

ATTY. ARNOLD B. LUGARES, COMPLAINANT, VS. JUDGE LIZABETH GUTIERREZ-TORRES, METROPOLITAN TRIAL COURT, BRANCH 60, MANDALUYONG CITY, RESPONDENT.*A.M. No. MTJ-08-1719*. November 23, 2010*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/5b095a15113e/>**PER CURIAM:**

A judge is a paradigm of justice who must closely adhere to the policy of prompt disposition of cases. He should be always mindful that delay in case resolution is the major culprit in the erosion of public faith and confidence in the judiciary. He is duty-bound to obey and comply with the lawful orders and processes and to exercise a high degree of professional competence at all times. A judge who cannot meet the exacting standards of judicial conduct and integrity is not worthy to wear the judicial robe because his continued presence in the bench will only tarnish the image of the judiciary.

Before this Court are three administrative complaints for dismissal from judicial service filed against respondent, Judge Lizabeth Gutierrez-Torres (Judge Torres), Metropolitan Trial Court of Mandaluyong City, Branch 60 (MeTC), charging her with a host of infractions. These administrative complaints have been consolidated in view of the similar nature of the complaints against her.

Administrative Matter No. MTJ-08-1719 was commenced by a complaint[1] dated September 13, 2006 filed by Atty. Arnold Lugares (Atty. Lugares) charging Judge Torres with Gross Inefficiency, Undue Delay in the Administration of Justice, Indecisiveness, Manifest Partiality, and Gross Ignorance of the Law relative to Civil Case No. 19887 entitled "Arnold B. Lugares v. Zenaida M. Bautista and Alex M. Bautista."

Atty. Lugares alleged that on February 2, 2005, he instituted a civil case for ejectment against Zenaida and Alex Bautista before the MeTC. Summons was duly served on the defendants on February 10, 2005 but they failed to file their answer within the reglementary period of ten (10) days. Consequently, Judge Torres issued an order[2] stating that she would render judgment in the case pursuant to Section 7, in relation to Section 6, Rule 70 of the 1997 Rules on Civil Procedure. Defendants filed a motion for reconsideration[3] with leave of court to admit attached responsive pleading, but their motion was denied on April 12, 2005.[4]

Despite repeated follow-ups and notwithstanding the lapse of more than a year, no decision was rendered by Judge Torres in Civil Case No. 19887. This prompted Atty. Lugares to file a motion for early rendition of judgment on July 12, 2006[5] and, later, a manifestation[6] dated July 24, 2006, praying that judgment be rendered considering that the case had been deemed submitted for decision as early as April 2005.

More than a year, or specifically six months, after the denial of the motion to admit responsive pleading, on August 9, 2006, Judge Torres issued an order[7] admitting defendants' answer and setting the case for preliminary conference. Atty. Lugares posited that the issuance of the August 9, 2006 Order, which was in contradiction with the April 12, 2005 Order, was obviously intended to accommodate the defendants. He added that the failure to immediately decide the case in accordance with the Rules on Summary Procedure aggravated the conflict between the parties which resulted in the filing of several cases between them.

In the 1st Indorsement,[8] dated October 6, 2006, then Court Administrator Christopher O. Lock (CA Lock) required Judge Torres to comment on the complaint within ten (10) days from notice. Respondent judge twice requested for an extension of 20 days in her November 13, 2006 and November 28, 2006 letters.[9] Said requests were granted by CA Lock on November 21, 2006[10] and December 6, 2006,[11] respectively. Nothing was heard or received from Judge Torres, however, on the 1st Indorsement. In view of her failure to comply, CA Lock sent a 1st Tracer,[12] dated May 7, 2007, warning her that should she fail to comply, he would recommend the resolution of the complaint without her comment. Despite receipt by respondent judge of the aforementioned communications, as borne by the Registry Return Receipts dated November 3, 2006, December 8, 2006, and May 23, 2007, respectively, she still failed to submit her comment.

Administrative Matter No. MTJ-08-1722 was initiated through a Complaint-Affidavit,[13] dated August 28, 2007, filed by Jose Maria J. Sembrano (Sembrano) charging Judge Torres with having committed a Violation of the Code of Judicial Conduct relative to Civil Case No. 19063 entitled "Jose Maria A. Sembrano v. Ronick B. Aquino and Ritex Philippines, Inc." for damages.

Sembrano averred that Civil Case No. 19063 was set for preliminary conference on January 27, 2004. Thereafter, the case was referred for mediation proceedings. Due to the failure of the parties to arrive at an amicable settlement, the case was again set for hearing on April 13, 2004. On even date, pre-trial was terminated and the parties were directed to file their respective position papers and affidavits within ten (10) days from notice. Sembrano complied on April 23, 2004 and, subsequently, he received copies of the defendants' motion to admit (position paper) with their position paper on May 12, 2004. Since no judgment had yet been rendered by respondent judge despite the fact that the case had already been submitted for decision, Sembrano filed a motion[14] to resolve the case on August 31, 2004.

On March 3, 2005 and August 4, 2005, he filed his second and third motions[15] to resolve, respectively. Meanwhile, Assistant Court Administrator Antonio H. Dujua (ACA Dujua) referred Sembrano's second motion to resolve to Judge Torres and required her to advise the Office of the Court Administrator (OCA) of the action taken by her on the matter.[16] All the foregoing notwithstanding, Judge Torres still failed to render a decision in Civil Case No. 19063, which constrained Sembrano to file a fourth motion[17] to resolve on December 29, 2005. On January 23, 2006, ACA Dujua again referred the motion to respondent judge for appropriate action.[18] Finally, complainant filed a fifth motion[19] to resolve on January 19, 2007. Sembrano opined that since the case was governed by the Rules on Summary Procedure, judgment was long overdue for more than three (3) years.

On September 3, 2007, CA Lock indorsed Sembrano's complaint-affidavit to Judge Torres directing her to comment thereon.[20] This directive was reiterated in the December 20, 2007 Tracer-Letter[21] to respondent judge. The Registry Return Receipts indicated that both communications were received by Judge Torres on September 14, 2007 and January 16, 2008, respectively. Respondent judge did not file any comment on, or reply to, said letters.

Administrative Matter No. MTJ-08-1723 was lodged by one Marcelino Langcap (Langcap) in a letter-complaint[22] dated March 26, 2007 charging Judge Torres with Delay in the Disposition of Civil Case Nos. 17765 and 18425 entitled "Spouses Marcelino and Teofista Langcap v. Florencia Langcap-Padilla" and "Spouses Marcelino and Teofista Langcap v. Antonio Lagpitanghat," respectively, both for ejectment.

Langcap claimed that after the termination of the joint preliminary conference in the two cases on September 19, 2003, the parties were directed to submit their respective position papers together with the affidavits of their witnesses and other evidence within ten (10) days from receipt of the preliminary conference order.[23] The parties received copies of said order on February 11, 2004 and then filed the required pleadings and documents

within the reglementary period. Langcap maintained that judgment on both cases was due as early as March 2004 pursuant to Section 11, Rule 70 of the Rules of Court. When Langcap and his counsel inquired as to the status of said cases on August 20, 2004, he was assured by Judge Torres that the decision was "already being finalized and [would] soon be released." [24] Until the filing of his letter-complaint, Langcap had yet to receive the decision.

In his March 28, 2007 Indorsement, [25] CA Lock required Judge Torres to comment on Langcap's letter-complaint. Thereafter, Tracer-Letter [26] dated May 30, 2007 directed her anew to file her comment within five (5) days from notice; otherwise, the case would be submitted for the consideration of the Court sans her comment. The Registry Return Receipts showed that both communications were received by Judge Torres on April 12, 2007 and June 6, 2007, respectively. No compliance was received from respondent judge.

On July 28, 2008, the OCA issued its Report [27] finding that Judge Torres should be held guilty of willful disobedience and defiance of authority for ignoring its directives to file comment on the subject cases as well as of undue delay in the disposition of cases and other matters. The OCA recommended that the three administrative complaints be re-docketed as regular administrative matters against Judge Torres and that she be suspended from service without pay for a period of six (6) months effective from receipt of the decision of this Court.

Up until the resolution of these administrative cases against her, Judge Torres has not complied with any of the directives of the OCA. The Court does not have the luxury of time to wait for Judge Torres who has clearly forfeited her chance to be heard on the charges leveled against her. The Court must now proceed to resolve these administrative cases against her based on the contents of the records, the most significant of which is the report and recommendation of the OCA.

After a judicious review of the records of the case, and considering the respondent judge's repeated non-compliance with the orders to explain the undue delay in the disposition of Civil Case No. 19887, Civil Case No. 19063 and Civil Case Nos. 17765 and 18425 before her court, this Court determines that the findings of the OCA are well-taken. The Court, however, finds the recommended penalty not commensurate to the degree of her transgressions.

As a general principle, rules prescribing the time within which certain acts must be done, or certain proceedings taken, are considered absolutely indispensable to the prevention of needless delays and the orderly and speedy discharge of judicial business. By their very nature, these rules are regarded as mandatory. [28]

Section 15 (1) and (2), Article VIII of the Constitution requires courts to decide cases submitted for decision generally within three (3) months from the date of their submission. With respect to cases falling under the Rules on Summary Procedure, first level courts are only allowed thirty (30) days following the receipt of the last affidavit and position paper, or the expiration of the period for filing the same, within which to render judgment. [29] The Court has consistently impressed upon the magistrates the need to dispose of the court's business promptly and decide cases within the required periods, for it cannot be gainsaid that justice delayed is justice denied.

In A.M. No. MTJ-08-1719, Judge Torres failed to render judgment in Civil Case No. 19887 after declaring that "the court will now render a judgment in the case pursuant to Section 7, in relation to Section 6, Rule 70 of the Rules of Court" for failure of defendants Zenaida and Alex Bautista to file their answer, per Order dated February 17, 2005, and even after denying defendants' motion for reconsideration with leave to admit attached answer in its Order dated April 12, 2005. After the lapse of more than one (1) year and after Atty. Lugares had filed a motion for early rendition of judgment and a manifestation praying that a decision be immediately rendered in his favor, Judge Torres ruled to admit defendants' answer in the interest of justice in her order dated August 9, 2006.

Section 6 of the Rules on Summary Procedure clearly provides:

SEC. 6. Effect of failure to answer. - Should the defendant fail to answer the complaint within the period above provided, the court, motu proprio, or on motion of the plaintiff, shall render judgment as may be warranted by the facts alleged in the complaint and limited to what is prayed for therein: Provided, however, that the court may in its discretion reduce the amount of damages and attorney's fees claimed for being excessive or otherwise unconscionable.

Basic is the rule that after the failure of the defendant to answer the complaint, the court shall render judgment as may be established by the facts alleged in the complaint. The Revised Rule on Summary Procedure authorizes a judge to render a decision on his own initiative or upon motion of the plaintiff. Judge Torres starkly deviated from the required procedure when she admitted defendants' answer at that stage of the proceedings even when she had previously denied admission of said pleading. The Court finds no logic in her sudden change of heart. Instead, respondent judge should have given due course to Atty. Lugares' motion for early resolution and manifestation, and should not have entertained the defendants' comment and counter-manifestation considering that the case was summary in nature, and a period of more than one (1) year had lapsed after the case was submitted for decision.

Judge Torres demonstrated her propensity for inattentiveness and indifference, if not sheer disregard for rules, in Civil Case No. 19063 and Civil Cases Nos. 17765 and 18425 when she likewise failed to comply with the basic rule of deciding the aforementioned cases within the prescribed thirty-day period. In Civil Case No. 19063, complainant Sembrano filed a total of five (5) motions to resolve the case but to no avail and the decision thereon had been overdue for more than three (3) years before the filing of an administrative complaint against respondent judge. On the other hand, complainant Marcelino Langcap alleged that judgment in Civil Cases Nos. 17765 and 18425 was due as early as March 2004 or more than three (3) years prior to the filing of his letter-complaint.

Respondent judge's actuation is quite contrary to the rationale of the Rules on Summary Procedure which was promulgated particularly for the purpose of achieving "an expeditious and inexpensive determination of cases." [30] It is not encouraging when it is the judge herself who occasions the delay sought to be prevented by the Rule. [31] Her lackadaisical attitude in sitting on the subject cases for years as well as her failure to immediately render judgment in Civil Case No. 19887 after the defendants therein failed to file their answer, clearly manifested her utter disregard of settled rules and jurisprudence relative to the Revised Rules on Summary Procedure, to the detriment and prejudice of the complainants. Verily, respondent judge showed gross ignorance of the law. When the law is so elementary, not to know it constitutes gross ignorance of the law. [32]

Rule 3.05, Canon 3 of the Code of Judicial Conduct [33] admonishes all judges to dispose of the court's business promptly and decide cases within the period fixed by law. [34] This is supplemented by Section 5, Canon 6 of the New Code of Judicial Conduct for the Philippine Judiciary [35] requiring judges to perform all judicial duties efficiently, fairly and with reasonable promptness. Failure of a judge to resolve a case within the prescribed period constitutes gross dereliction of duty. [36]

In the process, respondent judge also contravened Section 16, Article III of the Constitution which provides that "all persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies." Any delay in the administration of justice, no matter how brief, deprives the litigant of his right to a speedy disposition of his case. [37] Not only does it magnify the cost of seeking justice, it likewise impairs the people's faith in the administration of justice and reinforces in the minds of the litigants the impression that the wheels of justice grind ever so slowly.

This Court cannot countenance such undue delay caused by respondent judge especially now when there is an all-out effort to minimize, if not totally eradicate, the twin problems of congestion and delay which have long

plagued our courts.[38] Judge Torres knew or should have known that if her caseload absolutely prevented the disposition of the subject cases within the reglementary period, all she had to do was to request reasonable extensions of time from this Court to resolve them. The records of these administrative matters do not show that respondent judge made any attempt to make such requests. Instead, she preferred to keep the cases pending, enshrouding the same by her silence. It has been repeatedly held that failure to promptly decide cases in accordance with the Constitution or the Rules of Court constitutes gross inefficiency,[39] warranting administrative sanction from this Court.

On top of the foregoing infractions, the Court is gravely disturbed by respondent judge's failure to comment on the charges hurled against her. Nothing was heard from her except when she sent two letters dated November 13 and 28, 2006 seeking for a total extension of forty (40) days within which to file her comment in A.M. No. MTJ-08-1719. Despite giving her ample opportunities to file her comment, the Court never received any. What is on record, instead, is her defiant and contumacious silence for a period of more than four (4) years for A.M. No. MTJ-08-1719, and more than three (3) years for both A.M. No. MTJ-08-1722 and A. M. No. MTJ-08-1723 .

Judge Torres was merely called upon to answer the administrative charges filed against her. It appears, however, that she is not at all interested in clearing her name. Either that, or she simply has nothing to say in her defense. Her refusal to face head-on the charges against her is contrary to the principle that the first impulse of an innocent person, when accused of a wrongdoing, is to declare his/her innocence at the first opportune time.[40] Her silence and non-participation in the administrative proceedings, despite due notice and directives of the OCA for her to submit her comment in her defense, strongly indicate her guilt.

Respondents in administrative complaints should comment on all accusations or allegations against them because it is their duty to preserve the integrity of the judiciary.[41] With her obstinate defiance and adamant refusal to submit her compliance to the OCA, despite the latter's repeated directives and stern admonitions, Judge Torres exposed her insolence and disrespect for the lawful orders of the said office. It bears stressing that judges should treat directives from the OCA as if issued directly by the Court and comply promptly and conscientiously with them since it is through the OCA that this Court exercises its constitutionally mandated administrative supervision over all courts and the personnel thereof.[42] Failure to do so constitutes misconduct and exacerbates administrative liability.

Respondent judge's impiety and blatant disregard of the OCA's directives should merit no further compassion. Her continued refusal to abide by the lawful orders of the OCA can mean no less than her own lack of interest to remain with the system to which she has all along pretended to belong. Her conduct in these incidents, over the years, amounts to open defiance and downright insubordination.

This is not the first time that Judge Torres defied the Court. It is of the public record that there were previous administrative cases filed against her for failure to act with dispatch on incidents pending before her. In "Antonio L. Del Mundo v. Judge Lizabeth Gutierrez-Torres," A.M. No. MTJ-05-1611, September 30, 2005, respondent judge was found guilty of gross inefficiency for undue delay in resolving a motion to dismiss and for which she was fined P20,000.00. In "Eugenio Juan R. Gonzalez v. Judge Lizabeth G. Torres," A.M. No. MTJ-06-1653, July 30, 2007, she was sanctioned for unreasonable delay in resolving the Demurrer to Evidence in Criminal Case No. 71984 and was meted the penalty of a fine in the amount of P20,000.00. Still, in "Ma. Theresa G. Winternitz, et al. v. Judge Lizabeth Gutierrez-Torres," A.M. No. MTJ-09-1733, February 24, 2009, the Court held her guilty of undue delay in rendering a decision or order and suspended her from office without salary and other benefits for one (1) month. In all three administrative cases, respondent judge was sternly warned that a repetition of the same or similar offense shall be dealt with more severely. However, she ignored these remainders and committed the same infraction as has been shown in these cases which is clearly reflective of her incorrigible character.

The Court notes that this propensity of respondent Judge Torres to disregard, if not challenge, the authority of this Court is again shown in another administrative matter pending before Us. In OCA IPI No.08-1966-MTJ, respondent judge was required to show cause why she should not be administratively dealt with for refusing to comment and/or to take appropriate action on the charge of violation of the Code of Judicial Conduct despite two directives from the OCA. There are three other pending administrative matters involving respondent judge, namely, OCA IPI No. 04-1606-MTJ, "Arturo Maturan v. Judge Lizabeth G. Torres" for unreasonable delay in resolving criminal case, gross inefficiency, etc.; OCA IPI No.03-1496-MTJ, "Teresa Winternitz and Raquel Gonzales v. Judge Lizabeth G. Torres" for violation of Article 7, Section 15 of the 1987 Constitution, Canon 3, Rule 3.08 and 3.09, Code of Judicial Conduct and grave prejudice; and OCA IPI No.03-1464-MTJ, "Michael G. Plata v. Judge Lizabeth G. Torres" for inefficiency, gross negligence, grave abuse of discretion and violation of the Code of Judicial Conduct. These, however, are not pertinent in the resolution and adjudication of the present cases as respondent judge's infractions here alone clearly show that she has failed to live up to the exacting standards of her office.

The magnitude of her transgressions in the present consolidated cases - gross inefficiency, gross ignorance of the law, dereliction of duty, violation of the Code of Judicial Conduct, and insubordination, taken collectively, cast a heavy shadow on her moral, intellectual and attitudinal competence. She has shown herself unworthy of the judicial robe and place of honor reserved for guardians of justice. Thus, the Court is constrained to impose upon her the severest of administrative penalties - dismissal from the service, to assure the people's faith in the judiciary and the speedy administration of justice.

WHEREFORE, respondent Judge Lizabeth Gutierrez-Torres, Presiding Judge of the Metropolitan Trial Court of Mandaluyong City, Branch 60, is hereby **DISMISSED** from the service with forfeiture of all retirement benefits except earned leave and vacation benefits, with prejudice to employment in any branch of the government or any of its instrumentalities including government-owned and controlled corporations.

This decision is immediately executory. Respondent judge is ordered to cease and desist from discharging the functions of her Office upon receipt. Let a copy of this Decision be entered in the personnel records of respondent judge.

SO ORDERED.

Corona, C.J., Carpio, Carpio Morales, Nachura, Leonardo-De Castro, Brion, Peralta, Bersamin, Abad, Villarama, Jr., Mendoza, and Sereno, JJ., concur.

Velasco, Jr., J., no part due to relationship to a party.

Del Castillo, J., on official leave.

Perez, J., no part.

[*] Formerly OCA I.P.I. No. 08-2030-MTJ.

[**] Formerly OCA I.P.I. No. 07-1944-MTJ.

[***] Formerly OCA I.P.I. No. 08-2031-MTJ.

[1] Rollo (A.M. No. MTJ-08-1719), pp. 1-4.

[2] Id. at 10.

[3] Id. at 11-12.

- [4] Id. at 17.
- [5] Id. at 18-25.
- [6] Id. at 54-58.
- [7] Id. at 59-60.
- [8] Id. at 62.
- [9] Id. at 63, 68.
- [10] Id. at 66.
- [11] Id. at 70.
- [12] Id. at 71.
- [13] Rollo (A.M. No. MTJ-08-1722), pp. 1-3.
- [14] Id. at 64-65.
- [15] Id. at 67- 68; 69-71.
- [16] Id. at 75.
- [17] Id. at 72-73.
- [18] Id. at 80.
- [19] Id. at 76-77.
- [20] Id. at 81.
- [21] Id. at 82.
- [22] Rollo (A.M. No. MTJ-08-1723), pp. 1-3.
- [23] Id. at 4-5.
- [24] Id. at 2.
- [25] Id. at 16.
- [26] Id. at 17.
- [27] Rollo (A.M. No. MTJ-08-1719), pp. 72-78.
- [28] Manuel B. Arcenas v. Judge Henry B. Avelino, MCTC, Pontevedra, Capiz, 493 Phil. 356, 360 (2005).
- [29] Section 10, Revised Rules on Summary Procedure.
- [30] Gachon v. Devera, Jr., G.R. No.116695, June 20, 1997, 274 SCRA 540, 549 citing Cf Valdez v. Ocumen, et al., 106 Phil. 929, 933 (1960); Alvero v. De la Rosa, 76 Phil. 428, 434 (1946).
- [31] Cuevas v. Balderian, 389 Phil. 580, 583 (2000).
- [32] Marcelo Cueva v. Judge Oliver T. Villanueva, 365 Phil. 1, 8 (1999).
- [33] The New Code of Judicial Conduct for the Philippine Judiciary (A.M. No. 03-05-01-SC) provides:

"This Code, which shall hereafter be referred to as the New Code of Judicial Conduct for the Philippine Judiciary, supersedes the Canons of Judicial Ethics and the Code of Judicial Conduct heretofore applied in the Philippines to the extent that the provisions or concepts therein are embodied in this Code: Provided, however, that in case of deficiency or absence of specific provisions in this New Code, the Canons of Judicial Ethics and the Code of Judicial Conduct shall be applicable in a suppletory character."

[34] Code of Judicial Conduct (1989).

[35] A.M. No. 03-05-01-SC dated April 27, 2004.

[36] Sanchez v. Judge Vestil, 358 Phil. 477, 494 (1998).

[37] Office of the Court Administrator v. Garcia-Blanco, A.M. No. RTJ-05-1941, April 25, 2006, 488 SCRA 109, 121.

[38] Query of Judge Tenerife, as to who should decide the cases submitted for decision in said court, 325 Phil. 464, 467 (1996).

[39] Judge Dolores L. Espanol v. Judge Lorinda B.. Toledo-Mupas, A.M. No. MTJ-03-1462, February 11, 2010, 612 SCRA 211, 218.

[40] Office of the Court Administrator v. Clerk of Court Fe P. Ganzan, A.M. No. P-05-2046, September 17, 2009, 600 SCRA 17, 29.

[41] Josephine Martinez v. Judge Cesar N. Zoleta, 374 Phil. 35, 47 (1999).

[42] Office of the Court Administrator v. Judge Ismael G. Bagundang, A.M. No. RTJ-05-1937, January 22, 2008, 542 SCRA 153, 162-163.

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