

## THIRD DIVISION

[ **A.M. NO. MTJ-06-1655 (FORMERLY A.M. OCA IPI NO. 06-1814-MTJ), March 06, 2007** ]

**LEONARDO R. OCAMPO, COMPLAINANT, VS. HONORABLE GINA M. BIBAT-PALAMOS, PRESIDING JUDGE, METROPOLITAN TRIAL COURT, PASAY CITY, BRANCH 47, RESPONDENT.**

### R E S O L U T I O N

**CHICO-NAZARIO, J.:**

Before Us is respondent's Second Motion for Reconsideration of the Resolution dated 30 August 2006, which censured respondent Judge Gina M. Bibat-Palamos, for her delay in issuing the writ of execution in Civil Case No. 754-95 entitled, "*Leonardo R. Ocampo v. Leonora Tirona*," an ejectment case on which the decision has already become final and executory.

On 26 July 2006, the Office of the Court Administrator (OCA) submitted its report and recommendation. It recommended that:

1. That the instant complaint be **RE-DOCKETED** as a regular administrative matter;
2. That respondent Executive Judge Gina M. Bibat-Palamos be **CENSURED** with a **STERN WARNING** that a repetition of the same or similar act would be dealt with more severely.<sup>[1]</sup>

**The report ratiocinated thus:**

The Motion for Execution was filed by herein complainant way back 26 September 2005, after the ejectment case was finally resolved by the Supreme Court last 10 August 2005. Respondent Judge resolved the said Motion only on 11 January 2006 and the same was received by the complainant only on 11 February 2006 after almost five (5) months from the time it was filed. Notably, the resolution of the motion came a week after Mr. Ocampo filed this complaint and was mailed almost a month thereafter.

It is an elementary rule that in ejectment proceedings the decision in favor of the plaintiff is immediately executory. The plaintiff is entitled to reacquire possession of the subject property, after judgment is ruled in his favor, in order to prevent further damage to him arising from the loss of possession of the property in question. (*Hualam Construction and Development Corporation v. Court of Appeals*, G.R. No. 85466, 16 October 1992, 214 SCRA 612). While we give respondent credit for finally issuing the order for a Writ of Execution, we cannot but observe that the same could have been issued at the outset when the motion for

execution was filed in accordance with the law. The fact that she finally complied with the requirements of the law is of no moment. Respondent cannot now be allowed to evade the effects of her inaction or ignorance of procedural law that give rise to this administrative complaint.

Her failure to comprehend the basic purpose of resolving the Motion for Execution in Ejectment cases promptly and expeditiously albeit one already resolved and decided by the Supreme Court constitutes gross ignorance of the law, for which she may be held administratively liable. It must be emphasized that the adoption of the Rule on Summary Procedure is part of the commitment of the judiciary to enforce the constitutional right of litigants to a speedy disposition of their cases. It was promulgated for the purpose of achieving "an expeditious and inexpensive determination of cases." Any member of the Judiciary who causes delay sought to be prevented by the Rule is sanctionable. (*Velez v. Flores*, A.M. No. MTJ-01-1366, 7 February 2003).<sup>[2]</sup>

Deliberating on the case, the First Division (now Third Division) adopted the findings and conclusion of the OCA.<sup>[3]</sup>

A Motion for Reconsideration was filed, but the same was denied in a Resolution<sup>[4]</sup> dated 29 November 2006.

In her second motion for reconsideration, respondent explained there was no delay in her acting on the complainant's motion for execution, thus:

5. x x x [T]he Motion for Execution was filed by the complainant on September 27, 2005 (Annex "A"). It was set for hearing on September 30, 2005. An Order was issued by the undersigned dated October 3, 2005 (Annex "B") requiring the defendant to file their comment/opposition to the Motion for Execution within ten (10) days from the date of the issuance of the said Order. On October 10, 2005, the defendant filed an "Urgent Ex-Parte Motion for Extension of Time to File Comment (Annex "C"). An Order dated October 14, 2005 was issued by the undersigned granting the defendant's motion and giving her until October 20, 2005 (Annex "D") to file her comment to herein complainant's Motion for Execution. Defendant did not comply with the Order dated October 14, 2005. Hence, the period to resolve the "Motion for Execution" of the herein complainant commenced to run from the time that the period given to the defendant has lapsed which was on October 20, 2005 and not on September 27, 2005 or the time of the filing of the Motion for Execution. The Motion for Execution was resolved and granted on January 11, 2006 (Annex "E") or eighty three (83) days after it was deemed submitted for resolution. Paragraph 1 of Section 15 of Article VIII of the 1987 Philippine Constitution states: "All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty four (24) months from date of submission for the Supreme Court, and, unless reduced by the Supreme Court, twelve (12) months for all lower collegiate courts, and three (3) months for all other lower courts." The Constitution further states in Paragraph 2 of the said Section that: "A case or matter shall be deemed submitted for decision or