

## SECOND DIVISION

**[ A.M. No. RTJ-00-1594 (Formerly OCA IPI No. 99-650-RTJ), June 20, 2003 ]**

**PASTOR SALUD, COMPLAINANT, VS. JUDGE FLORENTINO M. ALUMBRES, PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH 255, LAS PIÑAS CITY, RESPONDENT.**

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

#### **QUISUMBING, J.:**

This is an administrative case filed by Pastor Salud<sup>[1]</sup> against the Hon. Florentino M. Alumbres, then presiding judge of the Regional Trial Court (RTC) of Las Piñas City, Metro Manila, Branch 255, for undue delay in the resolution of Civil Case No. LP-96-300, entitled *Sps. Eduardo and Josefina Laurito v. Sps. Pastor and Marcosa Salud*.

As found by the Office of the Court Administrator (OCA),<sup>[2]</sup> the instant matter originated from the double sale of a parcel of land. It appears that a certain Ricardo Forneza, Jr., and Cynthia S. Forneza were the original owners of a house and lot covered by Transfer Certificate of Title (TCT) No. (106597) T-5251-A. In a brief span of four (4) days, the Fornezas managed to sell the same property twice. The first sale took place on February 8, 1990 to one Ferdinand Jimenez as evidenced by a Deed of Sale. Then on February 12, 1990, the Fornezas executed in favor of Maria Belen Salud and Laurina Salud, a Contract to Sell<sup>[3]</sup> over the same house and lot.

The first buyer (Jimenez) successfully caused the transfer of the title of the subject property in his name, as a result of which TCT No. (106597) T-5251-A was cancelled and TCT No. T-14065 issued in his name. On June 27, 1991, Jimenez sold the property to the spouses Eduardo and Josefina Laurito. The Laurito spouses then secured a new title, TCT No. T-24778, in their names.<sup>[4]</sup>

When the Laurito spouses visited the subject property, they discovered that the spouses Pastor and Marcosa Salud were occupying the house and lot. Notwithstanding the demand made by the Lauritos, the Salud couple refused to vacate the property. Hence, the Lauritos filed a suit for unlawful detainer against them before the Metropolitan Trial Court (MeTC) of Las Piñas City.<sup>[5]</sup>

Despite the defense of the Salud spouses that they were buyers in good faith, the MeTC rendered a Decision,<sup>[6]</sup> dated December 9, 1996, against them. The MeTC held that the Saluds failed to present any document to show that they were the owners of the property.

On April 17, 1997, the Salud spouses appealed and filed a memorandum pursuant to Section 7, Rule 40<sup>[7]</sup> of the Revised Rules of Civil Procedure. The case, docketed as Civil Case No. LP-96-300, was raffled to Branch 255 of the RTC of Las Piñas City,

presided over by herein respondent. Notwithstanding the pendency of said appeal, on April 1, 1997,<sup>[8]</sup> Judge Alumbres issued an Alias Writ of Execution, stating that "judgment [is] now final and executory." <sup>[9]</sup> Thus, the Salud spouses filed a petition for certiorari before the Court of Appeals on April 23, 1997, with a prayer to temporarily restrain the RTC from implementing, enforcing or otherwise executing its orders dated February 17, 1997 and April 1, 1997, or otherwise disturbing the status *quo*.<sup>[10]</sup>

The Laurito spouses then filed with the Court of Appeals a Motion to Declare Temporary Restraining Order Vacated and for the early resolution of the case. On October 8, 1998, they also filed a Motion for Issuance of an Alias Writ of Execution Pending Appeal.<sup>[11]</sup>

On October 19, 1998,<sup>[12]</sup> Pastor Salud filed a Letter Complaint<sup>[13]</sup> with the OCA praying that the respondent judge be found administratively liable for delay in rendering judgment in Civil Case No. LP-96-300. The Salud spouses claimed that the RTC had the period from May 1997 to August 1997 to decide Civil Case No. LP-96-300, but had not resolved the matter. They likewise pointed to another case pending before the respondent, where the litigants had been waiting at least six (6) months for the court's judgment. The complainants herein asked the OCA to look closely at the docket of respondent judge's sala, as they were of the belief that several cases ripe for decision remained unacted upon.<sup>[14]</sup>

On October 19, 1998, despite Salud's opposition, the respondent judge issued an Alias Writ of Execution. Salud questioned the issuance of the alias writ on the ground that said order was contrary to the respondent judge's earlier statement that he would not act upon or issue any writ out of respect for the order of the Court of Appeals to maintain the *status quo*. The respondent judge made the statement, according to Salud despite the prayer of the Saluds that a decision be rendered on their unlawful detainer case.<sup>[15]</sup>

On November 20, 1998, or after more than fifteen (15) months from submission, the RTC handed down its judgment in Civil Case No. LP-96-300. It affirmed *in toto* the decision of the MeTC, which found the Saluds have failed to present a better title to the subject property.<sup>[16]</sup>

In his Comment<sup>[17]</sup> on the instant Complaint, respondent judge does not deny that there was a delay in the rendition of judgment. However, he sought to put the blame for the delay squarely on the complainant herein. According to respondent, after he decreed the issuance of a Writ of Execution Pending Appeal, complainant herein filed numerous pleadings not only before the RTC but also with the Court of Appeals, which sought to thwart the implementation of the writ issued and, obviously, to harass him. Complainant likewise sought to inhibit him from proceeding with the hearing of Civil Case No. LP-96-300. Respondent avers that complainant even went to the extent of charging him with contempt of court before the Court of Appeals. As a result, respondent said his time was virtually used up by answering baseless and unwarranted pleadings filed by the complainant.<sup>[18]</sup>

Respondent points out that despite the pendency of the administrative case against him, he was nevertheless able to render a decision, albeit delayed by 16 months. He

now submits that given this development, he should be exempted from and relieved of any liability. In addition, Judge Alumbres submits that more than one (1) year has lapsed since the case was decided and he no longer has any jurisdiction over Civil Case No. LP-96-300. Hence, he should not be ordered to explain matters no longer within his jurisdiction and competence.<sup>[19]</sup> Lastly, Judge Alumbres attributes the filing of the administrative case against him to the unfavorable decision he rendered against complainant in the unlawful detainer case. He cites complainant as "a classic example" of a disgruntled litigant.<sup>[20]</sup>

On August 29, 2000, the Court Administrator recommended that the respondent judge be suspended without pay and benefits for a period of two (2) months<sup>[21]</sup> for delay in the disposition of a case.<sup>[22]</sup> Said recommendation took into consideration the fact that respondent had previously been admonished for having decided a case beyond the reglementary period.

It is not disputed that it took respondent judge over 16 months to render his decision in Civil Case No. LP-96-300 after it was submitted for decision. The Constitution<sup>[23]</sup> mandates lower court judges to decide a case within ninety (90) days from its submission. Likewise, the Code of Judicial Conduct<sup>[24]</sup> mandates judges to administer justice without delay and directs every judge to dispose of the court's business promptly within the period prescribed by the law and the rules. We have emphasized strict observance of this duty in order to minimize, if not totally eradicate, the twin problems of congestion and delay that have long plagued our courts. It is an oft-repeated maxim that justice delayed is often justice denied. Thus, any delay in the administration of justice, no matter how brief, may result in depriving the litigant of his right to a speedy disposition of his case. Delay ultimately affects the image of the judiciary.<sup>[25]</sup> Failure to comply with the mandate of the Constitution and of the Code of Judicial Conduct constitutes serious misconduct, which is detrimental to the honor and integrity of a judicial office. Inability to decide a case despite the ample time prescribed is inexcusable, constitutes gross inefficiency,<sup>[26]</sup> and warrants administrative sanction of the defaulting judge.<sup>[27]</sup>

Delay in the rendition of judgments diminishes the people's faith in our judicial system,<sup>[28]</sup> and lowers its standards and brings it into disrepute.<sup>[29]</sup> In the event that judges cannot comply with the deadlines prescribed by law, they should apply for extensions of time to avoid administrative sanctions.<sup>[30]</sup> The Court allows a certain degree of latitude to judges and grants them reasonable extensions of time to resolve cases upon proper application by the judges concerned and on meritorious grounds.<sup>[31]</sup> At the very least, respondent judge should have requested for an extension of time to render judgment once he knew that he could not comply with the prescribed 90-day period to render a judgment. In so doing, he would have been able to apprise litigants as to the status of the case and the reason for the delay, if any. It would have shown his mindfulness of the deadlines.

Undue delay in rendering a decision constitutes a less serious charge under Section 4, Rule 140<sup>[32]</sup> of the Rules of Court, as amended. If found guilty thereof, the judge shall be suspended from office without salary and other benefits for not less than one (1) month or more than three (3) months; or imposed a fine of more than