2] *Id.*, at 615-617.

[3] E.g., *Peñaflor v. Panis,* 117 SCRA 953 (1982); *Agbayani v. Belen,* 145 SCRA 635 (1986).

[4] 280 SCRA 579 (1997).

[5] 271 SCRA 328 (1997).

[6] 281 SCRA 415 (1997).

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In the case at bar, respondent showed patent ignorance — if not disregard — of this Court's rulings on the jurisdiction of the Lupong Tagapamayapa by her erroneous quotations of the provisions of the Katarungang Pambarangay Rules implementing R.A. No. 7160. While a judge may not be held administratively accountable for every erroneous order or decision he renders, his error may be so gross or patent that he should be administratively disciplined for gross ignorance of the law and incompetence.

In this case, respondent at first cited P.D. No. 1508, §3 as basis of her action. When her attention was called to the fact that this had been repealed by §409(c) of R.A. No. 7160, respondent, who obviously was more intent in justifying her previous order than correcting her error, quoted out of context the provisions of the Katarungang Pambarangay Rules implementing the Katarungang Pambarangay provisions of R.A. No. 7160. She thus violated Canon 3 of the Code of Judicial Conduct which provides that "In every case, a judge shall endeavor diligently to ascertain the facts and the applicable law unswayed by partisan interest, public opinion or fear of criticism."

Contrary to respondent's interpretation, it is clear even from the Katarungang Pambarangay Rules that recourse to *barangay* conciliation proceedings is not necessary where the parties do not reside in the same municipality or city or in adjoining *barangays*. Rule VI of the same states in pertinent part:

SECTION 2. *Subject matters for settlement.* — All disputes may be the subject of proceedings for amicable settlement under these rules *except the following enumerated cases:*

(a) Where one party is the government, or any subdivision or instrumentality thereof;

(b) Where one party is a public officer or employee, and the dispute relates to the performance of his official functions;

(c) Offenses for which the law prescribes a maximum penalty of imprisonment exceeding one (1) year or a fine exceeding Five Thousand pesos (₱5,000.00);

(d) Offenses where there is no private offended party;

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(e) Where the dispute involves real properties located in different cities or municipalities unless the parties thereto agree to submit their differences to amicable settlement by an appropriate lupon;

(f) *Disputes involving parties who actually reside in barangays of different cities or municipalities, except where such barangay units adjoin each other and the parties thereto to agree to submit their differences to amicable settlement by an appropriate lupon;*

(g) Such other classes of disputes which the President may determine in the interest of justice or upon the recommendation of the Secretary of Justice.

The foregoing exceptions notwithstanding, the court in which non-criminal cases not falling within the authority of the *lupon* under these Katarungang Pambarangay Law and Rules are filed may, at any time before trial, *motu proprio* refer the case to the *lupon* concerned for amicable settlement.

SECTION 3. *Venue.* — The place of settlement shall be subject to the following rules:

(a) Where the parties reside in the same *barangay,* the dispute shall be brought for settlement in said barangay;

(b) Where the parties reside in different *barangays* in the same city or municipality, the dispute shall be settled in the *barangay* where the respondent or any one of the respondents actually resides, at the choice of the complainant;

(c) Dispute involving real property shall be brought for settlement in the *barangay* where the real property or larger portion thereof is situated;

(d) Disputes arising at the workplace where the contending parties are employed or at the institution where such parties are enrolled for study, shall be brought in the *barangay* where such workplace or institution is located;

(e) Any objection relating to venue shall be raised before the Punong Barangay during the mediation proceedings before him. Failure to do so shall be deemed a waiver of such objection;

(f) Any legal question which may confront the Punong Barangay in resolving objections to venue herein referred to may be submitted to the Secretary of Justice, or his duly designated representative, whose ruling thereon shall be binding.

(Italics added)

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Indeed, these provisions, which are also found in P.D. No. 1508, have already been authoritatively interpreted by this Court, and the duty of respondent judge was to follow the rulings of this Court. Her insistence on her own interpretation of the law can only be due either to an ignorance of this Court's ruling or to an utter disregard thereof. We choose to believe that her failure to apply our rulings to the case before her was simply due to gross ignorance which, nevertheless, is inexcusable. In accordance with the ruling in *Ting v. Atal*,[7] in which a judge who was similarly found guilty of gross ignorance of the law was fined ₱2,000.00, respondent judge should likewise be fined the same amount.

WHEREFORE, respondent is hereby found guilty of gross ignorance of the law and is hereby ordered to pay a *FINE* of TWO THOUSAND (₱2,000.00) PESOS with a *WARNING* that repetition of the same or similar acts will be dealt with more severely.

SO ORDERED.

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

SECOND DIVISION

[A.M. No. MTJ-00-1266. April 6, 2000]

PROSECUTOR SALVADOR C. RUIZ, *complainant, vs.* **JUDGE AGELIO L. BRINGAS, Municipal Trial Court in Cities, Branch 1, Butuan City,** *respondent.*

SYNOPSIS

This is an administrative complaint filed by Prosecutor Salvador C. Ruiz against respondent Judge Agelio L. Bringas of the Municipal Trial Court in Cities, Branch 1, Butuan City, charging him with serious misconduct and inefficiency for allegedly using intemperate

[7] 231 SCRA 80 (1994).