

SECOND DIVISION

[A.M. No. MTJ-03-1484 (Formerly OCA IPI No. 02-1198-MTJ), January 15, 2004]

DORCAS G. PETALLAR, COMPLAINANT, VS. JUDGE JUANILLO M. PULLOS, MCTC, SAN FRANCISCO, SURIGAO DEL NORTE, RESPONDENT.

RESOLUTION

QUISUMBING, J.:

In a complaint-affidavit^[1] dated February 7, 2002, Judge Juanillo M. Pullos, former presiding judge of the Municipal Circuit Trial Court of San Francisco, Surigao del Norte, stands charged by complainant Dorcas G. Petallar of violating Canon 1, Rule 1.02^[2] and Canon 3, Rule 3.05^[3] of the Code of Judicial Conduct; as well as Rule 140, Section 4^[4] and Rule 70, Sections 10^[5] and 11^[6] of the Rules of Court; for undue delay in rendering a decision in Case No. 137 for Forcible Entry.

In charging respondent judge with having violated his duty to administer justice impartially and without delay, Petallar averred that he was the plaintiff in said forcible entry case, adding (and we quote his allegations):

- "2. That I filed the complaint for Forcible Entry aforementioned in MCTC San Francisco sometime on (sic) March, 1999, which court is presided by Judge Juanillo M. Pullos;
- "3. That the Defendants filed their Answer on April 8, 1999;
- "4. That after preliminary conference, we were ordered to submit our respective position papers and evidences;
- "5. That on February 02, 2000, I, the Plaintiff submitted our position paper and evidences and the Defendants submitted also their position paper and evidences on the same period;
- "6. That after I submitted our position papers and evidences together with the Defendants, I did not remember Judge Juanillo M. Pullos to have ordered us to submit additional affidavits or other evidences to clarify certain material facts;
- "7. That after 30 days after the receipt of the affidavits and position papers and the expiration of the period for filing at the MCTC-San Francisco, Surigao del Norte, Judge Juanillo M. Pullos did not render judgment;
- "8. That after two months from the submission of our position papers, I often went to the court of Judge Pullos personally to

verify if there is already a judgment;

"9. That I filed a manifestation through my lawyer on October 15, 2000, a copy is attached as ANNEX-"A";

"10. That just to remind Judge Juanillo M. Pullos of his sworn duty, I nonetheless compelled my lawyer on August 3, 2001 to file a Motion for Rendition of Judgment before Judge Pullos which was duly received on August 6, 2001, a copy of said Motion is attached as ANNEX "B";

"11. That I personally asked Judge Juanillo Pullos in his court when must be the rendition of judgment of our case and personally answered me three times on those three occasions, as follows:

1. 'That he was still studying the case,' and he promised this to me sometime on September 2001;
2. 'That he had already studied the case but the form shall still be reduced in typewritten form' and he said this to me sometime on the 1st week of October 2001;
3. 'That the Decision shall be mailed' and he said this on October 25, 2001;

"12. That as of the filing of this Complaint, December 27, 2001, I did not receive any judgment in the above-entitled case;"^[7]

For his part, respondent judge in his comment, by way of 2nd Indorsement^[8] dated August 6, 2002, stated that he handed down his decision in Case No. 137 on June 2, 2002. He pointed out that said decision is, in fact, the subject of an appeal. Respondent submitted that the charges against him had become moot.

The Office of the Court Administrator (OCA), however, found no merit in respondent's contention that the administrative complaint against the latter had been mooted by the decision he rendered in Case No. 137. The OCA observed that said decision was rendered out of time, in breach of Rule 70, Section 11 of the Rules of Court, which mandates that judgment must be rendered within thirty (30) days after receipt of the affidavits and position papers or the expiration of the period for filing the same. The OCA also found respondent omitted to come up with a satisfactory explanation as to his failure to decide the case within the prescribed period. Nor did he ask for an extension of time within which to decide the case. Thus, in its report dated February 6, 2003, the OCA held respondent liable for undue delay in rendering judgment in violation of the Rules of Court and recommended that he be fined the amount of P5,000.00. It was further recommended that respondent judge be admonished to be more conscientious and prompt in the performance of his duties.

On March 30, 2003, respondent retired from the judiciary.

After a careful perusal of the records of this administrative matter, we find no reason to disagree with the findings of the OCA. Respondent indeed violated Rule 70,