

SECOND DIVISION

[A.M. No. MTJ-13-1838 [Formerly A.M. OCA IPI NO. 10-2260-MTJ], March 12, 2014]

SPOUSES RICARDO AND EVELYN MARCELO, COMPLAINANTS, VS. JUDGE RAMSEY DOMINGO G. PICHAY, METROPOLITAN TRIAL COURT, BRANCH 78, PARAÑAQUE CITY, RESPONDENT.

RESOLUTION

PERLAS-BERNABE, J.:

Before the Court is an administrative complaint^[1] filed against respondent Judge Ramsey Domingo G. Pichay (Judge Pichay) for delay in the disposition of the pending incidents relative to Civil Case No. 2004-286 entitled "*Spouses Ricardo S. Marcelo and Evelyn Beato-Marcelo* ([Sps. Marcelo]) v. *Spouses Vilma Magopoy and Florentino Magopoy* ([Sps. Magopoy]).

The Facts

Complainants Sps. Marcelo were the plaintiffs in Civil Case No. 2004-286 for unlawful detainer before the Metropolitan Trial Court of Parañaque City, Branch 78 (MeTC). By virtue of a Joint Decision^[2] dated September 5, 2005 (subject decision), the defendants therein, Sps. Magopoy, were ordered by the MeTC to vacate and surrender the possession of the property located at Marcelo Compound, Philip Street Extension, Barangay Moonwalk, Parañaque City (subject property) to Sps. Marcelo.^[3] On April 14, 2006, a writ of execution^[4] was issued, and later implemented by Branch Sheriff Hildo D. Epres (Sheriff Epres) on July 27, 2006.^[5] Thus, Sps. Marcelo obtained the possession of the subject property on the said date, as shown in the Certificate of Turn-over of Possession. However, at around 6 o'clock in the evening of the same day, Sps. Magopoy successfully re-entered the subject property and regained its possession.^[6]

On August 3, 2007, Sps. Marcelo moved^[7] to cite Sps. Magopoy in contempt for disobedience/resistance to lawful court processes. While finding the act of re-entry by Sps. Magopoy as a clear defiance of a lawful writ, (i.e., the April 14, 2006 writ of execution) which is a form of indirect contempt punishable under Rule 71 of the Rules of Court, the MeTC, in an Order^[8] dated February 25, 2009, did not cite them in contempt but, instead, ordered them to surrender the subject property to Sps. Marcelo within ten (10) days from receipt of the order.^[9]

On June 5, 2009, Sps. Marcelo filed an *Ex-Parte Constancia* in view of the continued refusal of Sps. Magopoy to surrender the subject property.^[10] This prompted Judge Pichay to issue an Order^[11] dated August 7, 2009, giving Sheriff Epres^[12] three (3) days within which to effect Sps. Magopoy's eviction from the subject property.

Consequently, Sps. Magopoy filed a motion for reconsideration^[13] on August 26, 2009, which was opposed^[14] by Sps. Marcelo on September 8, 2009.^[15]

The hearing on the aforesaid motion was conducted on September 11, 2009, wherein Sps. Magopoy were directed to file their reply. In compliance, Sps. Magopoy filed their Supplemental Motion and Reply on September 24, 2009 (supplemental motion),^[16] alleging that the miscellaneous sales application of Sps. Marcelo over the subject property had been denied by the Department of Environment and Natural Resources.^[17] The following day, Sps. Marcelo filed a motion submitting all incidents for resolution.^[18]

Instead of resolving the pending incidents, Judge Pichay, in an Order^[19] dated October 1, 2009 (October 1, 2009 Order), directed Sps. Marcelo to file their comment and/or opposition to Sps. Magopoy's supplemental motion within five (5) days from receipt of the order, with a warning that upon the expiration of said period, the court will resolve the pending incidents. The pertinent portions of the October 1, 2009 Order read as follows:

With respect to the Supplemental Motion and Reply, and in the interest of justice, the Court directs [Sps. Marcelo] to file their Comment and/or Opposition to said Supplemental Motion and Reply within five (5) days from receipt of this Order with copy furnished the [Sps. Magopoy]. The latter is given three (3) days from the Comment and/or Opposition within which to file their Reply if necessary.

Considering the Ex-Parte Constancia, the Court makes it clear to the parties that the only pleading left to be received by this Court is the Comment and/or Opposition of [Sps. Marcelo] on the Supplemental Motion and Reply of [Sps. Magopoy] and the Reply of [Sps. Magopoy] to said [Sps. Marcelo's] Comment and/or Opposition.

The Court will no longer conduct a hearing on the pending incidents.

Hence, upon the expiration of the periods given above, the Court will resolve the pending incidents.^[20] (Emphases supplied)

Despite the directive of the court *a quo*, Sps. Marcelo failed to file their comment and/or opposition. Nonetheless, Judge Pichay, set Sps. Magopoy's previous motion for reconsideration as well as their supplemental motion for hearing on February 12, 2010,^[21] March 16, 2010^[22] and June 15, 2010.^[23]

Disconcerted with Judge Pichay's continuous inaction, Sps. Marcelo filed an administrative complaint^[24] on March 10, 2010 before the Office of the Court Administrator (OCA), charging him and Sheriff Epres with inordinate delay in the disposition of the pending incidents in Civil Case No. 2004-286 relating to the implementation of the writ of execution of the subject decision.

In his Comment dated September 8, 2010,^[25] Judge Pichay attributed the delay to

the new arguments raised in Sps. Magopoy's supplemental motion. In particular, he considered the denial of the sales application of Sps. Marcelo over the subject property, as brought to his attention by Sps. Magopoy, as a supervening event that may materially change the situation of the parties^[26] and, thus, render the execution of the subject decision inequitable.^[27] Therefore, in the interest of justice and equity, he scheduled the supplemental motion for hearing in order to be better apprised of the situation of the parties. Unfortunately, the hearing dates therefor were further reset due to the requests of Sps. Marcelo,^[28] and because he went on sick leave from June 8 to 29, 2010.^[29]

The Action and Recommendation of the OCA

In a Memorandum^[30] dated July 22, 2013, the OCA recommended^[31] that Judge Pichay be held administratively liable for undue delay in the resolution of the pending incidents relative to the execution of the subject decision in Civil Case No. 2004-286, and that a fine in the amount of ₱10,000.00 be imposed for the infraction.^[32] The OCA found that Judge Pichay entertained dilatory machinations that resulted in the delay in the implementation of the writ of execution issued as early as in 2006 for the eviction of Sps. Magopoy from the subject property.^[33]

Separately, however, the OCA did not recommend that Sheriff Epres be held administratively liable, considering the dearth of evidence showing that the delay in the implementation of the subject writ of execution was attributable to him or that he acted with bad faith or any corrupt motive.^[34] Thereafter, the Court, in its Resolution dated November 13, 2013, dismissed the administrative complaint against Sheriff Epres.^[35]

The Issue Before the Court

The essential issue in this case is whether or not Judge Pichay should be held administratively liable for undue delay in the resolution of the pending incidents in Civil Case No. 2004-286.

The Court's Ruling

The Court concurs with the OCA's recommendations, subject to the modification of the recommended penalty to be imposed against Judge Pichay.

The Constitution requires our courts to conscientiously observe the time periods in deciding cases and resolving matters brought to their adjudication, which, for lower courts, is three (3) months from the date they are deemed submitted for decision or resolution. Section 15, Article VIII of the 1987 Philippine Constitution (1987 Constitution) states this rule, viz.:

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.

In consonance with the foregoing, Section 5, Canon 6 of the New Code of Judicial Conduct For the Philippine Judiciary^[36] states that:

Sec. 5. Judges shall perform all judicial duties, including the delivery of reserved decisions, efficiently fairly and with **reasonable promptness**. (Emphasis supplied)

In furtherance of the foregoing mandate, the Court issued Administrative Circular No. 13-87^[37] [dated July 1, 1987], which states:

The reorganized judiciary is tasked with the tremendous responsibility of assisting parties litigants in obtaining just, speedy and inexpensive determination of their cases and proceedings as directed in Rule 1, Section 2 of the Rules of Court.^[38] Delay is a recurring complaint of every litigant. The main objective of every judge, particularly trial judges, should be to avoid delays, or if it cannot be totally avoided, to hold them to the minimum and to repudiate manifestly dilatory tactics.

GENERAL GUIDELINES

For all members of the judiciary, the following guidelines are hereby issued:

x x x x

3. Judges shall observe scrupulously the periods prescribed by Article VIII, Section 15 of the Constitution for the adjudication and resolution of all cases or matters submitted in their courts. Thus, all cases or matters must be decided or resolved within twelve months from date of submission by all lower collegiate courts while all other lower courts are given a period of three months to do so. x x x x

Also, [the] Court's Administrative Circular No. 1-88^[39] [dated January 28, 1988] states that:

Pursuant to Sec. 12, Art. XVIII of the 1987 Constitution mandating the adoption of a systematic plan to expedite the decision or resolution of cases or matters pending in the Supreme Court and the lower courts prior to the effectivity of the Constitution on February 2, 1987, the following directives must be complied with strictly by all concerned.

x x x x^[40]

In *Re: Cases Submitted for Decision before Hon. Teofilo D. Baluma, Former Judge, Branch 1, Tagbilaran City Bohol*,^[41] the Court held that non-compliance with the periods prescribed under Section 15, Article VIII of the 1987 Constitution **constitutes gross inefficiency**, and, perforce, warrants the imposition of