

## FIRST DIVISION

**[ A.M. No. RTJ-05-1917 [Formerly OCA I.P.I No. 04-2006-RTJ], April 16, 2009 ]**

**DEE C. CHUAN & SONS, INC., REPRESENTED BY EFREN A. MADLANGSAKAY, COMPLAINANT, VS. JUDGE WILLIAM SIMON P. PERALTA, PRESIDING JUDGE REGIONAL TRIAL COURT, MANILA, BRANCH 50, RESPONDENT.**

### R E S O L U T I O N

#### **CORONA, J.:**

In a verified complaint dated May 5, 2004 filed in the Office of the Court Administrator (OCA), complainant Dee C. Chuan & Sons, Inc.<sup>[1]</sup> (DCCSI) which was the plaintiff in Civil Case No. 02-105031 entitled *Dee C. Chuan & Sons, Inc. v. Tek Hua Enterprising Corporation, Manuel C. Tiong and So Ping Bun*, charged respondent Judge William Simon P. Peralta, Presiding Judge of the Regional Trial Court (RTC) of Manila, Branch 50, with undue delay in the disposition of pending motions in connection with that case.

Complainant alleges that on September 13, 2002, the Metropolitan Trial Court (MeTC) of Manila, Branch 6<sup>[2]</sup> rendered a decision<sup>[3]</sup> in the unlawful detainer case ordering defendants Tek Hua Enterprising Corporation (represented by its president Manuel C. Tiong) and So Ping Bun to vacate the leased premises and to jointly pay the cost of suit, attorney's fees and rentals for the reasonable use and occupation of the premises beginning June 1991.<sup>[4]</sup>

An appeal was filed in RTC Manila and the case was raffled to Branch 50 wherein respondent was presiding judge.<sup>[5]</sup> On March 18, 2003, DCCSI filed a "motion to dismiss appeal and for issuance of writ of execution" for failure of the appellants to post the required bond and to pay the rentals due in accordance with the decision of the MeTC. Acting on the motion, respondent issued an order dated March 21, 2003 requiring the appellants to file their comment thereto. Consequently, three motions to resolve were filed by DCCSI dated August 11, 2003, October 20, 2003 and December 3, 2003 respectively. However, despite the lapse of more than one year, respondent failed and refused to resolve the pending motions, prompting complainant to file this complaint.<sup>[6]</sup>

In his comment dated June 4, 2004, respondent merely informed the OCA that the subject case "*ha(d) been resolved by (his) Court and the same (was) already for mailing*" and attached a copy of his order dated May 5, 2004. In his order, he dismissed the appeal for failure of the appellants to file their memorandum and directed the issuance of a writ of execution in favor of DCCSI.

The OCA, in its report dated December 15, 2004, found that respondent indeed

failed to resolve several motions for more than a year and showed indifference in his comment. It recommended that respondent be held liable for inefficiency in the performance of his official duties and fined in the amount of P11,000.

We agree with the findings and recommendation of the OCA but modify the penalty.

The Constitution mandates that all cases or matters filed before all lower courts shall be decided or resolved within 90 days from the time the case is submitted for decision.<sup>[7]</sup> Respondent ignored this mandate. He was also in violation of the Canon of Judicial Ethics<sup>[8]</sup> and Code of Judicial Conduct<sup>[9]</sup> which require judges to dispose of the court's business promptly and decide cases within the required periods.<sup>[10]</sup>

For more than a year, the respondent failed to resolve several motions — the motion to dismiss appeal and for issuance of writ of execution as well as the three motions to resolve. Had the OCA not required him to comment on this complaint, these motions might well have remained pending up to now.

Failure to comply within the mandated period constitutes a serious violation of the constitutional right of the parties to a speedy disposition of their cases.<sup>[11]</sup> Considering that the subject case was an unlawful detainer case, its prompt resolution was a matter of public policy as it was subject to summary procedure.<sup>[12]</sup> It is disappointing that it was the respondent himself who caused the delay.<sup>[13]</sup>

The Court has always considered a judge's failure to resolve motions and incidents within the prescribed period of three months as gross inefficiency.<sup>[14]</sup> It undermines the people's faith and confidence in the judiciary,<sup>[15]</sup> lowers its standards and brings it to disrepute.<sup>[16]</sup> Undue delay cannot be countenanced at a time when the clogging of the court dockets is still the bane of the judiciary.<sup>[17]</sup> The *raison d'etre* of courts lies not only in properly dispensing justice but also in being able to do so seasonably.<sup>[18]</sup>

It is opportune to remind respondent of the evils of judicial delay:

Delay derails the administration of justice. It postpones the rectification of wrong and the vindication of the unjustly prosecuted. It crowds the dockets of the courts, increasing the costs for all litigants, pressuring judges to take short cuts, interfering with the prompt and deliberate disposition of those causes in which all parties are diligent and prepared for trial, and overhanging the entire process with the pall of disorganization and insolubility. More than this, possibilities for error in fact-finding multiply rapidly as time elapses between the original fact and its judicial determination. If the facts are not fully and accurately determined, then the wisest judge cannot distinguish between merit and demerit. If courts do not get the facts right, there is little chance for their judgment to be right.<sup>[19]</sup>

Furthermore, it is distressing that in his one-page comment containing two very brief paragraphs, respondent did not even bother to counter the accusation of DCCSI. Neither did he offer any reason or justification on why it took him more than a year to resolve the motions.

The Court will not tolerate the indifference of respondent judges to administrative complaints and to resolutions requiring comment on such complaints. An order or resolution of this Court is not to be construed as a mere request, **nor should it be complied with partially, inadequately or selectively.**<sup>[20]</sup> To do so shows disrespect to the Court, an act only too deserving of reproof.<sup>[21]</sup>

Respondent judge ought to be reminded that a resolution of this Court requiring comment on an administrative complaint against officials and employees of the Judiciary is not to be construed as a mere request from this Court. On the contrary, respondents in administrative cases are **to take such resolutions seriously by commenting on all accusations or allegations against them as it is their duty to preserve the integrity of the judiciary.** The Supreme Court can hardly discharge its constitutional mandate of overseeing judges and court personnel and taking proper administrative sanction against them if the judge or personnel concerned does not even recognize its administrative authority.  
<sup>[22]</sup>(Emphasis supplied)

A magistrate's delay in rendering a decision or order and failure to comply with this Court's rules, directives and circulars both constitute less serious offenses under Rule 140, Section 9 of the Rules of Court.<sup>[23]</sup> Section 11(B) of Rule 140 provides the following sanctions for less serious offenses:

Sec. 11. Sanctions. --

xxx      xxx      xxx

B. If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:

1. Suspension from office without salary and other benefits for not less than one (1) month nor more than three (3) months; or
2. A fine of more than P10,000.00 but not exceeding P20,000.00.

xxx      xxx      xx

In the light of the circumstances of this case, we find that a fine of P15,000 would be just and fair.

Pursuant to A.M. No. 02-9-02-SC,<sup>[24]</sup> this administrative case against respondent as a judge based on grounds which are also grounds for the disciplinary action against members of the Bar, shall be considered as disciplinary proceedings against such judge as a member of the Bar.<sup>[25]</sup>

Violation of the fundamental tenets of judicial conduct embodied in the Code of Judicial Conduct constitutes a breach of Canons 1 and 11 of the Code of Professional Responsibility (CPR):

CANON 1 -- A LAWYER SHALL UPHOLD THE CONSTITUTION, OBEY THE LAWS OF THE LAND AND PROMOTE RESPECT FOR LAW AND FOR LEGAL