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REPORT OF CASES

DETERMINED IN THE

SUPREME COURT OF THE PHILIPPINES

THIRD DIVISION

[A.M. No. MTJ-00-1263. October 3, 2000]
(formerly OCA IPI No. 98-568-MTJ)

EDUARDO MA. QUINTERO AND PAZ G. QUINTERO, *complainants, vs.* **JUDGE RODOLFO C. RAMOS, Municipal Trial Court, Jaro, Leyte,** *respondent.*

SYNOPSIS

For his failure to decide an ejectment case ten (10) months after the case was submitted for decision, respondent judge was charged with and was found guilty of Gross Inefficiency.

In so ruling, the Court held that an action for forcible entry falls under the Revised Rule on Summary Procedure, which allows first level courts only thirty (30) days from the receipt of the last pleading or expiration of the period for filing the same within which to render judgment. Rule 3.05 of the Code of Judicial Conduct requires judges to dispose of court business promptly and decide cases within the period prescribed by law. Respondent judge was fined ₱1,000.00.

SYLLABUS

1. LEGAL AND JUDICIAL ETHICS; JUDGES; ADMINISTRATIVE COMPLAINT AGAINST JUDGES; GROSS INEFFICIENCY; FAILURE TO DECIDE A FORCIBLE ENTRY CASE TEN (10) MONTHS AFTER CASE WAS SUBMITTED FOR DECISION,

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A CASE OF; CASE AT BAR. — An action for forcible entry falls under the Revised Rule on Summary Procedure. First level courts are allowed only thirty (30) days from the receipt of the last affidavit and position paper, or the expiration of the period for filing the same, within which to render judgment. It is thus decisively clear that respondent judge failed to decide subject case within the reglementary period.

2. ID.; ID.; CODE OF JUDICIAL CONDUCT; RULE 3.05 THEREOF; DUTY TO PROMPTLY DISPOSE OF COURT BUSINESS AND DECIDE CASES WITHIN THE PERIOD PRESCRIBED BY LAW. — Rule 3.05 of the Code of Judicial Conduct requires all judges to dispose of promptly the business of their court and decide cases within the period prescribed by law.

RESOLUTION

PURISIMA, *J.*:

In a sworn letter-complaint, dated June 23, 1998, complainants Eduardo Ma. Quintero and Ma. Paz G. Quintero charged Judge Rodolfo C. Ramos of the Municipal Trial Court of Jaro, Leyte with Gross Inefficiency.

Complainants alleged that they are the plaintiffs in Civil Case No. 332 which case was raffled to the sala of respondent judge. Subject case was submitted for decision on July 31, 1997 but after ten (10) months, it remained undecided.

In his Comment, respondent judge admitted that the said civil case has not yet been decided by him. He reasoned out that his poor health and heavy pressure of work brought about by his designation as Acting Presiding Judge of the Municipal Circuit Trial Court of San Miguel-Tunga Leyte[1] caused the delay. He theorized that the aforesaid circumstances should suffice to justify his failure to decide the said case.

The office of the Court Administrator recommended the imposition of a fine of ₱1,000.00 with a warning that a repetition of the same delay or inaction would be dealt with more severely.

[1] Per *En Banc* Resolution of April 15, 1997, Comment, *Rollo*.

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On March 6, 2000, the parties were required to manifest if they were willing to submit the case on the basis of the pleadings/ records already filed and submitted. Complainants' Manifestation was received on April 25, 2000. Respondent Judge, however, prayed that he be granted a thirty (30) day extension for him to decide subject civil case.

Rule 3.05 of the Code of Judicial Conduct requires all judges to dispose of promptly the business of their court and decide cases within the period prescribed by law.[2]

An action for forcible entry falls under the Revised Rule on Summary Procedure. First level courts are allowed only thirty (30) days from the receipt of the last affidavit and position paper, or the expiration of the period for filing the same, within which to render judgment.[3] It is thus decisively clear that respondent judge failed to decide subject case within the reglementary period.

The Court also finds merit in the following ratiocination of the OCA, to wit:

> Respondent, on the other hand, would want this Court to consider his reasons such as work pressure, additional work assignment and poor health as valid justifications for his failure to decide the case. This court is not unmindful of the predicament of respondent Judge. However, although we consider his reasons for the delay, it is still unimaginable that the case is still undecided as of the date of his Comment on March 6, 1999; thus, stretching too far the purpose of the Rule on Summary Procedure. Respondent obviously lacked an effective and proper program of priority in the disposition of cases assigned to his sala. Furthermore, if the respondent's caseload prevented the disposition of cases within the reglementary period, he should have asked this Court for a reasonable extension of time to decide the cases involved. But respondent unfortunately failed to do so.

WHEREFORE, respondent judge is found guilty of the charge, is hereby ordered to pay a fine of ₱1,000.00, and to decide

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[2] Re: Report of Justice Felipe B. Kalalo. 282 SCRA 61. 73.

[3] *Casia vs. Gestapo, Jr.*, 312 SCRA 204. 211.

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with dispatch subject Civil Case No. 332. Respondent is warned that a repetition of the same delay or similar act will be dealt with more severely.

SO ORDERED.

Melo (Chairman), Vitug, Panganiban, and *Gonzaga-Reyes, JJ.,* concur

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THIRD DIVISION

[A.M. No. P-00-1430. October 3, 2000]
(Formerly OCA IPI No. 97-225-P)

ATTY. JOSEPHINE MUTIA-HAGAD, *complainant, vs.* **IGNACIO DENILA, Clerk of Court II and JAIME DAYOT,** *court interpreter.*

SYNOPSIS

Complainant, Atty. Hagad, Clerk of Court II of RTC, Branch 62, Bago City, charged respondents Denila and Dayot with Gross Malfeasance. Complainant requested that Denila's appointment as MCTC Clerk of Court of Valladolid, Pulupandan and San Enrique be held in abeyance and his salary withheld until he has been cleared of his duties as well as property accountabilities as Legal Researcher of RTC, Branch 62 in Bago City. Atty. Hagad alleged that she refused to issue Denila a certificate of clearance of accountabilities because he could not account for the record of Civil Case No. 07 which was handed over to him by the late Judge Alino for research. However, when she (Atty. Hagad) went on maternity leave of absence, Dayot, the officer-in-charge who was Denila's first cousin, issued the clearance despite knowledge that Denila has not returned the missing case record.

Denila claimed he was not responsible for the missing records since he was not the court's record custodian. Dayot, on the