FIRST DIVISION

[A.M. No. MTJ-11-1796 (Formerly OCA I.P.I. No. 10-2279-MTJ), June 13, 2012]

FE D. VALDEZ, COMPLAINANT, VS. JUDGE LIZABETH G. TORRES, METC, BRANCH 60, MANDALUYONG CITY, RESPONDENT.

D E C I S I O N

LEONARDO-DE CASTRO, J.:

This is an administrative complaint filed by complainant Fe D. Valdez against respondent Judge Lizabeth Gutierrez-Torres of the Metropolitan Trial Court (MeTC), Branch 60, Mandaluyong City, for delay in the disposition of Civil Case No. 20191.

Civil Case No. 20191 was an action for damages and attorney's fees instituted on October 25, 2005 by complainant against Prudential Guarantee & Assurance, Inc. (PGAI) and Charlie Tan (Tan), which was raffled to the Mandaluyong MeTC-Branch 60, presided over by respondent.[1]   Complainant alleged that she bought comprehensive insurance policy for her motor vehicle from PGAI, through broker Tan; that she had fully paid her premium; that during the validity of her insurance, the insured motor vehicle was damaged; that the repair of the motor vehicle cost P167,278.56; and that PGAI and Tan refused to pay her claim despite several demands. Complainant prayed for judgment awarding in her favor P167,278.56 as actual damages, P50,000.00 as moral damages, P50,000.00 as exemplary damages, P50,000.00 attorney's fees, plus P2,000.00 appearance fees.

Respondent proceeded to hear Civil Case No. 20191 in accordance with the Revised Rule on Summary Procedure. After the parties had filed their respective position papers, respondent submitted Civil Case No. 20191 for decision on July 19, 2006.[2]

Almost a year had passed but Civil Case No. 20191 remained unresolved, prompting complainant to file a motion for immediate resolution of Civil Case No. 20191 on June 27, 2007.[3]   Complainant followed-up with a second motion for immediate resolution filed on October 19, 2007,[4] third motion for immediate resolution filed on December 11, 2007,[5] fourth motion for immediate resolution filed on April 15, 2008,[6] fifth motion for immediate resolution filed on June 11, 2008,[7] sixth motion for immediate resolution filed on July 7, 2008,[8] seventh motion to resolve filed on April 21, 2009,[9] and eighth motion to resolve filed on January 17, 2010.[10]

Frustrated by the long wait for the resolution of Civil Case No. 20191, complainant filed the present administrative complaint on June 4, 2010 against respondent, alleging unreasonable delay by the latter in the disposition of said case to the damage and prejudice of the former.

Through a 1ˢᵗ Indorsement dated June 10, 2010, the Office of the Court Administrator (OCA) informed respondent of the administrative complaint against her and required her to submit her comment thereon within 10 days from receipt of said indorsement.[11] The Registry Return Receipt showed that respondent received the 1st Indorsement on July 5, 2010 but she failed to file her comment within the period prescribed.

The OCA sent a 1ˢᵗ Tracer dated September 15, 2010 reiterating the order for respondent to submit her comment to the administrative complaint against her within 10 days from receipt of said tracer, otherwise, the complaint shall be submitted for resolution without her comment.[12] The Registry Return Receipt established that respondent received the 1st Tracer on October 22, 2010, yet she still did not comply with the same.

In the meantime, complainant filed a letter before the OCA on September 8, 2010, requesting action on her administrative complaint given that respondent has still not decided Civil Case No. 20191.

On November 23, 2010, this Court promulgated its Decision in three other consolidated administrative cases against respondent, *Lugares v. Gutierrez-Torres,* [13] already dismissing her from service.

In its report[14] dated August 25, 2011, the OCA made the following recommendations:

> RECOMMENDATION: Premises considered, it is most respectfully recommended for the consideration of the Honorable Court that:

> 1. The instant administrative complaint be RE-DOCKETED as a regular administrative matter against respondent Lizabeth Gutierrez-Torres, former presiding judge of the Metropolitan Trial Court, Branch 60, Mandaluyong City;

> 2. Respondent Lizabeth Gutierrez-Torres be found GUILTY of INSUBORDINATION, GROSS INEFFICIENCY, and GRAVE and SERIOUS MISCONDUCT;

> 3. In view of her previous dismissal from the service, a FINE OF P20,000.00 instead be imposed upon her, to be deducted from her accrued leave credits;

> 4. To effect the same, the Employee's Leave Division, Office of Administrative Services-OCA be DIRECTED to compute respondent Lizabeth Gutierrez-Torres' earned leave credits; and

> 5. The Leave Division, thereafter, be DIRECTED to forward respondent Lizabeth Gutierrez-Torres' total accrued leave credits to the Finance Division, Fiscal Management Office-OCA, for the latter to compute the monetary value of the said leave credits and deduct therefrom

the amount of the fine herein imposed, without prejudice to whatever penalty the Court may impose on other remaining and/or pending administrative cases, if any.[15]

The Court then issued a Resolution[16] dated October 3, 2011 re-docketing the administrative complaint against respondent as a regular administrative matter and requiring the parties to manifest within 10 days from notice if they were willing to submit the matter for resolution based on the pleadings filed. Following the failure of both parties to submit their respective manifestations despite notice, the Court deemed the instant case submitted for decision.

At the outset, the Court notes that respondent had been given ample opportunity to address the complaint against her. The OCA had sent and respondent received the 1st Indorsement dated June 10, 2010 and 1st Tracer dated September 15, 2010, both of which explicitly required her to file her comment on the complaint. However, up until the resolution of the present case, respondent has not complied with the OCA directives. Moreover, respondent had also failed to comply, despite due notice, with the Resolution dated October 3, 2011 of the Court itself requiring the parties to manifest whether they were willing to submit the present administrative matter for resolution based on the pleadings filed.

It is true that respondent's failure to submit her comment and manifestation as required by the OCA and this Court, respectively, may be tantamount to insubordination,[17] gross inefficiency, and neglect of duty.[18] It is respondent's duty, not only to obey the lawful orders of her superiors, but also to defend herself against complainant's charges and prove her fitness to remain on the Bench.[19] As a result of her non-compliance with the directives of the OCA and the resolution of this Court, respondent had completely lost the opportunity to defend herself against complainant's charges.

As for the merits of the instant administrative complaint, the pleadings and evidence on record satisfactorily establish respondent's guilt for the undue delay in resolving Civil Case No. 20191.

Section 15(1), Article VIII of the Constitution, mandates that cases or matters filed with the lower courts must be decided or resolved within **three months** from the date they are submitted for decision or resolution. With respect to cases falling under the Rule on Summary Procedure, first level courts are only allowed **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.

As a general principle, rules prescribing the time within which certain acts must be done, or certain proceedings taken, are considered absolutely indispensable to the prevention of needless delays and the orderly and speedy discharge of judicial business. By their very nature, these rules are regarded as mandatory.[20]

Judges are oft-reminded of their duty to promptly act upon cases and matters pending before their courts. Rule 3.05, Canon 3 of the Code of Judicial Conduct, directs judges to "dispose of the court's business promptly and decide cases within the required periods." Canons 6 and 7 of the Canons of Judicial Ethics further