

**FE D. VALDEZ, COMPLAINANT, VS. JUDGE LIZABETH G. TORRES,
METC, BRANCH 60, MANDALUYONG CITY, RESPONDENT.**

A.M. No. MTJ-11-1796 (Formerly OCA I.P.I. No. 10-2279-MTJ). June 13, 2012

Ponente: LEONARDO-DE CASTRO, J.

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LEONARDO-DE CASTRO, J.:

This is an administrative complaint filed by complainant Fe D. Valdez against respondent Judge Lizabeth Gutierrez-Torres of the Metropolitan Trial Court (MeTC), Branch 60, Mandaluyong City, for delay in the disposition of Civil Case No. 20191.

Civil Case No. 20191 was an action for damages and attorney's fees instituted on October 25, 2005 by complainant against Prudential Guarantee & Assurance, Inc. (PGAI) and Charlie Tan (Tan), which was raffled to the Mandaluyong MeTC-Branch 60, presided over by respondent.[1] Complainant alleged that she bought comprehensive insurance policy for her motor vehicle from PGAI, through broker Tan; that she had fully paid her premium; that during the validity of her insurance, the insured motor vehicle was damaged; that the repair of the motor vehicle cost P167,278.56; and that PGAI and Tan refused to pay her claim despite several demands. Complainant prayed for judgment awarding in her favor P167,278.56 as actual damages, P50,000.00 as moral damages, P50,000.00 as exemplary damages, P50,000.00 attorney's fees, plus P2,000.00 appearance fees.

Respondent proceeded to hear Civil Case No. 20191 in accordance with the Revised Rule on Summary Procedure. After the parties had filed their respective position papers, respondent submitted Civil Case No. 20191 for decision on July 19, 2006.[2]

Almost a year had passed but Civil Case No. 20191 remained unresolved, prompting complainant to file a motion for immediate resolution of Civil Case No. 20191 on June 27, 2007.[3] Complainant followed-up with a second motion for immediate resolution filed on October 19, 2007,[4] third motion for immediate resolution filed on December 11, 2007,[5] fourth motion for immediate resolution filed on April 15, 2008,[6] fifth motion for immediate resolution filed on June 11, 2008,[7] sixth motion for immediate resolution filed on July 7, 2008,[8] seventh motion to resolve filed on April 21, 2009,[9] and eighth motion to resolve filed on January 17, 2010.[10]

Frustrated by the long wait for the resolution of Civil Case No. 20191, complainant filed the present administrative complaint on June 4, 2010 against respondent, alleging unreasonable delay by the latter in the disposition of said case to the damage and prejudice of the former.

Through a 1[st] Indorsement dated June 10, 2010, the Office of the Court Administrator (OCA) informed respondent of the administrative complaint against her and required her to submit her comment thereon within 10 days from receipt of said indorsement.[11] The Registry Return Receipt showed that respondent received the 1st Indorsement on July 5, 2010 but she failed to file her comment within the period prescribed.

The OCA sent a 1[st] Tracer dated September 15, 2010 reiterating the order for respondent to submit her comment to the administrative complaint against her within 10 days from receipt of said tracer, otherwise, the

complaint shall be submitted for resolution without her comment.[12] The Registry Return Receipt established that respondent received the 1st Tracer on October 22, 2010, yet she still did not comply with the same.

In the meantime, complainant filed a letter before the OCA on September 8, 2010, requesting action on her administrative complaint given that respondent has still not decided Civil Case No. 20191.

On November 23, 2010, this Court promulgated its Decision in three other consolidated administrative cases against respondent, Lugares v. Gutierrez-Torres,[13] already dismissing her from service.

In its report[14] dated August 25, 2011, the OCA made the following recommendations:

RECOMMENDATION: Premises considered, it is most respectfully recommended for the consideration of the Honorable Court that:

- The instant administrative complaint be RE-DOCKETED as a regular administrative matter against respondent Lizabeth Gutierrez-Torres, former presiding judge of the Metropolitan Trial Court, Branch 60, Mandaluyong City;
- Respondent Lizabeth Gutierrez-Torres be found GUILTY of INSUBORDINATION, GROSS INEFFICIENCY, and GRAVE and SERIOUS MISCONDUCT;
- In view of her previous dismissal from the service, a FINE OF P20,000.00 instead be imposed upon her, to be deducted from her accrued leave credits;
- To effect the same, the Employee's Leave Division, Office of Administrative Services-OCA be DIRECTED to compute respondent Lizabeth Gutierrez-Torres' earned leave credits; and
- The Leave Division, thereafter, be DIRECTED to forward respondent Lizabeth Gutierrez-Torres' total accrued leave credits to the Finance Division, Fiscal Management Office-OCA, for the latter to compute the monetary value of the said leave credits and deduct therefrom the amount of the fine herein imposed, without prejudice to whatever penalty the Court may impose on other remaining and/or pending administrative cases, if any.[15]

The Court then issued a Resolution[16] dated October 3, 2011 re-docketing the administrative complaint against respondent as a regular administrative matter and requiring the parties to manifest within 10 days from notice if they were willing to submit the matter for resolution based on the pleadings filed. Following the failure of both parties to submit their respective manifestations despite notice, the Court deemed the instant case submitted for decision.

At the outset, the Court notes that respondent had been given ample opportunity to address the complaint against her. The OCA had sent and respondent received the 1[st] Indorsement dated June 10, 2010 and 1[st] Tracer dated September 15, 2010, both of which explicitly required her to file her comment on the complaint. However, up until the resolution of the present case, respondent has not complied with the OCA directives. Moreover, respondent had also failed to comply, despite due notice, with the Resolution dated October 3, 2011 of the Court itself requiring the parties to manifest whether they were willing to submit the present administrative matter for resolution based on the pleadings filed.

It is true that respondent's failure to submit her comment and manifestation as required by the OCA and this Court, respectively, may be tantamount to insubordination,[17] gross inefficiency, and neglect of duty.[18] It is respondent's duty, not only to obey the lawful orders of her superiors, but also to defend herself against complainant's charges and prove her fitness to remain on the Bench.[19] As a result of her non-compliance with the directives of the OCA and the resolution of this Court, respondent had completely lost the opportunity to defend herself against complainant's charges.

As for the merits of the instant administrative complaint, the pleadings and evidence on record satisfactorily establish respondent's guilt for the undue delay in resolving Civil Case No. 20191.

Section 15(1), Article VIII of the Constitution, mandates that cases or matters filed with the lower courts must be decided or resolved within three months from the date they are submitted for decision or resolution. With respect to cases falling under the Rule on Summary Procedure, first level courts are only allowed 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.

As a general principle, rules prescribing the time within which certain acts must be done, or certain proceedings taken, are considered absolutely indispensable to the prevention of needless delays and the orderly and speedy discharge of judicial business. By their very nature, these rules are regarded as mandatory.[20]

Judges are oft-reminded of their duty to promptly act upon cases and matters pending before their courts. Rule 3.05, Canon 3 of the Code of Judicial Conduct, directs judges to "dispose of the court's business promptly and decide cases within the required periods." Canons 6 and 7 of the Canons of Judicial Ethics further exhort judges to be prompt and punctual in the disposition and resolution of cases and matters pending before their courts, to wit:

6. PROMPTNESS

He should be prompt in disposing of all matters submitted to him, remembering that justice delayed is often justice denied.

7. PUNCTUALITY

He should be punctual in the performance of his judicial duties, recognizing that the time of litigants, witnesses, and attorneys is of value and that if the judge is unpunctual in his habits, he sets a bad example to the bar and tends to create dissatisfaction with the administration of justice.

Administrative Circular No. 1 dated January 28, 1988 once more reminds all magistrates to observe scrupulously the periods prescribed in Section 15, Article VIII of the Constitution, and to act promptly on all motions and interlocutory matters pending before their courts.

Prompt disposition of cases is attained basically through the efficiency and dedication to duty of judges. If they do not possess those traits, delay in the disposition of cases is inevitable to the prejudice of litigants. Accordingly, judges should be imbued with a high sense of duty and responsibility in the discharge of their obligation to promptly administer justice.[21]

Unfortunately, respondent failed to live up to the exacting standards of duty and responsibility that her position requires. Civil Case No. 20191 was submitted for resolution on July 19, 2006, yet it was still pending when complainant filed the present administrative complaint on June 4, 2010, and remained unresolved per complainant's manifestation filed on September 8, 2010. More than four years after being submitted for resolution, Civil Case No. 20191 was still awaiting decision by respondent.

Respondent irrefragably failed to decide Civil Case No. 20191 within the 30-day period prescribed by the Revised Rule on Summary Procedure. Her inaction in Civil Case No. 20191 is contrary to the rationale behind the Rule on Summary Procedure, which was precisely adopted to promote a more expeditious and inexpensive determination of cases, and to enforce the constitutional rights of litigants to the speedy disposition of cases.[22] Indeed, respondent even failed to decide Civil Case No. 20191 within the three-month period mandated in general by the Constitution for lower courts to decide or resolve cases. Records do not show that respondent made any previous

attempt to report and request for extension of time to resolve Civil Case No. 20191.

Section 9, Rule 140 of the Rules of Court, as amended by A.M. No. 01-8-10-SC, classifies undue delay in rendering a decision as a less serious charge for which the penalty is suspension from office without salary and other benefits for one month to three months, or a fine of P10,000.00 to P20,000.00.

The Court is well-aware of the previous administrative cases against respondent for failure to act with dispatch on cases and incidents pending before her. In *Del Mundo v. Gutierrez-Torres*,^[23] respondent was found guilty of gross inefficiency for undue delay in resolving the motion to dismiss Civil Case No. 18756, for which she was fined P20,000.00. In *Gonzalez v. Torres*,^[24] respondent was sanctioned for unreasonable delay in resolving the Demurrer to Evidence in Criminal Case No. 71984 and meted the penalty of a fine in the amount of P20,000.00. In *Plata v. Torres*,^[25] respondent was fined P10,000.00 for undue delay in resolving the Motion to Withdraw Information in Criminal Case No. 6679, and another P10,000.00 for her repeated failure to comply with Court directives to file her comment on the administrative complaint against her. In *Winternitz v. Gutierrez-Torres*,^[26] the Court held respondent guilty of undue delay in acting upon the Motion to Withdraw Informations in Criminal Case Nos. 84382, 84383, and 84384, and suspended her from office without salary and other benefits for one month. In *Soluren v. Torres*,^[27] respondent was once again adjudged guilty of undue delay in acting upon repeated motions to withdraw the information in Criminal Case No. 100833 for which she was fined P20,000.00. In *Lugares v. Gutierrez-Torres*,^[28] promulgated on November 23, 2010, the Court already dismissed respondent from the service for gross inefficiency, gross ignorance of the law, dereliction of duty, and violation of the Code of Judicial Conduct, in relation to Civil Case Nos. 19887, 19063, 17765, and 18425; as well as for insubordination because she defied Court orders by failing to file her comment on the charges against her. Finally, in *Pancubila v. Torres*,^[29] the Court imposed another fine of P20,000.00 upon respondent for undue delay in rendering a decision and violation of a directive in connection with Civil Case No. 20700. In all the foregoing administrative cases, respondent was sternly warned that a repetition of the same or similar offense shall be dealt with more severely.

Given that respondent had been previously dismissed from the service, the penalty of suspension is already inapplicable herein. Instead, the Court imposes upon respondent, for her undue delay in resolving Civil Case No. 20191, a fine in the maximum amount of P20,000.00, to be deducted from her accrued leave credits.

WHEREFORE, respondent Lizabeth Gutierrez-Torres is found GUILTY of the less serious charge of undue delay in resolving Civil Case No. 20191, for which she is FINED the amount of P20,000.00, to be deducted from her accrued leave credits, since she had already been dismissed from the service. To effect the penalty imposed, the Employee's Leave Division, Office of Administrative Services-OCA, is DIRECTED to ascertain respondent Lizabeth Gutierrez-Torres's total earned leave credits. Thereafter, the Finance Division, Fiscal Management Office-OCA, is DIRECTED to compute the monetary value of respondent Lizabeth Gutierrez-Torres's total accrued leave credits and deduct therefrom the amount of fine herein imposed without prejudice to whatever penalty the Court may impose on other remaining and/or pending administrative cases, if any.

SO ORDERED.

Bersamin, Del Castillo, Villarama, Jr., and Perlas-Bernabe,^[**]JJ., concur.
Leonardo-De Castro,^[*] J., (Acting Chairperson).

[*] Per Special Order No. 1226 dated May 30, 2012.

[**] Per Special Order No. 1227 dated May 30, 2012.

- [1] Rollo, pp. 6-9.
- [2] Id. at 65.
- [3] Id. at 67.
- [4] Id. at 69.
- [5] Id. at 71.
- [6] Id. at 73.
- [7] Id. at 75.
- [8] Id. at 77.
- [9] Id. at 78.
- [10] Id. at 80.
- [11] Id. at 82.
- [12] Id. at 83.
- [13] A.M. Nos. MTJ-08-1719, MTJ-08-1722 and MTJ-08-1723, November 23, 2010, 635 SCRA 716.
- [14] Rollo, pp. 90-94.
- [15] Id. at 93-94.
- [16] Id. at 95.
- [17] Tan v. Sermonia, A.M. No. P-08-2436, August 4, 2009, 595 SCRA 1, 13.
- [18] Sabado v. Cajigal, A.M. No. RTJ-91-666, March 12, 1993, 219 SCRA 800, 805.
- [19] Id.
- [20] Gachon v. Devera, Jr., G.R. No. 116695, June 20, 1997, 274 SCRA 540, 548-549, citing Cf. Valdez v. Ocumen, 106 Phil. 929, 933 (1960); Alvero v. De la Rosa, 76 Phil. 428, 434 (1946).
- [21] Re: Report on the Judicial Audit and Physical Inventory of Cases in the Regional Trial Court, Br. 54, Bacolod City, A.M. No. 06-4-219-RTC, November 2, 2006, 506 SCRA 505, 520.
- [22] Sevilla v. Lindo, A.M. No. MTJ-08-1714, February 9, 2011, 642 SCRA 277, 284-285.
- [23] A.M. No. MTJ-05-1611, September 30, 2005, 471 SCRA 152, 161.
- [24] A.M. No. MTJ-06-1653, July 30, 2007, 528 SCRA 490, 505.
- [25] A.M. No. MTJ-08-1721, October 24, 2008, 570 SCRA 12, 21.
- [26] A.M. No. MTJ-09-1733, February 24, 2009, 580 SCRA 166, 174.
- [27] A.M. No. MTJ-10-1764, September 15, 2010, 630 SCRA 449, 455.
- [28] Supra note 13.
- [29] A.M. No. MTJ-11-1797, October 10, 2011.

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