

FELIMON R. CUEVAS, COMPLAINANT, VS. JUDGE ISAURO M. BALDERIAN, RESPONDENT.

A.M. No. MTJ-00-1276. June 23, 2000

Ponente: MENDOZA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/2e9ea17836e1/>

MENDOZA, J.:

This case was initiated through a complaint, dated February 16, 1998, filed by Felimon R. Cuevas against Judge Isauro M. Balderian of the Municipal Trial Court, Bacoor, Cavite, for gross inefficiency in connection with his handling of Civil Case No. 1747, entitled "Trias vs. Rafael," for ejectment.

Complainant is the president of Cuevasville Realty and Development Corporation, one of the plaintiffs in the ejectment case. He filed the complaint for ejectment against a certain Aquilino Rafael and Roger Diocera on August 26, 1996. On September 30, 1996, defendants filed their Answer with Counterclaim. On October 8, 1996, plaintiffs filed their Reply and Answer to Counterclaim. Thereafter, the parties were required to submit their position papers.

Plaintiffs filed their position paper on March 4, 1997, while defendants filed theirs on March 31, 1997. Civil Case No. 1747 was then submitted for decision.

Not having been notified of any action on his case, complainant filed a Motion for Early Decision on May 30, 1997. As no decision had yet been rendered in the case, complainant filed a Second Motion for Early Decision on July 17, 1997, and, on July 17, 1997, a Third Motion for Early Decision. Complainant did not receive any response at all.

Despite the lapse of 10 months from March 31, 1997, when Civil Case No. 1747 was considered submitted for decision, and despite the three motions for early resolution filed by complainant, said case remained pending before Judge Balderian.

Hence, this complaint filed on February 16, 1998.

Respondent was required to file his comment, but despite notices to him, he has not submitted his comment. His right, therefore, to file comment on the complaint against him is deemed waived.

The Rule on Summary Procedure 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.

However, should the court find it necessary to clarify certain material fact, it may, during the said period, issue an order specifying the matters to be clarified, and require the parties to submit affidavits or other evidence on the said matters within ten (10) days from receipt of said order. Judgment shall be rendered within fifteen (15) days after the receipt of the last clarificatory affidavits, or the expiration of the period for filing the same.

The court shall not resort to clarificatory procedure to gain time for the rendition of the judgment.

As the last position paper was filed before respondent's court on March 31, 1997, the case should be considered submitted on that date and decision should have been rendered not later than April 30, 1997. However, until the filing of this case on February 16, 1998, 10 months after the case had been submitted for decision, and despite motions filed by complainant for the early resolution of the case, no decision was rendered by respondent. Nor was there any explanation given by respondent for the delay. For this reason, we find respondent guilty of gross negligence and inefficiency.

It cannot be overemphasized that the reason for adoption of the Rule on Summary Procedure is precisely to prevent undue delays in the disposition of cases. To achieve this, the filing of certain pleadings is prohibited and the periods for acting on motions as well as on the case itself are relatively reduced. But this is merely a framework. The difficult burden of making this system work falls squarely on the judges themselves. It is, therefore, not encouraging when, as in the case at bar, it is the judge himself who occasions the delay sought to be prevented by the rule. By no means is the aim of speedy disposition of cases furthered by respondent's inaction.

It is also well to remind respondent that Rule 3.05 of Canon 3 of the Code of Judicial Conduct admonishes him to dispose of his court's business promptly and decide cases within the required periods. Respondent has miserably failed to live up to this standard.

The OCA recommends that Judge Balderian be required to pay a fine of P5,000.00 and warned, under pain of a more severe penalty, against repeating the same offense. The recommendation is well taken.

In *Mamamayan ng Zapote 1, Bacoor, Cavite v. Balderian*,^[1] the Court found him guilty of gross inefficiency in deciding an election protest and was ordered him to pay a fine of P2,000.00 and warned against similar misconduct. In that case, the Court found respondent to have taken one (1) year and seven (7) months to resolve an election protest, when that should have been done within a mandatory period of only fifteen (15) days. A fine of P5,000.00 with warning would be appropriate under the circumstances.

WHEREFORE, respondent Judge Isauro M. Balderian of the Municipal Trial Court, Bacoor, Cavite is found guilty of GROSS INEFFICIENCY and ORDERED to pay a fine of P5,000.00 with WARNING that a repetition of the same omission will be dealt with more severely.

SO ORDERED.

Bellosillo, (Chairman), Quisumbing, Buena, and De Leon, Jr., JJ., concur.

[1] 265 SCRA 360 (1996)

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.