

**SPOUSES RODOLFO AND VIOLETA GUEVARRA, COMPLAINANTS, VS.
JUDGE BONIFACIO SANZ MACEDA, REGIONAL TRIAL COURT,
BRANCH 275, LAS PIÑAS CITY, RESPONDENT.**

A.M. No. 03-1787-RTJ. July 14, 2003

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

This Court does not tolerate or condone acts or omissions that erode the faith and confidence of the people in the judiciary and blemish its stature. However, it will not hesitate to protect the innocent from baseless accusations.

The Case and the Facts

In a verified Complaint^[1] dated April 26, 2002, Spouses Rodolfo and Violeta Guevarra charged Judge Bonifacio Sanz Maceda of the Regional Trial Court (RTC) of Las Piñas City, Branch 275, with gross inefficiency in the performance of his duties, in violation of Rule 3.05 and Rule 3.09 of Canon 3 of the Code of Judicial Conduct.

Complainants are the plaintiffs in Civil Case No. LP-01-0181 entitled "Spouses Rodolfo Violeta Guevarra v. Spouses Mariolito and Corazon Lano, et al.," which is pending before respondent.

After receiving summons, the Lano spouses filed a Motion for Extension of Time to File Responsive Pleading dated July 24, 2001. They also filed a Motion to Dismiss, dated July 23, 2001, which complainants contradicted in their Opposition dated August 13, 2001.

On October 29, 2001, respondent issued an Order denying the Motion to Dismiss. Since defendants had not moved for the reconsideration of the Order, herein complainants filed a Motion to Declare Defendants in Default dated January 4, 2002.

After receiving a copy of the default Motion, defendants filed a Motion to Admit Answer, dated January 14, 2002, which complainants objected to in their Opposition dated January 22, 2002. On January 31, 2002, the latter submitted a Motion to Submit the Motion to Declare Defendants in Default for Resolution of the Honorable Court. Because respondent had allegedly failed to resolve this Motion despite the lapse of the 90-day reglementary period, complainants filed a Motion to Resolve Motion to Declare Defendants in Default dated February 28, 2002. Due to the continued inaction of respondent judge, complainants filed on April 4, 2002, a Second Motion for Early Resolution. This second Motion has not been resolved either.

To sum up, complainant's four Motions that have allegedly remained unresolved by respondent are as follows:

- Motion to Declare Defendants in Default dated January 4, 2002
- Motion to Submit the Motion to Declare Defendants in Default for Resolution of the Honorable Court dated January 31, 2002
- Motion to Resolve Motion to Declare Defendants in Default dated February 28, 2002

- Second Motion for Early Resolution dated April 4, 2002

Complainants aver that despite the lack of any opposition, respondent -- without any justifiable cause - failed to rule on their Motion to Declare Defendants in Default dated January 4, 2002. His failure to do so prompted them to file the present administrative case.

On the other hand, the defense of respondent judge is summarized by the Office of the Court Administrator (OCA) in this manner:

"Respondent judge admits that while the pending 'Motion to Declare Defendant Spouses Mariolito and Corazon Lano in Default' was not directly opposed by the said defendants, it was nonetheless, indirectly opposed when the said defendants filed a 'Motion to Admit Answer' on 17 January 2002. Respondent judge believes that in terms of relief respectively sought, the aforesaid two (2) motions are diametrically opposite. The defendants, in their 'Motion to Admit Answer', claimed that 'the omission to file their answer was due to pure mistake or [excusable] negligence as there are a number of cases between herein parties filed by one against the other'. On the other hand, complainants in their 'Opposition to the Motion to Admit Answer', disputed the so-called meritorious defense particularly emphasizing that there was even no affidavit of merit attached to the motion. Thus, on 14 February 2002, defendants Lano filed their 'Affidavit of Merit' to form part of their 'Motion to Admit Answer.' Since the 'Affidavit of Merit' was the last pleading concerning the two (2) motions, the 90-day prescriptive period should be reckoned from 14 February 2002 and not from 04 January 2002 when the 'Motion to Declare Defendant in Default' was filed by the complainants. Respondent judge should have until 15 May 2002 within which to resolve the subject incidents.

"Respondent judge claimed that on 13 May 2002 or on the 88[th] day, he resolved the two (2) motions, namely: (1) 'Motion to Resolve the Motion to Declare Defendant Spouses Mariolito and Corazon Lano in Default'; and the (2) 'Motion to Admit Answer'.

"Hence, respondent judge claims that the present complaint was rather premature since it was filed on 26 April 2002 or 19 days before the expiration of the 90-day prescriptive period. Moreover, 'complainant should not be too hard on those manning the courts, specially trial courts at the lower level (given the inadequacy of their staff). Judges and their personnel are also humans, beset by their share of human (and system) failings.' Respondent judge further stated that he was given additional assignment when he presided over Branch 255, same court, as acting judge upon the compulsory retirement of Judge Florentino Alumbres sometime in June 2001. He nevertheless disposed more cases as against the incoming cases for the period ending April 2002 with a performance rating of 135% and 105.82% in Branch 275, same court."[2]

Findings and Recommendation of the Court Administrator

In its November 10, 2002 Report,[3] the Office of the Court Administrator found respondent judge liable for gross inefficiency.

According to the OCA, defendant's January 14, 2002 Motion to Admit Answer sought the following: (1) the admission of the Answer and (2) the denial of complainant's January 4, 2002 Motion to Declare Defendants in Default. It opined that respondent was therefore correct when he claimed that defendant's Motion to Admit Answer and complainant's Motion to Declare Defendant in Default could be resolved jointly, since they indirectly opposed each other. It further pointed out that the 90-day period within which to resolve complainant's Motion should be reckoned from February 14, 2002, the date of the filing of the last pleading (the Affidavit of Merit). Thus, it held that this reglementary period to rule upon defendant's Motion to Admit Answer had lapsed on May 15, 2002.

However, the OCA found that respondent failed to attach to his Comment to the present Complaint a copy of his

May 13, 2002 Order resolving the Motions. Thus, the court administrator recommended that the branch clerk of court of RTC Branch 275 of Las Piñas City be directed by this Court to furnish it "a copy of the order or resolution resolving the x x x Motion to Resolve the Motion to Declare Defendant Spouses Manolito and Corazon Lano in Default."

Despite the absence of a copy of the May 13, 2002 Order of respondent, the OCA nonetheless found him guilty of undue delay in rendering a decision in violation of Section 9 of Rule 40 of the Rules of Court. It then recommended that a P5,000 fine be meted out to him, with a stern warning that a repetition of the same or a similar act in the future would be dealt with more severely.[4]

This Court's Ruling

The OCA's recommendation finding respondent guilty of delay is premature.

Administrative Liability of Respondent

Pursuant to the OCA's initial recommendation, the Court directed the branch clerk of court of Las Piñas City to furnish it a copy of respondent's Order issued on May 13, 2002. In compliance, Leticia B. Agbayani, the officer-in-charge of that branch, sent a letter[5] dated January 24, 2003, together with a certified true copy of the Order. In his Comment dated July 18, 2002, respondent informed the Court that "an exchange of pleadings on the reconsideration [of this Order] is still ongoing."

The aforementioned Order reads as follows:

"Considering that x x x Default Order[s] are frowned [upon], the Motion to Declare Defendant[s] in Default dated January 4, 2002 is granted and the Motion to Admit Answer dated January 14, 2002 is admitted.

"The issues raised in the Comment filed by the defendants dated April 20, 2002 relative to plaintiff's Motion dated February 28 and April 4, 2002 are considered traversed by this Order."[6]

Agbayani further explained that the Order had been "mailed to the parties on May 15, 2003, and received by Atty. Domingo Florente, counsel for the defendants, on May 22, 2002 x x x[:] Atty. Gregorio Cañeda, counsel for the plaintiffs on May 22, 2002 [; and] x x x Sps. Mariolito and Corazon Lano on May 27, 2002 x x x."

Although couched in convoluted language, the Order had nonetheless resolved the pending incidents on May 13, 2002, before the 90-day reglementary period lapsed on May 15, 2002.

As explained by the OCA, defendant's Motion to Admit Answer and complainant's Motion to Declare Defendant in Default can be resolved jointly. Likewise, the counting of the 90-day reglementary period should be reckoned from February 14, 2002, when the Affidavit of Merit was filed by defendants. Respondent, therefore, had until May 15, 2002 to resolve complainants' Motion to Declare Defendants in Default. Since he had issued the Order resolving the Motion on May 13, 2002, the reglementary period was not violated.

Obviously, complainants erroneously counted the reglementary 90-day period from the filing of their default Motion on January 4, 2002. That period should be reckoned from the date of the filing of the last pleading, because that is the day when the matter is deemed complete and ripe for resolution.[7] The default Motion was deemed submitted for resolution only upon receipt by the RTC of the Affidavit of Merit on February 14, 2002. On that basis, the filing of the present Complaint on April 29, 2002 was premature.

In view of the foregoing, we find no cogent reason to hold respondent liable for gross inefficiency.

We reiterate the unbending resolve of this Court not to tolerate or condone any act or omission that erodes the faith and confidence of the people in the judiciary and needlessly blemishes its stature.[8] However, it will also hasten to protect the innocent from accusations that have no basis in fact or in law.[9]

WHEREFORE, the charge of gross inefficiency against Judge Bonifacio Sanz Maceda of the Regional Trial Court (RTC) of Las Piñas City, Branch 275, is hereby DISMISSED.

SO ORDERED.

Puno, (Chairman), Corona, and Carpio-Morales, JJ., concur.
Sandoval-Gutierrez, J., on official leave.

[1] Rollo, pp. 1-7.

[2] Rollo, pp. 63-64.

[3] Id., pp. 63-66. This Report was signed by Deputy Court Administrator Christopher O. Lock and recommended for approval by Court Administrator Presbitero J. Velasco Jr.

[4] Id., p. 66.

[5] Id., p. 71.

[6] Id., p. 73.

[7] §15, Art. VIII of the Constitution, states:

"SEC. 15. (1) All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty-four months from date of submission for the Supreme Court, and unless reduced by the Supreme Court, twelve months for all lower collegiate courts, and three months for all other lower courts.

"(2) A case or matter shall be deemed submitted for decision or resolution upon the filing of the last pleading, brief, or memorandum required by the Rules of Court or by the court itself."

[8] Sarmiento v. Salamat, 364 SCRA 301, September 4, 2001.

[9] Id., p. 310.

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