

VIRGILIO V. DIONISIO, PETITIONER, VS. JUDGE EMILIO V. SALAS, COURT OF FIRST INSTANCE OF RIZAL, PASIG BRANCH I, RESPONDENT.

Adm. Matter No. 1833-CFI. October 10, 1980

Ponente: AQUINO, J.

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AQUINO, J.:

In Civil Case No. 26198 of the Court of First Instance of Rizal which was filed in April, 1977 and assigned to respondent Judge Emilio V. Salas, plaintiff Virgilio V. Dionisio filed on September 10, 1977 a motion for the reconsideration of the order denying him leave to amend his complaint.

That motion was set for hearing on September 30, 1977. On that date, Judge Salas gave defendants' counsel three days from notice within which to file his opposition, after which the said motion would be deemed submitted for resolution. Judge Salas did not resolve that motion within ninety days after its submission.

On February 13, 1978, Dionisio filed this administrative complaint charging Judge Salas with having committed falsification because he allegedly received his salary for January, 1978 after certifying that he had resolved all motions which had been pending for ninety days or more, as required in the Judiciary Law which provides:

"SEC. 5. Judge's certificate as to work completed. - District judges, judges of city courts, and municipal judges shall certify on their applications for leave, and upon salary vouchers presented by them for payment, or upon the payrolls upon which their salaries are paid, that all special proceedings, applications, petitions, motions, and all civil and criminal cases which have been under submission for decision or determination for a period of ninety days or more have been determined and decided on or before the date of making the certificate, and no leave shall be granted and no salary shall be paid without such certificate."

Dionisio further charged that an audit of the performance of Judge Salas might reveal many more cases of the same nature. He asked for the suspension of Judge Salas in order to prevent him from making any manipulations relative to the records of his cases.

Commenting on the complaint, Judge Salas admitted that the ninety-day period for resolving the motion expired on January 16, 1978. He said that he did not resolve the motion because on January 6, 1978 he was served with a writ of preliminary injunction issued by the Court of Appeals in *Dionisio vs. Salas*, CA-G.R. No. SP-7382-R, ordering him (Judge Salas) to refrain or desist from proceeding with the hearing of Civil Case No. 26198 and from enforcing the orders dated August 19, 1977 (the order questioned in the motion for reconsideration) and November 28, 1977 "and further to refrain from doing any act that will prevent petitioner from using the roads inside x x x until further order of" the Appellate Court.

In view of that explanation and considering that Judge Salas died on August 8, 1980, this case is dismissed for lack of merit and for having become moot.

SO ORDERED.

Barredo, Fernandez,[*] Abad Santos, and De Castro, JJ., concur.
Concepcion, Jr., J., is abroad.

[*] Fernandez, J., was designated to sit in the Second Division.

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