

THIRD DIVISION

[A.M. No. MTJ-10-1769 [FORMERLY OCA IPI NO. 09-2145-MTJ], October 06, 2010]

EDUARDO B. OLAGUER, COMPLAINANT, VS. JUDGE ALFREDO D. AMPUAN, METROPOLITAN TRIAL COURT, BRANCH 33, QUEZON CITY, RESPONDENT.

DECISION

BERSAMIN, J.:

Before us is an administrative complaint against Presiding Judge Alfredo D. Ampuan of Branch 33, Metropolitan Trial Court, in Quezon City.

The complainant charged respondent Judge with delay in rendering a decision, gross inefficiency, and conduct unbecoming of a judge relative to his handling of Civil Case No. 27653 entitled *JOS Managing Builders, Inc. v. Land Bank of the Philippines, et al.* The said civil case had been already pending for eight years because respondent Judge had allowed the case to drag unnecessarily. The complainant claimed that respondent had failed to render a decision despite the lapse of six months and had likewise failed to act on the last two motions he had filed. The complainant averred that the Branch Clerk of Court had informed him that the cause of delay had been the reconstruction of the various transcripts of stenographic notes (TSNs), which should not be true considering that the original TSNs had earlier been provided to the parties.^[1]

It appears that on August 5, 2008, the complainant filed an *ex parte manifestation* in Civil Case No. 27653 praying for its submission for decision for failure of the defendants to file their memorandum, but respondent Judge rendered no decision despite the lapse of three months. The complainant then filed *motions to resolve* on December 12, 2008 and on February 18, 2009. Still, respondent Judge did not decide Civil Case No. 27653 until only on June 2, 2009, which was way beyond the three-month reglementary period.^[2]

In his *comment*,^[3] respondent Judge explained that he had inherited Civil Case No. 27653 from two predecessors, and that he had started handling it only on November 18, 2005, but only for the last five hearings. He averred that the stenographers who had taken the TSNs had transferred to another court, causing a delay in the submission of the TSNs; and that the charges against him were unfair, stressing that he conducted daily hearings because his *sala* was designated as a Special Court for Tax Cases, Election Court, and Small Claims Court.

On August 3, 2010, the Office of the Court Administrator (OCAAd) found respondent Judge guilty of gross inefficiency and recommended the penalty of reprimand with a stern warning that a repetition of the same or similar act would be dealt with more severely.^[4]