

## SECOND DIVISION

[ A.M. No. MTJ-02-1409, April 05, 2002 ]

**ATTY. JOSELITO A. OLIVEROS, COMPLAINANT, VS. JUDGE ROMULO G. CARTECIANO (RET.), MUNICIPAL TRIAL COURT, LOS BAÑOS, LAGUNA, RESPONDENT.**

### D E C I S I O N

**MENDOZA, J.:**

This is a complaint filed by complainant Atty. Joselito A. Oliveros alleging "gross neglect of duty" on the part of respondent Romulo G. Carteciano, then Presiding Judge of the Municipal Trial Court, Los Baños, Laguna,<sup>[1]</sup> for failure to decide an ejectment case filed by complainant within 30 days from receipt of the last position paper as required in the Revised Rule on Summary Procedure. In his complaint, dated March 16, 2001, complainant states:

2. Complainant is the counsel for the plaintiff in the ejectment case entitled Custer S. Oliveros v. Yolanda C. Corvera, et al., Civil Case No. 2167, filed last 02 December 1999 in the . . . Municipal Trial Court of Los Baños, Laguna, presided over by the respondent judge.
3. The case was already submitted for decision way back [in] March 200[0] but up to now respondent has failed and refused, and continues to fail and refuse, despite [a] motion to resolve and [the] follow-ups by the plaintiff, to decide the case.
4. Attached hereto is a sworn affidavit of the herein complainant himself, the contents of which are hereby adopted as part of this complaint . . . .
5. Respondent has grossly neglected his duty in this undue delay in rendering a decision in said ejectment case . . . .<sup>[2]</sup>

In answer, respondent admits he failed to render a decision within the time fixed by law. He explains, however, that the delay was due to a breakdown in his computer. He states in his comment, dated July 31, 2001:

A decision in the aforestated case, . . . had already been rendered and copies thereof had already been ordered issued/mailed to the respective counsels . . . . [The] decision [on the case] could have been rendered and issued much earlier this month, but was delayed as the second-hand personal computer and printer, which this court has been using on a rental basis (at the personal expense of the undersigned presiding judge), repeatedly bogged down, necessitating efforts to repair the same and [he was] even [forced to] hire another personal computer set for

[the] use of this court. It is submitted that there was no deliberate intent to fail and to refuse issuing the necessary decision on the case.<sup>[3]</sup>

Attached to respondent's comment is a copy of his decision in Civil Case No. 2167, dated July 18, 2001, the dispositive portion of which reads:

WHEREFORE, the above premises considered, and based on the evidence presented, judgment is hereby rendered in favor of plaintiff CUSTER S. OLIVEROS, and as against defendants "ROCKLINE MUSIC LOUNGE AND RESTAURANT, INC." ("ROCKLINE FINE DINING AND MUSIC LOUNGE, INC.") and YOLANDA C. CORVERA, and all those claiming rights under them or acting in their behal[f], and ordering:

1. Said defendants "ROCKLINE MUSIC LOUNGE AND RESTAURANT, INC." ("ROCKLINE FINE DINING AND MUSIC LOUNGE, INC.") and YOLANDA C. CORVERA, and all those claiming rights under them or acting in their behal[f], to vacate the land covered by T.D. Nos. 008-1482 and 008-12496, belonging to said plaintiff and located at Brgy. Maahas, Los Baños, Laguna, and subject of their contract of lease with plaintiff, and to turn over its possession and occupation to plaintiff, upon receipt of a copy of this Judgment;
2. Said defendant corporation and defendant Yolanda C. Corvera, and all persons claiming rights under them, to demolish and remove their building, structure, or construction they have made, erected, or caused to be built on and within the above described property lot of said plaintiff;
3. Said defendant corporation and defendant Yolanda Corvera to jointly and solidarily pay plaintiff damages corresponding to the unpaid monthly rentals for the lease, use, and occupation of plaintiff's subject property, equivalent to P45,000.00 per month, starting May 15, 1999, and continuously until defendants have fully vacated the leased premises and have turned over possession and occupation of the same to plaintiff, together with twelve (12%) per cent interest on the accumulated arrearages per annum, uncompounded; and
4. Said defendants to pay plaintiff the sum of P85,000.00 for and as attorney's fees; and the sum of P1,000.00 as costs of the suit and litigation expenses.

The counterclaim interposed by defendant Yolanda C. Corvera to the complaint of plaintiff is hereby ordered dismissed for lack of merit.

SO ORDERED.

In his report to the Court, Court Administrator Presbitero J. Velasco, Jr. says that respondent's explanation is "flimsy" because respondent could have simply used the manual typewriter instead of waiting for the computer to be repaired. For this reason, he recommends that respondent be made to pay a fine of P1,000.00.