

**PASTORA DELA CRUZ, A.M. NO. MTJ-04-1531 AMELIA DELA CRUZ-GUMABON, ANALITA DELA CRUZ AND LEONARDO DELA CRUZ, COMPLAINANTS, VS. JUDGE PLACIDO B. VALLARTA, MUNICIPAL CIRCUIT TRIAL...**

*A.M. NO. MTJ-04-1531 (FORMERLY OCA IPI NO. 02-1216-MTJ). March 06, 2007*

Ponente: AUSTRIA-MARTINEZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/689d43898b76/>

---

**AUSTRIA-MARTINEZ, J.:**

Before us is a Complaint-Affidavit<sup>[1]</sup> dated March 1, 2002 of Pastora dela Cruz, et al. (complainants) charging Judge Placido B. Vallarta (respondent), Presiding Judge, Municipal Circuit Trial Court (MCTC), Cabiao, Nueva Ecija with Gross Inefficiency, Gross Negligence and Gross Ignorance of the Law, relative to Civil Case No. 2000-36, entitled "Heirs of the Late David G. dela Cruz v. Spouses Virgilio and Carmen Bunag" for Unlawful Detainer with Prayer for Issuance of a Writ of Preliminary Injunction or Temporary Restraining Order.

Complainants allege: On July 13, 2000, they filed a case for Unlawful Detainer with Prayer for the Issuance of Preliminary Injunction or Temporary Restraining Order against Spouses Virgilio and Carmen Bunag over a certain parcel of land situated at Barangay Entablado, Cabiao, Nueva Ecija with an area of eight thousand (8,000) square meters, more or less, covered by Certificate of Land Transfer No. O-069485. The application for a writ of preliminary injunction was set for hearing on August 21, 2000. The summons and a copy of the Complaint were served upon defendants Spouses Bunag but they failed to file an answer. On August 21, 2000, complainants filed a Motion to Render Judgment pursuant to Section 7 of Rule 70 of the 1997 Rules of Civil Procedure for failure of defendants to file any Answer. The Motion was set for hearing on August 25, 2000 but defendants filed a Motion to Dismiss dated August 21, 2000. On September 4, 2000, complainants filed a Comment/Opposition to the Motion to Dismiss on the ground that the said Motion was filed out of time, manifestly for delay, and that it flagrantly violates Section 11, Rule 13 of the Rules. They prayed that the Motion to Dismiss be denied for utter lack of merit and that their Motion to Render Judgment dated August 21, 2000 be granted. On November 10, 2000, the court denied defendants' Motion to Dismiss for utter lack of merit. Defendants filed their Answer dated December 4, 2000 on November 23, 2000. On December 8, 2000, complainants filed an Urgent Omnibus Motion to Strike-Out Answer and to reiterate the Motion to Render Judgment. Said Motion was set for hearing on December 26, 2000. On the same day, respondent issued an Order giving defendants fifteen (15) days from receipt to file comment and/or opposition to the Motion to Render Judgment dated August 21, 2000 and the Urgent Omnibus Motion dated December 8, 2000. No comment and/or opposition was filed by defendants. On August 7, 2001, they filed a Motion for Early Resolution dated August 5, 2001 but the same has not yet been resolved. On November 19, 2001, their counsel received a Notice of Hearing setting the case for hearing on January 8, 2002. The said incidents remained pending for one (1) year and five (5) months, in violation of the Supreme Court Circular which mandates that a decision should be rendered within the period fixed by the Rules. They received another Notice of Hearing dated January 5, 2002 setting the case for hearing on March 12, 2002. The incidents remained pending for one (1) year and nine (9) months. All ejectment cases are now covered by the

Summary Procedure regardless of whether they involve questions of ownership.

In its 1st Indorsement,[2] dated April 18, 2002 the Office of the Court Administrator (OCA) directed respondent to comment on the complaint.

For failure of respondent to comply with the said directive, the OCA sent a 1st Tracer[3] dated September 20, 2002 reiterating its directive of April 18, 2002. Still, respondent failed to comply. Hence, the OCA submitted its report and recommendation to the Court, to wit:

EVALUATION: x x x

During the Barangay Elections in 2002, respondent filed his certificate of candidacy and he was considered to have automatically resigned from the service effective June 10, 2002.

The 1st Tracer dated September 20, 2002 was sent to respondent judge requiring him to file his comment within five (5) days from receipt thereof. The 1st Tracer was received by respondent judge on October 15, 2002 as shown in the Registry Return Receipt. Respondent again failed to file his comment. Respondent's failure to file his comment despite receipt of the two (2) basic communications from the Court Administrator requiring him to file his comment can be interpreted to mean that he has waived his right to file his comment and submit controverting evidence. Respondent cannot claim otherwise.

Respondent's resignation during the pendency of the case did not divest the Supreme Court of its jurisdiction to pronounce whether he is innocent or guilty of the charges.

The charges are:

- Respondent judge failed to render judgment despite the motion filed by the complainants who were plaintiff[s] in Civil Case No. 2000-36 for Unlawful Detainer for failure of the defendants to file answer; and,
- Respondent gave judicial cognizance to a Motion to Dismiss filed by the defendants which is a prohibitive pleading.

The charges are meritorious.

Under the law, if the defendant in a case of Unlawful Detainer fails to file an answer to the complaint within ten (10) days from the service of summons, the court motu proprio or on motion of the plaintiff, render judgment as may be warranted. (Section 7, Rule 70, 1997 Rules of Civil Procedure). Defendants were served with summons on August 7, 2000. For failure of defendants to file their answer within the reglementary period, counsel for the plaintiffs filed a Motion to Render Judgment dated August 21, 2000 (Annex "D"). Counsel for the defendants filed a Motion to Dismiss for lack of jurisdiction also on August 21, 2000 (Annex "E"). Respondent judge denied the Motion to Dismiss only on November 10, 2000 but he did not resolve the Motion to Render Judgment filed by the counsel for the plaintiff. Respondent judge should have decided the case within thirty (30) days from the date of the receipt of the motion to render judgment.

- The penalty for administrative offenses are either fine, suspension from office without pay, censure, reprimand, and in grave offenses, dismissal from service. Under Rule 140 of [the] Rules of Court the penalty for the offense of undue delay in rendering decision or order is suspension from office without pay for one (1) to two (2) months or a fine of not less than P10,000.00. Considering that respondent is no longer in the service, the penalty of suspension cannot be imposed. The alternative penalty is to pay a fine.

RECOMMENDATION: Respectfully submitted for the consideration of the Honorable Court the recommendations that:

- The instant complaint be RE-DOCKETED as a regular administrative matter and, respondent be penalized to pay a FINE of P10,000.00 to be deducted from the monetary benefits he may receive from the court; and

- The Court Management Office be DIRECTED to conduct a Judicial Audit to determine the actual cases disposed of by respondent Judge Vallarta prior to his resignation.[4]

The Court, in its Resolution[5] of April 12, 2004, required respondent to comment and to show cause why he should not be disciplinarily dealt with or held in contempt for failure to comply with the directives of the OCA. The Resolution was returned to this Court with the postmaster's notation "RTS, Addressee Resigned." [6]

In its Resolution[7] of September 15, 2004, the Court required the OCA to report the present address of respondent.

In compliance, the OCA, in its Memorandum[8] of October 7, 2004, submitted the provincial as well as the city addresses of respondent. Thus, the Court, in its Resolution[9] of December 1, 2004, resolved to furnish respondent with a copy of the April 12, 2004 Resolution at his provincial and city addresses. However, the said Resolution was returned to the Court with the postmaster's notation "RTS, Unclaimed." [10]

On July 22, 2005, the Postmaster of Cabiao, Nueva Ecija issued a certification[11] stating that Judge Placido B. Vallarta has resigned his post and said addressee is not a resident of Cabiao, Nueva Ecija. Thus, in the Resolution of October 3, 2005, the Court resolved to resend the Resolution of April 12, 2004 to respondent at his address in Caloocan City.

Again, the Resolution addressed to Judge Vallarta was returned to sender with the notation "Unclaimed." [12] Hence, the Court, in its Resolution of February 27, 2006, resolved to resend a copy of the resolution of April 12, 2004 to respondent at No. 46, Macabagdal Street, Caloocan City.

To date, respondent has not complied with the said Resolution of April 12, 2004 despite receipt of the copy thereof on April 17, 2006, as shown in the Registry Return Receipt.[13]

We agree with the findings and recommendations of the OCA with slight modification as to the penalty recommended.

Sections 6 and 7 of Rule 70 of the 1997 Rules of Civil Procedure provides that if the defendant in a case of Unlawful Detainer fails to file an answer to the complaint within ten (10) days from the service of summons, the court *motu proprio* or on motion of the plaintiff, shall render judgment as may be warranted.

Records show that the defendants in Civil Case No. 2000-36 failed to file their answer within the reglementary period and for such failure, the complainants filed a Motion to Render Judgment. However, even after the lapse of time within which to comply, respondent still allowed and accepted the Motion to Dismiss filed by the defendants. And even after denying the Motion to Dismiss, still respondent failed to resolve the Motion to Render Judgment filed by the complainants. Thus, the complainants filed a Motion for Early Resolution which was not acted upon by the respondent until his resignation.

Clearly, respondent was remiss in his duty to dispose of the cases with deliberate dispatch thus, warranting administrative sanction from this Court.

Article VIII, Section 15(1) of the Constitution mandates lower court judges to decide a case within the reglementary period of ninety (90) days. Rule 3.05, Canon 3 of the Code of Judicial Conduct likewise enunciates that judges should administer justice without delay and directs every judge to dispose of the court's business promptly within the period prescribed by law. Rules prescribing the time within which certain acts must be done are indispensable to prevent needless delays in the orderly and speedy disposition of cases. Thus, the ninety-day period is mandatory.[14]

This mandate applies even to motions or interlocutory matters or incidents pending before a magistrate.[15]

Records show that up to the time of the filing of herein complaint on March 1, 2002, respondent has yet to resolve the Motions filed by complainants, i.e., Motion to Render Judgment dated August 21, 2000 and Motion for Early Resolution dated August 7, 2001. A delay of one (1) year and seven (7) months in resolving the aforementioned Motions certainly erodes the people's faith in the judiciary, thus, tarnishing the image of the judiciary which respondent represents in general, and the name of the judge, in particular.

Records also show that respondent was considered to have automatically resigned from the service effective June 10, 2002. However, respondent's resignation during the pendency of the case did not divest the Court of its jurisdiction to pronounce whether he is innocent or guilty of the charges.[16]

Inability to decide a case within the required period is not excusable and constitutes gross inefficiency. The Court has constantly reminded judges to decide cases promptly. Delay not only results in undermining the people's faith in the judiciary from whom the prompt hearing of their supplications is anticipated and expected; it also reinforces in the mind of the litigants the impression that the wheels of justice grind ever so slowly, and worse, it invites suspicion of ulterior motives on the part of the judge.[17] Failure to decide cases on time constitutes inefficiency that merits administrative sanction.[18]

Moreover, the Code of Judicial Conduct decrees that a judge should administer justice impartially and without delay. He should be imbued with a high sense of duty and responsibility in the discharge of his obligation to promptly administer justice. It need not be overemphasized that any delay in the determination or resolution of a case no matter how insignificant is, at the bottom line, delay in the administration of justice in general.[19]

Delay in resolving motions and incidents pending before a judge within the reglementary period of 90-days fixed by the constitution and the law is not excusable and constitutes gross inefficiency.[20] We cannot countenance such undue delay by a judge, especially at a time when 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.[21] Prompt disposition of cases is attained basically through the efficiency and dedication to duty of judges. If they do not possess these traits, delay in the disposition of cases is inevitable, to the prejudice of litigants. Accordingly, judges should be imbued with a high sense of duty and responsibility in the discharge of their obligation to promptly administer justice.[22]

A judge's failure to resolve motions and other pending incidents within the prescribed period constitutes gross inefficiency. 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.[23]

No less than the Constitution mandates judges to decide cases with deliberate dispatch. Canon 3, Rule 3.05 of the Code of Judicial Conduct enjoins judges 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. Procrastination among members of the judiciary in rendering decisions and acting upon cases before them not only causes great injustice to the parties involved but also invites suspicion of ulterior motives on the part of the judge.[24] If public confidence in the judiciary is to be preserved, judges must perform their official duties with utmost diligence.[25] There is no excuse for delay or negligence in the performance of judicial functions.

For failure of respondent to resolve motions and pending incidents relative to Civil Case No. 2000-36, he is found guilty thereof and should be penalized accordingly.

Rule 140 of the Rules of Court, as amended by A.M. No. 01-8-10-SC, classifies gross inefficiency or undue delay in rendering a decision or order as a less serious charge which carries any of the following sanctions: 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.

Since respondent was already considered automatically resigned from the service on June 10, 2002 by reason of his filing of his certificate of candidacy in the 2002 Barangay Elections, we deem it appropriate to impose a fine of P11,000.00.

Anent respondent's failure to comply with the Court directives.

In Re: Audit Report in Attendance of Court Personnel of Regional Trial Court, Branch 32, Manila,[26] citing the case of Imbang v. Del Rosario,[27] the Court held that the office of the judge requires him to obey all the lawful orders of his superiors. It is gross misconduct, even outright disrespect for the Court, for respondent judge to exhibit indifference to the resolution requiring him to comment on the accusations in the complaint thoroughly and substantially. After all, a resolution of the Supreme Court should not be construed as a mere request, and should be complied with promptly and completely. Such failure to comply accordingly betrays not only a recalcitrant streak in character, but also disrespect for the Court's lawful order and directive.[28]

As held in Soria v. Villegas,[29] citing the case of Alonto-Frayna v. Astih,[30] a judge who deliberately and continuously fails and refuses to comply with the resolution of this Court is guilty of gross misconduct and insubordination. It is gross misconduct and even outright disrespect to this Court for respondent to exhibit indifference to the resolutions requiring him to comment on the accusations contained in the complaint against him.

And in Sabado v. Cajigal,[31] the Court held that in failing to comment on the letter-complaint against him despite repeated directives to do so, respondent judge neglected his duty, as a member of the court, to defend himself against an administrative charge.

Judges are called upon to comply with the directives of the OCA which under Presidential Decree No. 828,[32] as amended by Presidential Decree No. 842, are mandated to assist this Court in the exercise of its power of administrative supervision over all courts. When the judge himself becomes the transgressor of the law which he is sworn to apply, he places his office in disrepute, encourages disrespect for the law and impairs public confidence in the integrity of the judiciary itself.[33]

Records reveal that respondent received on April 17, 2006, the Resolution of April 12, 2004 requiring him to show cause why he should not be disciplinarily dealt with or held in contempt for his failure to comply with the directives of the Court Administrator dated April 18, 2002 and September 20, 2002, respectively.[34]

The contumacious act of respondent in ignoring all communications coming from the Court, by not claiming his mail matters from the Postal Office, shows utter disrespect and contempt of Court. Respondent's blatant disregard and repeated failure to comply with the directives of the Court Administrator and the Resolutions of this Court demonstrated not merely indifference, but disobedience to, disrespect for and contempt of this Court, the highest tribunal of the land to which he owes fealty, which merits a penalty of fine in the amount of P5,000.00.[35]

WHEREFORE, the Court finds Judge Placido B. Vallarta, MCTC, Cabiao-San Isidro, Nueva Ecija, GUILTY of gross negligence and is FINED in the amount of P11,000.00. Moreover, he is likewise found guilty of contempt of court and is FINED in the amount of P5,000.00.

### **SO ORDERED.**

Ynares-Santiago, Chico-Nazario, and Nachura, JJ., concur.

Callejo, Sr., J., on leave.

- 
- [1] Rollo, pp. 1-7.
- [2] Rollo, p. 53.
- [3] Id. at 54.
- [4] Id. at 57-60.
- [5] Id. at 61.
- [6] Id. at 63.
- [7] Id. at 65.
- [8] Id. at 67.
- [9] Id. at 69.
- [10] Id. at 70.
- [11] Id. at 73.
- [12] Id. at 78.
- [13] Id. at 85.
- [14] Office of the Court Administrator v. Dilag, A.M. No. RTJ-05-1914, September 30, 2005, 471 SCRA 186, 191.
- [15] Pesayco v. Layague, A.M. No. RTJ-04-1889, December 22, 2004, 447 SCRA 450, 463.
- [16] Office of the Court Administrator v. Fernandez, A.M. No. MTJ-03-1511, August 20, 2004, 437 SCRA 81, 83; Sy Bang v. Mendez, 350 Phil. 524, 533-534 (1998).
- [17] Report on the On-The-Spot Judicial Audit Conducted in the Regional Trial Court, Branches 45 and 53, Bacolod City, A.M. No. 00-2-65-RTC, February 15, 2005, 451 SCRA 303, 315; Re: Report on the Judicial Audit and Physical Inventory of Cases in the Regional Trial Court, Branch 54, Bacolod City, A.M. No. 06-4-219-RTC, November 2, 2006.
- [18] Re: Report of DCA Ponferada Re Judicial Audit Conducted in Branch 21, RTC, Cebu City, Judge Genis B. Balbuena, Presiding, 434 Phil. 731, 739 (2002); Re: Report on the Monitoring of Cases in the RTC, Br. 64, Labo, Camarines Norte, 444 SCRA 4, 11 (2003).77777
- [19] Re: Report on the Judicial Audit Conducted in the Regional Trial Court, Branches 3, 5, 7, 60 and 61, Baguio City, A.M. No. 02-9-568-RTC, February 11, 2004, 422 SCRA 408, 419.
- [20] Guintu v. Lucero, 329 Phil. 704, 711 (1996).
- [21] Sy Bang v. Mendez case, supra note 16, at 530.
- [22] Omaña v. Yulde, A.M. No. MTJ-01-1345, August 26, 2002, 436 SCRA 549, 557.
- [23] Gonzales v. Hidalgo, 449 Phil. 336, 340 (2003).
- [24] Office of the Court Administrator v. Quizon, 427 Phil. 63, 79 (2002).
- [25] Office of the Court Administrator v. Ulibarri, A.M. No. RTJ-04-1869, January 31, 2005, 450 SCRA 135,

141.

[26] A.M. No. P-04-1838, August 31, 2006.

[27] A.M. No. 03-1515-MTJ, November 19, 2004, 443 SCRA 79, 83.

[28] Imbang v. Del Rosario case, supra note 27, at 83.

[29] 461 Phil. 665, 670 (2003) citing Alonto-Frayna v. Astih, 360 Phil. 385 (1998).

[30] Alonto-Frayna v. Astih case, id.

[31] A.M. No. RTJ-91-666, March 12, 1993, 219 SCRA 800, 805.

[32] Creating the Office of the Court Administrator in the Supreme Court and Providing Funds Therefor and for Other Purposes, November 18, 1975.

[33] Soria v. Villegas case, see note 29, id. at 670.

[34] Received by respondent on May 7, 2002 and October 15, 2002, respectively, as shown by the Registry Return Receipts.

[35] Lagatic v. Peñas, Jr., 342 Phil. 12, 20-21 (1997); Martinez v. Zoleta, 326 Phil. 841, 847 (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.