

**MA. THERESA G. WINTERNITZ AND RAQUEL L. GONZALEZ,
COMPLAINANTS,-VERSUS-JUDGE LIZABETH GUTIERREZ-TORRES,
RESPONDENT.**

A.M. No. MTJ-09-1733. February 24, 2009

Ponente: LEONARDO-DE CASTRO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/4a542c6adb1/>

LEONARDO-DE CASTRO, J.:

This administrative case stemmed from the criminal cases filed against complainants Ma. Theresa G. Winternitz and Raquel L. Gonzalez, which were raffled to the sala of herein respondent, Judge Lizabeth Gutierrez-Torres of the Metropolitan Trial Court of Mandaluyong City, Branch 60.

Particularly, these criminal cases were Criminal Case No. 84382 entitled, "People v. Ma Theresa Winternitz" for unjust vexation; Criminal Case No. 84383 entitled, "People v. Raquel Gonzalez" for grave coercion; and Criminal Case No. 84384 entitled, "People v. Ma. Theresa Winternitz, Raquel Gonzalez and Remigio Relente" for grave slander.

According to complainants Winternitz and Gonzalez, the Department of Justice (DOJ) issued a resolution dated May 14, 2002 which directed the City Prosecutor of Mandaluyong City to cause the withdrawal of the above-mentioned criminal cases against them. On May 24, 2002, the City Prosecutor filed a Motion to Withdraw Informations pursuant to the directive of the DOJ. However, the respondent judge did not immediately act on said motion but instead set the same for hearing several times. The motion was finally submitted for its resolution on January 13, 2004. As of October 21, 2003, the motion remained unresolved despite the complainants' prayer for resolution. This prompted herein complainants to file the instant administrative complaint[1] against respondent judge for malfeasance/ misfeasance. Complainants contended that the delay or inaction of the respondent on the motion constituted a violation of Article 7, Section 15 of the 1987 Constitution and Canon 3, Rules 3.08 and 3.09 of the Code of Judicial Conduct.

In his 1st Indorsment[2] dated November 7, 2003, then Court Administrator Presbitero J. Velasco, Jr.[3] ordered respondent to file her comment within ten (10) days from receipt of the same. In her letter[4] dated January 29, 2004, respondent requested a period of twenty (20) days to collate all pertinent data and to submit a detailed comment. Respondent's request was granted by the Court Administrator in his letter[5] dated February 12, 2004. Still, respondent judge failed to file her comment within the extended period granted to her. In a letter[6] dated August 18, 2004, she again asked for a period of twenty (20) days to submit her comment which was again favorably acted upon by the Court Administrator.[7] Still unable to file her comment, another twenty (20)-day extension was prayed for by respondent which was granted by the Court Administrator on January 26, 2005.[8]

In a Resolution[9] dated September 28, 2005, the Court required respondent judge to explain her repeated failure to comment on the administrative complaints against her and to file the same within a period of ten (10) days. In her letter[10] dated November 7, 2005, respondent judge asked for an additional ten (10) days to submit her comment which the Court granted in the Resolution[11] dated January 16, 2006.

On February 20, 2006, respondent judge finally filed her comment on the three (3) administrative complaints, including the instant complaint (A.M. No. MTJ-05-1611) filed against her. The comment was attached to her Second Motion for Reconsideration dated February 15, 2006 in A.M. No. MTJ-05-1611.[12] Respondent judge explained that she was unable to immediately act on the City Prosecutor's motion to withdraw informations despite having set the same for hearing on several occasions particularly on June 10 and 24, 2002, July 24, 2002 and January 13, 2003 because there was no proof of service of the notice of hearing upon private complainant and counsel in the aforesaid criminal cases and she may be accused of partisanship. She also attributed the delay to the heavy caseload when she assumed office in 2001 and to the lack of personnel in her sala. She admitted culpability for her failure to submit her comment on time and asked for consideration from this Court.

In his Memorandum[13] dated October 9, 2006, then Court Administrator Christopher Lock recommended that the matter be referred to the Executive Judge of the Regional Trial Court of Mandaluyong City for investigation, report and recommendation. However, in a letter dated March 6, 2007, Executive Judge Maria Cancino-Erum asked to be allowed to inhibit herself from investigating the case.[14] The case then was referred to Vice-Executive Judge Rizalina Capco-Umali who also requested permission to inhibit herself.[15] Consequently, the instant administrative case was referred to Associate Justice of the Court of Appeals Romeo Barza for investigation, report and recommendation.[16]

In his Report and Recommendation[17] dated March 4, 2008, Justice Barza found respondent to have been remiss in her duty to resolve the motion to withdraw the criminal cases filed against herein complainants with dispatch. The pertinent findings of Justice Barza are quoted hereunder:

From the totality of the evidence adduced by the parties, and after a judicious evaluation and scrutiny thereof, the undersigned has come up with a finding that the respondent judge is liable for the charges thrown against her. Respondent judge failed to present convincing evidence to disprove the accusation that she is negligent in her duty to resolve the said motion.

Rule 3.05 of the Code of Judicial Conduct provides that "A judge shall dispose of the court's business promptly and decide cases within the required periods."

The office of a judge exists for one solemn end - to promote the ends of justice by administering it speedily and impartially. Regrettably, the respondent judge failed in this aspect.

While from the evidence presented by the respondent judge, it is undisputed that her sala is burdened with a heavy case load from the time she assumed judgeship in 2001, and that such case load continues to increase in the following years, yet, these do not excuse her from performing her judicial functions with dispatch. Notably, she has failed to develop or adopt a system of court record management which is expected of her. Proper and efficient court management is as much the judge's responsibility for he is the one directly responsible for the proper discharge of his official functions.

Judicial duties extend to keeping track of each case or matter brought to her sala for disposition. This is one of the purposes for which monthly reports and semestral physical inventory of cases in each court are required to be conducted and reported to the Court Administrator. These reports serve to guide the court in the progress of cases pending in their sala. To disregard such reports would render the inventory worthless, or else we doubt the veracity of the monthly and semestral reports being submitted by the respondent judge's court. A judge ought to know the cases submitted to him for decision or resolution and is expected to keep his own record of cases so that he may act on them promptly. As a judge, she has the bounden duty to maintain proper monitoring of cases submitted for her decision or resolution.

Significantly, during the hearing of the instant case, the respondent judge offered to prove that she filed a request for extension of time to resolve the cases pending for resolution or decision in her sala in the year

2001. This claim though was not sufficiently proven in respondent judge's Offer/Memorandum of Exhibits.

Taking respondent judge's argument that she did not issue an Order for the 13 January 2003 setting, which purportedly submitted the Motion to Withdraw Informations (incident) for resolution, the fact remains - she has been remissed in her duty. Whether or not the scheduled hearing was postponed for any reason, and whatever may have transpired therein, judges are mandated to issue an order therefor. It is well to note that other than respondent judge's argument that it appears from the record that the private complainant therein was not duly notified, no satisfactory explanation was given as to the absence of a formal order from the court for the 13 January 2003 setting. The Minutes of the session held on 13 January 2003 is clear that the "incident is not submitted for resolution."

As aptly argued by the complainants and as can be easily seen from the records of the case, the private prosecutor had already filed its Opposition and Comment (to Urgent Motion to Resolve) as early as 4 December 2002. This renders the 10 December 2002 Order directing the private prosecutor and/or complainant to submit their written comment moot and academic. Hence, on 13 January 2003, the respondent judge should have been placed on notice that the Motion to Withdraw Informations was already ripe for resolution.

Respondent judge's undue inaction cannot be countenanced. Complainants' case clearly shows that the respondent judge is guilty of undue delay in rendering a decision or order.

Moreover, the fact of the late resolution of the Motion for Inhibition and the Motion for Re-raffle clearly manifests respondent judge's penchant for delaying resolution of matters brought before her. Record shows that the Motion for Inhibition filed on 29 July 2004, was only resolved on 30 May 2006, while the matter prayed for in the Motion for Re-raffle (filed on 2 March 2007) was only resolved on 22 January 2008, after the complainants filed on 27 December 2007 the Urgent Motion to Effect Motion for Inhibition.

An efficient court management system would have prevented this from happening, and would not have left a void in the disposition of the said cases from 13 January 2003 onwards, and consequently, as admitted by complainants' counsel Atty. Guevara, Jr., this administrative complaint would not have been filed.

It bears repeating that the public's faith and confidence in the judicial system depends, to a large extent, on the judicious and prompt disposition of cases and other matters pending before the courts. The failure of a judge to decide a case within the reglementary period constitutes gross dereliction of duty.[18]

Hence, Justice Barza recommended that respondent judge be fined in the amount of Eleven Thousand Pesos (P11,000.00).

We agree with the findings of the Investigating Justice but modify the recommendation in regard to the penalty.

We find unmeritorious respondent judge's excuse that the reason for her delay in resolving the motion to withdraw is the lack of notice of hearing upon the parties. Firstly, she should have realized that almost one (1) year had already elapsed from the time of filing of the motion to withdraw on May 24, 2002 up to its submission for resolution on January 13, 2003. Secondly, she is duty-bound to comply with Rule 3.05, Canon 3 of the Code of Judicial Conduct providing that a judge shall dispose of the court's business promptly and decide cases within the prescribed periods. This Canon is in consonance with the Constitutional mandate that all lower courts decide or resolve cases or matters within three (3) months from their date of submission. Accordingly, Rule 1.02 of Canon 1 and Rule 3.05 of Canon 3 provide as follows:

Rule 1.02. A judge should administer justice impartially and without delay.

Rule 3.05. A judge should dispose of the court's business promptly and decide cases within the required periods.

In line with the foregoing, the Court has laid down administrative guidelines to ensure that the mandates on the

prompt disposition of judicial business are complied with. Thus, SC Administrative Circular No. 13-87 states, in pertinent part:

3. Judges shall observe scrupulously the periods prescribed by Article VIII, Section 15 of the Constitution for the adjudication and resolution of all cases or matters submitted in their courts. Thus, all cases or matters must be decided or resolved within twelve months from date of submission by all lower collegiate courts while all other lower courts are given a period of three months to do so. x x x.

Furthermore, SC Administrative Circular No. 1-88 dated January 26, 1988 states:

6.1. All Presiding Judges must endeavor to act promptly on all motions and interlocutory matters pending before their courts. x x x

Judge Torres failed to act on the Motion to Withdraw Informations within three (3) months from the time it was submitted for resolution on January 13, 2003. This Court cannot countenance such undue inaction on the part of respondent judge, especially now when there is an all-out effort to minimize, if not totally eradicate, the problems of congestion and delay long plaguing our courts. The requirement that cases be decided within the reglementary period is designed to prevent delay in the administration of justice, for obviously, justice delayed is justice denied. Delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards and brings it to disrepute.[19]

The Court also takes note of the fact that respondent judge submitted her comment on the instant complaint only after more than two (2) years from the time the OCA required her to do so. Her prolonged and repeated refusal to comply with the simple directives of the OCA to file her comment constitutes a clear and willful disrespect for lawful orders of the OCA. It bears stress that it is through the OCA that the Supreme Court exercises supervision over all lower courts and personnel thereof. At the core of a judge's esteemed position is obedience to the dictates of the law and justice. A judge must be the first to exhibit respect for authority.[20] Judge Torres failed in this aspect when she repeatedly ignored the directives of the OCA to file her comment.

We hold that respondent judge is guilty of undue delay in rendering a decision or order. Rule 140, as amended, of the Revised Rules of Court provides that undue delay in rendering a decision or order is classified as a less serious charge punishable by 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.[21]

It is worth mentioning that Judge Torres had been twice found guilty of undue delay in rendering a decision or order in A.M. No. MTJ-05-1611 entitled, "Del Mundo v. Gutierrez-Torres"[22] and in A.M. No. MTJ-06-1653 entitled, "Gonzalez v. Torres." [23] She was fined P20,000.00 in both cases with the warning that a repetition of the same will be dealt with more severely. Considering that this is her third infraction of the same nature, Judge Torres deserves a more severe sanction than the fine of P11,000.00 recommended by the Investigating Justice.

IN VIEW WHEREOF, respondent Judge Torres is hereby **SUSPENDED** from office without salary and other benefits for one (1) month, with the **STERN WARNING** that a repetition of the same act shall be dealt with more severely.

SO ORDERED.

Puno, C.J., (Chairperson), Carpio, Corona, and Brion, JJ., concur.

* Additional Member in lieu of Associate Justice Adolfo S. Azcuna (Ret.) as per Special Order No. 570.

[1] Rollo, pp. 1-10.

[2] Id. at 7.

[3] Now Associate Justice of this Court.

[4] Rollo, p 8.

[5] Id. at 12.

[6] Id. at 20.

[7] Id. at 21.

[8] Id. at 31.

[9] Id. at 37.

[10] Id. at 38.

[11] Id. at 39.

[12] Id. at 40-50.

[13] Id. at 55-57.

[14] Id. at 84.

[15] Id. at 94.

[16] Id. at 97-98.

[17] Id. at 461-474.

[18] Id. at 469-473.

[19] *Bangco v. Gatdula*, A.M. No. MTJ-00-1297, March 7, 2002, 378 SCRA 534, 539.

[20] *Re: Request for the Expeditious Resolution of Case Nos. 4666 to 4669*, A.M. No. 04-6-141-MTC, September 20, 2005, 470 SCRA 198, 205.

[21] *Supra* at note 19.

[22] September 30, 2005, 471 SCRA 152.

[23] July 30, 2007, 528 SCRA 490.

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.