

SECOND DIVISION

[A.M. No. MTJ-16-1887 (Formerly OCA IPI No. 15-2814-MTJ), January 09, 2017]

TRINIDAD GAMBOA-ROCES, COMPLAINANT, VS. JUDGE RANHEL A. PEREZ, PRESIDING JUDGE, MUNICIPAL CIRCUIT TRIAL COURT, ENRIQUE MAGALONA-MANAPLA, NEGROS OCCIDENTAL, RESPONDENT.

DECISION

MENDOZA, J.:

Before the Court is an administrative complaint filed by Trinidad Gamboa-Roces (*complainant*) charging Judge Ranhel A. Perez (*Judge Perez*), Presiding Judge, Municipal Circuit Trial Court, E.B. Magalona-Manapla, Negros Occidental (*MCTC*), with gross ignorance of the law for his failure to render judgment on the consolidated ejectment cases, docketed as Civil Case Nos. 451-M and 452-M, within the reglementary period as prescribed by law.

In her complaint, denominated as *Petition*,^[1] dated November 17, 2015, complainant claimed that she was one of the plaintiffs in Civil Case Nos. 451-M and 452-M for unlawful detainer and damages. After the mediation proceedings and the Judicial Dispute Resolution proceedings failed in Civil Case No. 451-M, it was referred back to the MCTC for trial and was set for preliminary conference. As a new judge was soon to be assigned in the MCTC, the preliminary conference was reset to January 10, 2014, by Judge Evelyn D. Arsenio, the then acting Presiding Judge.

Complainant further stated that when Judge Perez was appointed and assumed office, her counsel filed two (2) separate motions for his inhibition in the two cases on the ground that she was previously involved in a legal confrontation with Judge Perez himself when he was representing his parents. Her motions, however, were denied in separate orders, dated March 7, 2014^[2] and March 24, 2014,^[3] respectively. Thereafter, Civil Case Nos. 451-M and 452-M were consolidated in the Order,^[4] dated March 11, 2014. After the preliminary conference for the two cases was held, the parties were then required to file their respective position papers. Thereafter, Judge Perez issued the Order,^[5] dated November 21, 2014, submitting the cases for resolution.

Complainant prayed that Judge Perez be found guilty of gross ignorance of the law for his failure to timely render judgment in the said cases. She claimed that despite the lapse of more than ten (10) months, Judge Perez failed to decide the cases in violation of the 30-day reglementary period within which to decide an ejectment case.

In his *Comment*,^[6] Judge Perez admitted that Civil Case Nos. 451-M and 452-M

were decided beyond the prescribed 30-day period and offered his deepest apologies, explaining that the delay was inadvertent and not intended to prejudice the plaintiffs. He explained that he was able to finish the final draft of his decision on December 1, 2014, but in his desire to have "a perfect decision," he did not immediately forward the draft to his Clerk of Court as he would still polish it. He, however, got distracted with other issues and matters in the office.

According to Judge Perez, it was only while preparing the monthly report for December 2014 that he realized he had not given the printed draft of the decision in the two cases to the Clerk of Court. He explained that reproducing the printed draft would be expensive considering the number of defendants in the case. He also failed to give the soft copy to the Clerk of Court as there was no internet connection in his office at the time and his laptop and computer at home were being serviced for maintenance. Thinking that he had already decided the cases except that he had yet to reproduce and send out copies of the decision, he included the said cases as decided in the monthly report. Thereafter, it escaped his attention to follow up on the cases.

Judge Perez further explained that he later discovered in August 2015 that the decision was not attached to the records of the cases when he requested to see the records while looking for a template of a pre-trial order. The mailing logbook was also checked and it was revealed that no decision in the consolidated cases had been mailed since December 2014. As he could no longer locate the printed draft decision which he thought he might have kept in his drawer, where he usually placed the scratch papers, he drafted the decision again. As it turned out, reproducing the number of copies for the parties took longer than anticipated as they were using a dot matrix printer which was placed inside the courtroom, thus, the Decision,^[7] dated August 17, 2015, had not been received by complainant up until the complaint was filed on December 8, 2015.

In its Report,^[8] dated September 7, 2016, the Office of the Court Administrator (OCA) recommended that the complaint be re-docketed as a regular administrative matter and that "Judge Perez be found GUILTY of undue delay in rendering a decision or order and be ADMONISHED to be more mindful in the performance of his duties particularly in the prompt disposition of cases pending and/or submitted for decision/resolution before his court, with a STERN WARNING that a repetition of the same, or any similar infraction shall be dealt with severely."^[9]

The Court agrees with the recommendation of the OCA except as to the penalty.

Without a doubt, Judge Perez failed to decide Civil Case Nos. 451-M and 452-M within the reglementary period as prescribed by law. These cases were submitted for decision on November 21, 2014, but up to the time of the filing of this complaint on December 8, 2015, or more than a year therefrom, no decision had been rendered. Judge Perez acknowledged his lapses and presented several excuses to justify his delay. He apologized and asked for compassion and understanding, citing mainly his inexperience as a newly appointed judge as a reason therefor.

The Court's Ruling