

THIRD DIVISION

[**A.M. No. RTJ-96-1367, February 06, 1998**]

DANTE J. PEREZ, PETITIONER, VS. JUDGE GUILLERMO R. ANDAYA, RESPONDENT.

RESOLUTION

ROMERO, J.:

For the Court's resolution is a letter-complaint originally filed by Dante J. Perez on December 6, 1995, against respondent Judge Guillermo R. Andaya in connection with Civil Case No. 91-126 (Community Development Corporation v. Asian Bank) for the allegedly unreasonable delay in the disposition of the case. CC No. 91-126, a complaint for the collection of a sum of money, was filed on December 21, 1991, and was raffled to Branch 53 of the Regional Trial Court of Lucena City (the Lucena RTC) presided by Judge Andaya. By resolution dated March 20, 1996, Judge Andaya was required to file his comment to the complaint.

In his comment dated May 9, 1996, Judge Andaya informed the court that he was deferring action on two motions pending in his sala in view of the filing of the instant administrative complaint. He attributed the delay in the proceedings to the heavy caseload which he was handling as presiding judge of Branch 53 and 54 of the Lucena RTC. In the meantime, with the inhibition of Judge Andaya from hearing CC No. 91-126, said case was re-raffled to Judge Mario Catelo of Branch 60 on June 26, 1996. With this development, complainant Perez withdrew his complaint against Judge Andaya.

After receiving Judge Andaya's comment, the Court, on November 18, 1996, resolved to refer the case to Court of Appeals Justice Omar U. Amin for investigation, report and recommendation. On March 12, 1997, Justice Amin submitted his report delineating his findings, and recommending that Judge Andaya be reprimanded for neglect of duty, *viz.*:

"Civil Case No. 91-126 was filed on November 21, 1991. Respondent judge admitted that several motions for extension to file answer or responsive pleading were filed at the very instance of defendant Asian Bank Corp. which ultimately culminated in defendant's filing of a motion to dismiss on April 20, 1992. A span of five (5) months had lapsed from filing of the complaint. Although opposition to motion to dismiss was filed by plaintiff Perez on May 13, 1992(,) and the defendant's reply thereafter, no resolution was ever made to the motion to dismiss.

Respondent judge had to unreasonably await action until December 7, 1995, or a span of four (4) years, for plaintiff's delayed reaction to file Motion to Admit Amended Complaint which precipitated defendant's filing of a new supplemental motion to dismiss on February 16, 1996. What was worse, respondent judge withheld resolution through inaction on the two pending pleadings due to (the) instant administrative complaint earlier filed against him on December 6, 1995(,)