

THIRD DIVISION

**[A.M. NO. MTJ-05-1611 [FORMERLY A.M. OCA
I.P.I. NO. 04-1574-MTJ], September 30, 2005]**

**ANTONIO L. DEL MUNDO, COMPLAINANT, VS. JUDGE LIZABETH
GUTIERREZ-TORRES, METROPOLITAN TRIAL COURT (METC),
BRANCH 60, MANDALUYONG CITY, RESPONDENT.**

D E C I S I O N

CARPIO MORALES, J.:

The filing of the present administrative case spawned from a simple ejectment case filed on January 28, 2003 by Antonio L. Del Mundo et al. (the plaintiffs) against Victoriano G. Sanchez (the defendant), docketed as Civil Case No. 18756 at the Metropolitan Trial Court (MeTC) of Mandaluyong City and raffled to Branch 60 thereof, presided by Judge Lizabeth Gutierrez-Torres, herein respondent.^[1]

The defendant in the ejectment case filed a Motion to Dismiss which was opposed by the plaintiffs. After hearing, respondent granted the defendant five days from March 21, 2003 to file his reply to the opposition. Defendant failed to file a reply, however, drawing the plaintiffs to file on June 3, 2003 a Motion to Resolve the defendant's Motion to Dismiss.^[2]

On **June 9, 2003**, the plaintiffs filed a Motion [for the defendant] to Deposit Rentals.^[3] And on **October 1, 2003** the plaintiffs filed a Motion to Resolve Motions to Dismiss and to Deposit Rentals.^[4] Still on **January 15, 2004**, the plaintiffs filed an Urgent Second Motion to Resolve Motions to Dismiss and to Deposit Rentals.^[5]

The pending motions having remained unresolved, one of the plaintiffs, Antonio L. del Mundo (complainant), filed the present administrative complaint, by letter dated May 3, 2004 addressed to the Office of the Court Administrator (OCA).^[6]

The OCA forthwith required respondent, by 1st Indorsement of May 21, 2004,^[7] to file her Comment within ten (10) days on the letter-complaint charging her with **Inefficiency or Violation of Rule 3.05 of the Code of Judicial Conduct.**

Respondent failed to file any comment, drawing the OCA to send her 1st Tracer dated September 8, 2004^[8] reiterating its directive requiring her to file Comment within five (5) days. Just the same, no comment was filed by respondent.

By Report and Recommendation dated April 12, 2005,^[9] the OCA, noting from the allegations in the letter-complaint and its annexes filed by complainant that respondent failed to act upon the pending incidents within the 90-day reglementary period, recommended that respondent be required by this Court to file her Comment

to the complaint, and to explain why no administrative sanction(s) be meted against her for ignoring the OCA's prior directives requiring her to file Comment.

The recommendation for respondent to file Comment was adopted by this Court by Resolution^[10] dated July 4, 2005 which gave her five (5) days for the purpose.

By letter of August 1, 2005^[11] which was received at the OCA on August 2, 2005, respondent finally broke her silence, she informing that she received this Court's Resolution of July 4, 2005 on July 27, 2005 and proffering as follows, quoted *verbatim*:

Some incidents needed to be resolved in Civil Case No. 18756 even before the case was deemed submitted for decision. Two of said issues were ruled upon in Orders dated May 18, 2004 and July 20, 2004, hereto attached as Annexes "A" and "B". The setting of hearings in said case was as regular as that in other cases, considering the caseload of over three thousand active cases in MeTC Branch 60. The resolution of pending incidents and the rendition of judgment in Civil Case No. 18756 were accomplished in a regular time frame that said overload of cases allowed and/or equally urgent resolution of incidents/issues pertaining to other cases permitted. Decision dated August 18, 2004 in Civil Case No. 18756 and Order dated July 6, 2005 granting appeal of defendant and execution of judgment were already issued, and are hereto attached as Annexes "C" and "D".^[12] (Underscoring supplied)

And respondent apologized in her letter for her oversight in submitting the comment required by the OCA, she claiming that she was under the belief that the complaint had already been previously withdrawn by complainant, photocopy of whose letter dated August 1, 2005 addressed to the members of the Third Division of this Court was attached as Annex "E" to her Comment,^[13] stating that he "h[ad] long foregone/desisted from the pursuit of the complaint, proceedings have gone fairly for the parties. . ."

This Court finds respondent guilty of gross inefficiency.

As a trial judge, respondent ought to know that by clear mandate of the Constitution,^[14] she must promptly dispose of cases or matters within 90 days.

Section 15. (1) All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty-four months from date of submission for the Supreme Court, and, unless reduced by the Supreme Court, twelve months for all lower collegiate courts, and three months for all other lower courts.

x x x (Underscoring supplied)

This mandate applies even to motions or interlocutory matters or incidents pending before a magistrate.^[15]

Any unreasonable delay in resolving motions or pending incidents is also a violation of the following canons of the Code of Judicial Conduct, to wit:

CANON 1. – A JUDGE SHOULD UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY.

x x x

Rule 1.02. A judge should administer justice impartially and without delay.

CANON 3. – A JUDGE SHOULD PERFORM OFFICIAL DUTIES HONESTLY, AND WITH IMPARTIALITY AND DILIGENCE.

x x x

Rule 3.05. A judge shall dispose of the court's business promptly and decide cases within the required periods. (Underscoring supplied),

and constitutes gross inefficiency which warrants the imposition of an administrative sanction.^[16]

After conducting a hearing on the defendant's Motion to Dismiss, respondent granted defendant a period of until March 26, 2003 to file a reply to the plaintiff's opposition. While a reply is a prohibited pleading under Section 13 of Rule 70,^[17] the Motion to Dismiss should have been deemed submitted for resolution after it was heard on March 21, 2003. But even if the 90-day reglementary period for which respondent is mandated to resolve the motion were to be reckoned from March 26, 2003, she had until June 24, 2003 to resolve the same.

But she resolved the Motion to Dismiss only on May 18, 2004, about eleven months beyond the reglementary period. Notably, the resolution of the motion came two weeks after Mr. Del Mundo filed the instant complaint.

With regard to the plaintiff's Motion [for the defendant] to Deposit Rentals, there is nothing in the record which indicates that it was ever acted upon by respondent.

Trial court judges being the paradigm of justice in the first instance have, time and again, been exhorted to dispose of the court's business promptly and decide cases within the required period, for delays undermine the people's faith in the judiciary from whom the prompt hearing of their supplications is anticipated and expected, and reinforce in the minds of the litigants the impression that the wheels of justice grind ever so slowly.^[18]

An ejectment case falls within the exclusive original jurisdiction of first level courts, hence, respondent as MeTC judge must not only be familiar with Rule 70 of the Rules of Court and the 1991 Revised Rule on Summary Procedure - the rules governing ejectment, among other cases, but must exhibit professional competence in deciding and resolving cases of such nature and all cases for that matter.

Section 19 of the 1991 Revised Rule on Summary Procedure^[19] and Section 13, Rule 70 of the Rules of Court^[20] expressly prohibit the filing of a motion to dismiss in a case for ejectment, except on the ground of lack of jurisdiction or failure to refer the case for conciliation to the Lupun.