

DOMINGA D. QUILAL-LAN, COMPLAINANT, VS. JUDGE ALICIA L. DELOS SANTOS, MUNICIPAL TRIAL COURT, DIGOS, DAVAO DEL SUR, RESPONDENT.

A.M. No. MTJ-00-1269 (Formerly OCA IPI No. 98-638-MTJ). August 24, 2000

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

Before us is the complaint filed by Dominga D. Quilal-lan against Judge Alicia L. delos Santos of the Municipal Trial Court, Digos, Davao del Sur. According to complainant, respondent failed to render judgment within the prescribed period in Civil Case No. 2554-98, a case for forcible entry and, thus, covered by the Revised Rule on Summary Procedure. Complainant's daughter was one of the defendants in said case.

In the forcible entry case, respondent gave the parties 30 days from August 7, 1998 to submit their position papers.[1] Complainant claims that defendants filed their position paper on September 8, 1998.[2] By September 21, 1998, plaintiff still had not submitted his position paper, prompting defendants to file a motion for rendition of judgment.[3] However, until the time of the filing of the complaint on October 21, 1998, respondent had not yet rendered a decision on the case.[4]

In her comment, received by the Office of the Court Administrator on May 17, 1999, respondent pointed out that she was on sick leave beginning November 15, 1998 and was hospitalized at the UST Hospital from said date to January 15, 1999. Hence, she could not be expected to render a decision on the subject forcible entry case. Respondent claimed her decision was due on December 7, 1998.[5]

Attached to respondent's comment was her approved application for sick leave, from November 16, 1998 to March 30, 1999,[6] and a medical certificate showing that she was confined at the UST Hospital from November 11, 1998 to December 14, 1998.[7] Respondent prayed for the dismissal of the complaint and called upon defendants' counsel in the forcible entry case not to deceive her clients into believing that the delay in the decision was intentional.

A case for forcible entry is covered by the Revised Rule on Summary Procedure. Section 10 of said rule provides:

"SEC. 10. Rendition of judgment. - Within thirty (30) days after the receipt of the last affidavits and position papers, or the expiration of the period for filing the same, the court shall render judgment.

x x x"

Per order of respondent judge dated August 7, 1998, the parties to the subject forcible entry case had until September 6, 1998 to submit their position papers. Defendants belatedly submitted their position paper on September 8, 1998 while plaintiff failed to submit his position paper. Since the period to file the position papers expired on September 6, 1998, respondent had until October 6, 1998 to render judgment, per Section 10 of the Revised Rule of Summary Procedure, not until December 7, 1998 as respondent claimed. It is of no moment that respondent was on sick leave starting November 16, 1998. This date is more than a month after October 6, 1998.

Respondent should have rendered judgment in the forcible entry case before she went on leave.

Delay in the disposition of cases covered by the Revised Rule on Summary Procedure defeats the very purpose of said rule, which is the expeditious and inexpensive determination of cases. Failure to decide such cases on time renders the rationale for the rule meaningless and inutile.[8]

Respondent appears to be remiss in her duties as judge when she failed to render judgment in the case as mandated by the rules. Under Rule 3.05 of the Code of Judicial Conduct, she is required to dispose of the court's business promptly and to decide cases within the required time frame. We have time and again reminded judges to comply with the rules regarding the period to decide cases, in pursuance of the Court's oft-repeated policy of speedy disposition of quality justice for all.

The Office of the Court Administrator recommends that respondent be reprimanded for her failure to decide a case on time. However, we deem it appropriate to impose upon her a fine of P1,000.00, in consonance with our ruling in *In Re: Administrative Matter No. MTJ-99-1181* (Formerly *Administrative Matter OCA IPI No. 97-276-MTJ*, Renato M. Casia vs. Judge Gerardo E. Gestopa, Jr.), August 11, 1999.

WHEREFORE, respondent Judge Alicia L. delos Santos, Municipal Trial Court, Digos, Davao del Sur, is hereby FINED in the amount of P1,000.00 for her failure to decide Civil Case No. 2554-98 on time, with a WARNING that a repetition of the same or a similar offense will be dealt with more severely.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Buena, and De Leon, Jr., JJ., concur.

[1] Rollo, p. 2.

[2] Id. at 5.

[3] Id. at 3.

[4] Id. at 1.

[5] Respondent's Comment (denominated as Reply) to the Complaint, p. 1.

[6] Application for Leave, p. 1.

[7] Medical certificate, p. 1.

[8] *In Re: Administrative Matter No. MTJ-99-1181* (Formerly *Administrative Matter OCA IPI No. 97-276-MTJ*)(Renato M. Casia vs. Judge Gerardo E. Gestopa, Jr.), August 11, 1999, p. 7.

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