JUDITH S. SOLUREN, COMPLAINANT, VS. JUDGE LIZABETH G. TORRES, METROPOLITAN TRIAL COURT, BRANCH 60, MANDALUYONG CITY, RESPONDENT.

A.M. No. MTJ-10-1764 [Formerly OCA IPI No. 09-2121-MTJ]. September 15, 2010

Ponente: PERALTA, J.

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PERALTA, J.:

In a Complaint-Affidavit[1] dated February 19, 2009, complainant Judith S. Soluren (Soluren) charged Hon. Lizabeth G. Torres, Presiding Judge of Branch 60, Metropolitan Trial Court (MeTC), Mandaluyong City, with Violation of Rule 3.05, Canon 3 of the Code of Judicial Conduct and Section 15(1) of the Constitution, Gross Inefficiency and Misconduct.

Soluren is the respondent in a criminal case for grave oral defamation entitled People of the Philippines versus Judith S. Soluren docketed as Criminal Case No. 100833 filed before the MeTC of Mandaluyong City, Branch 60, presided by respondent judge.

On August 28, 2007, Assistant City Prosecutor Lawrence Mark A. Encinas (Encinas), of the City Prosecutor's Office of Mandaluyong City, issued a Resolution[2] in I.S. No. 07-71032-A dismissing the complaint for grave oral defamation against Soluren.

By virtue of said Resolution, on September 4, 2007, Encinas filed a Motion to Withdraw Information[3] in Criminal Case No. 100833. On September 28, 2007, private complainant in the said case filed a Comment and Opposition on the motion to withdraw information on the ground that there was a pending motion for reconsideration filed with the Prosecutor's Office of Mandaluyong City.

On November 6, 2007, the Prosecutor's Office of Mandaluyong City issued its Resolution denying private complainant's Motion for Reconsideration.

On December 12, 2007, the Motion to Withdraw Information was submitted for resolution.

On July 30, 2008, Soluren, through her counsel, filed an Urgent Motion to Resolve the "Motion to Withdraw Information."[4] Judge Torres failed to act on the said motion.

On September 18, 2008, Soluren filed a Second Urgent Motion to Resolve the Motion to Withdraw Information.[5] However, Judge Torres, again, failed to resolve said motion.

As of the filing of the complaint, or one (1) year and two (2) months after the motion to withdraw information was submitted for resolution, respondent judge has yet to resolve the motion; thus, prompting Soluren to file the instant complaint against respondent judge for violation of Rule 3.05, Canon 3 of the Code of Judicial Conduct and Section 15 (1) of the Constitution.

On March 2, 2009, the Office of the Court Administrator (OCA) directed Judge Torres to file a comment on the instant complaint against her within ten (10) days from the receipt of the directive.[6]

In a Tracer Letter[7] dated June 22, 2009; it appeared, per records, that Judge Torres has yet to comply with the OCA's directive to file her comment on the complaint against her. Thus, it was reiterated anew that Judge Torres submit her comment within five (5) days from receipt of the letter.

In its Memorandum[8] dated December 15, 2009 to the Court, the OCA recommended that the Court direct Judge Torres - for the last time - to submit her Comment, otherwise, the case shall be deemed submitted for resolution on the basis of the pleadings on file.

Again, in a Resolution[9] dated February 8, 2010, the Court resolved to DIRECT FOR THE LAST TIME Judge Torres to submit her comment, otherwise, the case shall be deemed submitted for decision on the basis of the pleadings on file.

In a Letter[10] dated January 6, 2010, Soluren manifested that, to date, the Motion to Withdraw Information remained unresolved. Likewise, no comment on the complaint was ever submitted by respondent judge.

RULING

This Court has consistently held that failure to decide cases and other matters within the reglementary period constitutes gross inefficiency and warrants the imposition of administrative sanction against the erring magistrate. Delay in resolving motions and incidents pending before a judge within the reglementary period of ninety (90) days fixed by the Constitution and the law is not excusable and constitutes gross inefficiency.

Section 15 (1), Article VIII of the 1987 Constitution mandates lower court judges to decide a case within the reglementary period of ninety days. The Code of Judicial Conduct, under Rule 3.05[11] of Canon 3, likewise enunciates that judges should administer justice without delay and directs every judge to dispose of the court's business promptly within the period prescribed by law. Rules prescribing the time within which certain acts must be done are indispensable to prevent needless delays in the orderly and speedy disposition of cases. Thus, the ninety-day period is mandatory.[12]

This Court is aware of the heavy case load of first level courts. We have allowed reasonable extensions of time needed to decide cases. But such extensions must first be requested from this Court. A judge cannot by himself choose to prolong the period for deciding cases beyond that authorized by law.[13] Any delay, no matter how short, in the disposition of cases undermines the people's faith and confidence in the judiciary. It also deprives the parties of their right to the speedy disposition of their cases.[14] Without any order of extension granted by this Court, failure to decide even a single case within the required period constitutes gross inefficiency that merits administrative sanction.

The Court has consistently impressed upon judges the need to decide cases promptly and expeditiously under the time-honored precept that justice delayed is justice denied. Every judge should decide cases with dispatch and should be careful, punctual, and observant in the performance of his functions, for delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards and brings it into disrepute. Failure to decide a case within the reglementary period is not excusable and constitutes gross inefficiency warranting the imposition of administrative sanctions on the defaulting judge.[15]

The inefficiency of Judge Torres is evident in her failure to decide the motion within the mandatory reglementary period for no apparent reason. Neither did she offer any explanation for such delay nor even give any comment when required to do so. This we will not tolerate.

Under the new amendments to Rule 140 of the Rules of Court, undue delay in rendering a decision or order is a less serious charge, for which the respondent judge shall be penalized with either (a) suspension from office

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without salary and other benefits for not less than one nor more than three months; or (b) a fine of more than P10,000.00, but not more than P20,000.00. In this case, we deem it proper to impose a fine of P20,000.00.

WHEREFORE, the Court finds JUDGE LIZABETH G. TORRES, Presiding Judge of Branch 60, Metropolitan Trial Court, Mandaluyong City, GUILTY of GROSS INEFFICIENCY and is ORDERED to pay a FINE in the amount of Twenty Thousand Pesos (P20,000.00), with a stern warning that a repetition of the same offense will be dealt with more severely. Judge Torres is further ORDERED to RESOLVE with utmost dispatch the pending Motion to Withdraw Information if it is still unresolved.

SO ORDERED

Carpio, (Chairperson), Velasco, Jr.,[*] Bersamin,[*] and Abad, JJ., concur.

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[*] Designated additional members in lieu of Associate Justices Antonio Eduardo B. Nachura and Jose Catral Mendoza, who are on leave per Special Order Nos. 883 and 886, respectively, both dated September 1,2010.

[1] Rollo, pp. 1-2.

[2] Id. at 4-5.

[3] Id. at 6.

[4] Id. at 9-10.

[5] Id. at 11-13.

[6] Id. at 14.

[7] Id. at 15.

[8] Id. at 16-17.

[9] Id. at 18-19.

[10] Id. at 20.

[11] Rule 3.05 - A judge shall dispose of the court's business promptly and decide cases within the required periods.

[12] Re: Cases Submitted For Decision Before Hon. Teresito A. Andoy, former Judge, Municipal Trial Court, Cainta, Rizal, A.M. No. 09-9-163-MTC, May 6, 2010.

[13] Petallar v. Judge Pullos, 464 Phil. 540, 546-547 (2003).

[14] Re: Cases Submitted For Decision Before Hon. Teresito A. Andoy, former Judge, Municipal Trial Court, Cainta, Rizal, supra note 12.

[15] Id.

[16] Section 9 (1), in relation to Section 11 (B); En Banc Resolution in A.M. No. 01-8-10-SC dated September 11, 2001 (Re: Proposed Amendment to Rule 140 of the Rules of Court Regarding the Discipline of Justices and Judges).

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