

THIRD DIVISION

[A.M. No. MTJ-99-1187, February 15, 2000]

**PACIFICA A. MILLARE REPRESENTED BY: PATERNO A. MILLARE,
COMPLAINANT, VS. JUDGE REDENTOR B. VALERA, MUNICIPAL
TRIAL COURT, BANGUED, ABRA, RESPONDENT.**

R E S O L U T I O N

VITUG, J.:

Pacifica A. Millare, represented by her son Paterno A. Millare, has charged Judge Redentor B. Valera of the Municipal Trial Court ("MTC") of Bangued, Abra, with gross negligence and inefficiency in the performance of his duties relative to the delay in the disposition of Civil Case No. 661 ("*Pacifica A. Millare vs. Elsa Co*") for ejectment and Civil Case No. 961 ("*Pacifica A. Millare vs. Elsa Co*") for unlawful detainer.

Civil Case No. 661, for ejectment, was initially archived pending the resolution of another civil case (Civil Case No. 1436) for the renewal of a contract of lease filed by the spouses Antonio and Elsa Co. Following the dismissal of the latter case (Civil Case No. 1436), Civil Case No. 661 was revived and, by agreement of the parties, jointly tried with Civil Case No. 961 for unlawful detainer. The cases were assigned to Judge Esteban Guy. On 03 May 1990, the spouses Co filed an "urgent motion to defer action on the cases with motion to dismiss." On 01 June 1990, Judge Guy issued an order denying the motion to defer the hearings and to dismiss the cases. In the same order, Judge Guy ruled that "for failure of the defendants to secure a restraining order and failure to proceed with the trial of the cases, the evidence of the defendants are ordered CLOSED, and the above entitled cases are deemed submitted for decision." The defendants appealed the order.

At some point later, Judge Guy inhibited himself from further trying the two cases. Respondent Judge Valera then took over from Judge Guy. On 22 August 1990, Judge Valera ordered that the cases be set for hearing. The spouses Co moved for the elevation of the cases to the Regional Trial Court of Abra stating that they had meanwhile filed a notice of appeal on the thesis that the actions had become moot and academic, the premises having been vacated since 01 May 1987 and that, moreover, the amount of rent being claimed by the plaintiffs was beyond the jurisdiction of the MTC. The plaintiff opposed the motion and averred that the key to the premises was turned over not to her but to Atty. Demetrio V. Pre (an uncle of the counsel for the plaintiff) and that the defendants allowed one Lilia Co and her family to use the premises from 13 September 1988 to January 1989. In an order, dated 03 December 1990, Judge Valera ordered Atty. Demetrio V. Pre to hand over the key of the leased premises to the plaintiff or to her counsel or through the court. The key was later withdrawn by the plaintiff.

On 11 December 1990, the plaintiff filed a motion for an early resolution of the cases. Another motion for early resolution was filed on 25 February 1991. On 29

June 1993, a similar motion was filed. The inaction of respondent prompted complainant to file the instant administrative case.

Respondent Judge, in his answer to the complaint, denied the asseveration of inaction on the cases and averred that the cases were not yet submitted for decision. According to him, the motions for early resolution and for rendition of decision filed by the plaintiff were mere scraps of paper for failure to comply with Sections 4, 5 and 6, Rule 15, of the Rules of Court. In addition, the motions had become moot and academic in view of the act of the defendants in voluntarily vacating the premises. He further averred that the issue on the back rentals was beyond the jurisdiction of the MTC to decide.

Complainant, in her reply, contended that an order submitting the cases for decision was issued by Judge Guy on 31 June 1990. She also argued that the return of possession of the premises did not render the cases moot and academic since still unresolved was the obligation to pay the accrued rentals and damages.

In a rejoinder, respondent Judge admitted the existence of the 01 June 1990 order of Judge Guy. He countered, however, that the order was not yet final because of the appeal interposed by the defendants on 13 June 1990 which remained unresolved. He set the cases for hearing but the defendants moved to elevate the cases to the Abra RTC. He also learned that the key to the leased premises was already deposited in the law office of Atty. Demetrio Pre, counsel for the plaintiff, and that the defendants already vacated the premises.

In her sur-rejoinder, complainant claimed that her counsel, Atty. Cielo Pre, did not receive the key and that the notice of appeal filed by the defendants was not yet perfected.

The Office of the Court Administrator, after evaluating the case, recommended that respondent Judge Redentor B. Valera be fined P10,000.00 for his failure to decide Civil Case No. 661 and No. 961 within the prescribed period therefor, and that he be directed to decide the aforementioned cases with utmost dispatch. The OCA explained:

"It is a firmly settled rule that only a *final order or judgment on the merits may be the subject of an appeal* (*Gold City Integrated vs. IAC*, 171 SCRA 579; *Day vs. RTC of Zamboanga City, Branch XIII; Investments, Inc. vs. Court of Appeals*, 147 SCRA 334). A judgment on the merits is one rendered after a determination of which party is in the right and must prevail, as distinguished from a judgment rendered upon some preliminary or formal or merely technical point. In other words, after a final order or judgment, the court should have nothing more to do in respect of the relative rights of the parties to the case. Conversely, an order that does not finally dispose of the cases and does not end the court's task of adjudicating the parties' contentions in determining their rights and liabilities as regards each other, but obviously indicates that other things remain to be done by the court, is interlocutory (*BA Finance Corporation vs. Court of Appeals*, 178 SCRA 589).

"The lower court's order dated June 1, 1990 closing the reception of evidence on the part of the defendants and submitting the cases for