

## THIRD DIVISION

**[ A.M. NO. MTJ-05-1610 [FORMERLY OCA IPI NO. 04-1548-MTJ], September 26, 2005 ]**

**DR. JOSE S. LUNA, COMPLAINANT, VS. JUDGE EDUARDO H. MIRAFUENTE, MUNICIPAL TRIAL COURT, BUENAVISTA, MARINDUQUE, RESPONDENT.**

### D E C I S I O N

**CARPIO MORALES, J.:**

Judge Eduardo H. Mirafuente of the Municipal Trial Court of Buenavista, Marinduque, respondent, is charged with Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service, Violation of the Rules on Summary Procedure in Special Cases and Gross Ignorance of the Law by Dr. Jose S. Luna (Dr. Luna) arising from respondent's act of giving due course to the belatedly filed and unverified answer of the defendants in a complaint for unlawful detainer.

In May 2003, Dr. Luna filed a complaint for unlawful detainer, docketed as Civil Case No. Y2K3-01, against Florencio Sadiwa and Alex Sadiwa (the defendants) with the Municipal Trial Court of Buenavista, Marinduque presided by respondent.

As adverted to above, the defendants filed an unverified answer to the complaint, seven (7) days beyond the reglementary period of ten (10) days from the service of the summons on them.

In mid July 2003, Dr. Luna's counsel filed a Motion for Judgment,<sup>[1]</sup> invoking Section 6 of the Revised Rule on Summary Procedure, to which motion the defendants did not file any opposition. By Order<sup>[2]</sup> of August 28, 2003 respondent denied the motion.

Dr. Luna later filed an Urgent Manifestation<sup>[3]</sup> relative to the said order of respondent which the latter treated as a motion for reconsideration and which he denied.

Hence, arose the present administrative complaint<sup>[4]</sup> against respondent, Dr. Luna asserting that as the defendants' answer was unverified and belatedly filed, respondent should have *motu proprio* or on motion of the plaintiffs rendered judgment as warranted by the facts alleged in the complaint, following Section 6 of the Revised Rule on Summary Procedure.

In his Comment<sup>[5]</sup> dated April 16, 2004, respondent explains that his admission of the defendants' unverified, belatedly filed answer was premised on "the spirit of justice and fair play, which underlie[s] every court litigation and serves as the bedrock to preserve the trust and faith of parties litigants in the judicial system;"

that the admission was proper because the delay was negligible, it involving only four (4) days as June 13 to 15, 2003 were non-working holidays (per presidential proclamation in connection with the Independence Day celebration); that the defendants might have believed that the period to file answer was 15 days, which is the usual or common period to file an answer; and that the delay was also excusable as defendants acted *pro se*, without the benefit of legal assistance, and not dilatory.

At any rate, respondent contends that, assuming *arguendo* that he erred in denying Dr. Luna's Motion for Judgment, a judge may not be held administratively liable for every erroneous order or decision, for to hold otherwise would render judicial office untenable as no one called upon to try the facts or interpret the law in the process of administering the law can be infallible in his judgment. Besides, respondent adds, there is a judicial remedy to correct the error.

For ignorance of the law, the Office of the Court Administrator, by Report and Recommendation<sup>[6]</sup> dated December 21, 2004, recommends that respondent be faulted and ordered to pay a fine in the amount of P11,000.00, with stern warning that a repetition of the same or similar act shall be dealt with more severely.

The office of a judge exists for one solemn end – to promote the ends of justice by administering it speedily and impartially. A judge 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 this Court is wont to advert when members of the judiciary commit legal *faux pas*, hopefully only through unwitting error or inattention.<sup>[7]</sup>

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.<sup>[8]</sup> Such a requirement is especially demanded in forcible entry and unlawful detainer cases.

For forcible entry and unlawful detainer cases involve perturbation of social order, which must be restored as promptly as possible, such that technicalities or details of procedure which may cause unnecessary delays should carefully be avoided.<sup>[9]</sup> That explains why the Revised Rule on Summary Procedure which governs ejectment, among other cases, lays down procedural safeguards to guarantee expediency and speedy resolution.

Sections 5 and 6 of the 1991 Revised Rule on Summary Procedure provide:

Sec. 5. *Answer.* – Within ten (10) days from service of summons, the defendant **shall** file his answer to the complaint and serve a copy thereof on the plaintiff. xxx

Sec. 6. *Effect of failure to answer.* – **Should the defendant fail to answer the complaint within the period above provided, the court, *motu proprio*, or on motion of the plaintiff, shall render judgment as may be warranted by the facts alleged in the complaint and limited to what is prayed for therein: *Provided, however,*** That the court may in its discretion reduce the amount of damages and attorney's fees claimed for being excessive or otherwise