

## SECOND DIVISION

**[ A.M. No. MTJ-12-1811 [Formerly A.M. OCA IPI No. 10-2313-MTJ], June 13, 2012 ]**

**LETICIA G. JACINTO COMPLAINANT, VS. JUDGE JOSEPHUS JOANNES H. ASIS, METROPOLITAN TRIAL COURT, BRANCH 40, QUEZON CITY, RESPONDENT.**

### RESOLUTION

**SERENO, J.:**

Before this Court is a Complaint for Delay in the Disposition of Case relative to Civil Case No. 05-35013 filed by Leticia G. Jacinto (Jacinto) against respondent Judge Josephus Joannes H. Asis (Judge Asis), Presiding Judge of the Metropolitan Trial Court, National Capital Judicial Region, Quezon City, Branch 40 (MeTC Br. 40).

Jacinto is the plaintiff in Civil Case No. 05-35013, a case for unlawful detainer before MeTC Br. 40. In August 2006, during the pendency of that case, Judge Asis became the Presiding Judge of that court and started performing judicial functions in September of the same year.<sup>[1]</sup>

On 9 March 2007, Judge Asis issued an Order submitting Civil Case No. 05-35013 for decision.<sup>[2]</sup> The defendants in that case filed a Motion for Reconsideration, to which Jacinto filed an Opposition on 19 April 2007.<sup>[3]</sup> Thereafter, on 6 August 2007, she filed an Urgent Motion to Submit Incident for Resolution.<sup>[4]</sup> Because of the failure of Judge Asis to promptly render judgment on the case, Jacinto filed the present Complaint dated 14 September 2010 against him.<sup>[5]</sup>

In his Comment dated 13 October 2010, Judge Asis alleged the following:<sup>[6]</sup>

- (a) In November 2006, he was diagnosed to have an illness in his left eye.
- (b) On 2 May 2007, he suffered a seizure and a mild stroke while in the conduct of a trial.
- (c) He had two other seizures on 7 June 2007 and 1 July 2008 and was absent on various occasions on account of his medical condition.
- (d) In August 2007, he had an eye operation.
- (e) On 29 August 2007, he was hospitalized for brain hemorrhage.
- (f) On 1 September 2007, he underwent a brain operation resulting in his confinement in the Intensive Care Unit for 12 days.
- (g) He was on official leave of absence from September to November 2007.
- (h) At the time Jacinto filed the Urgent Motion to Submit Incident for Resolution on 8 August 2007, Judge Asis was already very sick, which rendered him unable to act on the said Motion.
- (i) Judge Asis issued an Order dated 19 October 2010 resolving the

Motion for Reconsideration filed by the defendants in Civil Case No. 05-35013, while he rendered the Decision on 26 October 2010.

In its report, the Office of the Court Administrator (OCA) recommended that Judge Asis be: (a) found guilty of delay in resolving the Motion for Reconsideration and rendering the Decision in Civil Case No. 05-35013; (b) fined in the amount of ₱ 2,000; and (c) given a stern warning that the commission of the same or a similar offense will be dealt with more severely.<sup>[7]</sup> The OCA reasoned as follows:

Although respondent Judge Asis has a valid reason for not being able to decide the case within the 30-day reglementary period, as required by the Revised Rules on Summary Procedure, the same does not totally absolve him from administrative liability. Respondent Judge Asis himself admitted that his leave of absence was only for the months of September, October, and November in the year 2007; and yet, the Motion for Reconsideration was resolved on 19 October 2010, and the main case was decided on the merits on 26 October 2010 or after a protracted delay of three (3) years. It is worth noting that respondent Judge Asis acted on these pending matters only after he was directed by the Office of the Court Administrator to comment on the instant Complaint.

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Accordingly, and at the very least, respondent Judge Asis should have requested for an extension of time to decide the case soon after he reported back to work. If he did so, he would have been able to apprise litigants as to the status of the case and the reason for the delay. However, he failed to do so.<sup>[8]</sup>

Judges are continuously reminded to resolve cases with dispatch to avoid any delay in the administration of justice.<sup>[9]</sup> Thus, under Section 9 (1), Rule 140 of the Rules of Court, undue delay in rendering a decision or order is considered a less serious charge.

Civil Case No. 05-35013 is an action for unlawful detainer covered by the Rule on Summary Procedure.<sup>[10]</sup> Accordingly, Judge Asis had 30 days after his receipt of the last affidavits and position papers, or after the expiration of the period for filing the same, to render judgment on the case.<sup>[11]</sup> However, his severe ailments and medical operations at that time understandably prevented him from deciding on the case within the prescribed period.

This Court agrees with the OCA that the prudent course of action would have been for Judge Asis to request an extension for acting on Civil Case No. 05-35013 instead of disposing this case only after being prompted to file a comment on the present Complaint. Despite these findings, this Court nevertheless deems the reduction of the fine proper, considering the existence of factors that mitigated the commission of the offense, namely: (a) this is his first infraction, and (b) his delay in the disposition of the case resulted from his serious medical conditions.