

**CORPORATE MANAGERS AND CONSULTANTS, INC., COMPLAINANT,
VS. JUDGE MANUEL B. ACOSTA, MUNICIPAL JUDGE OF MAKATI,
METRO MANILA, BRANCH IV, RESPONDENT.**

Adm. Matter No. 2680-MJ. March 30, 1982

Ponente: PLANA, J.

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PLANA, J.:

The records show that on May 19, 1980, Domingo G. Paguyo filed an action for ejectment with damages against The Corporate Managers and Consultants, Inc. (Civil Case 21022) with the Municipal Court of Makati, presided over by respondent Judge Manuel B. Acosta. After filing its Answer, the defendant on July 15, 1980 filed a "Motion to Compel Plaintiff to Return Unused Rental to the Defendant," alleging that it had advanced to plaintiff the amount of P44,500.00 representing six months' rental for the commercial building it had leased; that after occupying the leased premises for four months, it had voluntarily vacated the same on account of the lessor's violation of some terms of the lease agreement; that having thus occupied the leased premises for four months only, it was entitled to the return of the portion of the advance rental corresponding to two months.

Plaintiff Paguyo on July 31, 1980 filed his "Opposition to Defendant's Motion to Compel Plaintiff to Return Unused Rentals to Defendant," followed by a "Supplemental Opposition".

On August 5, 1980, the defendant filed its "Reply to Opposition to Defendant's Motion to Compel Plaintiff to Return Unused Rentals to Defendant."

On April 21, 1981, that is, after the lapse of more than eight months, the respondent Judge issued an Order as follows:

"Finding the 'Motion to Compel Plaintiff to Return Unused Rentals to Defendant' filed by plaintiff thru counsel dated August 12, 1980 to be without merit, the same is hereby denied."

The charge against the respondent is that he acted on complainant's "Motion to Compel Plaintiff to Return Unused Rentals to Defendant" only "after a long stretch of time, far beyond the reglementary period of ninety (90) days required by the Rules of Court after the motion was submitted for resolution."

In his answer, the respondent averred that it was "premature to act favorably" on complainant's Motion inasmuch as evidence had not yet been introduced, and the parties to the ejectment case were in the process of negotiating an amicable settlement.

It is quite clear that respondent resolved complainant's Motion far beyond the reglementary period of ninety days after the same had been submitted for resolution. This is the complaint against respondent Judge, and not that he wrongly resolved the said Motion.

It appears however that respondent has not committed the same dereliction before.

WHEREFORE, respondent Judge Manuel B. Acosta is hereby admonished and warned that a repetition of such

infraction will be severely dealt with.

Teehankee, (Chairman), Makasiar, Fernandez, Guerrero, and Melencio-Herrera, JJ., concur.

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