

SECOND DIVISION

[A.M. No. MTJ-08-1718, March 16, 2011]

ATTY. RAFAEL T. MARTINEZ, AND SPOUSES DAN AND EDNA REYES, COMPLAINANTS, VS. JUDGE GRACE GLICERIA F. DE VERA, PRESIDING JUDGE, MUNICIPAL TRIAL COURT IN CITIES, SAN CARLOS CITY, PANGASINAN, RESPONDENT.

DECISION

CARPIO, J.:

Atty. Rafael T. Martinez (Atty. Martinez) and spouses Dan and Edna Reyes (spouses Reyes) (collectively, complainants) filed the present administrative complaint against Judge Grace Glicería F. De Vera (Judge De Vera), Presiding Judge of the Municipal Trial Court in Cities (MTCC), San Carlos City, Pangasinan, for Gross Ignorance of the Law, relative to Civil Case No. MTCC-1613 entitled "*Letecia Samera v. Sps. Dan Reyes and Edna Reyes*." The Office of the Court Administrator (OCA) recommended that Judge De Vera be found guilty of gross ignorance of the law and be fined P10,000.00 with a stern warning that a repetition of the same offense shall be dealt with more severely.

The Facts

The memorandum from the OCA narrated the facts as follows:

The following were filed with the Office of the Court Administrator:

1. VERIFIED COMPLAINT dated January 18, 2008 (with enclosures) of Atty. Rafael T. Martinez and Dan and Edna Reyes charging Judge Grace Glicería F. De Vera, [Presiding Judge of] MTCC, San Carlos City, Pangasinan with Gross Ignorance of the Law relative to Civil Case No. MTCC-1613 entitled "*Letecia Samera vs. Sps. Dan Reyes and Edna Reyes*."

Complainants narrated that they are defendants in Civil Case No. MTCC-1613 for ejectment with damages heard before the sala of the respondent judge. Complainant Atty. Rafael T. Martinez was their counsel of record.

After the termination of the preliminary conference, the complainant averred that respondent issued a pre-trial order directing the parties to submit their position paper within ten (10) days from receipt of the pre-trial order. The pre-trial order was received by complainant Atty. Rafael T. Martinez on November 21, 2007. Hence, they have until December 1, 2007 within which to file their position paper. However, since the last day of filing falls on Saturday, the complainants filed their position paper

together with their evidence by registered mail on December 3, 2007.

Complainant Martinez narrated that on December 28, 2007, his attention was called by Ms. Yolanda Basa, the Clerk of Court of the MTCC, San Carlos City, Pangasinan about the order promulgated by the respondent denying the admission of the position paper of the complainants on the ground that the same was filed out of time. On the same day, his wife informed him that a certain "JR" of the MTCC delivered the order of the court dated December 12, 2007. On January 2, 2008, complainant Martinez filed, by registered mail, a motion for reconsideration.

On January 6, 2008, complainant Martinez received the adverse decision dated December 28, 2007 in favor of the plaintiff therein.

The complainants claimed that the respondent judge, in denying the admission of their position paper and the evidence attached to it, is obviously ignorant of the basic and elementary provision of the rules. They also abhorred the hastily [sic] rendition of decision of the respondent judge. The said decision of the respondent judge is unjust because it was rendered in violation of the complainants' substantive right to be heard and to present evidence.

Finally, the complainants contended that the respondent judge, who has shown her inability to observe a very simple and elementary provision of the rules and her disposition to trample upon the rights of litigants, should not be allowed to stay in her lofty position which requires competence, impartiality and probity.

2. COMMENT dated April 23, 2008 (with enclosure) of respondent Judge Grace Gliceria F. De Vera.

In her Comment dated April 23, 2008, the respondent judge contended that the administrative complaint lodged against her is devoid of merit and is meant to harass her when she rendered an adverse Decision dated December 28, 2007 against the complainant[s] Dan & Edna Reyes in Civil Case No. MTCC-1613.

She denied that she gave instructions to serve the extra copy of the Order dated December 12, 2007 at the residence of complainant Atty. Martinez. She averred that she does not even know the residence of the latter. This was later corroborated by Mr. Austria Jr., when he admitted in front of his other officemates on March 4, 2008, that it was his own idea to serve the extra copy of the Order dated December 12, 2007 at the house of the complainant Atty. Martinez.

The respondent asserted that the copy of the Order dated December 12, 2007 was sent to the complainant Atty. Martinez on December 17, 2007 as evidenced by Registry Receipts [sic] No. 893 dated December 17, 2007 and not on December 28, 2007 as claimed by the complainants.

Anent the early resolution of the MTCC Case No. 1613, the respondent judge contended that it is in compliance with her duty to promptly decide

a case within the period required by law. She claimed that there is nothing wrong if a judge renders judgment on the day after the case is submitted for resolution.

The respondent argued that the complainants' position paper dated December 3, 2007 is a mere rehash of the Answer with Counterclaim dated July 18, 2007. Assuming that she committed a mistake in the computation of the period, the respondent claimed that said error was made in good faith and done without any malice, corrupt motives or improper considerations since the complainants submitted their position paper on the twelfth (12) day, not the tenth (10) day.

OTHER RELEVANT INFORMATION: The respondent assails the conduct of the complainant Atty. Martinez in filing what she claims as unfounded administrative complaint and prayed that complainant Atty. Martinez be held responsible, as member of the BAR, for violating his oath and the Canons of Professional Responsibility.

3. REPLY TO THE COMMENT dated May 8, 2008

The complainants, in their reply to the comment of the respondent judge, disagreed with the contention of the respondent judge that she should not be subject to disciplinary action for the error she allegedly commits in the absence of malice, fraud, dishonesty or corruption. They asserted that the respondent judge failed to consider the basic and elementary provision of Section 1, Rule 22 of the Rules of Court. The complainants continued to cite several instances to show that the respondent judge has a continuing pattern of committing legal error. Lastly the complainants averred that the explanation proffered by the respondent judge should never be allowed.^[1]

Complainants filed their Complaint^[2] dated 18 January 2008 before the OCA. Then Court Administrator Zenaida N. Elepaño (CA Elepaño) directed Judge De Vera to file her comment within ten days from receipt of the indorsement from OCA.^[3]

Atty. Martinez moved for the preventive suspension of Judge De Vera.^[4] Atty. Martinez filed a motion for inhibition of Judge De Vera in all cases where Atty. Martinez is counsel of record in Judge De Vera's court, and cited the present administrative complaint as the ground for inhibition. Judge De Vera then issued orders in three cases directing Atty. Martinez to show cause why he should not be cited for indirect contempt because the allegations in the motion for inhibition undermine the integrity of Judge De Vera's court. Atty. Martinez thus moved for Judge De Vera's preventive suspension pending the resolution of the present administrative complaint.

Judge De Vera moved to extend the filing of her comment twice.^[5] She finally filed her comment on 24 April 2008, one day after the due date, with heavy workload as her excuse.^[6]

Complainants filed their reply on 27 May 2008.^[7]

The OCA's Ruling

On 11 July 2008, the OCA, under then Court Administrator Jose P. Perez^[8] and Assistant Court Administrator Reuben P. Dela Cruz, issued its Evaluation and Recommendation on the present complaint.

The OCA underscored that the issue in the instant case is whether or not respondent Judge De Vera could be held administratively liable for gross ignorance of the law in denying the admission of the position paper and the evidence attached to it in Civil Case No. MTCC No. 1613 entitled "*Letecia Samera vs. Sps. Dan Reyes and Edna Reyes.*" The OCA stated that ordinarily, before the judge can be held liable, the subject decision, order or actuation of the judge in the performance of his official duties should be contrary to existing law and jurisprudence, and the judge must be moved by bad faith, fraud, dishonesty or corruption. Although there is absence of bad faith or malice in the present case, the OCA opined that respondent Judge De Vera cannot be excused from applying a basic law. When the law is so elementary, not to be aware of it also constitutes gross ignorance of the law.

The OCA's recommendation reads as follows:

RECOMMENDATION: Respectfully submitted for the consideration of the Honorable Court is our recommendation that the instant complaint against Judge Grace Gliceria F. De Vera [of] MTCC, San Carlos City, Pangasinan be REDOCKETED as a regular administrative matter; and that the respondent judge be found GUILTY of gross ignorance of the law and be FINED in the amount of Ten Thousand (PHP10,000.00) Pesos with a STERN WARNING that a repetition of the same offense shall be dealt with more severely.^[9]

This Court, in a Resolution^[10] dated 11 August 2008, re-docketed administrative complaint OCA-IPI No. 08-1969-MTJ as regular administrative matter A.M. No. MTJ-08-1718. Judge De Vera filed a Rejoinder^[11] on 4 September 2008.

In a Resolution^[12] dated 15 October 2008, this Court required the parties to manifest, within ten days from notice, if they were willing to submit the administrative matter for resolution on the basis of the pleadings filed. Both parties filed their respective manifestations that they were willing to have the case so decided. Atty. Martinez stated his willingness to resolve the present administrative matter based on the pleadings after the submission of the envelope showing that the position paper was indeed sent via registered mail on 3 December 2007.^[13] Judge De Vera stated her willingness to submit the case for resolution after the submission of her supplemental rejoinder.^[14] Judge De Vera submitted her Supplemental Rejoinder^[15] on 12 January 2009.

Issue

The sole issue is whether respondent Judge De Vera should be held administratively

liable for issuing the Order dated 12 December 2007 denying the admission of the position paper of the complainants on the ground that the same was filed out of time.

Both parties raise other issues and detail other facts which, to our mind, deviate from the proper subject matter.

The Court's Ruling

We reverse and set aside the recommendation of the OCA.

Relevant portions of Section 1, Rule 22 of the Rules of Court read:

Section 9. *How to compute time.* - x x x If the last day of the period, as thus computed, falls on a Saturday, a Sunday, or a legal holiday in the place where the court sits, the time shall not run until the next working day.

From the OCA's recommendation, we glean the following pertinent facts: (1) After the pre-trial conference, Judge De Vera issued a pre-trial order directing the parties to submit their position paper within ten days from receipt. Atty. Martinez received the order on 21 November 2007. Hence, he had until 1 December 2007 to submit his position paper. (2) Atty. Martinez filed, via registered mail, his position paper on 3 December 2007 as 1 December 2007 fell on a Saturday; and (3) Judge De Vera denied, in an order dated 12 December 2007, Atty. Martinez's position paper for being filed out of time.

From Judge De Vera's Supplemental Rejoinder, we learn that "the envelope showing that the position paper was sent through registered mail on December 3, 2007 was not stitched to the Record and was in fact found in the drawer of Verna Galvez (Galvez), a court personnel, on October 27, 2008."^[16] Judge De Vera's explanation continues:

Thus, respondent thought all along that the Position Paper was filed personally by complainants on December 6, 2007 [date of receipt of the Position Paper by the trial court], or on the 15th day from receipt of the complainants of the Order dated November 5, 2007 on November 21, 2007. The record, when forwarded to the undersigned, prior to the release of the interlocutory order dated December 12, 2007 denying the Position Paper of the complainants shows only Registry Receipt No. 8677, showing that the complainants have sent Atty. Juvy F. Valdez, counsel for the plaintiffs, through registered mail on December 3, 2007 the said position paper. For this reason, the respondent, in good faith, denied the said Position Paper for being filed out of time. Good faith is a defense in a charge of gross ignorance of the law.^[17]

Despite the existence of Registry Receipt No. 8677 showing that the position paper sent to the counsel of the adverse party was served through registered mail on 3