

DANTE J. PEREZ, PETITIONER, VS. JUDGE GUILLERMO R. ANDAYA, RESPONDENT.*A.M. No. RTJ-96-1367. February 06, 1998*

Ponente: ROMERO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/e4c4023869dd/>**ROMERO, J.:**

For the Court's resolution is a letter-complaint originally filed by Dante J. Perez on December 6, 1995, against respondent Judge Guillermo R. Andaya in connection with Civil Case No. 91-126 (Community Development Corporation v. Asian Bank) for the allegedly unreasonable delay in the disposition of the case. CC No. 91-126, a complaint for the collection of a sum of money, was filed on December 21, 1991, and was raffled to Branch 53 of the Regional Trial Court of Lucena City (the Lucena RTC) presided by Judge Andaya. By resolution dated March 20, 1996, Judge Andaya was required to file his comment to the complaint.

In his comment dated May 9, 1996, Judge Andaya informed the court that he was deferring action on two motions pending in his sala in view of the filing of the instant administrative complaint. He attributed the delay in the proceedings to the heavy caseload which he was handling as presiding judge of Branch 53 and 54 of the Lucena RTC. In the meantime, with the inhibition of Judge Andaya from hearing CC No. 91-126, said case was re-raffled to Judge Mario Catelo of Branch 60 on June 26, 1996. With this development, complainant Perez withdrew his complaint against Judge Andaya.

After receiving Judge Andaya's comment, the Court, on November 18, 1996, resolved to refer the case to Court of Appeals Justice Omar U. Amin for investigation, report and recommendation. On March 12, 1997, Justice Amin submitted his report delineating his findings, and recommending that Judge Andaya be reprimanded for neglect of duty, viz.:

"Civil Case No. 91-126 was filed on November 21, 1991. Respondent judge admitted that several motions for extension to file answer or responsive pleading were filed at the very instance of defendant Asian Bank Corp. which ultimately culminated in defendant's filing of a motion to dismiss on April 20, 1992. A span of five (5) months had lapsed from filing of the complaint. Although opposition to motion to dismiss was filed by plaintiff Perez on May 13, 1992(.) and the defendant's reply thereafter, no resolution was ever made to the motion to dismiss.

Respondent judge had to unreasonably await action until December 7, 1995, or a span of four (4) years, for plaintiff's delayed reaction to file Motion to Admit Amended Complaint which precipitated defendant's filing of a new supplemental motion to dismiss on February 16, 1996. What was worse, respondent judge withheld resolution through inaction on the two pending pleadings due to (the) instant administrative complaint earlier filed against him on December 6, 1995(.) which, according to his answer, "it (was) the better part of discretion to defer action on the motions until such time plaintiff Perez may signify whether it (sic) desires the undersigned to continue acting on the case and/or wait for the advice of the Honorable Supreme Court on the matter." This is something deplorable. Respondent judge is telling us that he has "never the intention to delay the proceedings in plaintiff's case" but precisely the subject matter of the complaint is the long delay for four (4) years without even the availment of the benefit of a pre-trial hearing per the vehement protestation of

complainant Perez.

Members of the judiciary must always strive to live up to their responsibility of assisting parties litigants in obtaining just speedy and inexpensive determination of their cases and proceedings as directed in Rule 1, Sec. 2 of the Rules of Court. Judges should avoid delays or if it cannot be totally avoided, at least to hold them to the minimum and repudiate dilatory tactics. Delay is always a recurring complaint of litigants. Precisely, again, judges are reminded strict observance of the provisions prescribed by Article VIII, Section 15, of the Constitution in matter(s) of adjudication and resolution of cases submitted in relation to compliance of matters involving expeditious disposition of cases to minimize delays in the processing of cases in the trial courts.

Respondent judge's argument that on September 29, 1993(,) he was designated acting presiding judge of (the) RTC(,) Branch 54(,) in Lucena City and has been carrying (the) heavy case load of two salas, and lately designated to hear heinous crimes(,) should not be made as basis for excuses at this point in time when the judiciary is under siege upon which the judge should give complete and dedicated support of his primary and fundamental task to restore full confidence of our people in the courts.

Premises considered, it is hereby recommended that respondent judge, despite desistance of complainant to pursue his administrative complaint, should be ordered reprimanded for neglect of duty, with a warning that repetition of similar acts and other administrative lapses will be dealt with more severely."

The Court sees no plausible reason why this recommendation should not be honored.

ACCORDINGLY, the Court Resolved to REPRIMAND respondent Judge Guillermo R. Andaya for neglect of duty with the WARNING that a repetition of similar acts will be dealt with more severely.

Narvasa, C.J., (Chairman), Kapunan, and Francisco, JJ., concur.

Purisima, J., did not take part in the deliberation.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.