

FLORA D. GALLEGO, COMPLAINANT, VS. ACTING JUDGE ARTURO DORONILA, MCTC, JORDAN, BUENAVISTA-NUEVA VALENCIA, GUIMARAS, RESPONDENT.

A.M. No. MTJ-00-1278 (A.M. No. OCA-IPI-97-444-MTJ). June 26, 2000

Ponente: YNARES-SANTIAGO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/4e9d65e6e991/>

YNARES-SANTIAGO, J.:

For alleged inaction on her complaint for Forcible Entry with Prayer for Preliminary Injunction, complainant sent a Letter dated April 27, 1996[1] addressed to the Secretary of Justice, with a copy thereof furnished the Office of the Court Administrator (OCA) and a Supplemental Complaint dated July 29, 1996[2] requesting that proper disciplinary action be taken against the respondent Judge.

The factual antecedents of the case are summarized by the OCA in an Evaluation Report dated September 23, 1998:

In a letter dated 27 April 1996 and a verified supplemental complaint of 27 July 1996, complainant contended that disciplinary sanction should be imposed against respondent judge for unreasonably delaying the disposition of her case for almost seven (7) months.

As plaintiff in Civil Case No. 261-8 entitled "Flora Gallego vs. Alejandro Pelora, et al." for Forcible entry filed before the sala of respondent last 19 December 1995, complainant prayed for the issuance of a Writ of Preliminary Injunction and a Temporary Restraining Order (TRO). Respondent set hearing for the incident for 27 December 1995, 3 January 1996 and 10 January 1996. At the January meetings and with due notice to the court, counsel for complainant was unable to appear, so that respondent reset the hearing to 19 February 1996. Said counsel however moved to advance the date of hearing considering the urgency of the relief sought, but this was denied by respondent. The hearing of 19 February 1996 was again reset to 4 March 1996 for "lack of material time." At this March hearing, defendants and counsel failed to appear. The court deemed this as a waiver on their part to present evidence. Respondent thereafter issued an order submitting the pending incident for resolution. Defendants however filed a motion for reconsideration of this order which complainant opposed. Since the pending matter remained unresolved for some time, complainant filed a Motion for Immediate Resolution of the incident on 7 June 1996. This was acted upon by respondent only on 5 July 1996 or almost a month thereafter by issuing an Order reconsidering his Order of 4 March 1996 and setting the continuation of the hearing of the motion for 15 July 1996. On 12 July 1996 complainant filed a Motion for Inhibition of respondent which was granted on the same day. She also filed an Urgent Motion for Postponement of the hearing set for 15 July 1996 pending the designation of another judge who would hear the case. HTML

The records show that as early as 27 April 1996 complainant reported this irregular actuation of respondent to the Department of Justice. However, the matter was referred to our Office only on 21 May 1996. Acting on our Agenda Report dated 27 October 1997, the Court in its Resolution dated 3 December 1997 required respondent to submit his Comment to the complaint.

In his Answer, of 19 January 1998, respondent admitted the delay in the disposition of the subject case but

argued that the same was not intentional nor caused by ignorance of the law. He explained that he had to attend to urgent and important matters involving other cases pending before the two (2) courts over which he concurrently presides, i.e. his original station, the 9th MCTC, Zarragosa, New Lucena-Laganes, Iloilo where he conducts sessions morning and afternoon every Tuesday and Thursday of each week and 16th MCTC of Jordan, Buenavista and Nueva-Valencia where he conducts sessions the rest of the week as acting presiding judge.

Respondent also forwarded his observation that this administrative complaint is pure harassment resulting from complainant's failure to obtain from his court a favorable resolution on her petition despite the intercession of several local officials.

In the Evaluation Report, Deputy Court Administrator Zenaida N. Elepano recommended that respondent be fined Three Thousand Pesos (P3,000.00) with a stern warning that repetition of similar acts will be dealt with more severely, justifying the penalty thus: CODES

An action for forcible entry is summary in nature and intended to provide an expeditious means of protecting actual possession or the right to possession of property which must be restored as promptly as possible. It is designed as a special civil action governed by the Rules on Summary Procedure to disencumber the courts from the usual formalities of ordinary actions. Hence, technicalities of procedure which may cause unnecessary delays are avoided.

In the present case, complainant filed her case with a prayer for preliminary injunction and/or TRO to prevent defendants from further destroying the property subject of the case and cultivating crops thereat. Section 3 Rule 70 of the Rules of Court provides that "The Court may grant preliminary injunction, in accordance with the provisions of Rule 58 to prevent defendant from committing further acts of dispossession against the plaintiff. A possessor deprived of his possession through forcible entry may within ten (10) days from the filing of the complaint present a motion to secure from the competent court, in the action for forcible entry, a writ of preliminary mandatory injunction to restore him in his possession. The court shall decide the motion within thirty (30) days from filing thereof.

The records reveal that complainant completed presentation of her evidence as early as January 1996. The resulting delay on account of several resettings of the hearing allowed by the court at lengthy intervals effectively gave the defendants seven (7) months or two hundred eight (208) days to complete their presentation of evidence. It is apparent that respondent allowed the defendants to practically control the proceedings in his court through dilatory strategies. The complaint was lodged in December 1995 but no concrete action was taken by respondent until July 1996. Clearly, he lost sight of the fact that "a judge should at all times remain in full control of the proceedings in his sala and should adopt a firm policy against improvident postponements more importantly he should follow the time limit set for deciding cases." (Hernandez vs. de Guzman, 252 SCRA 64). katarungan

The defenses interposed by respondent as to the delay are not meritorious. He attempted to excuse the delay by citing his hectic schedule and heavy workload both as Presiding Judge of the 9th MCTC Zaragosa-Leganas, New Lucena and as acting presiding judge of the 16th MCTC Jordan Buenavista-Nueva Valencia. However, granting that this was so, under these circumstances the most reasonable course of action for him was to request this Court to grant him an extension of time to act on the matter rather than agree to postponements obviously planned by the defendants to gain time. In any event, this defense offered by respondent does not totally justify his prolonged inaction considering that preliminary injunctions and TROs are extraordinary remedies provided by law in support of the speedy adjudication of the case to save the dispossessed party, as in this case, from further damage during the pendency of the original action. The failure of respondent to attach importance to the standard and fundamental procedure mandated by the Rule on Summary Procedure constitutes gross inefficiency and ignorance of the law which renders him administratively liable. This is likewise a clear violation of Canon 3.05 of the Code of Judicial Conduct which requires "a judge to dispose of

the court's business promptly and decide cases within the required periods."

This Office sent a telegram on 13 July 1998 to both Complainant and Respondent asking whether they were amenable to submit the present case for resolution of this Court based on the pleadings at hand. No response was received from any of them hence a follow-up telegram was sent to both on 18 August 1998. On 7 September 1998, Gallego advised this Office by telegram that she is amenable to submit the case based on the pleadings at hand. However, to date, despite notice, respondent has not communicated with this Office on the matter. Since we have given him sufficient opportunity to answer our query and he has chosen not to, we believe we can interpret this to mean his acquiescence that the case now be resolved.

We agree with the findings of the OCA but we consider the sanction imposed on respondent judge not commensurate to the gravity of the offense committed.

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.[3] "The failure of a judge to decide a case within the reglementary period constitutes gross dereliction of duty. The gravity of this offense depends on several factors, including the number of cases not decided on time, the damage suffered by the parties as a result of the delay, and the presence of other aggravating and mitigating circumstances." [4] As we emphatically stated in *Sanchez v. Vestil*: [5] *yacats*

This Court has constantly impressed upon judges the need to decide cases promptly and expeditiously, for it cannot be gainsaid that justice delayed is justice denied. Delay in the disposition of cases undermines the people's faith and confidence in the judiciary. Hence, judges are enjoined to decide cases with dispatch. Their failure to do so constitutes gross inefficiency and warrants the imposition of administrative sanction on them. [6]

Rule 3.05 of Canon 3 enjoins all judges to attend promptly to the business of the court and decide cases within the time fixed by law. [7] A judge is mandated by law to render judgment not more than ninety (90) days from the time the case is submitted for decision. This Court has held that the failure of a judge to render the decision within the prescribed period of ninety (90) days from the submission of a case for decision constitutes serious misconduct, to the detriment of the honor and integrity of his office and in derogation of the speedy administration of justice. [8] Inability to decide a case within the required period is not excusable and constitutes gross inefficiency. [9] *haideem*

As pointed out by the OCA, complainant completed the presentation of her evidence as early as January 1996. The resulting delay on account of several resettings of the hearing allowed by the court at lengthy intervals effectively gave the defendants seven (7) months or two hundred eight (208) days to complete their presentation of evidence. Apparently, respondent judge allowed the defendants to practically control the proceedings in his court through dilatory strategies. The complaint was lodged in December 1995 but no concrete action was taken by respondent judge until July 1996.

A judge should, at all times, remain in full control of the proceedings in his sala and should adopt a firm policy against improvident postponements - more importantly, he should follow the time limit set for deciding cases. [10] The speedy resolution of forcible entry and unlawful detainer cases is a matter of public policy, hence, respondent judge's inaction for seven (7) months on complainant's action rendered nugatory the whole purpose of summary proceedings : to promote a more expeditious and inexpensive determination of cases.

We can not countenance such undue delay by a judge especially at a time when the clogging of court dockets is still the bane of the judiciary whose present leadership has launched an all-out program to minimize, if not totally eradicate, docket congestion and undue delay in the disposition of cases. Judges are called upon to observe utmost

diligence and dedication in the performance of their judicial functions and duties.[11]

Being designated Acting Presiding Judge in another sala in addition to his original station is no refuge for respondent's judge's delay in promptly deciding complainant's case. In Re: Report on the Judicial Audit of Cases in the RTC, Br. 35, Iriga City,[12] we said that being designated Acting Presiding Judge in two (2) other salas is insufficient reason to justify delay in deciding a case for he could have asked for an extension of the period within which to decide it. *hustisya*

To reiterate, judges are bound to dispose of the court's business promptly and to decide cases within the required period.[13] We have held in numerous cases that the failure to decide cases and other matters within the reglementary period constitutes gross inefficiency and warrants the imposition of administrative sanctions against the erring magistrate.[14] If they can not do so, they should seek extensions from this Court to avoid administrative liability.[15] Pursuant to current jurisprudence,[16] a fine of P10,000.00 would be more appropriate given the prevailing facts of this case.

WHEREFORE, Judge Arturo G. Doronila is hereby found guilty of GROSS INEFFICIENCY and FINED in the amount of P10,000.00. He is further ADMONISHED to be more circumspect in the performance of his judicial functions and STERNLY WARNED that a repetition of the same or similar acts in the future will be dealt with more severely.

SO ORDERED. Jksm

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Pardo, JJ., concur.

[1] Rollo, p. 4.

[2] *Ibid.*, p. 6.

[3] *Spouses Conrado and Maita Sena v. Judge Ester Tuazon Villarin*, A.M. No. 00-1258-MTJ, 22 March 2000.

[4] *Bernardo v. Fabros*, A.M. No. MTJ-99-1189, 18 May 1999, 307 SCRA 28.

[5] 298 SCRA 1 (1998); See also *OCA v. Judge Walerico Butalid*, 293 SCRA 589 (1998); *Ng v. Judge Leticia Ulibari*, 293 SCRA 342 (1998); *Grefaldeo v. Judge Rica Lacson*, 293 SCRA 524 (1998)

[6] See also *Re: Cases left undecided By Judge Narciso M. Bumanglag, Jr.*, A.M. No. 98-10-138-MTCC, 21 April 1999, 306 SCRA 50, citing Rule 3.05, Code of Judicial Conduct; Section 15, Article VIII, Constitution Report on the Judicial Audit Conducted in MTC, Sibulan, Negros Oriental, 282 SCRA 463 (1997); and Report on Audit and Physical Inventory of the Record of Cases in MTC, Penaranda, Nueva Ecija, 276 SCRA 257 (1997)

[7] *OCA v. RTC Judge Amelita D. Benedicto, et al.*, 296 SCRA 62 (1998)

[8] *Castillo v. Cortes*, 234 SCRA 401 (1994)

[9] *Re: Report on the Judicial Audit Conducted in the Regional Trial Court, Branches 61, 134 and 147, Makati, Metro Manila*, 248 SCRA 5 (1995)

[10] *Hernandez v. De Guzman*, 252 SCRA 64 (1996)

[11] *Re: Report on the Judicial Audit Conducted in the Municipal Circuit Trial Court, Dingle-Duenas, Iloilo*, 280 SCRA 637 (1997)

[12] 299 SCRA 382 (1998)

[13] Rule 3.05, Canon 3, Code of Judicial Conduct; Sy Bang v. Mendez, 287 SCRA 84 (1998); Sanchez v. Vestil, supra; OCA v. Judge Amelita Benedicto, supra; Ng v. Ulibari, supra.

[14] OCA v. Judge Leonardo Quinanola and Branch Clerk of Court Ruben B. Albaytar, MTC of San Pedro, Laguna, Branch 1, A.M. No. MTJ-99-1216, 20 October 1999; Dysico v. Dacumos, 262 SCRA 275 (1996); BPI v. Generoso, 249 SCRA 477 (1995); Re: Judge Liberato C. Cortes, 242 SCRA 167 (1995); Ancheta v. Antonio, 231 SCRA 74 (1994)

[15] Spouses Conrado and Maita Sena v. Judge Ester Tuazon Villarin, supra.

[16] Atty. Patrick Juan Perez v. Judge Ignacio R. Concepcion, MTC-Calasiao, Pangasinan, A.M. No. MTJ-99-1240, 21 December 1999, p. 6.

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.