

AURORA S. GONZALES, COMPLAINANT, VS. JUDGE VICENTE A. HIDALGO, REGIONAL TRIAL COURT, BRANCH 37, MANILA, RESPONDENT.

A.M. No. RTJ-03-1756 (Formerly OCA-IPI No. 02-1524-RTJ). April 22, 2003

Ponente: PANGANIBAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/4805ce4433e9/>

PANGANIBAN, J.:

A judge's failure to resolve motions and other pending incidents within the prescribed period constitutes gross inefficiency. Alleged lack of manpower is not an excuse. After all, respondent could have asked this Court for extension, which for good reason is normally granted.

The Case

In a Sworn Complaint[1] dated July 4, 2002, Aurora Samala Gonzales charged Judge Vicente A. Hidalgo of the Regional Trial Court (RTC) of Manila, Branch 37, with obstruction of justice, which thereby gave undue advantage to the other party and caused unreasonable delay in the resolution of her motions.

The Antecedents

According to complainant, sometime in 1996, she and her husband filed an ejectment suit against Nabil Magdy Ali Ibrahim El Halawany before the Metropolitan Trial Court (MTC) of Manila. The defendant appealed the MTC judgment to the Regional Trial Court (RTC) of Manila and filed a Development Insurance & Surety Corporation (DISCO) supersedeas bond in the amount of P683,101.38. Branch 3 of the RTC of Manila upheld the MTC Decision. Defendant then elevated the case to the Court of Appeals (CA) and then to the Supreme Court (SC), both of which ruled in favor of herein complainant. For its part, DISCO appealed to the CA regarding the supersedeas bond. This appeal was dismissed, and all records were thereafter remanded to the MTC for execution of the Decision. Accordingly, the MTC issued a Writ of Execution ordering the sheriff to levy/garnish the properties of DISCO.

However, DISCO assailed the MTC Writ by filing Civil Case No. 01-101302 on July 9, 2001. The case was raffled to Branch 37 of the Manila RTC, presided by herein respondent. In opposition thereto, complainant filed on July 13, 2001, an Omnibus Motion to Dismiss and a Motion to Cite Petitioners for Contempt (for forum-shopping) with an Opposition to the Application for a Writ of Injunction.

After hearing the parties on August 3, 2002, respondent judge deemed the Motions submitted for resolution. Without ruling on the Motion to Dismiss and the Motion to Cite Petitioners for Contempt, he granted the Application for the Issuance of a Writ of Preliminary Injunction filed by DISCO on December 4, 2001. He thereby effectively enjoined the scheduled sale of its levied properties.

Thereafter, complainant filed two pleadings: (1) a Motion for Reconsideration of the December 4, 2001 Order granting a writ of preliminary injunction and (2) a Motion to Resolve Pending Incidents. Respondent failed to act

upon these Motions despite complainant's follow-ups. Furthermore, the MTC's Writ of Execution remained unenforced up to the filing of the Complaint, because of the preliminary injunction he had issued.

Complainant now stresses that the issues raised by DISCO before the RTC of Manila, Branch 3, are the same ones that were decided with finality by the CA in GR-CA No. 55267. She contends that because of respondent's Order granting the preliminary injunction, she has been deprived of the fruits of her suit for more than seven years.

In his Comment[2] dated September 2, 2002, respondent admitted that he had indeed failed to act upon and resolve complainant's Motion for Reconsideration. He prayed, however, that the penalty which the Court would impose upon him be tempered with empathy and with full recognition of the lack of personnel in his office.

Findings and Recommendations of the Court Administrator

In its December 9, 2002 Report, the Office of the Court Administrator (OCA), noted that respondent had, by his own admission, failed to resolve complainant's Motion for Reconsideration and other pending incidents relative thereto.[3] Instead of defending himself, he merely prayed for the Court's empathy.

The OCA opined that respondent could not use the alleged lack of manpower in his sala as an excuse for the delay. A judge is still mandated by law to render a judgment not more than ninety days from the time a case or an incident is submitted for decision. Accordingly, the OCA recommended that a P10,000 fine be meted out to respondent judge, with a stern warning that a repetition of the same or a similar act in the future would be dealt with more severely.[4] The OCA likewise recommended that a case audit be conducted by Branch 37 of the Manila RTC.

This Court's Ruling We agree with the OCA.

Administrative Liability of Respondent

Motions for reconsideration must be resolved within thirty days from the time they are submitted for resolution.[5] By his own admission, respondent failed to comply with this rule. Moreover, he failed to refute the other charges pertaining to his failure to act upon other motions and incidents pending before his court. His silence on the matter can be deemed as an implied admission of complainant's allegations.

Undue delay in the disposition of cases and motions erodes the faith and confidence of the people in the judiciary and unnecessarily blemishes its stature.[6]

No less than the Constitution mandates that lower courts must dispose of their cases promptly and decide them within three months from the filing of the last pleading, brief or memorandum required by the Rules of Court or by the court concerned.[7] Failure to resolve a case submitted for decision within the required period violates the constitutional right of the parties to a speedy disposition thereof.[8]

In addition, a judge's delay in resolving, within the prescribed period, pending motions and incidents constitutes a violation of Rule 3.05 of the Code of Judicial Conduct requiring judges to dispose of court business promptly.[9]

That respondent did not have a clerk of court, a legal researcher and a fourth stenographer is inconsequential. He should have simply asked the Court for a reasonable extension of time[10] within which to resolve all incidents before his court. For inexplicable reasons, he failed to do so.

In *Atty. Ng v. Judge Ulibari*,[11] we ruled that the lack of a stenographer cannot excuse a judge's failure to

resolve pending motions within the period prescribed. The ninety-day period for deciding a case or resolving an incident, with or without the stenographic notes, should be observed by all judges.

The failure of respondent to decide the Motions constitutes gross inefficiency.[12] Though we empathize with his predicament, we cannot ignore his culpable act, which tends to tarnish the people's faith in the judiciary.

Respondent's failure to act with dispatch constitutes undue delay punishable under Section 9 of Rule 140[13] of the Rules of Court, which reads:

“SEC. 9. Less Serious Charges. – Less serious charges include:

1. Undue delay in rendering a decision or order, or in transmitting the records of a case;

x x x x x x x x.”

Section 11 (B) of the same Rule provides the penalty as follows:

“B. If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:

- Suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or

- A fine of more than P10,000.00 but not exceeding P20,000.00.”

WHEREFORE, this Court finds Judge Vicente A. Hidalgo of the Regional Trial Court of Manila, Branch 37, guilty of gross inefficiency and imposes upon him a FINE of P11,000, with a STERN WARNING that a repetition of the same or a similar act will be dealt with more severely.

SO ORDERED.

Puno (Chairman), Sandoval-Gutierrez, Corona, and Carpio Morales, JJ., concur.

[1] Rollo, pp. 1-3.

[2] Id., pp. 12-14.

[3] Id., pp. 15-18.

[4] Id., p. 18.

[5] §4, Rule 37 of the 1997 Rules of Civil Procedure reads:

“SEC. 4. Resolution of motion. – A motion for new trial or reconsideration shall be resolved within thirty (30) days from the time it is submitted for resolution.”

[6] Bascug v. Judge Arinday Jr., AM No. RTJ-00-1591, April 11, 2002; Sanchez v. Eduardo, 361 SCRA 233, July 17, 2001; Atty. Ng v. Judge Ulibari, 355 Phil 76, July 30, 1998.

[7] See Sections 15(1) and 15(2) of Article VIII of the 1987 Constitution.

[8] Heirs of Sucaldito v. Cruz, 336 SCRA 469, July 27, 2000.

[9] Floro v. Paguio, 346 SCRA 1, November 27, 2000; Heirs of Crisostomo Sucaldito v. Cruz, supra; Office of the Court Administrator v. Salva, 336 SCRA 133, July 19, 2000; Martin v. Guerrero, 317 SCRA 166, October 22, 1999; Atty. Ng v. Judge Ulibari, supra.

[10] Sanchez v. Eduardo, supra; Office of the Court Administrator v. Salva, supra.

[11] Supra.

[12] Bascug v. Judge Arinday Jr., supra; Sanchez v. Eduardo, supra; Heirs of Crisostomo Sucaldito v. Cruz, supra; Office of the Court Administrator v. Salva, supra; Martin v. Guerrero, supra; Atty. Ng v. Judge Ulibari, supra.

[13] The Court resolved to approve the amendment of Rule 140 of the Rules of Court regarding the discipline of Justices and Judges in AM No. 01-8-10-SC dated September 11, 2001.

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.