

PILAR S. TAÑOCO, COMPLAINANT, VS. JUDGE INOCENCIO B. SAGUN, JR., PRESIDING JUDGE, MUNICIPAL TRIAL COURT IN CITIES, BRANCH 3, CABANATUAN CITY RESPONDENT.

A.M. No. MTJ-12-1812 [Formerly A.M. OCA IPI No. 10-2250-MTJ]. June 20, 2012

Ponente: SERENO, J.

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SERENO, J.:

On 4 March 2010, complainant filed a verified Complaint against respondent judge for undue delay in rendering judgment. Complainant alleged that on 6 May 2009, a case for ejectment was filed before the Municipal Trial Court in Cities (MTCC) and raffled to respondent's sala. On 13 October 2009, pretrial was concluded, and the parties were directed to file their position papers. On 23 November 2009, the plaintiff in the ejectment case filed her position paper. As of the date of the filing of the Complaint, no position paper had been filed by the defendant therein. Neither had any decision been rendered by respondent on the case, in violation of the Rule on Summary Procedure, which mandates that ejectment cases should be decided within thirty (30) days from the submission of the position papers of the parties or upon the lapse of the period to do so.

For his part, respondent submitted his Comment stating, among others, that (1) the pretrial Order directing the parties to file their position papers was only issued on 26 January 2010; (2) delay did not cause any prejudice to the plaintiff in the ejectment case, as the defendant had already vacated the subject property; (3) there was no intention to delay on the part of respondent judge; and (4) a Decision had already been rendered on 7 April 2010.

By way of reply, complainant averred that the alleged pretrial Order dated 26 January 2010 was mailed only on 15 March 2010 and thus appeared to have been antedated.

On 14 July 2011, the Office of the Court Administrator (OCA) issued a recommendation that respondent be found guilty of Undue Delay in Rendering Judgment/Decision, and that he be fined ₱10,000 and warned that a repetition of the same or a similar offense would be dealt with more severely.

We find the OCA recommendation to be appropriate, with a modification.

Delay in case disposition is a major culprit in the erosion of public faith and confidence in the judiciary and the lowering of its standards. Failure to decide cases within the reglementary period, without strong and justifiable reasons, constitutes gross inefficiency warranting the imposition of administrative sanction on the defaulting judge.[1]

In this case, the decision was purportedly issued on 7 April 2011, or more than four months since the last submission of the parties' position paper.

Even if one were to consider respondent judge's argument, there would still be undue delay in the resolution of the ejectment case.

The pretrial Order was purportedly issued on 26 January 2010, or more than three months since the pretrial.

Section 8 of the Rules on Summary Procedure provides that within five days after the termination of the preliminary conference, the court shall issue an order stating the matters taken up therein.

Further, paragraph 8, Title I(A) of A.M. No. 03-1-09-SC, entitled “Guidelines to be Observed by Trial Court Judges and Clerks of Court in the Conduct of Pre-Trial and Use of Deposition-Discovery Measures,” mandates that a judge must issue a pretrial order within 10 days after the termination of the pretrial. Since the ejectment case fell under the Rules on Summary Procedure, respondent judge should have handled it with promptness and haste. The reason for the adoption of those Rules is precisely to prevent undue delays in the disposition of cases, an offense for which respondent judge may be held administratively liable.

Section 9, Rule 140 of the Rules of Court classifies undue delay in rendering a decision or order as a less serious charge, which under Section 1(b) of the same Rule is punishable with 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, but not exceeding P20,000. Considering that the instant administrative charge is only the third against respondent judge (the first has been dismissed, while the second is still pending), and considering his relatively long tenure in the judiciary starting in 1997, he may be reasonably meted out a penalty of P5,000 for being administratively liable for undue delay in rendering a decision.

WHEREFORE, in view of the foregoing, Judge Inocencio B. Sagun, Jr., Presiding Judge, Municipal Trial Court in Cities, Branch 3, Cabanatuan City, is declared liable for delay in the disposition of case. Accordingly, he is FINED P5,000.

Respondent is likewise WARNED that a repetition of the same or a similar act in the future shall merit a more severe sanction from the Court.

SO ORDERED.

Carpio, (Chairperson), Brion, Perez, and Reyes, JJ., concur.

[1] *Celino v. Judge Abrogar*, 315 Phil. 305 (1995).

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