

EN BANC

[A.M. No. MTJ-08-1719*, November 23, 2010]

ATTY. ARNOLD B. LUGARES, COMPLAINANT, VS. JUDGE LIZABETH GUTIERREZ-TORRES, METROPOLITAN TRIAL COURT, BRANCH 60, MANDALUYONG CITY, RESPONDENT.

[A.M. NO. MTJ-08-1722A.M. No. MTJ-08-1719**]

JOSE MARIA J. SEMBRANO, COMPLAINANT, VS. JUDGE LIZABETH GUTIERREZ-TORRES, PRESIDING JUDGE METROPOLITAN TRIAL COURT, BRANCH 60, MANDALUYONG CITY, RESPONDENT.

[A.M. NO. MTJ-08-1723A.M. No. MTJ-08-1719***]

MARCELINO LANGCAP, COMPLAINANT, VS. JUDGE LIZABETH GUTIERREZ-TORRES, PRESIDING JUDGE METROPOLITAN TRIAL COURT, BRANCH 60, MANDALUYONG CITY, RESPONDENT.

D E C I S I O N

PER CURIAM:

A judge is a paradigm of justice who must closely adhere to the policy of prompt disposition of cases. He should be always mindful that delay in case resolution is the major culprit in the erosion of public faith and confidence in the judiciary. He is duty-bound to obey and comply with the lawful orders and processes and to exercise a high degree of professional competence at all times. A judge who cannot meet the exacting standards of judicial conduct and integrity is not worthy to wear the judicial robe because his continued presence in the bench will only tarnish the image of the judiciary.

Before this Court are three administrative complaints for dismissal from judicial service filed against respondent, Judge Elizabeth Gutierrez-Torres (*Judge Torres*), Metropolitan Trial Court of Mandaluyong City, Branch 60 (*MeTC*), charging her with a host of infractions. These administrative complaints have been consolidated in view of the similar nature of the complaints against her.

Administrative Matter No. MTJ-08-1719 was commenced by a complaint^[1] dated September 13, 2006 filed by Atty. Arnold Lugares (*Atty. Lugares*) charging Judge Torres with Gross Inefficiency, Undue Delay in the Administration of Justice, Indecisiveness, Manifest Partiality, and Gross Ignorance of the Law relative to Civil Case No. 19887 entitled "*Arnold B. Lugares v. Zenaida M. Bautista and Alex M. Bautista.*"

Atty. Lugares alleged that on February 2, 2005, he instituted a civil case for ejectment against Zenaida and Alex Bautista before the MeTC. Summons was duly

served on the defendants on February 10, 2005 but they failed to file their answer within the reglementary period of ten (10) days. Consequently, Judge Torres issued an order^[2] stating that she would render judgment in the case pursuant to Section 7, in relation to Section 6, Rule 70 of the 1997 Rules on Civil Procedure. Defendants filed a motion for reconsideration^[3] with leave of court to admit attached responsive pleading, but their motion was denied on April 12, 2005.^[4]

Despite repeated follow-ups and notwithstanding the lapse of more than a year, no decision was rendered by Judge Torres in Civil Case No. 19887. This prompted Atty. Lugares to file a motion for early rendition of judgment on July 12, 2006^[5] and, later, a manifestation^[6] dated July 24, 2006, praying that judgment be rendered considering that the case had been deemed submitted for decision as early as April 2005.

More than a year, or specifically six months, after the denial of the motion to admit responsive pleading, on August 9, 2006, Judge Torres issued an order^[7] admitting defendants' answer and setting the case for preliminary conference. Atty. Lugares posited that the issuance of the August 9, 2006 Order, which was in contradiction with the April 12, 2005 Order, was obviously intended to accommodate the defendants. He added that the failure to immediately decide the case in accordance with the Rules on Summary Procedure aggravated the conflict between the parties which resulted in the filing of several cases between them.

In the 1st Indorsement,^[8] dated October 6, 2006, then Court Administrator Christopher O. Lock (*CA Lock*) required Judge Torres to comment on the complaint within ten (10) days from notice. Respondent judge twice requested for an extension of 20 days in her November 13, 2006 and November 28, 2006 letters.^[9] Said requests were granted by CA Lock on November 21, 2006^[10] and December 6, 2006,^[11] respectively. Nothing was heard or received from Judge Torres, however, on the 1st Indorsement. In view of her failure to comply, CA Lock sent a 1st Tracer,^[12] dated May 7, 2007, warning her that should she fail to comply, he would recommend the resolution of the complaint without her comment. Despite receipt by respondent judge of the aforementioned communications, as borne by the Registry Return Receipts dated November 3, 2006, December 8, 2006, and May 23, 2007, respectively, she still failed to submit her comment.

Administrative Matter No. MTJ-08-1722 was initiated through a Complaint-Affidavit,^[13] dated August 28, 2007, filed by Jose Maria J. Sembrano (*Sembrano*) charging Judge Torres with having committed a Violation of the Code of Judicial Conduct relative to Civil Case No. 19063 entitled "*Jose Maria A. Sembrano v. Ronick B. Aquino and Ritex Philippines, Inc.*" for damages.

Sembrano averred that Civil Case No. 19063 was set for preliminary conference on January 27, 2004. Thereafter, the case was referred for mediation proceedings. Due to the failure of the parties to arrive at an amicable settlement, the case was again set for hearing on April 13, 2004. On even date, pre-trial was terminated and the parties were directed to file their respective position papers and affidavits within ten (10) days from notice. Sembrano complied on April 23, 2004 and, subsequently, he received copies of the defendants' motion to admit (position paper) with their

position paper on May 12, 2004. Since no judgment had yet been rendered by respondent judge despite the fact that the case had already been submitted for decision, Sembrano filed a motion^[14] to resolve the case on August 31, 2004.

On March 3, 2005 and August 4, 2005, he filed his second and third motions^[15] to resolve, respectively. Meanwhile, Assistant Court Administrator Antonio H. Dujua (ACA Dujua) referred Sembrano's second motion to resolve to Judge Torres and required her to advise the Office of the Court Administrator (OCA) of the action taken by her on the matter.^[16] All the foregoing notwithstanding, Judge Torres still failed to render a decision in Civil Case No. 19063, which constrained Sembrano to file a fourth motion^[17] to resolve on December 29, 2005. On January 23, 2006, ACA Dujua again referred the motion to respondent judge for appropriate action.^[18] Finally, complainant filed a fifth motion^[19] to resolve on January 19, 2007. Sembrano opined that since the case was governed by the Rules on Summary Procedure, judgment was long overdue for more than three (3) years.

On September 3, 2007, CA Lock indorsed Sembrano's complaint-affidavit to Judge Torres directing her to comment thereon.^[20] This directive was reiterated in the December 20, 2007 Tracer-Letter^[21] to respondent judge. The Registry Return Receipts indicated that both communications were received by Judge Torres on September 14, 2007 and January 16, 2008, respectively. Respondent judge did not file any comment on, or reply to, said letters.

Administrative Matter No. MTJ-08-1723 was lodged by one Marcelino Langcap (*Langcap*) in a letter-complaint^[22] dated March 26, 2007 charging Judge Torres with Delay in the Disposition of Civil Case Nos. 17765 and 18425 entitled "*Spouses Marcelino and Teofista Langcap v. Florencia Langcap-Padilla*" and "*Spouses Marcelino and Teofista Langcap v. Antonio Lagpitanghat*," respectively, both for ejectment.

Langcap claimed that after the termination of the joint preliminary conference in the two cases on September 19, 2003, the parties were directed to submit their respective position papers together with the affidavits of their witnesses and other evidence within ten (10) days from receipt of the preliminary conference order.^[23] The parties received copies of said order on February 11, 2004 and then filed the required pleadings and documents within the reglementary period. Langcap maintained that judgment on both cases was due as early as March 2004 pursuant to Section 11, Rule 70 of the Rules of Court. When Langcap and his counsel inquired as to the status of said cases on August 20, 2004, he was assured by Judge Torres that the decision was "already being finalized and [would] soon be released."^[24] Until the filing of his letter-complaint, Langcap had yet to receive the decision.

In his March 28, 2007 1st Indorsement,^[25] CA Lock required Judge Torres to comment on Langcap's letter-complaint. Thereafter, Tracer-Letter^[26] dated May 30, 2007 directed her anew to file her comment within five (5) days from notice; otherwise, the case would be submitted for the consideration of the Court sans her comment. The Registry Return Receipts showed that both communications were received by Judge Torres on April 12, 2007 and June 6, 2007, respectively. No compliance was received from respondent judge.

On July 28, 2008, the OCA issued its Report^[27] finding that Judge Torres should be held guilty of willful disobedience and defiance of authority for ignoring its directives to file comment on the subject cases as well as of undue delay in the disposition of cases and other matters. The OCA recommended that the three administrative complaints be re-docketed as regular administrative matters against Judge Torres and that she be suspended from service without pay for a period of six (6) months effective from receipt of the decision of this Court.

Up until the resolution of these administrative cases against her, Judge Torres has not complied with any of the directives of the OCA. The Court does not have the luxury of time to wait for Judge Torres who has clearly forfeited her chance to be heard on the charges leveled against her. The Court must now proceed to resolve these administrative cases against her based on the contents of the records, the most significant of which is the report and recommendation of the OCA.

After a judicious review of the records of the case, and considering the respondent judge's repeated non-compliance with the orders to explain the undue delay in the disposition of Civil Case No. 19887, Civil Case No. 19063 and Civil Case Nos. 17765 and 18425 before her court, this Court determines that the findings of the OCA are well-taken. The Court, however, finds the recommended penalty not commensurate to the degree of her transgressions.

As a general principle, rules prescribing the time within which certain acts must be done, or certain proceedings taken, are considered absolutely indispensable to the prevention of needless delays and the orderly and speedy discharge of judicial business. By their very nature, these rules are regarded as mandatory.^[28]

Section 15 (1) and (2), Article VIII of the Constitution requires courts to decide cases submitted for decision generally within three (3) months from the date of their submission. With respect to cases falling under the Rules on Summary Procedure, first level courts are only allowed thirty (30) days following the receipt of the last affidavit and position paper, or the expiration of the period for filing the same, within which to render judgment.^[29] The Court has consistently impressed upon the magistrates the need to dispose of the court's business promptly and decide cases within the required periods, for it cannot be gainsaid that justice delayed is justice denied.

In A.M. No. MTJ-08-1719, Judge Torres failed to render judgment in Civil Case No. 19887 after declaring that "the court will now render a judgment in the case pursuant to Section 7, in relation to Section 6, Rule 70 of the Rules of Court" for failure of defendants Zenaida and Alex Bautista to file their answer, per Order dated February 17, 2005, and even after denying defendants' motion for reconsideration with leave to admit attached answer in its Order dated April 12, 2005. After the lapse of more than one (1) year and after Atty. Lugares had filed a motion for early rendition of judgment and a manifestation praying that a decision be immediately rendered in his favor, Judge Torres ruled to admit defendants' answer in the interest of justice in her order dated August 9, 2006.

Section 6 of the Rules on Summary Procedure clearly provides:

SEC. 6. *Effect of failure to answer.* - Should the defendant fail to answer the complaint within the period above provided, the court, *motu proprio*, or on motion of the plaintiff, shall render judgment as may be warranted by the facts alleged in the complaint and limited to what is prayed for therein: Provided, however, that the court may in its discretion reduce the amount of damages and attorney's fees claimed for being excessive or otherwise unconscionable.

Basic is the rule that after the failure of the defendant to answer the complaint, the court shall render judgment as may be established by the facts alleged in the complaint. The Revised Rule on Summary Procedure authorizes a judge to render a decision on his own initiative or upon motion of the plaintiff. Judge Torres starkly deviated from the required procedure when she admitted defendants' answer at that stage of the proceedings even when she had previously denied admission of said pleading. The Court finds no logic in her sudden change of heart. Instead, respondent judge should have given due course to Atty. Lugares' motion for early resolution and manifestation, and should not have entertained the defendants' comment and counter-manifestation considering that the case was summary in nature, and a period of more than one (1) year had lapsed after the case was submitted for decision.

Judge Torres demonstrated her propensity for inattentiveness and indifference, if not sheer disregard for rules, in Civil Case No. 19063 and Civil Cases Nos. 17765 and 18425 when she likewise failed to comply with the basic rule of deciding the aforementioned cases within the prescribed thirty-day period. In Civil Case No. 19063, complainant Sembrano filed a total of five (5) motions to resolve the case but to no avail and the decision thereon had been overdue for more than *three (3) years* before the filing of an administrative complaint against respondent judge. On the other hand, complainant Marcelino Langcap alleged that judgment in Civil Cases Nos. 17765 and 18425 was due as early as March 2004 or more than *three (3) years* prior to the filing of his letter-complaint.

Respondent judge's actuation is quite contrary to the rationale of the Rules on Summary Procedure which was promulgated particularly for the purpose of achieving "an expeditious and inexpensive determination of cases."^[30] It is not encouraging when it is the judge herself who occasions the delay sought to be prevented by the Rule.^[31] Her lackadaisical attitude in sitting on the subject cases for years as well as her failure to immediately render judgment in Civil Case No. 19887 after the defendants therein failed to file their answer, clearly manifested her utter disregard of settled rules and jurisprudence relative to the Revised Rules on Summary Procedure, to the detriment and prejudice of the complainants. Verily, respondent judge showed gross ignorance of the law. When the law is so elementary, not to know it constitutes gross ignorance of the law.^[32]

Rule 3.05, Canon 3 of the Code of Judicial Conduct^[33] admonishes all judges to dispose of the court's business promptly and decide cases within the period fixed by law.^[34] This is supplemented by Section 5, Canon 6 of the New Code of Judicial Conduct for the Philippine Judiciary^[35] requiring judges to perform all judicial duties efficiently, fairly and with reasonable promptness. Failure of a judge to resolve a case within the prescribed period constitutes gross dereliction of duty.^[36]