

SPOUSES CONRADO AND MAITA SEÑA, COMPLAINANTS, VS. JUDGE ESTER TUAZON VILLARIN, METROPOLITAN TRIAL COURT OF LAS PIÑAS, METRO MANILA, BRANCH 79, RESPONDENT.

A.M. No. 00-1258-MTJ. March 22, 2000

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

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. A judge who fails to act within the period prescribed by law is guilty of gross inefficiency.

The Case

In a sworn Letter-Complaint received by the Office of the Court Administrator on July 17, 1998, Spouses Conrado and Maita Señá, through Expedito Flores, charged Judge Ester Tuazon Villarin of the Metropolitan Trial Court of Las Piñas (Branch 79) with unreasonable delay in the disposition of their forcible entry case. Their Complaint reads:

"The undersigned are the plaintiffs in a forcible entry case (Civil Case No. 4304) now pending before Las Piñas City, MTC Branch 79, presided by Judge Ester Tuazon Villarin. We wrote to you in order to complain [about] the unreasonable delay in the disposition of said simple case, particularly our motion for immediate execution and defendants' notice of appeal both filed before said MTC.

"Anyway, please be informed that after Judge Villarin rendered last March 25, 1997 her decision (See Annex 'A' hereof) in our case, defendants filed last March 11, 1998 before said MTC their notice of appeal (See Annex 'B' hereof). Consequently, we filed last April 2, 1998 before said MTC our motion for immediate execution (See Annex 'C' hereof) on the main ground that defendants did not post the mandatory supersedeas bond. As can be easily seen on p. 5 of our motion, we even set it for hearing on April 17, 1998.

"Unfortunately, as of this writing, neither defendants' notice of appeal nor our simple motion for execution was acted upon by said MTC. Worse, our constant follow-ups (both personal and by phone) with Mr. Recacho and Ms Benitez (court employees) proved futile.

"Without stressing the obvious, said MTC should have acted immediately either on defendants' appeal notice or our execution motion pursuant to Rule 40, Sec. 6 of the 1997 Rules on Civil Procedure, to wit:

xxx xxx xxx

'Sec. 6. Duty of the clerk of court.

Within fifteen (15) days from the perfection of the appeal, the clerk of court or the branch clerk of court of the lower court SHALL TRANSMIT the original record or the record on appeal, together with the transcripts and exhibits, which he shall certify as complete, to the Regional Trial Court. A copy of his LETTER OF

TRANSMITTAL of the records to the appellate court SHALL BE FURNISHED THE PARTIES.' (Underscoring Ours)

"Now, it bears stressing that defendants did NOT perfect their appeal because they did not post the supersedeas bond; hence, the MTC should have granted our execution motion. However if the MTC believes that defendants have perfected their appeal; then the MTC's clerk of court should have transmitted already the records of our case to the RTC EVEN AS EARLY AS MARCH 26, 1998. Lamentably, said MTC has literally slept on the simple pending incidents for more than three (3) months already to our severe prejudice.

"In view of the foregoing, kindly investigate this matter and if warranted, impose appropriate sanctions on the erring staff of said MTC.

"Thank you, and hoping for your immediate and favorable action on this matter."[1]

Respondent Judge Villarin filed her Comment on November 10, 1998, informing Court Administrator Alfredo Benipayo of the status of the case, and we quote:

"Respectfully returned to Hon. Alfredo L. Benipayo, Court Administrator, Supreme Court, Manila, with the information that Civil Case No. 4304 entitled "Sps. Conrado & Maita Seña vs. Remedios Vicente, et. al.," for Forcible Entry, had been forwarded by the Clerk of this Court, to the Office of the Clerk of Court, Regional Trial Court, Regional Trial Court, Las Piñas City, for the resolution of the appeal interposed by the defendants on July 21, 1998 and had been raffled to Branch 253, Regional Trial Court, Las Piñas City, now docketed as LP-98-0178, presided by Hon. Jose F. Caoibes, Jr., whose last order, dated September 25, 1998 granted defendants last extension of time to file memorandum four days (4) days from September 22, 1998 or until September 26, 1998.

"The Motion to Dismiss Defendants' Appeal and/or Motion for Execution Pending Appeal, filed by plaintiffs' counsel, Atty. J.L. Jorvina, Jr., dated August 20, 1998, before Branch 253 RTC, Las Piñas City, ha[s] been considered [or] deemed admitted for resolution In the order of Judge Jose F. Caoibes, Jr., dated August 28, 1998."[2]

In their December 22, 1998 letter received by the Office of the Court Administrator on January 8, 1999, complainants reiterated their allegations and chided Judge Villarin for her Comment, which failed to respond to the assertions in their Complaint.

The Report of the Court Administrator

Noting that Judge Villarin did not contradict the material allegations in the Complaint against her, Court Administrator Alfredo Benipayo in his Report rebuked the former's unreasonable delay in resolving both the defendants' Notice of Appeal and the Señas' Motion for Immediate Execution. He recommended that a P10,000 fine be imposed upon Judge Villarin.

"EVALUATION: We find respondent liable for unreasonable delay in acting on the Notice of Appeal filed by the defendants and the Motion for Immediate Execution filed by complainants.

"We agree with the observation of complainants that respondent did not controvert the material allegations in the complaint. In *Perez vs. Suller* (A.M. No. MTJ-94-936, Nov. 6, 1995) it was held that silence is deemed an admission if there was a chance to deny the allegations, specially if it constitutes one of the principal charges. On this ground alone, respondent can already be held administratively liable. But in addition thereto, the facts speak for themselves. The Notice of Appeal was filed on March 11, 1998 while respondent issued an order transmitting the record to the Regional Trial Court only on June 17, 1998 or after the lapse of ninety-eight (98) days and it took respondent another thirty-four (34) days therefrom (June 17, 1998 to July 21, 1998) to actually

transmit the record to the RTC. Worse, the Motion for Immediate Execution has not been acted upon by respondent since it was filed on April 2, 1998.

"Respondent, thus violated Article VIII, Section 15 of the Constitution which provides that all cases or matters filed with the lower courts must be decided or resolved within three (3) months. In *Agcaoili vs. Ramos* (229 SCRA 705, 711) it was held that a judge should always be imbued with a high sense of duty and responsibility in the discharge of his obligation to promptly and properly administer justice. The liability of respondent becomes more serious if we consider the fact that Civil Case No. 4304, being an unlawful detainer case, was tried under the Rule on Summary Procedure which was enacted precisely to achieve an expeditious and inexpensive determination of cases. (*Cruz vs. Pascual*, 244 SCRA 111, 114).

The Court's Ruling

We agree with the findings of the court administrator, but reduce the fine imposed on respondent judge.

Indeed, respondent failed to explain why she delayed her action with regard to defendants' March 11, 1998 Notice of Appeal, as well as complainants' April 3, 1998 Motion for Immediate Execution. The records show that it was only on July 21, 1998, after complainants had forwarded their Complaint to the Office of the Court Administrator, that the records of the forcible entry case were transmitted to the regional trial court.

Judge Villarin ought to know that the speedy resolution of the forcible entry and the unlawful detainer cases was a matter of public policy. Her inaction for four months on defendants' Notice of Appeals and complainants' motion for immediate execution practically rendered nugatory the whole purpose of summary proceedings -- to promote a more expeditious and inexpensive determination of cases.

Judges are bound to dispose of the court's business promptly and to decide cases within the required period.[3] We have held in numerous cases that failure to decide cases and other matters within the reglementary period constitutes gross inefficiency and warrants the imposition of administrative sanction.[4] If they cannot do so, they should seek extensions from this Court to avoid administrative liability.

Indeed, judges ought to remember that they should be prompt in disposing of all matters submitted to them, for justice delayed is often justice denied.

Pursuant to current jurisprudence,[5] we impose on respondent a fine of P5,000.

WHEREFORE, Judge Ester Villarin is hereby found guilty of GROSS INEFFICIENCY and FINED in the amount of P5,000. She is further ADMONISHED to be more circumspect in the performance of her judicial functions. A repetition of the same or similar acts in the future will be dealt with more severely.

SO ORDERED.

Melo, (Chairman), Vitug, Purisima, and Gonzaga-Reyes, JJ., concur.

[1] Letter-Complaint dated July 1, 1998, pp. 1-2; rollo, pp. 1-2.

[2] Rollo, p. 15.

[3] Rule 3.05, Canon 3, Code of Judicial Conduct.

[4] *Office of the Court Administrator v. Judge Leonardo Quiñanola and Branch Clerk of Court Ruben B. Albaytar*, Municipal Trial Court of San Pedro, Laguna (Branch 1), A.M. No. MTJ-99-1216, October 20, 1999; *Dysico v. Dacumos*, 262 SCRA 275, September 23, 1996; *Bank of the Philippine Islands v. Generoso*, 249 SCRA

477, October 25, 1995; Re: Judge Liberato C. Cortes, 242 SCRA 167, March 7, 1995; Ancheta v. Antonio, 231 SCRA 74, March 11, 1994.

[5] See Peralta v. Cajigal, AM No. RTJ-99-1487, October 4, 1999.

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