

SECOND DIVISION

[A.M. No. MTJ-00-1303, December 13, 2001]

VIDALA SACEDA, COMPLAINANT, VS. JUDGE GERARDO E. GESTOPA, JR., ACTING PRESIDING JUDGE, MUNICIPAL TRIAL COURT IN CITIES, CEBU CITY, BRANCH 4,^[1] RESPONDENT.

RESOLUTION

QUISUMBING, J.:

For resolution is the administrative complaint referred by the Office of the Ombudsman (Visayas), in a letter received by the Office of the Court Administrator on September 21, 1998, pursuant to Section 23 (2) of Republic Act No. 6770 or the Ombudsman Act of 1989.

The complaint stemmed from a case for ejectment filed by complainant Vidala Saceda against Norberto and Juanito Baguio, docketed as Civil Case No. R-35568 and assigned to the sala of respondent Judge Gerardo E. Gestopa, Jr., then acting presiding judge of the Municipal Trial Court in Cities, Cebu City, Branch 4.^[2] Complainant alleges that respondent failed to decide the case within the requisite period.

According to complainant, she filed her position paper in the ejectment case on January 7, 1997. She received a copy of Norberto's position paper on January 23, 1997, and a copy of Juanito's position paper on February 5, 1997.^[3]

On August 22, 1997, complainant filed a motion for judgment based on the position papers of the parties, pursuant to the provisions of Section 10 of the Revised Rule on Summary Procedure. Since no decision appeared to be forthcoming, she again filed a motion for judgment, this time based on Section 11, Rule 70 of the Revised Rules of Court, which is substantially the same as Section 10 of the Revised Rule on Summary Procedure. However, until the time she filed the complaint with the Office of the Ombudsman (Visayas) on June 1, 1998, respondent judge still had not rendered his decision on the ejectment case.

Asked to comment on the complaint, respondent judge merely stated that he was "no longer the judge designate of MTCC Branch 4",^[4] and that the subject ejectment case had been transferred to MTCC of Cebu City, Branch 5. He also stated that Judge Oscar Andrino of said court already rendered a decision on the case on March 13, 2000.

Notably, respondent judge made no mention of his role, or lack thereof, in the delay of the case. To our mind, this omission is glaring. It arouses wonder. Did he indeed cause the undue delay in the case and could not offer any satisfactory reason therefor?