

CONSUELO VDA. DE CASTRO, COMPLAINANT, VS. JUDGE ALFONSO R. CAWALING, MUNICIPAL CIRCUIT TRIAL COURT OF PROMULGATED: LOOC, ROMBLON, RESPONDENT.*A.M. NO. MTJ-02-1465. February 06, 2006*

Ponente: CARPIO, J.

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Complainant Consuelo Vda. de Castro ("complainant") is the wife of the late Atty. Democrito Castro, the plaintiff in two forcible entry cases docketed as Civil Cases Nos. L-29 and L-30 pending before respondent Judge Alfonso R. Cawaling ("respondent judge") of the Municipal Circuit Trial Court of Looc, Romblon. On 27 April 2000, the defendants in the forcible entry cases filed a Motion to Dismiss and Supplemental Answer with Motion to Dismiss. On 29 May 2000, the plaintiff filed an Opposition to the Supplemental Answer with Motion to Dismiss. On 26 January 2001 or about eight months later, respondent judge issued a resolution dismissing the cases on the ground of *res judicata*. The plaintiff filed a Motion for Reconsideration in February 2001 but the motion was set for hearing on 23 April 2001. At the hearing, neither respondent judge nor the defendants appeared. Complainant was of the impression that respondent judge was campaigning for one Jun Beltran, a gubernatorial candidate. Complainant asserts that respondent judge violated Article III, Section 15(1) of the 1987 Constitution and the 1997 Rules of Civil Procedure. Complainant further argues that, in giving due course to the motion to dismiss which is a prohibited motion, respondent judge violated Section 13 of Rule 70. Thus, complainant filed the instant administrative complaint against respondent judge for Ignorance of the Law and Neglect of Duty.

In his Comment, respondent judge asserts that the present administrative complaint is intended to harass him. Respondent judge denies campaigning for one Jun Beltran. He further argues that the Resolution of 26 January 2001 which dismissed the complaints for forcible entry has attained finality. He claims that the motion to dismiss on the ground of *res judicata* is not a prohibited pleading and is intended to put an end to a litigation which has been finally decided by a competent court. Respondent judge believes that if complainant thought otherwise, she should have appealed the resolution but she did not, thus rendering the resolution final and executory.

In the Resolution of 12 February 2003, the Court required the parties to manifest, within ten days, whether they were willing to submit the case for resolution based on the pleadings. Both parties filed separate manifestations submitting the case based on the pleadings.

The OCA's Report and Recommendation

The Office of the Court Administrator ("OCA") found respondent judge liable for delay in resolving the motion to dismiss in Civil Cases Nos. L-29 and L-30. The OCA stated that the burden of heavy workload due to additional work as acting presiding judge in other courts in the Province of Romblon is not a sufficient justification for the delay. Judges are allowed, upon request, extensions of the reglementary period in deciding cases. Thus, the OCA recommended that respondent judge be fined P5,000, with warning that a repetition of the same or similar acts

shall merit a more severe penalty.

On the charge of violation of Rule 70 for allowing a motion to dismiss, the OCA is of the view that the same is judicial in nature. If complainant did not agree with the disposition of the cases, she could have appealed the same but she did not.

The Court's Ruling

The propriety or impropriety of the filing of the motion to dismiss in forcible entry cases is a matter which is judicial in nature and hence, beyond the ambit of this administrative proceedings. After the motion for reconsideration was denied, complainant did not anymore avail of other legal remedies. This rendered the resolution dismissing the cases final and executory. Complainant has no one to blame but herself.

Nonetheless, we agree with the recommendation of the OCA imposing on respondent judge a fine for undue delay in resolving the motion to dismiss. The motion to dismiss the forcible entry cases was filed on 27 April 2000. Heavy workload due to additional work as acting presiding judge in other courts is not a sufficient justification for the delay. Judges are allowed, upon motion or letter-request, extensions of the reglementary period in deciding cases.

The public's faith and confidence in the judicial system depends largely on the judicious and prompt disposition of cases and other matters pending before the courts.[1] 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 judge.[2]

Under A.M. No. 01-8-10-SC dated 11 September 2001,[3] undue delay in rendering a decision or order is a less serious charge punishable by a fine of not less than P10,000 but not more than P20,000, or suspension from office without salary and other benefits for not less than one month but not more than three months.

WHEREFORE, we FIND respondent Judge Alfonso R. Cawaling liable for delay in resolving the motion to dismiss in Civil Cases Nos. L-29 and L-30, and FINE him P10,000, with warning that a repetition of the same or similar acts shall merit a more severe penalty.

SO ORDERED.

Quisumbing, (Chairperson), Carpio Morales, and Tinga, JJ., concur.

[1] Gallego v. Acting Judge Doronila, A.M. No. MTJ-00-1278, 389 Phil. 677 (2000).

[2] Id. at 682.

[3] Amending Rule 140 of the Rules of Court on Discipline of Justices and Judges.

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