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REPORT OF CASES

DETERMINED IN THE

SUPREME COURT OF THE PHILIPPINES

SECOND DIVISION

[A.M. No. MTJ-02-1409. April 5, 2002]

ATTY. JOSELITO A. OLIVEROS, *complainant, vs.* **JUDGE ROMULO G. CARTECIANO (Ret.), Municipal Trial Court, Los Baños, Laguna,** *respondent.*

SYNOPSIS

Atty. Joselito A. Olivares filed a complaint for gross neglect of duty against Judge Romulo G. Carteciano for failure to decide an ejectment case entitled *Custer S. Oliveros vs. Yolanda C. Corvera, et al.,* within 30 days from receipt of the last position paper as required in the Revised Rules on Summary Procedure. In his comment, respondent explained that the delay was due to a breakdown of his computer. Relative thereto, Court Adminstrator Presbiterio J. Velasco, Jr. reported to this Court that respondent's explanation was "flimsy" because he could have simply used the manual typewriter. Thus, he recommended that respondent be made to pay a fine of ₱1,000.00.

The Court agreed with the Court Administrator's findings that respondent's explanation for the delay in rendering judgment in this case was flimsy because respondent could have caused the preparation of his decision by manual typewriter if his computer malfunctioned. At any rate, respondent could have asked from this Court for an extension of time within which to render judgment instead of just allowing the 30-day period to expire. Respondent's conduct in this case constitutes a

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violation of Canon 3, Rule 3.05 of the Code of Judicial Conduct which enjoins judges to dispose of court business promptly and within the required periods. In line with applicable jurisprudence, he was fined in the amount of ₱1,000.00 for such infraction.

SYLLABUS

1. **JUDICIAL ETHICS; CODE OF JUDICIAL CONDUCT; JUDGES ARE ENJOINED TO DISPOSE OF COURT BUSINESS PROMPTLY; VIOLATED BY RESPONDENT JUDGE FOR FAILURE TO RENDER JUDGMENT WITHIN PERIOD REQUIRED BY RULE ON SUMMARY PROCEDURE.** — There is no question that, as far as the hearing of Civil Case No. 2167 is concerned, there was no delay. The parties appear to have submitted the affidavits of their witnesses within ten (10) days from receipt of the order to do so as required in §§9-10 of the Revised Rules on Summary Procedure. Indeed, in his order, dated February 2, 2000, respondent declared that "unless the court finds it necessary . . . to clarify certain material facts and require the parties to submit further affidavits . . . the case shall be deemed submitted for decision [upon] the expiration of the [aforementioned 10-day] period." It was in rendering his decision that respondent incurred delay. As respondent did not order the submission of additional affidavits or other evidence, respondent had 30 days from March 16, 2000 (when the last position paper was filed) within which to render judgment. However, he rendered his decision only on July 18, 2001, 15 months after the lapse of the mandatory 30-day period.

2. **ID.; ID.; ID.; COMPUTER MALFUNCTIONED IS A FLIMSY REASON FOR FAILURE TO COMPLY THEREWITH; JUDGES CAN ASK FROM THE SUPREME COURT FOR AN EXTENSION OF TIME WITHIN WHICH TO RENDER JUDGMENT.** — The Court agrees with the Court Administrator's findings that respondent's explanation for the delay in rendering judgment in this case is flimsy because respondent could have caused the preparation of his decision by manual typewriter if his computer malfunctioned. At any rate, respondent could have asked from this Court for an

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extension of time within which to render judgment instead of just allowing the 30-day period to expire.

3. **ID.; ID.; ID.; PENALTY FOR VIOLATION THEREOF.** — Respondent's conduct in this case constitutes a violation of Canon 3, Rule 3.05 of the Code of Judicial Conduct which enjoins judges to dispose of court business promptly and within the required periods. In line with applicable jurisprudence, he is liable to pay a fine in the amount of ₱1,000.00 for such infraction. Considering that respondent has retired from service on August 29, 2001, this amount shall be deducted from his retirement benefits.

D E C I S I O N

MENDOZA, *J.*:

This is a complaint filed by complainant Atty. Joselito A. Oliveros alleging "gross neglect of duty" on the part of respondent Romulo G. Carteciano, then Presiding Judge of the Municipal Trial Court, Los Baños, Laguna,[1] for failure to decide an ejectment case filed by complainant within 30 days from receipt of the last position paper as required in the Revised Rule on Summary Procedure. In his complaint, dated March 16, 2001, complainant states:

2. Complainant is the counsel for the plaintiff in the ejectment case entitled *Custer S. Oliveros v. Yolanda C. Corvera, et al.,* Civil Case No. 2167, filed last 02 December 1999 in the . . . Municipal Trial Court of Los Baños, Laguna, presided over by the respondent judge.

3. The case was already submitted for decision way back [in] March 200[0] but up to now respondent has failed and refused, and continues to fail and refuse, despite [a] motion to resolve and [the] follow-ups by the plaintiff, to decide the case.

4. Attached hereto is a sworn affidavit of the herein complainant himself, the contents of which are hereby adopted as part of this complaint . . . .

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[1] Retired from service on August 29, 2001.

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5. Respondent has grossly neglected his duty in this undue delay in rendering a decision in said ejectment case . . . .[2]

In answer, respondent admits he failed to render a decision within the time fixed by law. He explains, however, that the delay was due to a breakdown in his computer. He states in his comment, dated July 31, 2001:

A decision in the aforestated case, . . . had already been rendered and copies thereof had already been ordered issued/mailed to the respective counsels . . . . [The] decision [on the case] could have been rendered and issued much earlier this month, but was delayed as the second-hand personal computer and printer, which this court has been using on a rental basis (at the personal expense of the undersigned presiding judge), repeatedly bogged down, necessitating efforts to repair the same and [he was] even [forced to] hire another personal computer set for [the] use of this court. It is submitted that there was no deliberate intent to fail and to refuse issuing the necessary decision on the case.[3]

Attached to respondent's comment is a copy of his decision in Civil Case No. 2167, dated July 18, 2001, the dispositive portion of which reads:

WHEREFORE, the above premises considered, and based on the evidence presented, judgment is hereby rendered in favor of plaintiff CUSTER S. OLIVEROS, and as against defendants "ROCKLINE MUSIC LOUNGE AND RESTAURANT, INC." ("ROCKLINE FINE DINING AND MUSIC LOUNGE, INC.") and YOLANDA C. CORVERA, and all those claiming rights under them or acting in their behal[f], and ordering:

1. Said defendants "ROCKLINE MUSIC LOUNGE AND RESTAURANT, INC." ("ROCKLINE FINE DINING AND MUSIC LOUNGE, INC.") and YOLANDA C. CORVERA, and all those claiming rights under them or acting in their behal[f], to vacate the land covered by T.D. Nos. 008-1482 and 008-12496, belonging to said plaintiff and located at Brgy. Maahas, Los Baños, Laguna, and subject of their

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[2] Complaint, pp. 1-2.

[3] Comment, p. 1.

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contract of lease with plaintiff, and to turn over its possession and occupation to plaintiff, upon receipt of a copy of this Judgment;

2. Said defendant corporation and defendant Yolanda C. Corvera, and all persons claiming rights under them, to demolish and remove their building, structure, or construction they have made, erected, or caused to be built on and within the above described property lot of said plaintiff;

3. Said defendant corporation and defendant Yolanda Corvera to jointly and solidarily pay plaintiff damages corresponding to the unpaid monthly rentals for the lease, use, and occupation of plaintiff's subject property, equivalent to ₱45,000.00 per month, starting May 15, 1999, and continuously until defendants have fully vacated the leased premises and have turned over possession and occupation of the same to plaintiff, together with twelve (12%) per cent interest on the accumulated arrearages per annum, uncompounded; and

4. Said defendants to pay plaintiff the sum of ₱85,000.00 for and as attorney's fees; and the sum of ₱1,000.00 as costs of the suit and litigation expenses.

The counterclaim interposed by defendant Yolanda C. Corvera to the complaint of plaintiff is hereby ordered dismissed for lack of merit.

SO ORDERED.

In his report to the Court, Court Administrator Presbitero J. Velasco, Jr. says that respondent's explanation is "flimsy" because respondent could have simply used the manual typewriter instead of waiting for the computer to be repaired. For this reason, he recommends that respondent be made to pay a fine of ₱1,000.00.

The recommendation is well-taken. The Revised Rule on Summary Procedure provides:

Sec. 9. *Submission of affidavits and position papers.* — Within ten (10) days from receipt of the order mentioned in the next preceding section, the parties shall submit the affidavits of their witnesses and other evidence on the factual issues defined in the

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order, together with their position papers setting forth the law and the facts relied upon by them.

Sec. 10. *Rendition of judgment.* — Within thirty (30) days after receipt of the last affidavits and position papers, or the expiration of the period for filing the same, the court shall render judgment.

However, should the court find it necessary to clarify certain material facts, it may, during the said period, issue an order specifying the matters to be clarified, and require the parties to submit affidavits or other evidence on the said matters within ten (10) days from receipt of said order. Judgment shall be rendered within fifteen (15) days after the receipt of the last clarificatory affidavits, or the expiration of the period for filing the same.

The court shall not resort to clarificatory procedure to gain time for the rendition of the judgment.

There is no question that, as far as the hearing of Civil Case No. 2167 is concerned, there was no delay. The parties appear to have submitted the affidavits of their witnesses within ten (10) days from receipt of the order to do so as required in §§9-10 of the Revised Rule on Summary Procedure. Indeed, in his order, dated February 2, 2000, respondent declared that "unless the court finds it necessary . . . to clarify certain material facts and require the parties to submit further affidavits . . . the case shall be deemed submitted for decision [upon] the expiration of the [aforementioned 10-day] period."

It was in rendering his decision that respondent incurred delay. As respondent did not order the submission of additional affidavits or other evidence, respondent had 30 days from March 16, 2000 (when the last position paper was filed) within which to render judgment. However, he rendered his decision only on July 18, 2001, 15 months after the lapse of the mandatory 30-day period.

The Court agrees with the Court Administrator's findings that respondent's explanation for the delay in rendering judgment in this case is flimsy because respondent could have caused the preparation of his decision by manual typewriter if his computer malfunctioned. At any rate, respondent could have asked from

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this Court for an extension of time within which to render judgment instead of just allowing the 30-day period to expire.[4]

Respondent's conduct in this case constitutes a violation of Canon 3, Rule 3.05 of the Code of Judicial Conduct which enjoins judges to dispose of court business promptly and within the required periods. In line with applicable jurisprudence,[5] he is liable to pay a fine in the amount of ₱1,000.00 for such infraction. Considering that respondent has retired from service on August 29, 2001, this amount shall be deducted from his retirement benefits.

WHEREFORE, respondent Romulo G. Carteciano, retired Presiding Judge of the Municipal Trial Court, Los Baños, Laguna, is found guilty of gross inefficiency and is FINED in the amount of One Thousand Pesos (₱1,000.00) to be deducted from his retirement benefits.

SO ORDERED.

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

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[4] *Yalung v. Pascua*, A.M. No. MTJ-01-1342, June 21, 2001.

[5] *E.g., Enriquez v. Vallarta*, A.M. No. MTJ-02-1398, Feb. 27, 2002.