

## THIRD DIVISION

**[ A.M. No. MTJ-09-1743 [Formerly A.M. No. OCA IPI No. 08-1954-MTJ], August 03, 2010 ]**

**JOSEPHINE SARMIENTO AND MARY JANE MANSANILLA,  
COMPLAINANTS, VS. HON. AZNAR D. LINDAYAG, ASSISTING  
JUDGE, MUNICIPAL TRIAL COURT IN CITIES, CITY OF SAN JOSE  
DEL MONTE, BULACAN, RESPONDENT.**

### RESOLUTION

**CARPIO MORALES, J.:**

In a December 22, 2007 Verified Complaint,<sup>[1]</sup> Josephine Sarmiento and Mary Jane Mansanilla (complainants) charged Judge Aznar D. Lindayag (respondent), in his capacity as Assisting Judge of the Municipal Trial Court in Cities (MTCC), San Francisco del Monte, Bulacan, with Grave Abuse of Authority and Ignorance of the Law.

Gathered from the *rollo* are the following facts which spawned the filing of the present administrative case.

The Spouses Eliseto Panchito Burlas and Carmelita Burlas filed on April 20, 1990 a complaint for ejectment against herein complainants before the then Municipal Trial Court, now the MTCC, San Jose del Monte presided by respondent.

Respondent dismissed the ejectment complaint by Decision of March 14, 2000<sup>[2]</sup> in this wise:

Whereas here, the only definite ultimate fact averred is "that on or about October 20, 1998, due to the urgent need of the plaintiffs for the said property the defendants were notified and given by the plaintiffs a period of thirty (30) days from said date within which to vacate the said property to enable the plaintiffs to occupy the same.

*A complaint for "ejectment" which does not show [how] defendants' possession started or continued is defective* (Devesa vs. Montecillo, 27 SCRA 822). (underscoring in the original; italics supplied)

The decision became final and executory on June 13, 2000.

A year and eight months later or on February 2, 2002, the Burlas spouses filed another complaint (*second* complaint) for ejectment against the same defendants-herein complainants involving the same property and the same cause of action before the same MTCC presided by respondent.

The defendants-herein complainants raised *res judicata* as defense in the *second* complaint.

The *second* complaint was submitted for decision on June 16, 2002. Close to four years later or on May 31, 2006, respondent decided the case, this time against herein complainants.

In their present administrative complaint, complainants charge that by respondent's delay in deciding the *second* complaint, he is liable for malicious delay in the administration of justice.

Complainants add that respondent's decision in the *second* complaint was tainted with bad faith and grave abuse of authority and rendered in gross ignorance of the law as he favored the Burlas spouses, their non-submission of substantial evidence of possession notwithstanding.

In his February 20, 2008 Comment,<sup>[3]</sup> respondent maintains that the *second* complaint was not barred by *res judicata* as his decision in the first case was not on the merits.

While respondent assumes responsibility for the delay in rendering the decision, he posits that the "administrative lapse was not malicious considering the peculiar situation" he was in which he details as follows:

The undersigned is the Presiding Judge of MTC-Pandi, Bulacan since 1992 and the Assisting Judge of MTCC-San Jose del Monte City since 1995 up to the present. In this station, I conduct trials every Tuesdays and Thursdays of the week. In this additional station, I do not have the luxury of having a chamber. I only share a room and a table with another office staff because of the very acute space problem. Here, party litigants wait for the call of their cases in the adjacent public market or in a nearby plaza.

In our very crowded office, records do get misplaced or misfiled with no conscious design, dishonest purpose or some moral obliquity to cause injury to a party litigant.

Your honor, please look with favor at the fact that the dual positions of being the Presiding Judge of MTC-Pandi and Assisting Judge of MTCC-San Jose del Monte with their concomitant workload, necessarily spreads my mental and physical resources too thinly which accounts for those occasional administrative infractions attributable to human frailties for which I am truly sorry.<sup>[4]</sup> (underscoring supplied)

In its July 20, 2009 Report,<sup>[5]</sup> the OCA gives the following Evaluation:

. . . The mere fact that the respondent judge was serving as acting presiding judge in another sala does not constitute sufficient reason to exonerate him from liability for delay in rendering decisions and resolving motions. This is not to prescind from his situation as a judge handling two courts. It has been stressed in several decisions that if it becomes unavoidable for a judge to render a decision or resolve a matter beyond the mandatory period, he may seek additional time by simply filing a request for such time extension seasonably and supported by valid reasons. The respondent did not avail himself of this action.

Section 5, Canon 6 (Competence and Diligence) of the New Code of Judicial Conduct for the Philippine Judiciary directs judges to "perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness." The heavy load in the respondent's sala, though unfortunate, cannot exempt him from due observance of the provisions of the Code.<sup>[6]</sup> (underscoring supplied)

The OCA Report reflects that respondent had previously been charged in OCA IPI No. 07-1885-MTJ which was dismissed by the Court in August 8, 2007, although he was

**admonished** to be more circumspect in observing the reglementary period for disposing of motions and deciding cases; and was sternly warned that a repetition of the same or similar act shall be dealt with more severely, [relieved] of his assignment as Assisting Judge of the MTCC at San Jose del Monte City. (emphasis and underscoring supplied)

The Report further reflects that respondent was also administratively charged in OCA IPI No. 08-2009-MTJ, for Inefficiency and/or Undue Delay in the Resolution of a Motion for Issuance of Writ of Execution filed against him in his capacity as the Assisting Judge of the MTCC at San Jose del Monte City, which is presently being evaluated.<sup>[7]</sup>

The OCA thus recommends that respondent be fined in the amount of P15,000.

The Court finds the evaluation and recommendation of the OCA well-taken. It bears stressing that ejectment cases must be resolved with great dispatch.<sup>[8]</sup> Their nature calls for it. As *Five Star Marketing Co., Inc. v. Booc*<sup>[9]</sup> holds:

Forcible entry and unlawful detainer cases are summary proceedings designed to provide an expeditious means of protecting actual possession or the right to the possession of the property involved. **It does not admit of a delay in the determination thereof.** It is a "time procedure" designed to remedy the situation. Stated in another way, the avowed objective of actions for forcible entry and unlawful detainer, which have purposely been made summary in nature, is **to provide a peaceful, speedy and expeditious means** of preventing an alleged