

THIRD DIVISION

[A.M. No. RTJ-03-1787, July 14, 2003]

**SPOUSES RODOLFO AND VIOLETA GUEVARRA, COMPLAINANTS,
VS. JUDGE BONIFACIO SANZ MACEDA, REGIONAL TRIAL COURT,
BRANCH 275, LAS PIÑAS CITY, RESPONDENT.**

D E C I S I O N

PANGANIBAN, J.:

This Court does not tolerate or condone acts or omissions that erode the faith and confidence of the people in the judiciary and blemish its stature. However, it will not hesitate to protect the innocent from baseless accusations.

The Case and the Facts

In a verified Complaint^[1] dated April 26, 2002, Spouses Rodolfo and Violeta Guevarra charged Judge Bonifacio Sanz Maceda of the Regional Trial Court (RTC) of Las Piñas City, Branch 275, with gross inefficiency in the performance of his duties, in violation of Rule 3.05 and Rule 3.09 of Canon 3 of the Code of Judicial Conduct.

Complainants are the plaintiffs in Civil Case No. LP-01-0181 entitled "*Spouses Rodolfo Violeta Guevarra v. Spouses Mariolito and Corazon Lano, et al.*," which is pending before respondent.

After receiving summons, the Lano spouses filed a Motion for Extension of Time to File Responsive Pleading dated July 24, 2001. They also filed a Motion to Dismiss, dated July 23, 2001, which complainants contradicted in their Opposition dated August 13, 2001.

On October 29, 2001, respondent issued an Order denying the Motion to Dismiss. Since defendants had not moved for the reconsideration of the Order, herein complainants filed a Motion to Declare Defendants in Default dated January 4, 2002.

After receiving a copy of the default Motion, defendants filed a Motion to Admit Answer, dated January 14, 2002, which complainants objected to in their Opposition dated January 22, 2002. On January 31, 2002, the latter submitted a Motion to Submit the Motion to Declare Defendants in Default for Resolution of the Honorable Court. Because respondent had allegedly failed to resolve this Motion despite the lapse of the 90-day reglementary period, complainants filed a Motion to Resolve Motion to Declare Defendants in Default dated February 28, 2002. Due to the continued inaction of respondent judge, complainants filed on April 4, 2002, a Second Motion for Early Resolution. This second Motion has not been resolved either.

To sum up, complainant's four Motions that have allegedly remained unresolved by respondent are as follows:

1. Motion to Declare Defendants in Default dated January 4, 2002
2. Motion to Submit the Motion to Declare Defendants in Default for Resolution of the Honorable Court dated January 31, 2002
3. Motion to Resolve Motion to Declare Defendants in Default dated February 28, 2002
4. Second Motion for Early Resolution dated April 4, 2002

Complainants aver that despite the lack of any opposition, respondent -- without any justifiable cause - failed to rule on their Motion to Declare Defendants in Default dated January 4, 2002. His failure to do so prompted them to file the present administrative case.

On the other hand, the defense of respondent judge is summarized by the Office of the Court Administrator (OCA) in this manner:

"Respondent judge admits that while the pending 'Motion to Declare Defendant Spouses Mariolito and Corazon Lano in Default' was not directly opposed by the said defendants, it was nonetheless, indirectly opposed when the said defendants filed a 'Motion to Admit Answer' on 17 January 2002. Respondent judge believes that in terms of relief respectively sought, the aforesaid two (2) motions are diametrically opposite. The defendants, in their 'Motion to Admit Answer', claimed that 'the omission to file their answer was due to pure mistake or [excusable] negligence as there are a number of cases between herein parties filed by one against the other'. On the other hand, complainants in their 'Opposition to the Motion to Admit Answer', disputed the so-called meritorious defense particularly emphasizing that there was even no affidavit of merit attached to the motion. Thus, on 14 February 2002, defendants Lano filed their 'Affidavit of Merit' to form part of their 'Motion to Admit Answer.' Since the 'Affidavit of Merit' was the last pleading concerning the two (2) motions, the 90-day prescriptive period should be reckoned from 14 February 2002 and not from 04 January 2002 when the 'Motion to Declare Defendant in Default' was filed by the complainants. Respondent judge should have until 15 May 2002 within which to resolve the subject incidents.

"Respondent judge claimed that on 13 May 2002 or on the 88th day, he resolved the two (2) motions, namely: (1) 'Motion to Resolve the Motion to Declare Defendant Spouses Mariolito and Corazon Lano in Default'; and the (2) 'Motion to Admit Answer'.

"Hence, respondent judge claims that the present complaint was rather premature since it was filed on 26 April 2002 or 19 days before the expiration of the 90-day prescriptive period. Moreover, 'complainant should not be too hard on those manning the courts, specially trial courts at the lower level (given the inadequacy of their staff). Judges and their personnel are also humans, beset by their share of human (and system) failings.' Respondent judge further stated that he was given additional assignment when he presided over Branch 255, same court, as acting