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REPORT OF CASES

DETERMINED IN THE

SUPREME COURT OF THE PHILIPPINES

EN BANC

[A. M. No. MTJ-96-1082. March 29, 1999]

MARCELO CUEVA, *complainant, vs.* **JUDGE OLIVER T. VILLANUEVA, Municipal Circuit Trial Court, Mabalacat, Pampanga,** *respondent.*

[A. M. No. 98-10-135-MCTC. March 29, 1999]

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.

SYNOPSIS

A verified complaint seeking the dismissal from the service of respondent MTC Judge Oliver T. Villanueva was filed before the Supreme Court by herein complainant and was consolidated with the letter-complaint of the Secretary of the Angeles City Council on Administration of Justice informing the Court that there were many cases for preliminary investigation before the sala of the respondent judge which were resolved only after a considerable length of time, or have yet to be resolved. In the case at bar, respondent judge entertained a Motion for Extension to File an

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Answer; required complainant to file a position paper after striking out from the records the same Motion for Extension; and, setting the preliminary conference beyond the period provided by law, all in wanton disregard of the rules and settled jurisprudence relative to the Revised Rules on Summary Procedure.

The Supreme Court, taking note that at least two administrative cases have been decided against respondent judge, ruled that respondent judge has displayed gross inefficiency, gross ignorance of the law, dereliction of duty, and violation of the Code of Judicial Conduct. It meted him the penalty of dismissal from the service with forfeiture of all retirement benefits and accumulated leave credits, and with prejudice to reinstatement or reemployment in any branch, instrumentality or agency of the government including government owned and controlled corporations.

SYLLABUS

1. **REMEDIAL LAW; RULES ON SUMMARY PROCEDURE; MOTION FOR EXTENSION OF TIME TO FILE PLEADINGS, AFFIDAVITS OR ANY OTHER PAPERS ARE PROHIBITED THEREIN; JUDGMENT MAY BE RENDERED BASED ON ALLEGATIONS OF COMPLAINT.**— A motion for extension of time to file pleadings, affidavits or any other paper is one of the prohibited pleadings and motions under the Revised Rule on Summary Procedure. Respondent judge should not have entertained the filing of such motion, considering that the case involved was summary in nature. After the failure of the defendants to answer the complaint, respondent should have rendered judgment as may be warranted by the facts alleged in the complaint.

2. **ID.; ID.; FAILURE OF DEFENDANT TO FILE ANSWER; JUDGE TO RENDER DECISION MOTU PROPIO OR ON MOTION OF PLAINTIFF.**— The filing of a position paper is not required before the court can render judgment on failure of defendant to file an answer. The Revised Rule on Summary Procedure authorizes a judge to render a decision on his own initiative or upon motion of the plaintiff.

3. **ID.; ID.; PRELIMINARY CONFERENCE; SHOULD BE HELD NOT LATER THAN THIRTY (30) DAYS AFTER LAST ANSWER IS FILED.**— A preliminary conference should be held not later than thirty (30) days after the last answer is filed. In setting the Preliminary Conference on December 20, 1995,

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from November 8, 1995, respondent set the conference beyond the period provided by law.

4. **ID.; ID.; CASE SHOULD BE DECIDED WITHIN THIRTY (30) DAYS FROM SUBMISSION OF LAST PLEADING.—** It is also a basic rule that a case which is summary in nature should be decided within thirty (30) days from the submission of the last affidavit and position paper. However, respondent judge rendered decision on April 8, 1996, or more than one hundred (100) days from the time the case was deemed submitted for decision. Such failure to decide a case within the required period is not excusable and constitutes gross inefficiency

5. **JUDICIAL ETHICS; CODE OF JUDICIAL CONDUCT; JUDGES CANNOT TAKE REFUGE BEHIND INEFFICIENCY OR MISMANAGEMENT OF COURT PERSONNEL.—** A judge ought to know the cases submitted to him for decision or resolution, and he is expected to keep his own record of cases so that he may act on them without undue delay. It is incumbent upon him to devise an efficient recording and filing system in his court so that no disorderliness can affect the flow of cases and their speedy disposition. A judge can not take refuge behind the inefficiency or mismanagement of court personnel. Proper and efficient court management is as much his responsibility. He is the one directly responsible for the proper discharge of his official functions.

6. **ID.; ID.; ID.; FAILURE TO DECIDE A CASE WITHIN PRESCRIBED PERIOD CONSTITUTES GROSS DERELICTION OF DUTY; CASE AT BAR.—** The Code of Judicial Conduct admonishes all judges to dispose of the court's business promptly and decide cases within the period fixed by law. Failure of a judge to resolve a case within the prescribed period constitutes gross dereliction of duty. Particularly, respondent has prejudiced litigants and lawyers alike in resolving cases under preliminary investigation after a considerable length of time, or by his outright failure to resolve such cases. The unjustified delay is more serious in cases involving detention prisoners. This Court has consistently impressed upon judges the need to decide cases promptly and expeditiously, for it cannot be gainsaid that justice delayed is justice denied. Delay in the disposition of cases undermines the people's faith and confidence in the judiciary. Hence, judges are enjoined to decide cases with dispatch. Their failure to do so constitutes gross inefficiency.

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Failure of a judge to render a decision within the ninety-day period from its submission constitutes serious misconduct to the detriment of the honor and integrity of his office and in derogation of a speedy administration of justice.

7. **ID.; ID.; ID.; AN OFFICER OF THE COURT MUST BE AN EXAMPLE OF HONESTY AND INTEGRITY.**— Respondent judge also tried to mislead this Court and evade liability with respect to the charge of delay in rendition of judgment in the civil cases by antedating the decisions of the cases. In his Comment, respondent alleged that he had decided the ejectment cases on April 8, 1996. He further alleged that five or six days before April 8, 1996, counsel of complainant knew about said decisions, having seen the drafts being typed in their final form at the Office of the Clerk of Court. However, complainant adequately showed that five or six days before April 8, 1996 was Holy Week and considered non-working holidays. We can not countenance any attempt to mislead the Court, for a judge, as an officer of the court, must be an example of integrity and honesty.

8. **ID.; JUDGES; GROSS INEFFICIENCY, GROSS IGNORANCE OF THE LAW, DERELICTION OF DUTY, VIOLATION OF THE CODE OF JUDICIAL CONDUCT; PENALTY THEREFOR.**— Considering that respondent judge has displayed gross inefficiency, gross ignorance of the law, dereliction of duty, and violation of the Code of Judicial Conduct, the corresponding penalty must be meted out to him. IN VIEW WHEREOF, the Court hereby *DISMISSES* respondent Oliver T. Villanueva, Judge, Municipal Circuit Trial Court, Mabalacat, Pampanga, from the service, with forfeiture of all retirement benefits and accumulated leave credits, and with prejudice to reinstatement or re-employment in any branch, instrumentality or agency of the Government, including government-owned or controlled corporations.

APPEARANCES OF COUNSEL

Yabut Law Office for complainant.

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RESOLUTION

PER CURIAM:

By a verified complaint[1] dated April 12, 1996, filed before this Court, Marcelo Cueva sought the dismissal from the service of respondent Judge Oliver T. Villanueva for gross ignorance of the law, gross inefficiency, dereliction of duty, serious misconduct and violation of the Code of Judicial Conduct relative to Civil Cases Nos. 1181 to 1193, for unlawful detainer, all before the Municipal Circuit Trial Court of Mabalacat-Magalang, Pampanga, presided over by respondent judge.

This case was consolidated with A. M. No. 98-10-135-MCTC, in which the Secretary of the Angeles City Council on Administration of Justice informed this Court that there were many cases for preliminary investigation before the sala of respondent judge which were resolved only after a considerable length of time, or have yet to be resolved. Some unresolved cases even involved detention prisoners charged with heinous crimes.

We decide the cases jointly.

On October 27, 1995 the defendants in the aforesaid civil cases[2] filed a Motion for Extension of Time to file Answer/ Pleading, a day before such answers were due.

On November 6, 1995, complainant filed a Joint Opposition to Motion for Extension of Time to File Answer/Pleading and with Motion to Render Judgment as May be Warranted by the Facts Alleged in the Complaint.

On November 8, 1995, respondent judge accepted the Answers with Counterclaim of defendants and issued an Order setting the case for preliminary conference on December 20, 1995.

On November 21, 1995, complainant filed a Manifestation/Motion to Strike Out from the Record the Motion for

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[1] *Rollo*, pp. 2-7.

[2] Civil Cases Nos. 1181-1193.

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Extension of Time to File Answer/Pleading. Respondent judge granted the motion. Thereafter, complainant filed an Urgent *Ex-Parte* Motion to Render Judgment, alleging that the previous order of respondent judge was defective and incomplete as he failed to render judgment.

On February 27, 1996, after the lapse of almost three months without a decision being rendered by respondent judge on the civil cases, complainant filed a Motion for an Early Rendition of Judgment.

On March 26, 1996, respondent judge issued an Order stating that the reason for the delay was the failure of the plaintiffs to file their position papers. Consequently, respondent considered the case submitted for decision.

Complainant alleges that respondent judge should not put the blame on the complainant's failure to file position papers for the delay in rendering a decision. Respondent judge could render judgment based on the complaint, considering that the defendants failed to file their answers. Moreover, a case for unlawful detainer is summary in nature, which must be decided in thirty (30) days after receipt of the last affidavit and position paper. The respondent judge's violation of the Revised Rule on Summary Procedure constitutes gross ignorance of the law, gross inefficiency, dereliction of duty and violation of the Code of Judicial Conduct.

In his Comment[3] dated August 9, 1996, Judge Villanueva alleged that on April 8, 1996, he rendered decisions in Civil Cases Nos. 1181- 1193 in favor of the defendants before the affidavit-complaint had been filed against him. He did not resolve complainant's motion to render judgment because it was joined with complainant's opposition to defendants' motion for extension of time. When he denied the opposition, the motion to render judgment was also deemed denied.

Respondent admitted that he failed to notice the complainant's Urgent *Ex-Parte* Motion to Render Judgment until after the cases had been appealed to the Regional Trial Court of Angeles City.

[3] *Rollo*, p. 189.

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He requested complainant to file a position paper considering that he could not base his decision on the answers filed by the defendants, which were filed out of time. Since no position paper was filed, respondent judge considered the case submitted for decision.

In his Reply to Comment[4] dated August 20, 1996, complainant averred that the filing of position papers was not required. He also denied that a decision on the civil cases had been rendered on April 8, 1995. He stated further that the Rule on Summary Procedure does not prohibit the filing of opposition with motion to render judgment particularly when the defendants' answer was filed outside the reglementary period of ten (10) days from receipt without extension.

As to A.M. No. 98-10-135-MCTC, Judge Villanueva, in his Comment dated August 3, 1998, alleged that the delays in the preliminary investigation were due to: (a) cases sent to the archives when the accused could not be arrested; (b) the refusal of the Office of the Provincial Prosecutor to act on incomplete resolutions; and (c) the expanded jurisdiction of courts resulting in additional cases filed before respondent judge.

In a report dated October 10, 1996, and even upon re-evaluation,[5] the Office of the Court Administrator recommended the dismissal of respondent judge from the service.

We agree with the findings of the Office of the Court Administrator.

A motion for extension of time to file pleadings, affidavits or any other paper is one of the prohibited pleadings and motions under the Revised Rule on Summary Procedure[6]. Respondent judge should not have entertained the filing of such motion, considering that the case involved was summary in nature. After the failure of the defendants to answer the complaint, respondent

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[4] *Rollo*, p. 194.

[5] Memorandum on Re-Evaluation, August 24, 1998.

[6] Section 19.

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should have rendered judgment as may be warranted by the facts alleged in the complaint.[7]

Furthermore, the filing of a position paper is not required before the court can render judgment on failure of defendant to file an answer. The Revised Rule on Summary Procedure authorizes a judge to render a decision on his own initiative or upon motion of the plaintiff.[8]

Moreover, a preliminary conference should be held not later than thirty (30) days after the last answer is filed.[9] In setting the Preliminary Conference on December 20, 1995, from November 8, 1995, respondent set the conference beyond the period provided by law.

It is also a basic rule that a case which is summary in nature should be decided within thirty (30) days from the submission of the last affidavit and position paper.[10] However, respondent judge rendered decision on April 8, 1996, or more than one hundred (100) days from the time the case was deemed submitted for decision. Such failure to decide a case within the required period is not excusable and constitutes gross inefficiency.[11]

In disregarding the rules and settled jurisprudence relative to the Revised Rule on Summary Procedure, respondent judge showed gross ignorance of the law. When the law is so elementary, not to know it constitutes gross ignorance of the law.[12]

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[7] Sec. 6. Effect of failure to answer.— Should the defendant fail to answer the complaint, within the period above provided, the court *motu propio*, 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 attorneys 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.

[8] Section 6.

[9] Revised Rule on Summary Procedure, Section 7.

[10] *Ibid.*, Section 10.

[11] *Ancheta v. Antonio*, 231 SCRA 74.

[12] *Carpio v. de Guzman*, 262 SCRA 615.

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The fact that respondent saw the complainants' Urgent *Ex-Parte* Motion to Render Judgment only in the Regional Trial Court when the cases had been brought on appeal reveals his lack of an efficient recording and filing system. He should not lay the blame on his clerk of court or his process server for not informing him about the motion. If he had only read the records, then he would have seen the motion attached to the records.

A judge ought to know the cases submitted to him for decision or resolution, and he is expected to keep his own record of cases so that he may act on them without undue delay. It is incumbent upon him to devise an efficient recording and filing system in his court so that no disorderliness can affect the flow of cases and their speedy disposition. A judge can not take refuge behind the inefficiency or mismanagement of court personnel. Proper and efficient court management is as much his responsibility. He is the one directly responsible for the proper discharge of his official functions.[13]

The Code of Judicial Conduct admonishes all judges to dispose of the court's business promptly and decide cases within the period fixed by law.[14] Failure of a judge to resolve a case within the prescribed period constitutes gross dereliction of duty.[15]

Particularly, respondent has prejudiced litigants and lawyers alike in resolving cases under preliminary investigation after a considerable length of time, or by his outright failure to resolve such cases. The unjustified delay is more serious in cases involving detention prisoners.

This is reminiscent of a previous administrative case[16] against respondent, which was filed because of his sloppy file-keeping system, resulting in cases remaining undecided for more than a year after having been submitted for decision. Although

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[13] *Agcaoili v. Ramos*, 229 SCRA 705.

[14] Rule 3.05.

[15] *Sanchez v. Judge Vestil*, A.M. No. RTJ-98-1419, October 13, 1998.

[16] Re: Report on the Judicial Audit conducted in the Sixth Municipal Circuit Trial Court, Mabalacat-Magalang, Pampanga, A.M. No. 95-6-56-MCTC.

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respondent in his Compliance[17] promised that he would "rectify [his] files and start improving the flow of cases," the fact that the Secretary of Angeles City Council on Administration of Justice continued receiving complaints from litigants and lawyers as to the undue delay in the flow of cases in the sala of respondent judge shows that no change has been effected on the part of respondent to improve his file-keeping system.

This Court has consistently impressed upon judges the need to decide cases promptly and expeditiously, for it cannot be gainsaid that justice delayed is justice denied. Delay in the disposition of cases undermines the people's faith and confidence in the judiciary. Hence, judges are enjoined to decide cases with dispatch. Their failure to do so constitutes gross inefficiency.[18] Failure of a judge to render a decision within the ninety-day period from its submission constitutes serious misconduct to the detriment of the honor and integrity of his office and in derogation of a speedy administration of justice.[19]

This Court will not countenance undue delay of a judge in disposing of cases especially now when there is an absolute effort to minimize, if not totally eradicate, the problem of congestion and delay long plaguing our courts.[20]

Respondent judge also tried to mislead this Court and evade liability with respect to the charge of delay in rendition of judgment in the civil cases by antedating the decisions of the cases. In his Comment, respondent alleged that he had decided the ejectment cases on April 8, 1996. He further alleged that five or six days before April 8, 1996, counsel of complainant knew about said decisions, having seen the drafts being typed in their final form at the Office of the Clerk of Court. However,

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[17] Dated, July 31, 1995.

[18] *Abarquez v. Judge Rebosura*, A.M. No. MTJ-94-986, *Office of the Court Administrator v. Judge Rebosura*, A.M. No. MTJ-95-1052, and *Tarle v. Judge Rebosura*, A.M. No. MTJ- 95-1069, January 28, 1998.

[19] *Alonto-Frayna v. Astih*, A.M. No. SDC-98-3, December 16, 1998, citing *Castillo v. Castro*, 234 SCRA 398.

[20] Query of Judge Tenerife, etc., As to who should decide the cases submitted for decision in said court, A.M. No. 94-5-42-MTC, March 20, 1996.

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complainant adequately showed that five or six days before April 8, 1996 was Holy Week and considered non-working holidays.

Moreover, on April 16, 1996, when counsel for complainant personally handed a copy of the administrative complaint to the staff of respondent judge, the clerk of court of respondent judge confirmed that the thirteen folders of the ejectment cases were on top of the table of respondent, all submitted for decision. Yet, when the decisions came out, one of which was attached to the Reply to Comment, the date appearing thereon was April 8, 1996.

We can not countenance any attempt to mislead the Court, for a judge, as an officer of the court, must be an example of integrity and honesty.

It is also important to note that the present cases are not first offenses. At least two administrative cases have been decided against respondent judge. The first admonished him for his lack of circumspection in not asking for an amendment of the information when the date of the offense was September 1993, not June 1991.[21] The second case found him guilty of simple negligence for not devising ways and means to enable him to know the status of all cases in his court and to act accordingly.[22]

Considering that respondent judge has displayed gross inefficiency, gross ignorance of the law, dereliction of duty, and violation of the Code of Judicial Conduct, the corresponding penalty must be meted out to him.

IN VIEW WHEREOF, the Court hereby *DISMISSES* respondent Oliver T. Villanueva, Judge, Municipal Circuit Trial Court, Mabalacat, Pampanga, from the service, with forfeiture of all retirement benefits and accumulated leave credits, and with prejudice to reinstatement or re-employment in any branch,

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[21] *Alma M. Gamboa v. Judge Oliver T. Villanueva*, A.M. MTJ-94-973, August 15, 1994.

[22] *Office of the Court Administrator v. Judge Oliver T. Villanueva*, A.M. No. MTJ-96-1077, September 18, 1997.

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instrumentality or agency of the Government, including government-owned or controlled corporations.

SO ORDERED.

Davide, Jr., C.J., Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, and *Gonzaga-Reyes, JJ.,* concur.

SECOND DIVISION

[A.M. No. P-94-1015. March 29, 1999]

JASMIN MAGUAD and REBECCA BRIOSO, *complainants, vs.* **NICOLAS DE GUZMAN and RUBY C. BARCENAS,** *respondents.*

SYNOPSIS

A complaint for Grave Misconduct, Falsification and Immorality was filed by Jasmin Maguad and Rebecca Brioso against respondent Sheriff Nicolas de Guzman of the Pasay City MTC and Court Social Worker Ruby Barcenas of the Makati City RTC. They alleged therein that in 1982, respondent de Guzman, lawfully married, and respondent Barcanas, single, unlawfully and scandalously cohabited as husband and wife which produced two children whose entries in their Birth Certificates were unlawfully and maliciously falsified by respondents, making it appear that respondents were lawfully married. During the hearing of the case, instead of presenting proofs in support of the accusation, complainants offered in evidence their joint affidavit of desistance so that investigating judge Alfredo Gustilo recommended that respondents be exonerated of the charges of Grave Misconduct and Falsification and both be found guilty of the charge of immorality taking into account the presence of mitigating circumstances in the imposition of the penalty. Additionally, the respondents should be admonished to terminate