

THIRD DIVISION

[A.M. No. MTJ-02-1396, March 15, 2004]

ESTERLINA ACUZAR, COMPLAINANT, VS. JUDGE GAYDIFREDO T. OCAMPO, MUNICIPAL TRIAL COURT, TUPI, SOUTH COTABATO, RESPONDENT.

DECISION

SANDOVAL-GUTIERREZ, J.:

The administrative case at bar arose from a sworn letter-**complaint**^[1] dated May 31, 2001 filed with the Office of the Chief Justice (OCJ) by Esterlina Acuzar, complainant, charging Judge Gaydifredo T. Ocampo of the Municipal Trial Court, Tupi, South Cotabato, with gross misconduct, bias and partiality.

Complainant Esterlina Acuzar, in her letter complaint, alleged that she is the plaintiff in Civil Case No. 412 for sum of money and damages against Rodrigo Cruz filed with the Municipal Trial Court of Tupi, South Cotabato presided by respondent. Since November 4, 1998, when Civil Case No. 412 was filed, up to the filing of this administrative complaint on May 31, 2001, respondent has not taken any action on the case because his wife is the relative of defendant Cruz. In fact, the latter told her (complainant) that he would just give the amount involved to respondent judge in order to obtain a favorable judgment.

In his comment^[2] dated July 26, 2001, respondent denied the charges. He explained that the trial of Civil Case No. 412 had long begun and it is now the turn of the defendant to present his evidence. Although there was delay, it was due to the motions for postponement of either or both opposing counsel. He granted those motions in order to avoid any possible "charge of denial of due process." He further alleged that defendant Cruz is a very distant relative of his deceased first wife, not even within the sixth civil degree.

Respondent judge also denied complainant's allegation that defendant Cruz bribed him in order to obtain a favorable judgment in Civil Case No. 412; and that complainant's charges against him are fabricated and are "acts of harassment."

In his Report and Recommendation, Court Administrator Presbitero Velasco made the following evaluation:

"Respondent is charged with failure to dispose of a simple case for collection of a sum of money within a reasonable period. According to complainant, she filed the case as early as November 4, 1998 and until the filing of her complaint on June 13, 2001, the same is still pending. The reason for the delay was the numerous postponements, several of which were for more than one month, which the parties sought and were granted by respondent Judge. That respondent Judge does not deny. He

argues that the trial has gone far enough and he is now in the process of receiving the defendant's evidence.

Verily, a judge should not be punished for granting postponements when it is shown that these are inevitable. However, for a simple case of collection where no serious factual issue such as an extensive accounting is involved, to last a little less than three years in the docket is indicative of inefficiency. Respondent Judge cannot put up the excuse that the parties and/or their counsel were the ones responsible for the delay in the disposition of their case. It is his duty to see to it that all cases he is handling be terminated with dispatch. It is in the interest of speedy disposition of cases that the Rules of Court sought to provide in Section 2, Rule 30 that '*A court may adjourn a trial from day to day, and to any stated time, as the expeditious and convenient transaction of business may require, but shall have no power to adjourn a trial for a longer period than one month for each adjournment, nor more than three months in all, except when authorized by the Court Administrator, Supreme Court.*' Even on this charge alone respondent Judge must be sanctioned.

As regards the charge that respondent Judge is partial in defendant's favor because the latter had given money to him (respondent Judge), in the absence of a specific averment or offer of evidence to show this fact, he should be exonerated. . ."[3]

and recommended that (1) the instant case be re-docketed as a regular administrative matter; (2) respondent judge be fined in the amount of P2,000.00 for the inordinate delay in the disposition of a simple case for collection of sum of money, with the stern warning that a repetition of the same offense in the future will be dealt with more severely, and ; (3) the charge of partiality and corruption be dismissed for lack of merit.

In our Resolution^[4] dated January 28, 2002, we required the parties to manifest whether they are submitting the case for resolution on the basis of the pleadings and records filed.

Respondent judge submitted a letter^[5] dated February 19, 2002 stating that he has decided Civil Case No. 412 in favor of the complainant.

Complainant, in her letter-compliance^[6] dated April 8, 2003, stated that she is withdrawing her complaint against respondent judge because she realized that defendant Cruz merely used his (respondent's) name to threaten her and that Civil Case No. 412 has been decided.

In his Report and Recommendation dated July 7, 2003,^[7] Court Administrator Velasco made the following findings:

"In the instant case, it appears that complainant is withdrawing her complaint against the respondent because judgment was already rendered in the subject case, and that the same was in her favor. For which reason, we deem it necessary to disregard complainant's withdrawal of the complaint, and to proceed in evaluating the instant