

THIRD DIVISION

[**A.M. No. MTJ-97-1123, October 02, 1997**]

**ATTY. JOSELITO R. ENRIQUEZ, COMPLAINANT VS. JUDGE RUBY
B. CAMARISTA, RESPONDENT.
R E S O L U T I O N**

FRANCISCO, J.:

This is an administrative complaint charging respondent Judge RUBY B. CAMARISTA of the Metropolitan Trial Court of Manila (MeTC) with gross inefficiency and/or gross incompetence, gross ignorance of the law and falsification of public documents, and praying for the dismissal from of the latter.

Herein complainant was counsel for the plaintiffs in an ejectment case docketed as Civil Case No. 146111 CV, entitled Spouses ROLANDO NICOLAS and LILIAN M. NICOLAS vs. FELIX NAPALES, before Branch 2 of the MeTC of Manila. It appears from the records that despite the fact that the said case was submitted for decision on November 3, 1994, respondent rendered judgment thereon only on October 2, 1995 or almost eleven (11) months after the case was submitted for decision. It is for this delay in the disposition of Civil Case No. 146111 VC that complainant imputes gross inefficiency and/or gross incompetence to respondent, alleging further, that the delay could have been avoided had the respondent not been grossly ignorant of the Rule on Summary Procedure governing ejectment cases. Thus, complainant belabors respondent's actuations in ordering the plaintiffs in Civil Case No. 146111CV to submit proof of certain allegations in their complainant for ejectment when defendants had failed to file their answers to the complainant in the first place. It is the complainant's contention that in view of defendants' failure to answer, respondent should have applied Section 6 of the Rule on Summary Procedure^[1] and rendered judgment on the basis of the facts alleged in the complaint without requiring plaintiffs to further substantiate their allegations.

In its memorandum dated April 16, 1997, the Office of the Court Administrator (OCA) found that respondent had indeed rendered judgment well beyond the thirty (30) day period provided for under Section 10 of the Rule of Summary Procedure, to wit:

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 facts, it may, during the said period, issue an order specifying the matters to be clarified, and require the parties to submit affidavits or other evidence on the said matters within ten (10) days from receipt of said order. Judgment shall be rendered within fifteen (15) days after the

receipt of the last clarificatory affidavits or the expiration of the period for filing the same.

The court shall not resort to the clarificatory procedure just to gain time for the rendition of the judgment.”^[2]

The rules require courts to decide cases submitted for decision generally within three (3) months from the date of such submission.^[3] With respect to cases falling under the Rule on Summary Procedure, however, 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.^[4] The Rule on Summary Procedure was precisely enacted to achieve an expeditious and inexpensive determination of cases. While the procedural requirement is directory it subjects the defaulting judge to administrative sanction for failure to observe the rule.^[5]

The respondent seeks to excuse the delay in the disposition of Civil Case No. 146111 CV by claiming that at the time the said case was filed in Branch 2 of the MeTC of Manila on October 4, 1994, she was handling two (2) salas, first, as Presiding Judge of Branch 1 and second, as Acting Judge of Branch 2. Not only was respondent’s case caseload doubled by the situation was also exacerbated by the passage of Republic Act 7619 which took effect on April 15, 1994, expanding the jurisdiction of the lower courts and consequently resulting in a considerable increase in the number of cases filed before her salas.

Although respondent’s reason do deserve some consideration from this Court, they are not sufficiently to completely exculpate her from any administrative liability. As correctly pointed out by the OCA, the respondent obviously lacked an affective and proper program of priority in the disposition of cases assigned to her salas. Furthermore, if respondent’s caseload prevented the disposition of cases within the reglementary period, she should have asked this Court for a reasonable extension of time to dispose the cases involved which respondent unfortunately failed to do.^[6] Thus, complainant’s insinuation that respondent had probably falsified her Certificates of Service omitting therefrom the fact that she had case which remained undecided beyond the ninety (90) day period as mandated in the Constitution. The confirms the foregoing allegation as respondent’s Certificates of Service for the months January to September 1995, failed to indicate that she had a case which was submitted for decision beyond the period required by law.

It has been held by this Court that a judge who falsifies his Certificates of Service is administratively liable for serious misconduct and inefficiency under the Rules of Court and likewise under the Penal Code.^[7] For it must be remembered that the Certificate of Service is not merely a means to one’s paycheck, but an instrumentality by which the courts can fulfill the Constitutional mandate of the people’s right to a speedy disposition of cases.^[8]

Finally, this Court finds the issue involving respondent’s allegedly incorrect application on the Rule on Summary Procedure as judicial in nature and not an