

THIRD DIVISION

[A.M. No. RTJ-03-1756 (Formerly OCA-IPI No. 02-1524-RTJ), April 22, 2003]

AURORA S. GONZALES, COMPLAINANT, VS. JUDGE VICENTE A. HIDALGO, REGIONAL TRIAL COURT, BRANCH 37, MANILA, RESPONDENT.

R E S O L U T I O N

PANGANIBAN, J.:

A judge's failure to resolve motions and other pending incidents within the prescribed period constitutes gross inefficiency. Alleged lack of manpower is not an excuse. After all, respondent could have asked this Court for extension, which for good reason is normally granted.

The Case

In a Sworn Complaint^[1] dated July 4, 2002, Aurora Samala Gonzales charged Judge Vicente A. Hidalgo of the Regional Trial Court (RTC) of Manila, Branch 37, with obstruction of justice, which thereby gave undue advantage to the other party and caused unreasonable delay in the resolution of her motions.

The Antecedents

According to complainant, sometime in 1996, she and her husband filed an ejectment suit against Nabil Magdy Ali Ibrahim El Halawany before the Metropolitan Trial Court (MTC) of Manila. The defendant appealed the MTC judgment to the Regional Trial Court (RTC) of Manila and filed a Development Insurance & Surety Corporation (DISCO) supersedeas bond in the amount of P683,101.38. Branch 3 of the RTC of Manila upheld the MTC Decision. Defendant then elevated the case to the Court of Appeals (CA) and then to the Supreme Court (SC), both of which ruled in favor of herein complainant. For its part, DISCO appealed to the CA regarding the supersedeas bond. This appeal was dismissed, and all records were thereafter remanded to the MTC for execution of the Decision. Accordingly, the MTC issued a Writ of Execution ordering the sheriff to levy/garnish the properties of DISCO.

However, DISCO assailed the MTC Writ by filing Civil Case No. 01-101302 on July 9, 2001. The case was raffled to Branch 37 of the Manila RTC, presided by herein respondent. In opposition thereto, complainant filed on July 13, 2001, an Omnibus Motion to Dismiss and a Motion to Cite Petitioners for Contempt (for forum-shopping) with an Opposition to the Application for a Writ of Injunction.

After hearing the parties on August 3, 2002, respondent judge deemed the Motions submitted for resolution. Without ruling on the Motion to Dismiss and the Motion to Cite Petitioners for Contempt, he granted the Application for the Issuance of a Writ

of Preliminary Injunction filed by DISCO on December 4, 2001. He thereby effectively enjoined the scheduled sale of its levied properties.

Thereafter, complainant filed two pleadings: (1) a Motion for Reconsideration of the December 4, 2001 Order granting a writ of preliminary injunction and (2) a Motion to Resolve Pending Incidents. Respondent failed to act upon these Motions despite complainant's follow-ups. Furthermore, the MTC's Writ of Execution remained unenforced up to the filing of the Complaint, because of the preliminary injunction he had issued.

Complainant now stresses that the issues raised by DISCO before the RTC of Manila, Branch 3, are the same ones that were decided with finality by the CA in GR-CA No. 55267. She contends that because of respondent's Order granting the preliminary injunction, she has been deprived of the fruits of her suit for more than seven years.

In his Comment^[2] dated September 2, 2002, respondent admitted that he had indeed failed to act upon and resolve complainant's Motion for Reconsideration. He prayed, however, that the penalty which the Court would impose upon him be tempered with empathy and with full recognition of the lack of personnel in his office.

Findings and Recommendations of the Court Administrator

In its December 9, 2002 Report, the Office of the Court Administrator (OCA), noted that respondent had, by his own admission, failed to resolve complainant's Motion for Reconsideration and other pending incidents relative thereto.^[3] Instead of defending himself, he merely prayed for the Court's empathy.

The OCA opined that respondent could not use the alleged lack of manpower in his sala as an excuse for the delay. A judge is still mandated by law to render a judgment not more than ninety days from the time a case or an incident is submitted for decision. Accordingly, the OCA recommended that a P10,000 fine be meted out to respondent judge, with a stern warning that a repetition of the same or a similar act in the future would be dealt with more severely.^[4] The OCA likewise recommended that a case audit be conducted by Branch 37 of the Manila RTC.

This Court's Ruling

We agree with the OCA.

Administrative Liability of Respondent

Motions for reconsideration must be resolved within thirty days from the time they are submitted for resolution.^[5] By his own admission, respondent failed to comply with this rule. Moreover, he failed to refute the other charges pertaining to his failure to act upon other motions and incidents pending before his court. His silence on the matter can be deemed as an implied admission of complainant's allegations.

Undue delay in the disposition of cases and motions erodes the faith and confidence of the people in the judiciary and unnecessarily blemishes its stature.^[6]