Supreme Court E-Library

THIRD DIVISION

[A.M. No. MTJ-00-1297. March 7, 2002]

JOSEFINA BANGCO, represented by Oscar Bangco, *complainant, vs.* **JUDGE RODOLFO S. GATDULA, Municipal Trial Court, Balanga, Bataan,** *respondent.*

SYNOPSIS

For respondent judge's delay in the disposition of Civil Case No. 1761, a case for forcible entry filed by complainant, this administrative case was filed.

Respondent alleged that the delay was caused by complainant's request for assistance to settle the case amicably to avoid additional expenses. However, respondent should have known that complainant abandoned her request when she filed a series of motions to declare defendant in default. The Court noted that defendants failed to file their answer despite substituted service of summons upon them. Pursuant to Section 10 of the Revised Rules on Summary Procedure, a judgment should be rendered based on the allegations in the complaint within 30 days from the last day of the service of summons on the defendants. Here, respondent waited 2 years before rendering his decision. Hence, respondent was found guilty of undue delay in rendering decision provided under Rule 140 of the Revised Rules of Court.

SYLLABUS

1. **REMEDIAL LAW; CHARGES AGAINST JUDGES; UNDUE DELAY IN RENDERING A DECISION OR ORDER; PROPER PENALTY.** – Respondent judge is guilty of undue delay in rendering a decision or order under Rule 140, as amended, of the Revised Rules of Court. We find unmeritorious respondent judge's excuse that the reason for the delay is complainant's request for assistance to settle the case amicably in order to avoid additional expenses. Firstly, he should have known that complainant abandoned her request when she filed a series of motions to declare defendant in default; and secondly, he is duty-bound to comply with Rule 3.05, Canon 3 of the Code of

Supreme Court E-Library

Judicial Conduct providing that a judge shall dispose of the court's business promptly and decide cases within the required periods. Rule 140, as amended, of the Revised Rules of Court provides that undue delay in rendering a decision or order is classified as a less serious charge punishable by suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or a fine of more than ₱10,000.00 but not exceeding ₱20,000.00.

2. ID.; ID.; ID.; REVISED RULE ON SUMMARY PROCEDURE, VIOLATED IN CASE AT BAR. – On respondent judge's delay in deciding Civil Case No. 1761, Sections 5 and 6 of the Revised Rule on Summary Procedure provide in part: "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. xxx" "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. x x x" Here, the defendants failed to file their answer despite substituted service of summons upon them. Pursuant to Section 10 of the same Rule, a judgment should be rendered on the basis of the allegations in the complaint, within thirty (30) days from the last day of the service of summons on the defendants. Records show that summons was served on them by substituted service on November 15, 1995. Thus, he should have decided the case on or before December 15, 1995. As found by Executive Judge Vianzon, respondent judge rendered his decision only on January 7, 1997, a delay of more than two (2) years.

3. ID.; ID.; ID.; DISCOURAGED BY THE COURT. – This Court cannot countenance such undue inaction, especially now when there is an all-out effort to minimize, if not totally eradicate, the problems of congestion and delay long plaguing our courts. The requirement that cases be decided within the reglementary period is designed to prevent delay in the administration of justice, for obviously, justice delayed is justice denied. Delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards, and brings it into disrepute."

Supreme Court E-Library

APPEARANCE OF COUNSEL

Felipe N. Egargo, Jr. for complainant.

D E C I S I O N

SANDOVAL-GUTIERREZ, *J.*:

Judges are expected to observe utmost diligence and dedication in the performance of their judicial functions and the discharge of their duties. The failure or inability of a judge to decide a case within the period fixed by law subjects him to administrative sanctions.[1]

We are guided by the said legal precept in deciding the instant administrative case which stemmed from a verified letter-complaint[2] dated June 11, 1997 of Josefina Bangco, a resident of Chicago, Illinois, represented by Oscar Bangco, her brother and attorney-in-fact. Her letter-complaint, addressed to the Court Administrator, charges Judge Rodolfo S. Gatdula of the Municipal Trial Court (MTC) of Balanga, Bataan for the delay in the disposition of Civil Case No. 1761, entitled *"Josefina Bangco, represented by her attorney-in-fact, Oscar Bangco vs. Spouses Juanito Rodil and Leviminda Tajonera-Rodil,"* for forcible entry. Complainant alleged that respondent judge deliberately neglected to act on the case for five (5) months from the time he verbally "declared" the case deemed submitted for decision and for almost two (2) months since the court received her motion for judgment on the pleadings.

Complainant further alleged that after the filing of her complaint and the service of summons upon the defendant spouses by substituted service, she filed three (3) separate motions to declare defendants in default but respondent judge did not resolve or act on them. Instead, after the filing of the third motion, he verbally informed complainant's counsel that said motion is a prohibited pleading under the Rule on Summary Procedure. Thus, the case

---

[1] See *Saylo vs. Rojo*, 330 SCRA 243 (2000); *Alfonso-Cortes vs. Maglalang*, 227 SCRA 482 (1993); *Mappala vs. Nuñez, etc.*, 240 SCRA 600 (1995).

[2] *Rollo*, p. 1.

Supreme Court E-Library

was deemed submitted for decision.

On September 30, 1996, complainant was surprised to receive an order dated September 18, 1996[3] from respondent judge giving her ten (10) days from receipt within which to submit the necessary pleadings, after which the instant case will be deemed submitted for resolution. On October 17, 1996, complainant filed a motion for judgment on the pleadings.[4] Since respondent judge did not resolve the motion and sensing impartiality on his part, complainant filed a motion to inhibit him and transfer the case to his pairing judge. The said motion has remained unacted upon.

In his comment,[5] respondent judge denied complainant's charges, alleging that the cause of the delay was her expressed willingness to settle the case amicably. In fact, she requested him to hold in abeyance the resolution of the case pending negotiation with the defendants.

While respondent judge was preparing his order on the said motion, he accidentally met defendant Leviminda Rodil who informed him that the case has been settled and that a motion to withdraw the complaint would soon be filed. Thus, he was surprised when he received an indorsement from the Office of the Court Administrator (OCA) requiring him to comment on the instant administrative complaint.

In his letter to former Court Administrator Alfredo L. Benipayo dated August 13, 1999,[6] Executive Judge Vianzon of the RTC of Bataan at Balanga, who investigated the case, recommended that the matter be considered closed and terminated in view of complainant's manifestation to withdraw the complaint against respondent judge and the latter's manifestation not to file any counter-charge or retaliatory action against the former.

Upon the recommendation of Court Administrator Benipayo, who was not satisfied with the report of Executive Judge Vianzon, this Court (Third Division) returned the case to the latter for a more thorough investigation.

---

[3] *Ibid.*, p. 25.

[4] *Ibid.*, p. 26.

[5] *Ibid.*, p. 40.

[6] *Ibid.*, p. 51.

Supreme Court E-Library

In his letter to the said Court Administrator dated February 14, 2000,[7] Executive Judge Vianzon made the following findings:

"1. Civil Case No. 1767 for forcible entry was filed by plaintiff Josefina Bangco, represented by her attorney-in-fact, Oscar Bangco, on November 13, 1995 against the defendant spouses Juanita Rodil and Leviminda Tajonera-Rodil;

2. On January 9, 1996, March 23, 1996 and June 14, 1996, plaintiff filed her first, second and third motion, respectively, to declare the defendants in default but up to June 11, 1997, the same was not acted upon or resolved by the respondent judge;

3. On October 7, 1996, plaintiff filed a motion for judgment on the pleading but the same was never resolved;

4. On February 7, 1997, plaintiff filed a motion to inhibit and transfer the case to another Municipal Trial Court but the same was not acted upon;

5. On June 26, 1996 Judge Gatdula declared the case deemed submitted for decision but after the lapse of five (5) months, no decision was rendered.

6. The ejectment case was finally decided by respondent Judge Gatdula on January 7, 1997."

Executive Judge Vianzon then recommended that "respondent judge be reminded to decide his cases and all motions immediately and within the reglementary period as required by the Rules of Court. If the parties do not want to settle their dispute then by all means decide the case so that the parties can either appeal or take any legal action warranted in the premises instead of tiring the parties to force them to enter into any amicable settlement."[8]

Based on the report and recommendation of Executive Judge Vianzon, the OCA found "respondent judge liable for delaying the proceedings of the subject case"[9] and recommended that a fine of twenty thousand pesos (₱20,000.00) be imposed upon

---

[7] *Ibid.*, p. 62.

[8] *Ibid.*

Supreme Court E-Library

him, with a warning that a repetition of the same or similar acts in the future will be dealt with more severely.[10]

We hold that respondent judge is guilty of undue delay in rendering a decision or order under Rule 140, as amended, of the Revised Rules of Court.

We find unmeritorious respondent judge's excuse that the reason for the delay is complainant's request for assistance to settle the case amicably in order to avoid additional expenses. Firstly, he should have known that complainant abandoned her request when she filed a series of motions to declare defendant in default; and secondly, he is duty-bound to comply with Rule 3.05, Canon 3 of the Code of Judicial Conduct providing that a judge shall dispose of the court's business promptly and decide cases within the required periods.

On respondent judge's delay in deciding Civil Case No. 1761, Sections 5 and 6 of the Revised Rule on Summary Procedure provide in part:

"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. xxx"

"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. xxx"

Here, the defendants failed to file their answer despite substituted service of summons upon them. Pursuant to Section 10 of the same Rule, a judgment should be rendered on the basis of the allegations in the complaint, within thirty (30) days from the last day of the service of summons on the defendants. Records show that summons was served on them by substituted service on November 15, 1995.[11] Thus, he should have decided the case on or before December 15, 1995. As found by Executive Judge Vianzon, respondent judge rendered his decision only on January 7, 1997, a delay of more than two (2) years.

---

[9] Memorandum dated June 22, 2000, p. 3.

[10] *Ibid.*, p. 4.

Supreme Court E-Library

This Court cannot countenance such undue inaction, especially now when there is an all-out effort to minimize, if not totally eradicate, the problems of congestion and delay long plaguing our courts. The requirement that cases be decided within the reglementary period is designed to prevent delay in the administration of justice, for obviously, justice delayed is justice denied.[12] Delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards, and brings it into disrepute."[13]

Rule 140, as amended, of the Revised Rules of Court provides that undue delay in rendering a decision or order is classified as a less serious charge punishable by suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or a fine of more than ₱10,000.00 but not exceeding ₱20,000.00.

For the record, respondent judge was fined ₱10,000.00 in A.M. No. MTJ-98-1115 for Oppression and Acts Unbecoming of a Judge. The records of the OCA also reveal that there are three (3) other pending administrative cases against him, to wit: OCA IPI No. 99-767-MTJ for ignorance of the law and serious misconduct; A.M. No. MTJ-00-252 for gross ignorance of the law; and A.M. No. MTJ-00-1264 for undue delay in rendering a Decision.

WHEREFORE, this Court finds Judge Rodolfo S. Gatdula liable for undue delay in rendering a decision or order and imposes upon him a fine of ₱15,000.00, with a stern warning that repetition of the same act will be dealt with more severely.

SO ORDERED.

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

---

[11] *Rollo*, p. 3.

[12] See also *Abarquez vs. Rebosura*, 285 SCRA 109, 119-120 (1998); *Martin vs. Guerrero*, 317 SCRA 166 (1999); *Office of the Court Administator vs. Quiñanola*, 317 SCRA 37, 48-49 (1999); *Farrales vs. Camarista*, 327 SCRA 84, 90 (2000).

[13] Re: *Report on the Judicial Audit Conducted in RTC, Branches 29 and 59, Toledo City*, 292 SCRA 8 (1998); citing *Re: Judge Danilo M. Tenerife*, A.M. No. 95-5-42 MTC, March 20, 1996, 255 SCRA 184.