

[A.M. No. MTJ-00-1269, August 24, 2000]

DOMINGA D. QUILAL-LAN, COMPLAINANT, VS. JUDGE ALICIA L. DELOS SANTOS, MUNICIPAL TRIAL COURT, DIGOS, DAVAO DEL SUR, RESPONDENT.

R E S O L U T I O N

QUISUMBING, J.:

Before us is the complaint filed by Dominga D. Quilal-lan against Judge Alicia L. delos Santos of the Municipal Trial Court, Digos, Davao del Sur. According to complainant, respondent failed to render judgment within the prescribed period in Civil Case No. 2554-98, a case for forcible entry and, thus, covered by the Revised Rule on Summary Procedure. Complainant's daughter was one of the defendants in said case.

In the forcible entry case, respondent gave the parties 30 days from August 7, 1998 to submit their position papers.^[1] Complainant claims that defendants filed their position paper on September 8, 1998.^[2] By September 21, 1998, plaintiff still had not submitted his position paper, prompting defendants to file a motion for rendition of judgment.^[3] However, until the time of the filing of the complaint on October 21, 1998, respondent had not yet rendered a decision on the case.^[4]

In her comment, received by the Office of the Court Administrator on May 17, 1999, respondent pointed out that she was on sick leave beginning November 15, 1998 and was hospitalized at the UST Hospital from said date to January 15, 1999. Hence, she could not be expected to render a decision on the subject forcible entry case. Respondent claimed her decision was due on December 7, 1998.^[5]

Attached to respondent's comment was her approved application for sick leave, from November 16, 1998 to March 30, 1999,^[6] and a medical certificate showing that she was confined at the UST Hospital from November 11, 1998 to December 14, 1998.^[7] Respondent prayed for the dismissal of the complaint and called upon defendants' counsel in the forcible entry case not to deceive her clients into believing that the delay in the decision was intentional.

A case for forcible entry is covered by the Revised Rule on Summary Procedure. Section 10 of said rule provides:

"SEC. 10. *Rendition of judgment.* - Within thirty (30) days after the receipt of the last affidavits and position papers, or the expiration of the period for filing the same, the court shall render judgment.

x x x"

Per order of respondent judge dated August 7, 1998, the parties to the subject forcible entry case had until September 6, 1998 to submit their position papers. Defendants belatedly submitted their position paper on September 8, 1998 while