

FIRST DIVISION

[**A.M. No. MTJ-08-1695 (Formerly OCA IPI 03-1380-MTJ), April 16, 2008**]

JULIANITO M. SALVADOR, Complainant, vs. JUDGE MANUEL Q. LIMSIACO, JR. and JOHN O. NEGROPRADO, Clerk of Court, both of the 4th MCTC, Valladolid-San Enrique-Pulupandan, Negros Occidental, Respondents.

R E S O L U T I O N

CORONA, J.:

This treats of the administrative complaint for obstruction of justice, undue delay in rendering a decision and gross inefficiency filed by the complainant Julianito M. Salvador against respondent Judge Manuel Q. Limsiaco, Jr.

In his affidavit-complaint,^[1] the complainant averred that, on October 21, 2001, he filed an ejectment case^[2] in the Municipal Circuit Trial Court (MCTC) of Valladolid-San Enrique-Pulupandan, Negros Occidental. Respondent judge presided over that court.

After the defendants filed their answer, the case was heard on February 13, 2002. As the parties failed to amicably settle the case, respondent judge required them to submit their respective position papers. The complainant submitted his position paper on March 15, 2002 while the defendants failed to do so.

After two months, the complainant moved for the early resolution of the case but the defendants opposed it claiming respondent judge was yet to issue a pre-trial order defining the issues to be discussed in the position papers.

Respondent judge did not act on the motion. Instead, he again required the complainant to submit a copy of his position paper. According to the complainant, respondent judge lost the original copy of his position paper. On November 4, 2002, he complied with respondent judge's directive. He filed two more motions for the early resolution of the case. Respondent judge did not resolve both motions.

On May 21, 2003, respondent judge finally rendered a decision dismissing the ejectment case for lack of cause of action.^[3]

The complainant filed a notice of appeal which the MCTC granted. On follow-up, however, he was informed that the records had not yet been transmitted to the Regional Trial Court (RTC). He also discovered that the MCTC's clerk of court, respondent John O. Negroprado, failed to attach his position paper to the case's records and to issue a certificate on the completeness of said records.

The complaint was amended to include Negroprado for undue delay in transmitting the complete records of the case to the RTC and for not issuing the certificate.

In his comment,^[4] respondent judge contended that the complainant's accusations were baseless. According to him, he had already decided the case on May 21, 2003. It was not also true that he lost the original copy of complainant's position paper. He insisted he neither received nor saw the document.

Regarding the complainant's notice of appeal, respondent judge stated that he had in fact ordered the transmittal of the records to the RTC. On the other hand, respondent Negroprado maintained that he transmitted the complete records on June 16, 2003.^[5] He, however, admitted that he failed to issue the certificate relating to the completeness of the documents.^[6]

The complainant refuted respondents' defense. He insisted the records of the case were transmitted to the RTC only on July 10, 2003 as evidenced by the stamp mark made and initialed by the RTC's receiving clerk.

In a report,^[7] the Office of the Court Administrator (OCA) gave credence to the complainant's version and recommended that:

1. the case be re-docketed as a regular administrative matter;
2. respondent Judge Manuel Q. Limsiaco, Jr., 4th MCTC, Valladolid-San Enrique-Pulupandan, Negros Occidental be administratively liable for undue delay in rendering a decision and be **FINED** in the amount of ₱1,000 with a warning that a repetition of similar infraction be dealt with more severely; and[,]
3. respondent Clerk of Court John O. Negroprado, be **ADMONISHED** to be more circumspect in the discharge of his functions.

We adopt the OCA's recommendations, with modification.

Under Rule 70 of the Rules of Court, the court shall render its judgment within 30 days after its receipt of the parties' position papers or the expiration of the period for filing the same,^[8] whichever comes first.

The record shows that during the February 13, 2002 hearing, the parties were given 30 days (or until March 15, 2002) within which to submit their respective position papers. Only the complainant complied with the order.

Despite the expiration of the period granted by the court, however, respondent judge failed to decide the case. It was only after more than one year from the lapse of the prescribed period that he rendered his decision.

A judge's foremost consideration is the administration of justice.^[9] Thus, he should follow the time limit set for deciding cases.^[10]

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