

BANK OF THE PHILIPPINE ISLANDS THRU ATTY. ALFONSO B. VERZOSA, COMPLAINANT, VS. JUDGE JOSELITO SD. GENEROSO, METROPOLITAN TRIAL COURT, BRANCH 34, QUEZON CITY, RESPONDENT.

A.M. No. MTJ-94-907. October 25, 1995

Ponente: PUNO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/e4c4186893fc/>

PUNO, J.:

In a sworn complaint dated December 28, 1993, complainant Bank of the Philippine Islands thru its counsel, Atty. Alfonso B. Verzosa, charged respondent Judge Joselito Sd. Generoso, Presiding Judge, Metropolitan Trial Court (MeTC), Branch 34, Quezon City with gross inefficiency and neglect of duty for his failure to render his decision in Civil Case No. 5447[1] within the thirty-day period prescribed by the Revised Rules on Summary Procedure.[2]

The records show that on February 17, 1992, complainant filed a complaint for Unlawful Detainer against a certain Salve de Jesus docketed as Civil Case No. 5447 and raffled to Branch 34 of the MeTC presided by respondent judge. At the pre-trial conference, the parties failed to settle amicably their case. They were given ten (10) days to submit their position papers, affidavits of witnesses, and other evidence. The case was then deemed submitted for resolution.

Civil Case No. 5447 was submitted for decision on August 24, 1992. Four (4) motions to resolve the case were filed on February 16, April 15, May 25, and October 18, 1993. They were left unheeded by respondent judge.

Complainant contends that respondent judge delayed the disposition of Civil Case No. 5447 for an unreasonable length of time, or for one (1) year and four (4) months. It also avers that respondent judge violated Rule 3.05 of the Code of Judicial Conduct.

In his Comment, dated April 4, 1994, respondent judge states that Civil Case No. 5447 was decided in October 1993.[3] He admits delay in the disposition of the case but claims that the delay was unintentional, thus:

x x x x x x x x

"2. Upon receipt by the undersigned of this case, I caused a review of our records and found out that subject case was among those cases misplaced inadvertently due to the transfer/resignation of several personnel of MeTC, Q.C. Br. 34;

3. Due to the above, the draft of the decision was not finalized and released, until only recently;

4. The undersigned respondent would like to invite the attention of this Honorable Tribunal that he had been the presiding night court judge since 1991 and had finished serving as such only last March 31, 1994;

5. Likewise, there are only thirteen (13) Metropolitan Trial Courts in Quezon City and the volume of work is rather great;

6. Nonetheless, the undersigned takes full responsibility for the delayed decision although there was no slightest intention to incur such delay."[4]

In a Manifestation, complainant branded as false respondent judge's allegation that Civil Case No. 5447 has been decided in October 1993.[5]

The records show that in a Decision dated March 4, 1994, respondent judge dismissed the complaint for lack of cause of action and ordered complainant to maintain the defendant in possession of the premises, to desist from committing further acts, and to pay the costs of suit.[6]

We find merit in the administrative complaint.

Speedy resolution of unlawful detainer cases is a matter of public policy. Section 10, Rule II of the Revised Rules on Summary Procedure provides that the court shall render judgment within thirty (30) days after the receipt of the last affidavit and position paper, or the expiration of the period for filing the same. Rule 3.05 of Canon 3 of the Code of Judicial Conduct further admonishes all judges to dispose of the court's business promptly and decide cases within the periods fixed by law.[7] These requirements implement section 16, Article III of the Constitution which provides that "All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies." 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.[8]

Respondent judge's explanation of his delay in deciding Civil Case No. 5447 is unacceptable. He did not notify this Court of his supposed predicament. Nor has he asked for an extension of time to decide Civil Case No. 5447. Indeed, he was insensitive to complainant's four (4) motions for early resolution of the case. A judge is expected to ensure that the records of cases assigned to his sala are safe and intact. The proper administration and management of respondent judge's branch is his obligation and his staffs are not the guardians of his responsibilities.[9] He should have anticipated the problems attendant to the transfer or resignation of his staffs. He should have taken the necessary precautions to eliminate the possibility of loss or misplacement of records during such transfer or resignation. His omission to discharge this basic obligation proves his inefficient and disorderly system.

The lapse of one (1) year and six (6) months from the time Civil Case No. 5447 was submitted for decision until it was actually resolved and promulgated is too long to be ignored. The delay hinders our efforts to eradicate docket congestion and frustrates the purpose of the Revised Rules on Summary Procedure. It contributes to the growing perception that speedy justice is an illusion in this jurisdiction.

But that is not all. Respondent judge alleged in his Comment that Civil Case No. 5447 was decided in October 1993. The allegation is a misrepresentation, an aggravation of his fault in delaying the disposition of the aforementioned case. Making false representation is a vice which no judge should imbibe. As the judge is the visible representation of the law and, more importantly of justice, he must, therefore, be the first to abide by the law and weave an example for the others to follow.[10]

IN VIEW HEREOF, we hold that respondent Judge Joselito Sd. Generoso is guilty of serious misconduct for his failure to render the decision in Civil Case No. 5447 within the prescribed period of thirty (30) days from the time the same was submitted for decision. Accordingly, respondent judge is ordered to pay a FINE of Ten Thousand Pesos (P10,000.00),[11] with stern warning that a repetition of the same or similar acts in the future shall be dealt with more severely by this Court. Let a copy of this decision be attached to respondent judge's personal records.

SO ORDERED.

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

[1] Entitled, "Bank of the Philippine Islands v. Salve de Jesus."

[2] Revised Rules on Summary Procedure, Rule II, section 10.

[3] Rollo, p. 17.

[4] Id.

[5] The Court received the Manifestation/Motion on July 15, 1994.

[6] MeTC Decision, p. 4.

[7] Re: Report on Audit and Physical Inventory of the Records and Cases in the RTC, Branch 120, Kaloocan City, A.M. No. 94-3-115-RTC, November 21, 1994, 238 SCRA 248; Bongcaron v. Eisma, A.M. No. 94-1216, October 27, 1994, 237 SCRA 793.

[8] Re: Inventory of Cases in the Regional Trial Court, Branch 11, Balayan, Batangas, A.M. No. 93-11-1311-RTC, July 26 1994, 234 SCRA 502.

[9] Supra, Re: Report on Audit of the Records and Cases in the RTC, Branch 120, Kaloocan City.

[10] See Castillo v. Cortes, A.M. No. RTJ-93-1082, July 25, 1994, 234 SCRA 398.

[11] Dalmacio Celino, v. Judge Zeus C. Abrogar, A.M. No. RTJ-95-1317, June 27, 1995.

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.