

SECOND DIVISION

[A.M. No. MTJ-00-1276, June 23, 2000]

FELIMON R. CUEVAS, COMPLAINANT, VS. JUDGE ISAURO M. BALDERIAN, RESPONDENT.

D E C I S I O N

MENDOZA, J.:

This case was initiated through a complaint, dated February 16, 1998, filed by Felimon R. Cuevas against Judge Isauro M. Balderian of the Municipal Trial Court, Bacoor, Cavite, for gross inefficiency in connection with his handling of Civil Case No. 1747, entitled "*Trias vs. Rafael*," for ejectment.

Complainant is the president of Cuevasville Realty and Development Corporation, one of the plaintiffs in the ejectment case. He filed the complaint for ejectment against a certain Aquilino Rafael and Roger Diocera on August 26, 1996. On September 30, 1996, defendants filed their Answer with Counterclaim. On October 8, 1996, plaintiffs filed their Reply and Answer to Counterclaim. Thereafter, the parties were required to submit their position papers.

Plaintiffs filed their position paper on March 4, 1997, while defendants filed theirs on March 31, 1997. Civil Case No. 1747 was then submitted for decision.

Not having been notified of any action on his case, complainant filed a Motion for Early Decision on May 30, 1997. As no decision had yet been rendered in the case, complainant filed a Second Motion for Early Decision on July 17, 1997, and, on July 17, 1997, a Third Motion for Early Decision. Complainant did not receive any response at all.

Despite the lapse of 10 months from March 31, 1997, when Civil Case No. 1747 was considered submitted for decision, and despite the three motions for early resolution filed by complainant, said case remained pending before Judge Balderian.

Hence, this complaint filed on February 16, 1998.

Respondent was required to file his comment, but despite notices to him, he has not submitted his comment. His right, therefore, to file comment on the complaint against him is deemed waived.

The Rule on Summary Procedure provides:

SEC. 10. *Rendition of 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 court shall render judgment.

However, should the court find it necessary to clarify certain material