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FIRST DIVISION

[A.M. No. MTJ-99-1181. August 11, 1999]

IN RE: ADMINISTRATIVE MATTER NO. MTJ-99-1181 (Formerly Administrative Matter OCA IPI No. 97-276-MTJ) (Renato M. Casia *vs.* Judge Gerardo E. Gestopa, Jr.)

SYNOPSIS

In his letter-complaint addressed, Renato M. Casia charged Judge Gerardo E. Estopa, Jr., with "incompetence, ignorance of the law, neglect of duty and conduct-unbecoming of a judge" for the alleged delay in the resolution of an ejectment case of which complainant and his wife are plaintiffs. The Office of the Court Administrator (OCA) recommended that respondent judge be fined P3,000.00.

The Court agreed with the findings of the OCA. The need to decide cases promptly and expeditiously is based on the principle that justice delayed is justice denied. The delay in the resolution of the case tended to defeat the very purpose for the Revised Rule on Summary Procedure, which was precisely enacted to achieve an expeditious and inexpensive determination of cases.

The fact that respondent Judge had to attend to other courts will not save him from administrative sanction. If his caseload prevented the disposition of cases within the reglementary period, all he had to do was to ask form this Court for a reasonable extension of time to dispose of the cases involved.

SYLLABUS

1. **JUDICIAL ETHICS; JUDGES; FAILURE TO RESOLVE MOTION FOR INTERVENTION, A PROHIBITED PLEADING IN SUMMARY PROCEEDING.—** It took respondent Judge more than four months to resolve the motion for intervention. Considering that said motion is *prohibited* in cases covered by the Revised Rule on Summary Procedure, the resolution of the motion should not have taken such an unreasonably long period. In *Sy Bang vs. Mendez*, we held that: "Delay in resolving

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motions is inexcusable and cannot be condoned. The trial court judge, being the paradigm of justice in the first instance, is exhorted to dispose of the court's business promptly and decide cases within the required periods. Delay results in undermining the people's faith in the judiciary from whom the prompt hearing of their supplications is anticipated and expected, and reinforces in the mind of litigants the impression that the wheels of justice grind ever so slowly."

2. **ID.; ID.; FAILURE TO DECIDE CASES PROMPTLY AND EXPEDITIOUSLY CONSTITUTES GROSS INEFFICIENCY.**— As regards the case itself, this Court has consistently impressed upon judges the need to decide cases promptly and expeditiously on the principle that justice delayed is justice denied. Failure to decide a case within the required period is not excusable and constitutes gross inefficiency. Rule 3.01 of the Code of Judicial Conduct calls for a judge to be faithful to the law and maintain professional competence. Rule 3.05 also admonishes all judges to dispose of the court's business promptly and decide cases within the period fixed by law.

3. **ID.; ID.; ID.; CASE AT BAR.**— With respect to cases falling under the Revised 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. Here, respondent Judge on 20 June 1996 gave the parties thirty (30) days or until 20 July 1996 to submit their respective position papers and other evidence. Plaintiffs filed their position paper within said period while defendant filed hers on 25 July 1996, five (5) days after the deadline set by the court. The case remains unresolved to date. Even if we deem 25 July 1996 as the date from which to count the 30-day period within which ejectment cases must be decided, such period had unquestionably lapsed long before complainant filed his letter-complaint. The delay in the resolution of the case tended to defeat the very purpose for the Revised Rule on Summary Procedure, which was precisely enacted to achieve an expeditious and inexpensive determination of cases. Judges should be more conscientious in the discharge of their duties, particularly the prompt resolution of cases covered by the Rule on Summary Procedure, lest the rationale for its enactment be rendered meaningless and inutile.

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4. ID.; ID.; ID.; INCREASE IN CASE LOAD, NOT AN EXCUSE; REQUEST FOR EXTENSION OF TIME ALLOWED.— That respondent Judge had to attend to other courts will not save him from administrative sanction. Indeed, respondent Judge should have known that if his caseload prevented the disposition of cases within the reglementary period, all he had to do was to ask from this Court for a reasonable extension of time to dispose of the cases involved. The Court, cognizant of the caseload of judges and mindful of the difficulty encountered by them in the seasonable disposition of cases, would almost always grant the request.

RESOLUTION

KAPUNAN, *J.*:

In a letter-complaint dated 31 March 1997 addressed to the Court Administrator, Renato M. Casia charged Judge Gerardo E. Gestopa, Jr., then Acting Presiding Judge of Branch 4 of the Municipal Trial Court in Cities (MTCC), Cebu City,[1] with "incompetence, ignorance of the law, neglect of duty and/or conduct unbecoming of a judge" for the alleged delay in the resolution of an ejectment case of which complainant and his wife are plaintiffs.

The letter-complaint is reproduced hereunder:

> After waiting for so long, we are constrained to file this formal complaint against Judge Gerardo E. Gestopa, Jr., the judge-designate of MTCC-4, Cebu City, for delay in the resolution of our case.
>
> I and my wife filed an ejectment case in 12 December 1995 with the MTCC of Cebu City docketed as Sps. Renato Casia and Nancy Casia vs. Ana Carmen Arnales, Civil Case No. R-35683 (For Ejectment) which was raffled and now pending at MTCC-4, presided by the abovementioned judge.
>
> For failure of the parties to arrive at an amicable settlement, the court on 20 June 1996 required the parties to submit within thirty (30) days or until 20 July 1996, their respective position papers and other evidence. We submitted our position paper together with our joint

[1] In addition to his regular assignment as Presiding Judge of the Municipal Trial Court (MTC) of Naga, Cebu.

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affidavit on 19 July 1996; while defendant Arnales filed her position paper (without any affidavit of witnesses) only on 25 July 1996 or five (5) days late from the deadline which was on 20 July 1996. Under the Rule on Summary Procedure, the court should have decided the case, even if the late position paper of defendant is considered as duly filed, at the latest on 25 August 1996 which is thirty (30) days from submission of the position papers and other evidence. No judgment was however rendered by Judge Gestopa.

On 28 August 1996, defendant's counsel, Atty. Rolando Rama of Tagum, Davao, filed by registered mail a 'Motion for Intervention To File Answer' for and in behalf of the children of defendant. On 5 September 1996, we filed an opposition to said motion with motion to expunge the same for because interventions are prohibited under Section 19 of the Rule on Summary Procedure, we also prayed further for the resolution of the case.

However, despite the clear provisions of Section 19 of the Rule on Summary Procedure which prohibits interventions and our Opposition to the 'Motion For Intervention,' invoking the said provision, Judge Gestopa did not or failed to deny/resolve the said motion within a reasonable period. Instead, in a clear showing of ignorance, incompetence, neglect of duty, and/or conduct unbecoming of a judge, it took him a period of about four (4) months to resolve the patently improper motion for intervention.

The actuations of Judge Gestopa for the delay or failure in resolving our ejectment case has already caused us to worry and suffer as plaintiffs. We feel that we are being deprived of the justice due us as owners of the property subject of the case.

It is therefore most respectfully prayed that Judge Gerardo E. Gestopa, Jr. be directed to resolve our ejectment case without further delay and that he be penalized for incompetence, ignorance of the law, neglect of duty, and/or conduct unbecoming of a judge.[1]

Complainant's letter-complaint was docketed as OCA I.P.I. No. 97-276MTJ. In a First Indorsement[2] dated 20 May 1997, Court Administrator Alfredo L. Benipayo referred the letter –complaint to Judge Gestopa for comment.

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[1] *Rollo*, pp. 1-2.

[2] *Id.*, at 3.

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On 30 June 1997, the Office of the Court Administrator (OCA) received respondent Judge's comment.[3]

Respondent Judge admitted in his comment that "the resolution of the case has already exceeded the prescribed period," and said he was "really very sorry for all this." Respondent Judge explained that he was not the regular judge assigned to Branch 4 of the Municipal Trial Court in Cities (MTCC) of Cebu City, the present caseload of which was more or less three thousand cases. On top of this, respondent Judge still had to attend to his permanent station, the MTC of Naga Cebu. He also had to hear some cases in the MTC of Carcar, Cebu, where the judge assigned inhibited himself, as well as other cases involving the cadastral survey of Moalboal, Cebu.

Respondent Judge further disclosed in his comment that he was "on the verge of surrendering," and prayed that he relieved of his duties as Acting Judge of Branch 4, MTCC, Cebu City. Ironically, he expressed gratitude for the complaint against him for it gave him the "courage" to air his "predicament." Finally, he "begged" not to be required "to resolve the present case as the plaintiffs have already lost their trust and confidence" in him.

Considering the foregoing explanation, the OCA in its communication to the Court dated 4 February 1999, recommended, among others, that the Court impose a fine on respondent Judge in the amount of P3,000.00 with warning that a repetition of the same or similar act will be dealt with more severely.[4]

EVALUATION: After a careful evaluation of the record of the case, we find that there was really an undue delay in the resolution of Civil Case No. R-35683. The said case has been submitted for decision since July 25, 1996 but to date, no decision has been rendered by the respondent Judge.

Respondent admitted in his COMMENT that the resolution of the case has already exceeded the prescribed period but attributed the delay to several factors, like the present caseload of more or less 3,000 cases of MTCC, Branch 4 in which he has been designated in an Acting capacity,

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[3] *Id.*, at 4.

[4] *Id.*, at 8.

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the numerous cases he has to attend to in the MTCC of Carcar and Moalboal, Cebu, and those pertaining to his own sala. Finally, he averred that some cases submitted for decision are being kept by the Branch Clerk of Court of which he has no knowledge.

While it may be true that the delay may be attributed in part to factors cited by the respondent Judge, such factors may only serve to mitigate but not completely absolve him from any liability. The Rule on Summary Procedure requires courts to decide ejectment cases within thirty (30) days after receipt of the last affidavits and position papers, or the expiration of the period for filing the same. The Rule was precisely enacted to achieve a more expeditious and inexpensive determination of such cases. Although respondent's reasons do deserve some consideration from this Court, they are not sufficient to completely exculpate him from any administrative liability. Respondent Judge obviously lacked an effective and proper program of priority in the disposition of cases assigned to his salas. Furthermore, if the respondent's caseload prevented the disposition of cases within the reglementary period, he should have asked the Supreme Court for a reasonable extension of time to dispose of them which respondent Judge failed to do.

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Lastly, although we find that respondent Judge is administratively liable, his culpability nonetheless does not appear so grave as to warrant a severe penalty. There is no evidence of malice or improper motive behind the delay in the disposition of the case involved here.[5]

In a Resolution dated 15 March 1999,[6] the Court resolved to docket the case as a regular administrative matter and require the parties to manifest within ten (10) days from notice thereof whether they were submitting the case for decision or resolution on the basis of the existing record. Complainant submitted a manifestation[7] in the affirmative, while respondent Judge did not bother to respond, which we take as his lack of objection to have the case resolved based on the existing facts on record.

We are in agreement with the findings of the OCA, except as to the amount of the fine, which we consider as a bit excessive.

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[5] *Id.*, at 7-8.

[6] *Id.*, at 9.

[7] *Id.*, at 10.

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First, it took respondent Judge more than four months to resolve the motion for intervention. Considering that said motion is *prohibited* in cases covered by the Revised Rule on Summary Procedure,[8] the resolution of the motion should not have taken such an unreasonably long period. In *Sy Bang vs. Mendez,*[9] we held that:

> Delay in resolving motions is inexcusable and cannot be condoned. The trial court judge, being the paradigm of justice in the first instance, is exhorted to dispose of the court's business promptly and decide cases within the required periods. Delay results in undermining the people's faith in the judiciary from whom the prompt hearing of their supplications is anticipated and expected, and reinforces in the mind of litigants the impression that the wheels of justice grind ever so slowly.

As regards the case itself, this Court has consistently impressed upon judges the need to decide cases promptly and expeditiously on the principle that justice delayed is justice denied.[10] Failure to decide a case within the required period is not excusable and constitutes gross inefficiency. Rule 3.01 of the Code of Judicial Conduct calls for a judge to be faithful to the law and maintain professional competence. Rule 3.05 also admonishes all judges to dispose of the court's business promptly and decide cases within the period fixed by law.[11]

With respect to cases falling under the Revised 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.[12]

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[8] Section 19 (1), Revised Rule on Summary Procedure.

[9] 287 SCRA 84 (1998).

[10] *Office of the Court Administrator vs. Butalid*, 293 SCRA 587 (1998).

[11] *Re: Judge Liberato C. Cortes*, 242 SCRA 167 (1995).

[12] Section 10, Revised Rule on Summary Procedure; *Raboca vs. Pontanosas,* 245 SCRA 293 (1995), cited in *Re: Report on the Judicial Audit Conducted in the Municipal Circuit Trial Court, Dingle-Duenas, Iloilo*, 280 SCRA 637 (1997). See also *Marcelo Cueva vs. Judge Oliver T. Villanueva*, A.M. No. MTJ-96-1082 decided jointly with Re: *Letter of Sec. Rebecca Grace David, Angeles City Council on Administration of Justice, on the Unusual Delay in the Resolution of Cases in the MCTC, Mabalacat, Pampanga, presided over by Judge Oliver T. Villanueva,* A.M. No. 98-10-135-MCTC, March 29, 1999.

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Here, respondent Judge on 20 June 1996 gave the parties thirty (30) days until 20 July 1996 to submit their respective position papers and other evidence. Plaintiffs filed their position paper within said period while defendant filed hers on 25 July 1996, five (5) days after the deadline set by the court. The case remains unresolved to date. Even if we deem 25 July 1996 as the date from which to count the 30-day period within which ejectment cases must be decided, such period had unquestionably lapsed long before complainant filed his letter-complaint. The delay in the resolution of the case tended to defeat the very purpose for the Revised Rule on Summary Procedure, which was precisely enacted to achieve an expeditious and inexpensive determination of cases.[13] Judges should be more conscientious in the discharge of their duties, particularly the prompt resolution of cases covered by the Rule on Summary Procedure, lest the rationale for its enactment be rendered meaningless and inutile.[14]

That respondent Judge had to attend to other courts will not save him from administrative sanction. In *Perez vs. Andaya,*[15] we held a similar contention unmeritorious, quoting the recommendation of the Investigating Justice with favor thus:

> Respondent judge's argument that on September 29, 1993(,) he was designated acting presiding judge of (the) RTC(,) Branch 54(,) in Lucena City, and has been carrying (the) heavy case load of two salas, and lately designated to hear heinous crimes(,) should not be made as basis for excuses at this point in time when the judiciary is under siege upon which the judge should give complete and dedicated support of his primary and fundamental task to restore full confidence of our people in the courts.

Likewise in *Re: Report of Justice Felipe B. Kalalo*:[16]

> x x x. The additional assignment of Judge Angeles should not have deterred him from disposing off the twenty-two criminal cases pending before him. All he had to do was to request from this Court a reasonable extension of time to resolve the cases.

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[13] *Cruz vs. Pascual,* 244 SCRA 111 (1995).

[14] *Ibid.*

[15] 286 SCRA 40 (1998).

[16] 282 SCRA 61 (1997).

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Indeed, respondent Judge should have known that if his caseload prevented the disposition of cases within the reglementary period, all he had to do was to ask from this Court for a reasonable extension of time to dispose of the cases involved.[17] The Court, cognizant of the caseload of judges and mindful of the difficulty encountered by them in the seasonable disposition of cases, would almost always grant the request.[18]

WHEREFORE, respondent Judge is hereby ordered to pay a *FINE* of P1,000.00 with a *WARNING* that a repetition of the same or similar act will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Puno, Pardo, and *Ynares-Santiago, JJ.*, concur..

THIRD DIVISION

[G.R. No. 96618-19. August 11, 1999]

PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **PINKER JOSEPH BAUTISTA y BASILIO,** *accused-appellant.*

SYNOPSIS

This is an appeal filed by appellant Pinker Joseph Bautista from the decision dated February 24, 1989 in criminal case nos. 88-63727-SCC and 88-63728-SCC of the Regional Trial Court of the City of Manila finding him guilty beyond reasonable doubt of the crimes

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[17] *Española vs. Panay*, 248 SCRA 684 (1995). See also *Atty. Raul A. Sanchez vs. Judge Agustine A. Vestil,* A.M. No. RTJ-98-1419, October 13, 1998.

[18] *Report on the Judicial Audit Conducted in Municipal Trial Court, Sibulan, Negros Oriental,* 282 SCRA 463 (1997).