

## SECOND DIVISION

**[ A.M. No. MTJ-10-1764 [Formerly OCA IPI No. 09-2121-MTJ], September 15, 2010 ]**

**JUDITH S. SOLUREN, COMPLAINANT, VS. JUDGE LIZABETH G. TORRES, METROPOLITAN TRIAL COURT, BRANCH 60, MANDALUYONG CITY, RESPONDENT.**

### DECISION

**PERALTA, J.:**

In a Complaint-Affidavit<sup>[1]</sup> dated February 19, 2009, complainant Judith S. Soluren (Soluren) charged Hon. Lizabeth G. Torres, Presiding Judge of Branch 60, Metropolitan Trial Court (MeTC), Mandaluyong City, with Violation of Rule 3.05, Canon 3 of the Code of Judicial Conduct and Section 15(1) of the Constitution, Gross Inefficiency and Misconduct.

Soluren is the respondent in a criminal case for grave oral defamation entitled *People of the Philippines versus Judith S. Soluren* docketed as Criminal Case No. 100833 filed before the MeTC of Mandaluyong City, Branch 60, presided by respondent judge.

On August 28, 2007, Assistant City Prosecutor Lawrence Mark A. Encinas (Encinas), of the City Prosecutor's Office of Mandaluyong City, issued a Resolution<sup>[2]</sup> in I.S. No. 07-71032-A dismissing the complaint for grave oral defamation against Soluren.

By virtue of said Resolution, on September 4, 2007, Encinas filed a Motion to Withdraw Information<sup>[3]</sup> in Criminal Case No. 100833. On September 28, 2007, private complainant in the said case filed a Comment and Opposition on the motion to withdraw information on the ground that there was a pending motion for reconsideration filed with the Prosecutor's Office of Mandaluyong City.

On November 6, 2007, the Prosecutor's Office of Mandaluyong City issued its Resolution denying private complainant's Motion for Reconsideration.

On December 12, 2007, the Motion to Withdraw Information was submitted for resolution.

On July 30, 2008, Soluren, through her counsel, filed an Urgent Motion to Resolve the "Motion to Withdraw Information."<sup>[4]</sup> Judge Torres failed to act on the said motion.

On September 18, 2008, Soluren filed a Second Urgent Motion to Resolve the Motion to Withdraw Information.<sup>[5]</sup> However, Judge Torres, again, failed to resolve said motion.

As of the filing of the complaint, or one (1) year and two (2) months after the motion to withdraw information was submitted for resolution, respondent judge has yet to resolve the motion; thus, prompting Soluren to file the instant complaint against respondent judge for violation of Rule 3.05, Canon 3 of the Code of Judicial Conduct and Section 15 (1) of the Constitution.

On March 2, 2009, the Office of the Court Administrator (OCA) directed Judge Torres to file a comment on the instant complaint against her within ten (10) days from the receipt of the directive.<sup>[6]</sup>

In a Tracer Letter<sup>[7]</sup> dated June 22, 2009; it appeared, per records, that Judge Torres has yet to comply with the OCA's directive to file her comment on the complaint against her. Thus, it was reiterated anew that Judge Torres submit her comment within five (5) days from receipt of the letter.

In its Memorandum<sup>[8]</sup> dated December 15, 2009 to the Court, the OCA recommended that the Court direct Judge Torres - for the last time - to submit her Comment, otherwise, the case shall be deemed submitted for resolution on the basis of the pleadings on file.

Again, in a Resolution<sup>[9]</sup> dated February 8, 2010, the Court resolved to *DIRECT FOR THE LAST TIME* Judge Torres to submit her comment, otherwise, the case shall be deemed submitted for decision on the basis of the pleadings on file.

In a Letter<sup>[10]</sup> dated January 6, 2010, Soluren manifested that, to date, the Motion to Withdraw Information remained unresolved. Likewise, no comment on the complaint was ever submitted by respondent judge.

### ***RULING***

This Court has consistently held that failure to decide cases and other matters within the reglementary period constitutes gross inefficiency and warrants the imposition of administrative sanction against the erring magistrate. Delay in resolving motions and incidents pending before a judge within the reglementary period of ninety (90) days fixed by the Constitution and the law is not excusable and constitutes gross inefficiency.

Section 15 (1), Article VIII of the 1987 Constitution mandates lower court judges to decide a case within the reglementary period of ninety days. The Code of Judicial Conduct, under Rule 3.05<sup>[11]</sup> of Canon 3, likewise enunciates that judges should administer justice without delay and directs every judge to dispose of the court's business promptly within the period prescribed by law. Rules prescribing the time within which certain acts must be done are indispensable to prevent needless delays in the orderly and speedy disposition of cases. Thus, the ninety-day period is mandatory.<sup>[12]</sup>

This Court is aware of the heavy case load of first level courts. We have allowed reasonable extensions of time needed to decide cases. But such extensions must first be requested from this Court. A judge cannot by himself choose to prolong the