

FIRST DIVISION

[A.M. No. MTJ-99-1223, November 26, 2002]

**SPOUSES TEOFILA AND GREGORIO MAGALLON,
COMPLAINANTS, VS. JUDGE ANTONIO F. PARAGUYA, MTCC,
BRANCH 6, CEBU CITY, RESPONDENT.**

R E S O L U T I O N

YNARES-SANTIAGO, J.:

In a Sworn Letter-Complaint dated June 27, 1997,^[1] Spouses Gregorio and Teofila Magallon charged Antonio F. Paraguya, Presiding Judge of Branch 6 of the Municipal Trial Court in Cities, Cebu City, with Gross Ignorance of the Law, Gross Negligence and Incompetence relative to Civil Case No. R-32522.

Complainants alleged that on October 1, 1993, they filed with respondent's court a complaint for ejectment^[2] against Spouses Felix and Francisca Teofilo and Avelina Pañares. On November 17, 1993, said defendants moved to dismiss the complaint on the ground of lack of jurisdiction, but the same was denied by respondent judge for being a prohibited pleading under the Revised Rule on Summary Procedure.^[3] Defendants filed a motion for reconsideration of the order of denial of the motion to dismiss. Respondent judge denied the motion for reconsideration on the ground that the same was likewise a prohibited pleading under the Revised Rule on Summary procedure.^[4] Thereafter, the parties submitted their position papers. The case was decided only in 1997. A complaint was filed against respondent judge for taking four years to dispose of a simple ejectment case.

In the meantime, Judge Antonio F. Paraguya compulsorily retired from the service in September 1998. In his letter dated March 23, 1999, he requested for the release of his retirement benefits subject to the retention of the amount of P20,000.00 to answer for whatever liability may be imposed on him in the administrative case filed against him.

The complaint against Judge Paraguya was referred to the Legal Office of the Court Administrator for investigation, report and recommendation. On May 11, 1999, the Court Administrator recommended that respondent be fined in the amount of P50,000.00, the same to be deducted from his retirement benefits for his failure to decide the complaint for ejectment within thirty (30) days from the receipt of the last affidavits and position papers, pursuant to Rule 2, Section 10 of the Revised Rule on Summary Procedure.

In his comment, respondent judge invoked good faith and sincerely apologized for gross infractions of the law. He alleged that it was very taxing for a newcomer like him who had barely assumed office on August 9, 1993 to pore over the voluminous records of all the cases including the instant case filed on October 1, 1993; that complainants were assisted by a top-caliber lawyer while the defendants pleaded a good defense; that the instant case got buried and lost when hundreds of cases

were unloaded by the Regional Trial Court upon the expansion of jurisdiction of municipal courts; that there were only eight (8) branches of MTCC in Cebu City, 3 of which were vacant at that time; and that each branch of MTCC-Cebu City received an average of 60 cases raffled per week.

Respondent's arguments are specious. He is guilty of tardiness in resolving Civil Case No. R-32522 for more than two years from the submission of the last position papers on February 28, 1995. To reiterate, the Revised Rule on Summary Procedure requires that judgment in ejectment cases be rendered within 30 days after receipt of the last affidavits and position papers, or the expiration of the period for filing the same. The Summary Rule was enacted to achieve an expeditious and inexpensive determination of cases.^[5] Failure to resolve cases submitted for decision within the period fixed by law constitutes a serious violation of the constitutional right of the parties to a speedy disposition of their cases.^[6]

Rule 1.02 of Canon 1 and Rule 3.05 of Canon 3 of the Code of Judicial Conduct explicitly provide:

Rule 1.02. - A judge should administer justice impartially and without delay.

Rule 3.05. - A judge shall dispose of the court's business promptly and decide cases within the required periods.

This Court in a litany of cases has reminded members of the bench that the unreasonable delay of a judge in resolving a pending incident is a violation of the norms of judicial conduct and constitutes a ground for administrative sanction against the defaulting magistrate.^[7] Delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards and brings it into disrepute.^[8] Hence, magistrates are enjoined to decide cases with dispatch. Their failure to do so constitutes gross inefficiency.^[9]

Judges are called upon to observe utmost diligence and dedication in the performance of their judicial functions and duties,^[10] To reiterate, judges are bound to dispose of the court's business promptly and to decide cases within the required period.^[11] If he can not do so, he should seek extensions from this Court to avoid administrative liability.^[12] More importantly, in *Ruperto v. Banquerigo*, we stated:^[13]

The office of a judge exists for one solemn end - to promote the ends of justice by administering it speedily and impartially. The judge as the person presiding over that court is the visible representation of the law and justice. These are self-evident dogmas which do not even have to be emphasized, but to which we are wont to advert to when some members of the judiciary commit legal missteps or stray from the axioms of judicial ethics.

While the Court agrees with the Court Administrator that respondent judge should be fined for his failure to resolve the ejectment case within the thirty-day period set in the Revised Rule on Summary Procedure, we find that the amount of P50,000.00 is excessive in relation to the gravity of the offense. In a recent case,^[14] we imposed a fine of P5,000.00 against a judge for failure to resolve an election case