

THIRD DIVISION

[A.M. No. MTJ-00-1297, March 07, 2002]

**JOSEFINA BANGCO, REPRESENTED BY OSCAR BANGCO,
COMPLAINANT, VS. JUDGE RODOLFO S. GATDULA, MUNICIPAL
TRIAL COURT, BALANGA, BATAAN, RESPONDENT.**

D E C I S I O N

SANDOVAL-GUTIERREZ, J.:

Judges are expected to observe utmost diligence and dedication in the performance of their judicial functions and the discharge of their duties. The failure or inability of a judge to decide a case within the period fixed by law subjects him to administrative sanctions.^[1]

We are guided by the said legal precept in deciding the instant administrative case which stemmed from a verified letter-complaint^[2] dated June 11, 1997 of Josefina Bangco, a resident of Chicago, Illinois, represented by Oscar Bangco, her brother and attorney-in-fact. Her letter-complaint, addressed to the Court Administrator, charges Judge Rodolfo S. Gatdula of the Municipal Trial Court (MTC) of Balanga, Bataan for the delay in the disposition of Civil Case No. 1761, entitled "*Josefina Bangco, represented by her attorney-in-fact, Oscar Bangco vs. Spouses Juanito Rodil and Leviminda Tajonera-Rodil*," for forcible entry. Complainant alleged that respondent judge deliberately neglected to act on the case for five (5) months from the time he verbally "declared" the case deemed submitted for decision and for almost two (2) months since the court received her motion for judgment on the pleadings.

Complainant further alleged that after the filing of her complaint and the service of summons upon the defendant spouses by substituted service, she filed three (3) separate motions to declare defendants in default but respondent judge did not resolve or act on them. Instead, after the filing of the third motion, he verbally informed complainant's counsel that said motion is a prohibited pleading under the Rule on Summary Procedure. Thus, the case was deemed submitted for decision.

On September 30, 1996, complainant was surprised to receive an order dated September 18, 1996^[3] from respondent judge giving her ten (10) days from receipt within which to submit the necessary pleadings, after which the instant case will be deemed submitted for resolution. On October 17, 1996, complainant filed a motion for judgment on the pleadings.^[4] Since respondent judge did not resolve the motion and sensing impartiality on his part, complainant filed a motion to inhibit him and transfer the case to his pairing judge. The said motion has remained unacted upon.

In his comment,^[5] respondent judge denied complainant's charges, alleging that the cause of the delay was her expressed willingness to settle the case amicably. In

fact, she requested him to hold in abeyance the resolution of the case pending negotiation with the defendants.

While respondent judge was preparing his order on the said motion, he accidentally met defendant Leviminda Rodil who informed him that the case has been settled and that a motion to withdraw the complaint would soon be filed. Thus, he was surprised when he received an indorsement from the Office of the Court Administrator (OCA) requiring him to comment on the instant administrative complaint.

In his letter to former Court Administrator Alfredo L. Benipayo dated August 13, 1999,^[6] Executive Judge Vianzon of the RTC of Bataan at Balanga, who investigated the case, recommended that the matter be considered closed and terminated in view of complainant's manifestation to withdraw the complaint against respondent judge and the latter's manifestation not to file any counter-charge or retaliatory action against the former.

Upon the recommendation of Court Administrator Benipayo, who was not satisfied with the report of Executive Judge Vianzon, this Court (Third Division) returned the case to the latter for a more thorough investigation.

In his letter to the said Court Administrator dated February 14, 2000,^[7] Executive Judge Vianzon made the following findings:

- "1. Civil Case No. 1767 for forcible entry was filed by plaintiff Josefina Bangco, represented by her attorney-in-fact, Oscar Bangco, on November 13, 1995 against the defendant spouses Juanita Rodil and Leviminda Tajonera-Rodil;
2. On January 9, 1996, March 23, 1996 and June 14, 1996, plaintiff filed her first, second and third motion, respectively, to declare the defendants in default but up to June 11, 1997, the same was not acted upon or resolved by the respondent judge;
3. On October 7, 1996, plaintiff filed a motion for judgment on the pleading but the same was never resolved;
4. On February 7, 1997, plaintiff filed a motion to inhibit and transfer the case to another Municipal Trial Court but the same was not acted upon;
5. On June 26, 1996 Judge Gatdula declared the case deemed submitted for decision but after the lapse of five (5) months, no decision was rendered.
6. The ejectment case was finally decided by respondent Judge Gatdula on January 7, 1997."

Executive Judge Vianzon then recommended that "respondent judge be reminded to decide his cases and all motions immediately and within the reglementary period as