

THIRD DIVISION

[A.M. No. MTJ-01-1357 (OCA IPI No. 98-539-MTJ), March 28, 2001]

**MONFORT HERMANOS AGRICULTURAL DEVELOPMENT
CORPORATION COMPLAINANT, VS. JUDGE ROLANDO V.
RAMIREZ, RESPONDENT.**

R E S O L U T I O N

MELO, J.:

At bar is an administrative complaint dated April 30, 1998, filed by Monfort Hermanos Agricultural Corporation, represented by its president Ma. Antonia M. Salvatiera, charging Judge Rolando V. Ramirez of the Municipal Trial Court of Cadiz City, with serious inefficiency, misconduct, and gross incompetence, relative to Civil Case No. 822 entitled "Monfort Hermanos Agricultural Development Corp. vs. Antonio Monfort III, et al."

The present controversy stemmed from a civil case filed on April 18, 1997, by complainant against the children, nephews, and nieces of the original incorporators of the Monfort Hermanos Agricultural Corporation. In the civil case, complainant alleged that Ildefonso B. Monfort and Antonio Monfort III, acting for themselves and in behalf of the other defendants, in gross and evident bad faith, unlawfully took possession of the four haciendas owned by the plaintiff corporation and harvested the produce thereon, without the knowledge and consent of the plaintiff corporation.

In a decision dated February 18, 1998, respondent ruled in favor of defendants and dismissed Civil Case No. 822. This caused complainant, as plaintiff, to question said decision before Branch 60 of the Regional Trial Court of Cadiz City. The regional trial court rendered a decision on August 14, 1998 reversing and setting aside respondent's decision and remanding the records of the case to the court of origin. The defendants thereafter filed a petition for review with the Court of Appeals which still pends therein as CA-GR-SP No. 53652.

On April 30, 1998, complainants filed an administrative complaint against respondent raising two main issues. Complainant's foremost grumble is with regard to the ruling of respondent that there was not enough proof that the corporation was deprived of possession of the four haciendas. Complainant claimed that respondent's dismissal of the complaint is not only a blatant indication of his partiality or bias in favor of the defendants, but also shows grave misconduct, serious inefficiency, and gross incompetence. According to complainant, had respondent considered the mass of documents, he would have arrived at a different conclusion in the case, but because of bias, grave or serious inefficiency, gross incompetence, and misconduct, respondent came out with a prejudiced and questionable decision. Complainant further charged respondent with gross violation of the Law on Summary Procedure in civil cases, specifically Section 10 of said Rules

which requires cases to be decided: a) within 30 days after receipt of the last affidavits and position papers, or after the expiration of the period for filing the same; or b) within 15 days after the receipt of the last clarificatory affidavits, or the expiration of the period for filing the same, should the court find it necessary to clarify certain material facts. Civil Case No. 822, being a forcible entry case, falls within the period set forth in Section 10 of said law. According to complainant, the case was submitted for decision on October 24, 1997, upon the filing of the comment to plaintiff's summary of argument in support of their position paper. However, respondent rendered his decision only on February 18, 1998, or almost four months after the last pleading was filed, which obviously violated the Rules on Summary Procedure.

In his comment/return indorsement dated August 10, 1998, respondent reasoned out that his failure to decide the case within the reglementary period was the result of the filing by the litigants of numerous voluminous pleadings, motions, and papers after the issuance of the pre-trial order which continued even up to the time the decision was ultimately rendered. Respondent further contended that facts said by complainant to have been left out in the decision are unnecessary in resolving the issues raised.

Both complainant and respondent in response to our Resolution dated July 10, 2000, manifested that they were submitting the case for resolution without further pleadings and arguments.

In the previous report and recommendation dated June 5, 2000 submitted by then Court Administrator Alfredo L. Benipayo, it was pertinently observed that respondent's ruling regarding the issue of prior physical possession and the alleged insufficiency of respondent's findings of fact and law are matters which are *subjudice* since the case is currently pending and awaiting decision in the Court of Appeals.

On the matter of the delay in resolving Civil Case No. 822, the Court Administrator recommended that respondent be fined for delay in the resolution of the case with a warning that a repetition of the offense shall be dealt with more severely.

We agree with the findings and recommendation of the Office of the Court Administrator.

Subjudice is defined as, "under or before a judge or court; under judicial consideration; undetermined" (Black's Law Dictionary, Sixth Edition, 1990). A case in point is *Evan B. Calleja vs. Judge Rafael Santalecis* (A.M. No. RTJ-99-1443, March 14, 2000) wherein the Court made the following pronouncement:

The issue of whether or not the plaintiff made admissions as to its liability and whether or not the plaintiff was caught *in flagrante delicto* are still *subjudice*. The trial of the merits of Civil Case No. 9441 before the regional trial court is still going on and besides the question poised by these issues are judicial in character as these go to the assessment by respondent of the evidence of the parties. In such case the remedy of the complainant are those found in the Rules of Court and not an administrative case.