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FIRST DIVISION

[A.M. No. MTJ-00-1264, February 04, 2002]

RAMIR MINA, COMPLAINANT, VS. JUDGE RODOLFO GATDULA, RESPONDENT.

R E S O L U T I O N

KAPUNAN, J.:

Before this Court are two (2) letter-complaints filed by complainant Ramir Mina. In the first complaint, Mina charged Judge Rodolfo A. Gatdula of the Municipal Trial Court of Balanga, Bataan, with *Undue Delay* in rendering a decision. In the second complaint, he accused respondent of *Rendering an Unjust Decision, Ignorance of the Law, and Manifest Partiality*. Both complaints sprung from Civil Case No. 1752, entitled "Sps. Reynaldo Raul and Maria Clara Chico vs. Sps. Florencio and Eliza Mina."

On September 9, 1998, Mina filed his first complaint, alleging that he is the attorney-in-fact of his parents, the defendants in a case for Unlawful Detainer. The case arose when the Spouses Chico, the plaintiffs in the aforementioned civil case, instituted the action to eject the Spouses Mina from the land they had been occupying for the last fifty (50) years. The Office of the Court Administrator summarized the charge against the respondent as follows:

> [Defendants] on August 16, 1995 received summons from respondent judge in relation to said case. Complainant noted that said Order clearly stated that the case shall be governed by the Rules on Summary Procedure which, to complainants[`] belief, should be decided within the period of sixty (60) days to ninety (90) days only.
>
> Complainant further avers that from the last hearing of the case on June 19, 1996, both parties having submitted their position papers, it took respondent judge two years to render a decision on July 7, 1998.[1]

From the same unlawful detainer case, complainant filed on January 12, 2000 another complaint against respondent for rendering an unjust decision, ignorance of the law and manifest partiality.

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> What angered us was the manner in which Judge Rodolfo S. Gatdula handled and decided the case.
>
> We had rented Lot 774 owned by Mr. Conrado P. Anastacio for almost 50 long years at P20.00 a year. Hence, we built a two (2) storey residential dwelling valued at more than P200,000.00. We declared said abode for taxation purposes and paid the corresponding taxes under tax declaration

No. 4348.

We would like to categorically state that we rented said Lot 774 from Mr. Conrado Anastacio with a yearly rental of P20.00. We have a [sic] conclusive evidence of payment whereby acceptance of rental payment was received (Please see Annexes "F" and "F1"). The other receipts of rental payment were borrowed by Mr. Rico Anastacio (brother of Conrado) and were never returned since then.

Later, the plaintiffs amended their complaint by showing a "Deed of Donation" whereby the lot we are renting (Lot 774) was donated by Mr. Conrado P. Anastacio on Feb. 1, 1993 in favor of Ma. Clara Anastacio (now surnamed Chico) [Please see Annex "B"].

This deed of donation was a spurious instrument as the document number, book number, and page number appearing in the notarial registry of Bruno R. Flores, Notary Public, is not registered (Please See Annexes "B1 & B2").

What was inscribed in the said notarial registry of Atty. Bruno R. Flores was the following:

Name of Instrument	- Affidavit of Loss
Name of Person	- Pedro A. Dlanarang
Date	- 2/1/93
Res. Cert. No.	- 10812388-2-1-93

And not the said deed of donation.

Further, a certification by the office of the clerk of court, RTC, Balanga, Bataan, was issued certifying that the questioned deed of donation was not filed in their office (Please see Annex "C").

The Community Tax Certificate Number used by the donee in the "Deed of Donation" belong to another person named "Anastacio Amelia P." who happens to be the mother of Donee as certified by Ms. Rosalina A. Andraneda, S.A. II (Please See Annex "D" and "D-1").

In our last hearing on June 19, 1996 Judge Gatdula he [sic] stated among others that the court must be given the change [sic] to study the case. We questioned the existence of the said "Deed of Donation" but we were [not] given the right to do so (Please [see] attached stenographic note marked as Annex "E").

Then on July 7, 1998 to our surprised [sic] a decision was promulgated the dispositive portion of which states:

> "Wherefore, judgement is hereby rendered in favor of the plaintiff as against the dependants [sic] by ordering the dependants [sic] and all persons claiming right under them to surrender peacefully Lot 774 to the plaintiff by demolishing their house thereon and vacating the said land. . . ["]

> It is our firm belief that the above decision was not supported by law and evidence. We have sufficient and ample proof that will support a dismissal of the case but Judge Gatdula intentionally refuse to appreciate/accept our evidences. Is that not clear partially [sic]?[2]

Respondent in his Letter-Comment, denied complainant's allegations. He claimed that during the pre-trial of the case, complainant Mina asked for the deferment of said pre-trial to explore the possibility of an amicable settlement. Proof of such request to postpone the pre-trial was supported by an affidavit of the Chico spouses' counsel, Atty. Zuniga. However, and on several occasions, complainant failed to indicate the price he was willing to offer to the Spouses Chico. It was only when respondent ordered complainant to finally state his offer when complainant declared that the highest price he could offer was the price of the property at the time they first occupied the same several years ago. Such offer was rejected outright by the Spouses Chico. The parties having failed to settle the case amicably, respondent decided the case in favor of the Spouses Chico based on the evidence presented by both parties. Complainant filed a timely appeal with the Regional Trial Court, which appeal was denied. The motion for reconsideration was also denied. Respondent theorized that the complaint against him was initiated by one Dolores Gomez, who has an axe to grind against him, having lost a case in his sala. Gomez has allegedly been spreading rumors that respondent will soon be dismissed from the service because of her complaint, and that she will stop at nothing until that happens.

In his Reply, complainant refuted respondent's reasons for the delay. According to complainant, the efforts at reaching an amicable settlement failed as early as 1996. He cited the transcript of stenographic notes of the hearing on January 24, 1996 to prove that the preliminary conference was terminated on that date.

Complainant further pointed out that the records show that complainant's offer of settlement was taken into consideration in the three (3) hearings of pre-trial from December 20, 1995 to January 24, 1996, or a period of thirty-five (35) days, not the two (2) years alluded to by respondent.

The Court finds undue delay in the disposition of Civil Case No. 1752.

Section 10 of the 1991 Revised Rule on Summary Procedure mandates that in civil cases covered by said rule the Municipal Trial Court shall render judgment within thirty (30) days after receipt of the last affidavits and position papers, or the expiration of the period for filing the same. The Office of the Court Administrator (OCA) noted that respondent Judge received the affidavits and position papers of the defendant in the case on February 2, 1996, while the plaintiffs filed theirs on April 24, 1996. However, respondent rendered a decision only on July 7, 1998, or more than two (2) years later, way beyond the thirty (30) day period prescribed by the Revised Rules on Summary Procedure.

Respondent has not established that the cause of the delay was indeed the purported negotiations between the parties. He has not presented any motion praying or order holding the case in abeyance for such reason. He has not offered any transcript of proceedings wherein such motion or order was filed or issued. He did not even state in his Comment the date when plaintiffs allegedly rejected the

offer of defendants.

Assuming that complainant indeed asked for the deferment of the pre-trial, the transcript of the hearing of June 19, 1996 shows that, by agreement of the parties, pre-trial was terminated on said date:[3]

> ATTY. Z: Same appearance for the plaintiff, your Honor. We had (sic) already submitted the respective position papers, your Honor after receiving it we have now, after receiving the pre-trial order of this Honorable Court so we now manifest your Honor that we are willing to have this case submitted for decision pursuant to revised. . .
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> COURT: I would like to inform the parties that we are still on the pre-trial. Are you going to terminate the pre-trial?
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> ATTY. Z: Yes, your Honor.
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> ATTY. M But, may we request that the defendant and this representation be allowed to make clarificatory questions on the defendants and the witnesses.
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> COURT: Well, I am asking about the pre-trial, are we going to terminate the pre-trial?
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> ATTY. M: We terminate the pre-trial.
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> COURT: By agreement of the parties the pre-trial of this case is ordered terminated. Both counsel affixed their signatures, in the stenographic notes. [Underscoring supplied.]

Respondent, however, rendered his decision only on July 7, 1998, two years after said termination of the pre-trial.

Respondent's delay in rendering the decision in Civil Case No. 1752 is clearly violative of Rule 3.05 of the Code of Judicial Ethics, which provides that "A judge shall dispose of the court's business promptly and decide cases within the required periods." The failure of a judge to decide a case within the prescribed period is inexcusable and constitutes gross dereliction of duty.[4] With respect to cases falling under the Revised Rules on Summary Procedure in particular, 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. Respondent's unreasonably long delay in the resolution of the case defeats the very purpose for the Revised Rules on Summary Procedure, which was precisely enacted to achieve an expeditious and inexpensive determination of cases. This Court has consistently held that judges should be more conscientious in the discharge of their duties, particularly the prompt resolution of cases covered by the Rule on Summary Procedure, lest the rationale for its enactment be rendered