

ERNESTO G. Malferrari, Complainant, vs. The Honorable Gregorio Pantanosas, Presiding Judge of the Municipal Trial Court of Cagayan de Oro City, Branch II, Respondent.

Adm. Matter No. R-299-MTJ. February 10, 1986

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

Judge Gregorio Pantanosas of the Municipal Trial Court, Cagayan de Oro City, is the respondent in this administrative case. According to the complainant Ernesto G. Malferrari, the judge should be "removed from office by reason of his manifest bias and partiality which makes him incompetent to properly perform the functions of his court."

The record shows that the complainant was the counsel in two ejectment cases filed in the court presided by the respondent. Complainant expected the respondent to apply the Rule on Summary Procedure in Special Cases which took effect on August 1, 1983 but the latter did not for which reason the former filed a petition for mandamus before the Regional Trial Court of Misamis Oriental on August 15, 1984 to compel application of the rule.

On December 28, 1984, the respondent issued an order stating that the ejectment cases were covered by the Rule on Summary Pro-cedure for which reason the mandamus case was dismissed by the Regional Trial Court on January 9, 1985.

On February 18, 1985, when the instant complaint was filed, the ejectment cases had not yet been decided.

The addendum to the complaint filed on March 4, 1985, states that the ejectment cases were decided on February 19, 1985. In the decision the respondent found the defendants to be in arrears in the payment of monthly rentals the amount of which had not been specified by the parties and on the basis of an aborted compromise agreement fixed the rentals at P1,300.00 a month but deducted from the amounts due to the plaintiffs their back accounts to the defendants' restaurant. The decision closed with the following judgment: "In the event that defendants will fail to pay the unpaid rentals within the period of 30 days, to immediately vacate the premises and returned the respective properties of plaintiffs; to pay plaintiffs the reasonable amount of P2,000.00 representing attorney's fees and to pay the cost of this suits."

This decision will not touch on the merits of the decision in the ejectment cases which may have been appealed by either party. It will be confined to the delay in their disposition.

The respondent attributes the delay in the decision of the cases to the filing of the mandamus case and the fact that he was on leave from February 4 to 8, 1985.

We find the respondent's explanation to be flimsy. There would have been no delay if he had immediately ruled

on the applicability of the Rule on Summary Procedure to the ejectment cases. The Rule had been in effect since August 1, 1983 and it was his obstinacy that compelled the complainant to go to a higher court to make him do what he should have done. The respondent's leave of absence is too brief as to justify the delay of the resolution of the ejectment cases.

WHEREFORE, the respondent is hereby reprimanded and admonished to be more conscientious in the performance of his duties.

SO ORDERED.

Concepcion, Jr., (Chairman), Escolin, Cuevas, and Alampay, JJ., concur.

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