

## SECOND DIVISION

**[ A.M. No. RTJ-00-1599 (Formerly OCA IPI No. 98-636-RTJ), November 15, 2001 ]**

**TRANQUILINO F. MERIS, COMPLAINANT, VS. JUDGE FLORENTINO M. ALUMBRES, PRESIDING JUDGE, REGIONAL TRIAL COURT, LAS PIÑAS CITY, BRANCH 255, RESPONDENT.**

### DECISION

**QUISUMBING, J.:**

Before us is a complaint<sup>[1]</sup> filed by a lawyer, Tranquilino F. Meris, charging Hon. Florentino M. Alumbres, presiding judge of Branch 255 of the Regional Trial Court of Las Piñas City, with inefficiency for failure to decide on time Civil Case No. 96-0256.

Complainant was counsel for the plaintiff in Civil Case No. 4533, entitled *Joel Brillantes represented by his attorney-in-fact Tranquilino F. Meris v. Spouses Ponciano and Minerva Deang*, an action for unlawful detainer originally filed before the Metropolitan Trial Court of Las Piñas City, Branch 79. On October 1, 1996, the MeTC rendered a decision adverse to the plaintiff on the ground that herein complainant was not a duly appointed attorney-in-fact, there being no special power of attorney for this purpose appearing on record.<sup>[2]</sup> Said decision was appealed to the Regional Trial Court, and was raffled to respondent judge's sala where it was docketed as Civil Case No. 96-0256.

After the parties had filed their memoranda, complainant filed an *ex parte* motion to submit the case for decision. Respondent granted this motion per its order dated March 11, 1997.<sup>[3]</sup>

However, months passed without any decision being rendered by respondent. Thus, complainant filed another *ex parte* motion on July 1, 1997,<sup>[4]</sup> this time for early resolution of the case. Since no decision appeared to be forthcoming, complainant subsequently filed two more motions: (1) an *ex parte* manifestation and motion dated August 21, 1997, and received on August 26, 1997; and (2) an *ex parte* third manifestation and motion dated October 21, 1997, and received on October 29, 1997.<sup>[5]</sup> Apart from said motions, complainant repeatedly followed up the status of his case with respondent's clerk of court. Still, no decision was rendered by respondent up to the time this complaint was filed with the Office of the Court Administrator on November 12, 1998.

Complainant points out that due to respondent's failure to act on his appeal, the defendants in the unlawful detainer case continue to occupy the subject premises without paying any rent, to the prejudice of the plaintiffs, his clients. Moreover, complainant alleges that his competence to pursue the case is now being doubted by his clients. He prays that this Court impose the appropriate sanction for

respondent's delay.

In his comment dated March 3, 1999, respondent gave this explanation:

2. While the case was pending decision, a party made a follow-up also within that month of March 1997, and a court personnel, to enable her to apprise the party of the actual status of the case, pulled out the record and brought it to the courtroom and examined it in the presence of the party following-up. After which, the record was placed by her on top of the courtroom table, together with the records of other cases being heard during that day. Later that day, however, when she was about to keep the records in the cabinets, she noticed that the particular folder of the case (Civil Case No. 96-0256) was missing. So she looked for it, but the same could nowhere to be found. xxx

When the clerk-in-charge of civil cases, Miss Julita M. Magpantay, learned about the loss of the record, she, together with Miss Nahid, tried to reconstruct the record by securing copies of the same from the files of Atty. Teresita Carandang-Pantua, the PAO lawyer of the defendants. While working for the reconstruction of the record, these two (2) court personnel did not inform the officer-in-charge, nor the undersigned respondent, about the loss of the record. It was only in the middle part of February 1999, that they placed the reconstructed record on the desk of the herein respondent and that was only the time respondent came to know about the case which was already long submitted for decision;

xxx<sup>[6]</sup>

Respondent asserts that it is unfair for him to be charged with inefficiency, considering his good record as a trial judge. He points out that in 1998, he was able to dispose of 482 cases, the best record among the four RTC salas in Las Piñas.

Respondent's decision on the case subject of the complaint was promulgated on February 24, 1999. Respondent submits that he could have promptly attended to the case had it not been for the loss of the case records. He assures this Court that this incident will no longer be repeated.

Respondent points out that the complaint for unlawful detainer filed with the MeTC was not signed by either the parties or their counsel, herein complainant, and was subsequently dismissed. This administrative complaint should similarly be dismissed, according to respondent.

Attached to respondent's comment is the affidavit of Aida P. Nahid, court interpreter of Branch 255, attesting to the fact that she was the last person who was in possession of the records of Civil Case No. 96-0256 before they got lost.

In a manifestation dated September 25, 2000, respondent stated that the original records of Civil Case No. 96-0256 were recovered a month after he submitted his comment to this Court. He also informed the Court that complainant appealed the dismissal of the unlawful detainer case to the Court of Appeals, which likewise dismissed the case, therein docketed as CA G.R. No. SP-53087, in a resolution dated July 12, 1999.