

SPS. ANGEL AND FELINA DUMAUA, COMPLAINANTS, VS. JUDGE ANGERICO B. RAMIREZ, MUNICIPAL CIRCUIT TRIAL COURT, GAMU, ISABELA, RESPONDENT.

A.M. No. MTJ-04-1546 (Formerly OCA IPI No. 02-1302-MTJ). July 29, 2005

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

Before us is the administrative complaint filed by Sps. Angel and Felina Dumaua against Judge Angerico B. Ramirez, Municipal Circuit Trial Court (MCTC), Gamu, Isabela, for undue delay in resolving complainants' motion for execution of judgment in Civil Case Nos. 745 and 750.

Complainants were the plaintiffs in an ejectment case, docketed as Civil Case No. 745, and they were the defendants in a claim for ownership and action for reconveyance docketed as Civil Case No. 750. Since the cases involve the same land situated at Guibang, Gamu, Isabela, the two cases were consolidated.

On March 8, 2001, respondent judge rendered a Decision[1] disposing the consolidated cases in favor of the Sps. Dumaua. Thereafter, complainants filed a Motion for Execution of Judgment. However, the scheduled hearings for the motion were cancelled four times due to absences of the respondent judge. Consequently, they sought the assistance of Judge Juan Bigornia, Jr., Executive Judge, Regional Trial Court (RTC), Branch 18, Ilagan, Isabela.

In a letter[2] to Judge Bigornia, dated April 2, 2002, complainants averred that respondent judge has not acted on their motion for execution of judgment. Judge Bigornia directed the respondent judge to comment on the letter but to no avail. He further required respondent judge to inform him whether an order had been issued concerning the motion for execution of judgment.[3] Respondent judge did not respond, prompting herein complainants to file an administrative complaint[4] before this Court through the Office of the Court Administrator.

Acting on the complaint, Court Administrator Presbitero J. Velasco, Jr. directed respondent judge to comment on the complaint against him.

In his Comment,[5] respondent judge stated that the motion for execution of judgment was granted in an Order, dated July 6, 2001, and that a corresponding writ of execution was issued on December 27, 2002. However, respondent judge did not explain the reason for the delay in the issuance of the writ of execution.

The Court Administrator recommended that respondent judge be fined P5,000 for gross inefficiency with warning that a repetition of the same shall be dealt with more severely.[6]

This Court agrees with the Court Administrator that respondent judge is liable for gross inefficiency but the recommended fine is insufficient.

It bears repeating that the public's faith and confidence in the judicial system depends, to a large extent, on the judicious and prompt disposition of cases and other matters pending before the courts.[7] Failure to decide a case or resolve a motion within the reglementary period constitutes gross inefficiency and warrants the imposition of

administrative sanction against the erring magistrate.[8] The 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. It constitutes gross inefficiency.[9]

In the instant administrative case, respondent judge rendered the Decision in Civil Case Nos. 745 and 750 on March 8, 2001. The motion for execution of judgment filed by herein complainants was granted on July 6, 2001. However, the corresponding Writ of Execution was issued only on December 27, 2002 or seventeen months after the order of execution. In addition, respondent judge did not explain the reason for the delay. His failure to offer any explanation for the delay is an admission of the negligence charge.[10]

Under Rule 140[11] of the Rules of Court, delay in rendering a decision or order is classified as a less serious charge and is punishable with (a) suspension from office without salary and other benefits for a period of not less than one month but not more than three months; or (b) fine of more than P10,000 but not exceeding P20,000.

WHEREFORE, JUDGE ANGERICO B. RAMIREZ of Municipal Circuit Trial Court, Gamu, Isabela, is GUILTY of gross inefficiency and is hereby FINED P11,000.00 with STERN WARNING that a repetition of the same or similar act shall be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Ynares-Santiago, Carpio, and Azcuna, JJ., concur.

[1] Rollo, pp. 4-16.

[2] Id. at 17.

[3] Id. at 19.

[4] Id. at 1-2. Complaint dated 2 August 2002.

[5] Id. at 26.

[6] Id. at 28.

[7] Gallego v. Acting Judge Doronila, A.M. No. MTJ-00-1278, 26 June 2000, 389 Phil 677, 681-682.

[8] Id. at 682.

[9] Atty. Rivera v. Judge Lamorena, A.M. No. RTJ-97-1391, 16 October 1997, 345 Phil 880, 883.

[10] See Macachor v. Beldia, Jr., A.M. No. RTJ-02-1724, 12 June 2003, 403 SCRA 707, 711.

[11] Rule 140, Section 11(B) in relation to Section 9.

Section 9. Less Serious Charges. — Less serious charges include:

1. Undue delay in rendering a decision or order, or in transmitting the records of a case;

...

Section 11. Sanctions.

...

B. If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:

1. Suspension from office without salary and other benefits for not less than one (1) nor more than three (3)

months; or

2. A fine of more than P10,000 but not exceeding P20,000. . .

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