

FIRST DIVISION

[A.M. No. RTJ-04-1877, December 21, 2004]

**LEONOR REYES-GARMSSEN, COMPLAINANT, VS. JUDGE
SILVESTRE H. BELLO, JR., REGIONAL TRIAL COURT, BRANCH
128, CALOOCAN CITY, RESPONDENT.**

DECISION

YNARES-SATIAGO, J.:

Justice delayed is justice denied. Complainant Leonor Reyes-Garmsen invokes this time-honored precept and prays that public respondent Judge Silvestre H. Bello, Jr. be penalized for delaying the disposition of an ejectment case and that he should be ordered to render decision without further delay.

The complaint arose from an ejectment case filed in the Metropolitan Trial Court of Caloocan City, Branch 49, and appealed to the Regional Trial Court of Caloocan City, Branch 128, presided by respondent judge. Complainant, who was one of the plaintiffs, alleges that upon order of the court, they filed their Memorandum on January 15, 2002.^[1] The defendants filed their Memorandum on August 29, 2002 after several motions for extension,^[2] followed by a Supplemental Memorandum on August 29, 2002.^[3]

Respondent judge failed to render a decision within the required period. On May 12, 2003, the plaintiffs filed a Motion to Decide.^[4] However, despite said motion and several follow-ups by the plaintiffs, respondent judge still failed to decide the case.

Hence, complainant filed a Complaint^[5] dated September 9, 2003 alleging that more than eleven months had elapsed without any decision being rendered by respondent Judge.

On September 26, 2003, Court Administrator Presbitero Velasco referred the Complaint to respondent judge for comment. The Court Administrator also directed respondent judge to show cause why he should not be suspended, disbarred or otherwise disciplinarily sanctioned as a member of the Bar for violation of the Code of Professional Responsibility.^[6]

In his Comment^[7] dated November 7, 2003, respondent judge admits that the case was not decided within the period prescribed by law. However, he asserted that the case was never idle, as the records will show that there were procedural issues raised by the parties and resolved by him in this particular case. He also explained that it has been his practice that cases submitted for decision are chronologically arranged and placed on his table. For some reason, the instant case was not included therein and was not acted upon in due time. Respondent judge manifested that he did not have the slightest intention to do an injustice and that his actions

were not tainted by bad faith. He invoked the “multifarious and equally important task that needs to be accomplished as the presiding judge of two (2) RTC branches and as Executive Judge who exercises administrative supervision among other judges”^[8] as reason for the inadvertence. He likewise informed the Court that he has decided the ejectment case on October 27, 2003.

In a Report dated July 12, 2004, the Court Administrator recommended that respondent judge be held liable for delay in rendering the decision in the ejectment case.^[9]

The parties were required to manifest within ten (10) days from notice if they are willing to submit the case for resolution based on the pleadings filed. Respondent judge filed a Manifestation on November 8, 2004 while complainant failed to file her manifestation.

We agree with the findings and recommendations of the Court Administrator.

Every person shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.^[10] Rule 3.05 of the Code of Judicial Conduct requires judges to dispose of the court’s business promptly and to act, one way or the other, on cases pending before him within the period prescribed therefor.^[11] Inability to decide a case within the required period is not excusable and constitutes gross inefficiency.^[12] Delay results in undermining the people’s faith in the judiciary from whom the prompt hearing of their supplications is anticipated and expected, and reinforces in the mind of the litigants the impression that the wheels of justice grind ever so slowly.^[13] We cannot countenance such undue delay by a judge, especially at a time when clogging of court dockets is still the bane of the judiciary, whose present leadership has launched an all out program to minimize, if not totally eradicate, docket congestion and undue delay in the disposition of cases.^[14]

In the case at bar, complainant alleged that the last pleading was filed on August 29, 2002. The case was thus pending for eight months when the complainant filed a Motion to Decide on May 12, 2003. The filing of such motion notwithstanding, respondent judge rendered decision after five months. It took respondent judge a total of fourteen months to resolve the appeal.

Respondent judge asserted that the decision was rendered only on October 27, 2003 due to the numerous motions filed by the parties. Respondent judge should be reminded that it is a judge’s responsibility to properly and efficiently manage his court records and any flaw that appears in his court’s administrative system properly falls on his shoulders. His failure to decide the appealed case on time may not simply be explained away by the inadvertence. A judge ought to know the cases submitted to him for decision or resolution, and he is expected to keep his own record of cases so that he may act on them without undue delay. It is incumbent upon him to devise an efficient recording and filing system in his court so that no disorderliness can affect the flow of cases and their speedy disposition.^[15]

We are aware of the heavy caseload of trial courts, hence, we have allowed reasonable extensions of time to decide cases. A judge cannot by himself choose to