

MIGUEL A. ARVISU, COMPLAINANT, VS. JUDGE AUGUSTO O. SUMILANG, RESPONDENT.

Adm. Matter No. MTJ-94-922. February 23, 1995

Ponente: PUNO, J.

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PUNO, J.:

Administrative complaint against respondent Judge Augusto O. Sumilang for failure to act on the motion to dismiss in Civil Case No. 866, entitled "Zenaida Alava-Levy vs. Gil Ramos and Prumencio Dator."

It appears that complainant Miguel A. Arvisu, attorney-in-fact of plaintiff Zenaida Alava-Levy filed Civil Case No. 866, a complaint for damages against Gil Ramos, et al. The complaint fell in the sala of the Municipal Trial Court of Pila, Laguna presided by respondent Judge. On 1 February 1993, defendants in said case filed an answer with motion to dismiss the complaint. Allegedly, the case involved a tenancy dispute, hence, the Municipal Trial Court had no jurisdiction over the complaint. Complainant opposed the motion. On 15 April 1993 respondent Judge issued an order stating that the "motion to dismiss as well as the opposition to the motion is deemed submitted for resolution of the court." On 16 June 1993, complainant filed an Ex-Parte Motion to Resolve the motion to dismiss. On 20 August 1993, complainant filed a Manifestation and Second Ex-Parte Motion to Resolve said motion to dismiss. On 15 December 1993, complainant filed a Third Ex-Parte motion to Resolve. Complainant contends that despite the filing of the three (3) Ex-Parte Motions to Resolve the motion to dismiss, no action has been taken by respondent Judge to resolve the same, hence this administrative complaint.

Respondent Judge claims that the delay in the resolution of the motion to dismiss was brought about by the failure of his staff to present to him the Ex-Parte Motions to Resolve. Allegedly, his clerk of court was newly-appointed and that the motions were overlooked.

The Complaint is impressed with merit.

Respondent Judge cannot attribute the delay in the resolution of the motion to dismiss to his staff. Respondent Judge is aware of the motion to dismiss and the opposition thereto. On 15 April 1993, respondent Judge issued an Order stating that the motion to dismiss as well as the opposition thereto is deemed submitted for resolution. It is his obligation to diligently discharge administrative responsibilities and maintain professional competence in court management. It is also his duty to organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity (Rules 3.08 and 3.09, Code of Judicial Conduct). In *Nidua vs. Lazaro*, 174 SCRA 581 (1989), We had the occasion to stress:

"We find merit in Complainant's charge that there was unreasonable delay in the administration of justice and neglect of duty on the part of respondent Judge. A Judge ought to know the cases submitted to him for decision, particularly those pending for more than ninety (90) days, considering the Certificate of Service that he is mandated to render every month. He is expected to keep his own record of cases submitted for decision so that he could act on them promptly and without 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 particularly those submitted for decision. A Judge cannot take refuge behind the inefficiency or mismanagement by 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. Court personnel are not the guardians of a Judge's responsibilities."

IN VIEW WHEREOF, We find respondent Judge Augusto O. Sumilang guilty of gross negligence and he is hereby ordered to pay a fine of P3,000.00.

SO ORDERED.

Narvasa, C.J., (Chairman), Bidin, Regalado, and Mendoza, JJ., concur.

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