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there is indeed reason to adjust the rent, the parties could have by themselves negotiated the amendment of the contract.[18]

WHEREFORE, the petition seeking the reversal of the decision of the Court of Appeals in CA-G.R. CV No. 54115 is *DENIED*.

SO ORDERED.

Melo (Chairman), Vitug, Panganiban, and *Purisima, JJ.*, concur.

THIRD DIVISION

[A.M. No. MTJ-00-1296. October 5, 2000]
(formerly OCA IPI No. 98-548-MTJ)

ALBERT R. SORDAN, *complainant, vs.* **JUDGE ROLANDO B. DE GUZMAN of the MeTC-Br. 2, Manila,** *respondent.*

SYNOPSIS

Complainant Albert R. Sordan is one of the plaintiffs in an ejectment case which was assigned to herein respondent Judge Rolando De Guzman. Respondent allegedly failed to render a decision in the aforesaid civil case. Until the filing of this administrative case, respondent Judge has failed to render judgment in the ejectment case which period is allegedly well beyond the 30-day reglementary period for rendition of judgment as provided under Section 10 of the Rule on Summary Procedure.

First level courts are only allowed thirty (30) days following the receipt of the last affidavit and position paper, or the expiration of the period for filing the same, within which to render

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[18] *Serra vs. Court of Appeals, supra.*

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judgment on cases falling under the Rule on Summary Procedure. The Rule on Summary Procedure was precisely enacted to achieve an expeditious and inexpensive determination of cases and failure to observe the 30-day period within which to render a judgment subjects the defaulting judge to administrative sanction.

SYLLABUS

1. **REMEDIAL LAW; RULE ON SUMMARY PROCEDURE; EFFECT OF FAILURE TO ANSWER.** — The civil case assigned to respondent Judge is one for Unlawful Detainer and is governed by the Rule on Summary Procedure. Section 6 of the Rule on Summary Procedure is explicit. Thus: 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 unconscionable. This is without prejudice to the applicability of Section 4, Rule 18 of the Rules of Court, if there are two or more defendants. As clearly stated in the Section above-quoted, when the defendant fails to answer the complaint within the period 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.

2. **ADMINISTRATIVE LAW; JUDGES; FAILURE TO RENDER JUDGMENT ON CASES UNDER SUMMARY PROCEDURE WITHIN 30 DAYS SUBJECTS THE JUDGE TO ADMINISTRATIVE SANCTION.** — With respect to cases falling under the Rule on Summary Procedure, first level courts are only allowed thirty (30) days following the receipt of the last affidavit and position paper, or the expiration of the period for filing the same, within which to render judgment. We stated in *Cruz vs. Pascual* that the Rule on Summary Procedure was precisely enacted to achieve an expeditious and inexpensive determination of cases and failure to observe the 30-day period within which to render a judgment subjects the defaulting judge to administrative sanction.

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DECISION

GONZAGA-REYES, *J.*:

Herein complainant Albert R. Sordan is one of the plaintiffs in Civil Case No. CV-157715 entitled *"Romualdo R. Sordan, Albert R. Sordan and Ma. Carmelita R. Sordan vs. Ricardo Roderos"* for Unlawful Detainer which was assigned to herein respondent Judge Rolando De Guzman. Sordan filed the instant administrative complaint praying that respondent Judge be "dismissed from the judiciary and fined accordingly" for his failure to "conscientiously and promptly discharge his professional responsibility."

In his complaint, Sordan alleges that on December 23, 1997, he filed an Urgent Manifestation and Motion to Render Judgment By Reason of Failure to Answer in view of the defendant's failure to answer the complaint in said civil case pursuant to Section 6 of the Rule on Summary Procedure. Respondent Judge allegedly failed to render a decision in the aforesaid civil case, hence, Sordan filed on January 21, 1998 a Motion for Early Resolution. Until the filing of this administrative case, respondent Judge has failed to render judgment in the ejectment case which period is allegedly well beyond the 30-day reglementary period for rendition of judgment as provided under Section 10 of the Rule on Summary Procedure.

In his Letter dated November 13, 1998,[1] respondent Judge averred that "no decision can possibly be rendered at this point in the aforesaid case as it is not submitted for decision yet." He further alleges that the Urgent Manifestation and Motion to Render Judgment by Reason of Failure to Answer dated December 23, 1997 has not been set for hearing nor was the notice of the motion addressed to the parties concerned, which motion should be considered as a mere scrap of paper, and is fatally defective. Hence, he prays for the dismissal of this case for lack of merit.

In the Resolution dated March 8, 2000, this Court required the parties to manifest whether they are willing to submit the

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case on the basis of the pleadings/records already filed and submitted. Complainant manifested that he is willing to submit the case for resolution/decision on the basis of the pleadings/records already filed and submitted. Respondent Judge filed a Manifestation that he is submitting additional pleadings. He filed his Comment dated April 10, 2000 alleging that the Urgent Manifestation and Motion to Render Judgment by Reason of Failure to Answer has not been set for hearing nor was the notice of the motion addressed to the party concerned; that there was no proof submitted that a copy of the motion was duly served on the adverse party; that the motion was fatally defective and was a useless scrap of paper; that under Section 6 of the Rule on Summary Procedure, the court has the option to render judgment on the case as may be warranted by the facts alleged in the complaint should the defendant fail to answer within the reglementary period; that the court opted not to decide the civil case considering that there were many other cases which the court had to decide or attend to first in the interest of justice; and that he has already rendered a decision on the aforesaid civil case on December 14, 1998. Hence, he prays for the dismissal of the instant case allegedly for being unmeritorious.

We find the recommendation of the Court Administrator that respondent Judge be fined in the amount of One Thousand Pesos (₱1,000.00) to be well-taken.

The civil case assigned to respondent Judge is one for Unlawful Detainer and is governed by the Rule on Summary Procedure. Section 6 of the Rule on Summary Procedure is explicit. Thus:

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 unconscionable. This is

[1] p. 27, *Rollo*.

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without prejudice to the applicability of Section 4, Rule 18 of the Rules of Court, if there are two or more defendants."

As clearly stated in the Section above-quoted, when the defendant fails to answer the complaint within the period 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. Defendant has ten (10) days from service of summons to file an answer to the complaint[2] and it is not disputed that defendant in the aforesaid civil case failed to answer the complaint.

Respondent Judge contends that the Urgent Manifestation and Motion to Render Judgment by Reason of Failure to Answer dated December 23, 1997 has not been set for hearing and is fatally defective as the notice of hearing is not addressed to the parties but to the clerk of court and hence, the same is a mere scrap of paper.

The contention is untenable. Section 6 expressly provides that the court, *motu proprio,* on its own motion or initiative[3] shall render judgment on the case. Thus, even without a motion filed by plaintiff, the court has to render judgment as may be warranted by the facts alleged in the complaint and limited to what is prayed for therein. Clearly, respondent Judge has failed in this respect. Admittedly, he has not rendered a decision from the time herein complainant filed the Urgent Manifestation on December 23, 1997, and the Motion for Early Resolution on January 21, 1998 until the filing of this administrative complaint on June 11, 1998, or for about six (6) months. The fact that respondent Judge

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[2] 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. Affirmative and negative defenses not pleaded therein shall be deemed waived, except for lack of jurisdiction over the subject matter. Cross-claims and compulsory counterclaims not asserted in the answer shall be considered barred. The answer to counterclaims or cross-claims shall be filed and served within ten (10) days from service of the answer in which they are pleaded.

[3] p. 400, Moreno, Philippine Law Dictionary, 1982.

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has rendered a decision in the ejectment case on December 14, 1998 will not absolve him from any administrative liability.

The rules require courts to decide cases submitted for decision generally within three (3) months from the date of such submission. With respect to cases falling under the Rule on Summary Procedure, first level courts are only allowed thirty (30) days following the receipt of the last affidavit and position paper, or the expiration of the period for filing the same, within which to render judgment.[4] We stated in *Cruz vs. Pascual*[5] that the Rule on Summary Procedure was precisely enacted to achieve an expeditious and inexpensive determination of cases and failure to observe the 30-day period within which to render a judgment subjects the defaulting judge to administrative sanction.

WHEREFORE, as recommended by the Court Administrator, respondent Judge Rolando De Guzman is hereby *FINED* in the amount of One Thousand Pesos (₱1,000.00) and is warned that a repetition of the same or similar act shall be dealt with more severely by this Court.

SO ORDERED.

Melo (Chairman), Vitug, Panganiban, and *Purisima, JJ.*, concur.

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[4] *Raboca vs. Pantanosas, Jr.*, 245 SCRA 293.

[5] 244 SCRA 111.