

LOLITA MARTIN, COMPLAINANT, VS. HON. JUDGE PLACIDO B. VALLARTA, RESPONDENT.

A.M. No. MTJ-90-495. August 12, 1991

Ponente: GRINO-AQUINO, J.

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GRINO-AQUINO, J.:

For alleged undue delay in resolving a motion for reconsideration and issuing a restraining order, this administrative complaint was lodged against respondent Judge Placido B. Vallarta of the Municipal Circuit Trial Court of Cabiao-San Isidro, Nueva Ecija.

This case traces its origin to the decision rendered by Judge Vallarta on July 20, 1990 in Civil Case No. 90-02, an unlawful detainer case filed by the complainant against her tenants, Armando Camua and Concepcion Manlutac. The decision ordered the defendants to vacate and surrender the possession of Lot No. 1255 to the plaintiff. On August 6, 1990, the defendants, Camua and Manlutac, filed a Motion for Reconsideration which the complainant opposed.

On the other hand, a "Motion to Restrain Defendants from Cultivating the Lots in Question" was filed by the plaintiff on September 18, 1990. Complainant pointed out that even before the ejectment case was filed, the Court of Appeals had already ruled in A.C. G.R. No. 04030 entitled, "Diocese of Cabanatuan vs. Bonifacio Martin" and A.C. G.R. No. 14696 entitled, "Armando Camua and Concepcion Manlutac vs. Spouses Bonifacio Martin" that the plaintiffs-spouses are the lawful owners of the agricultural land in question. The complainant herein decries the fact that as of February 6, 1991, or six (6) months after the defendants filed their "Motion for Reconsideration" and plaintiffs their "Motion to Restrain Defendants from Cultivating the Lot in Question," those motions have not yet been resolved by respondent Judge Vallarta, thereby unduly depriving the complainant of her possession of the subject lot despite the decisions rendered by himself and the Court of Appeals in favor of the complainants-spouses.

In his Comment, respondent Judge alleged that there was no undue delay in resolving the aforementioned motions which were in fact resolved within 90 days after submission:

"Per Order dated September 21, 1990, 'the plaintiff (herein complainant), thru her lawyer, was given a period of up to October 19, 1990, within which to file their Rejoinder to the Reply to the Amended Opposition to be filed by the defendants and with or without the said Reply and Rejoinder, the incidents will be deemed submitted for resolution.' In other words, it is only on October 19, 1990, where the Motion for Reconsideration dated August 6, 1990, and the other pending incidents, including the Motion to restrain defendants from cultivating the lot in question can be resolved. And if we have to count the 90-day period within which motions should be resolved starting from October 19, 1990, the 90-day period is up to January 16, 1991.

"In the hearing on January 16, 1991, of the Motion to Harvest Re: Palay under the supervision of the Court dated December 14, 1990, an Order dated January 16, 1991, was issued and the parties, thru their respective counsel were furnished [copies] thereof. Briefly, the Order dated January 16, 1991, wherein the Decision dated

July 20, 1990, was reconsidered and set aside and the complaint for (sic) herein complaint was dismissed, in effect, granting the Motion for Reconsideration and dismissing and/or denying other pending incidents including the Motion to restrain defendants from cultivating the lot in question, subject of the letter-complaint dated November 27, 1990 of Ms. Lolita Martin was resolved and issued within the 90-day period, and, the parties, thru their respective counsel, were likewise furnished with the Order dated January 16, 1991, within the 90-day period. Such being the case, the letter-complaint of herein complainant and made the basis of the above-entitled administrative case [i.e., instant case] has no legs to stand on (sic). (pp. 1-2, Comment.)

He pointed out that the complainant has been harassing him for having granted the defendants' motion for reconsideration and for denying her (plaintiff's) motion to restrain the defendants from cultivating her land. This letter-complaint dated November 27, 1990, is the sixth complaint that she has filed against the herein respondent.

After deliberating on the complaint and the respondent's comment thereon, we find the complaint to be bereft of merit.

It is the prerogative of a judge to correct his own decision before it becomes final and executory, so as to make it conform to the evidence presented and the applicable laws (*Baguyo vs. Leviste*, 107 SCRA 35). Respondent Judge Vallarta did not commit any grave abuse of discretion in exercising that prerogative in this case.

Since respondent's good faith has not been put in issue, the presumption of regularity in the performance of his official duties must be conceded to him (*Baguyo vs. Leviste*, *supra*).

A judge is not administratively accountable for every erroneous ruling or decision rendered provided he acts in good faith and without malice (*Mendoza vs. Villaluz*, 106 SCRA 664). The proper remedy of the aggrieved party is not an administrative charge against the judge but an appeal or petition for review of his decision.

WHEREFORE, as respondent Judge did not act with malice or bad faith in resolving the incidents in Civil Case No. 90-02, this instant administrative complaint against him is DISMISSED for lack of merit.

SO ORDERED.

Fernan, C.J., Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, Sarmiento, Medialdea, Regalado, and Davide, Jr., JJ., concur.

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