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SECOND DIVISION

[A.M. No. MTJ-00-1303. December 13, 2001]

VIDALA SACEDA, *complainant, vs.* **JUDGE GERARDO E. GESTOPA, JR., Acting Presiding Judge, Municipal Trial Court in Cities, Cebu City, Branch 4,**[1] *respondent.*

SYNOPSIS

Respondent judge was charged with failure, within the thirty (30) day period under the Rule on Summary Procedure, to render a decision in an ejectment case filed by complainant against Norberto and Juanito Baguio. It appeared that as early as February 1997 the parties filed their position papers and that despite motion for judgment respondent failed to render the decision thereon. In January 1998, respondent left sala. It was on June 1, 1998 when the complaint was filed with the Office of the Ombudsman for undue delay in rendering a decision but still respondent had not yet rendered his decision in the case. Respondent for his defense, stated that he was no longer the judge designate of the branch and that a decision was already rendered thereon by Judge Oscar Andrino on March 13, 2000.

Failure of respondent Judge to render a decision within the prescribed period constitutes gross inefficiency, a less serious offense, punishable by either suspension from office or a fine of not less than ₱10,000 but not more than ₱19,999. This Court is not unaware of the heavy caseload of first level courts and in a number of cases have allowed reasonable extensions sought. Without any order of extension granted by this Court, failure to decide even a single case within the required period constitutes gross inefficiency that merits administrative sanction. Respondent judge was fined ₱10,000.00.

SYLLABUS

1. REMEDIAL LAW; REVISED RULES ON SUMMARY PROCEDURE; EJECTMENT; MUST BE RESOLVED WITHIN

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[1] Now with the MTC, Naga, Cebu.

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THIRTY (30) DAYS AFTER RECEIPT OF LAST PLEADING OR EXPIRATION OF PERIOD FOR FILING THE SAME. — Ejectment cases are covered by the provisions of the Revised Rule on Summary Procedure. Section 10 of said rules provides: 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.

2. **JUDICIAL ETHICS; JUDGES; SHOULD CLOSELY FOLLOW STANDARD OF CONDUCT SET FORTH IN THE CODE OF JUDICIAL CONDUCT.** — It behooves upon judges to closely follow the standard of conduct set forth in the Code of Judicial Conduct, to preserve the competence and independence of the judiciary and make administration of justice more efficient. The failure of even one member of the judiciary to live up to such standard compromises the entire judiciary and adversely affects the image of the judicial bench before the public.

3. **ID.; ID.; SHOULD PROMPTLY DISPOSE OF CASES; REQUEST FOR REASONABLE EXTENSION, USUALLY ALLOWED.** — This Court is aware of the heavy case load of first level courts such as the MTCC. In a number of cases we have allowed reasonable extensions of time needed to decide cases. But such extensions must first be requested from this Court. A judge cannot by himself choose to prolong the period for deciding cases beyond that authorized by law. Without any order of extension granted by this Court, failure to decide even a single case within the required period constitutes gross inefficiency that merits administrative sanction.

4. **REMEDIAL LAW; CHARGES AGAINST JUDGES; UNDUE DELAY IN RENDERING DECISION, A LESS SERIOUS CHARGE.** — Under Rule 140, Section 4 of the Revised Rules of Court, undue delay in rendering a decision in a case is a less serious charge that merits, under Section 10(B) of the same rule, either suspension from office or a fine of not less than ₱10,000 but not more than ₱19,999. Thus, following the mandate of the Rules of Court, we are constrained to impose upon respondent judge a fine of ₱10,000.

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RESOLUTION

QUISUMBING, *J.*:

For resolution is the administrative complaint referred by the Office of the Ombudsman (Visayas), in a letter received by the Office of the Court Administrator on September 21, 1998, pursuant to Section 23 (2) of Republic Act No. 6770 or the Ombudsman Act of 1989.

The complaint stemmed from a case for ejectment filed by complainant Vidala Saceda against Norberto and Juanito Baguio, docketed as Civil Case No. R-35568 and assigned to the sala of respondent Judge Gerardo E. Gestopa, Jr., then acting presiding judge of the Municipal Trial Court in Cities, Cebu City, Branch 4.[2] Complainant alleges that respondent failed to decide the case within the requisite period.

According to complainant, she filed her position paper in the ejectment case on January 7, 1997. She received a copy of Norberto's position paper on January 23, 1997, and a copy of Juanito's position paper on February 5, 1997.[3]

On August 22, 1997, complainant filed a motion for judgment based on the position papers of the parties, pursuant to the provisions of Section 10 of the Revised Rule on Summary Procedure. Since no decision appeared to be forthcoming, she again filed a motion for judgment, this time based on Section 11, Rule 70 of the Revised Rules of Court, which is substantially the same as Section 10 of the Revised Rule on Summary Procedure. However, until the time she filed the complaint with the Office of the Ombudsman (Visayas) on June 1, 1998, respondent judge still had not rendered his decision on the ejectment case.

Asked to comment on the complaint, respondent judge merely stated that he was "no longer the judge designate of MTCC

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[2] *Rollo*, p. 13.

[3] *Ibid.*

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Branch 4,"[4] and that the subject ejectment case had been transferred to MTCC of Cebu City, Branch 5. He also stated that Judge Oscar Andrino of said court already rendered a decision on the case on March 13, 2000.

Notably, respondent judge made no mention of his role, or lack thereof, in the delay of the case. To our mind, this omission is glaring. It arouses wonder. Did he indeed cause the undue delay in the case and could not offer any satisfactory reason therefor?

According to respondent's first letter to the OCA, he was no longer presiding over MTCC of Cebu City, Branch 4, beginning January 1998. However, complainant had already received her copy of defendants' position papers in the ejectment case almost a year earlier, on February 1997. The trial court was obviously given copies of the position papers at around that time. That means respondent had nearly a year to decide the case before he left Branch 4 as its presiding judge.

Ejectment cases are covered by the provisions of the Revised Rule on Summary Procedure.[5] Section 10 of said rules provides:

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.

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[4] *Id.* at 22.

[5] SECTION 1. *Scope.* — This rule shall govern the summary procedure in the Metropolitan Trial Courts, the Municipal Trial Courts in Cities, the Municipal Trial Courts, and the Municipal Circuit Trial Courts in the following cases falling within their jurisdiction:

A. *Civil Cases*

(1) All cases of forcible entry and unlawful dctainer, irrespective of the amount of damages or unpaid rentals sought to be recovered. When attorney's fees are awarded, the same shall not exceed twenty thousand pesos (₱20,000.00).

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From February 1997, the time when all the parties' position papers were received, to January 1998, when respondent judge left MTCC, Cebu City, Branch 4, is a period of eleven months. No decision was rendered on the subject ejectment case during this entire period. This period is beyond the 30-day period required by summary procedure. Respondent judge did not even have any explanation for the delay. Worse he did not make any reference thereto in his comment. We see his failure to even mention the matter as a vain attempt to brush aside the issue, if not mislead this Court.

Rule 3.05 of the Code of Judicial Conduct specifically mandates:

> Rule 3.05 — A judge shall dispose of the court's business promptly and decide cases within the required periods.

It behooves upon judges to closely follow the standard of conduct set forth in the Code of Judicial Conduct, to preserve the competence and independence of the judiciary and make administration of justice more efficient. The failure of even one member of the judiciary to live up to such standard compromises the entire judiciary and adversely affects the image of the judicial bench before the public.

This Court is aware of the heavy case load of first level courts such as the MTCC. In a number of cases we have allowed reasonable extensions of time needed to decide cases. But such extensions must first be requested from this Court. A judge cannot by himself choose to prolong the period for deciding cases beyond that authorized by law. Without any order of extension granted by this Court, failure to decide even a single case within the required period constitutes gross inefficiency that merits administrative sanction.

The OCA recommends that respondent judge be fined in the amount of ₱5,000 for his failure to decide on time Civil Case No. R-35568, with a warning of a more severe penalty if the offense is repeated. We agree that a fine must be imposed, but not in the amount recommended by the OCA.

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Under Rule 140,[6] Section 4 of the Revised Rules of Court, undue delay in rendering a decision in a case is a less serious charge that merits, under Section 10(B) of the same rule, either suspension from office or a fine of not less than ₱10,000 but not more than ₱19,999. Thus, following the mandate of the Rules of Court, we are constrained to impose upon respondent judge a fine of ₱10,000.

WHEREFORE, respondent Judge Gerardo E. Gestopa, Jr., former acting presiding judge of the Municipal Trial Court in Cities, Cebu City, Branch 4, is hereby found *GUILTY* of gross inefficiency and is *ORDERED* to pay a *FINE* of ₱10,000, with a *WARNING* that a repetition of the same or a similar offense will be dealt with more severely.

SO ORDERED.

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

Buena, J., on official leave.

FIRST DIVISION

[A.M. No. MTJ-01-1353. December 13, 2001]

LALAINE O. APUYA, *complainant, vs.* **JUDGE TRANQUILINO V. RAMOS,** *respondent.*

SYNOPSIS

A complaint for acts of lasciviousness was filed with respondent's *sala* by Lalaine, thirteen (13) years old. The complaint was provisionally dismissed by respondent on the

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[6] Prior to its amendment by A.M. No. 01-8-10-SC, effective October 1, 2001.