

THIRD DIVISION

[A.M. No. 00-1258-MTJ, March 22, 2000]

**SPOUSES CONRADO AND MAITA SEÑA, COMPLAINANTS, VS.
JUDGE ESTER TUAZON VILLARIN, METROPOLITAN TRIAL COURT
OF LAS PIÑAS, METRO MANILA, BRANCH 79, RESPONDENT.**

D E C I S I O N

PANGANIBAN, J.:

The public's faith and confidence in the judicial system depends, to a large extent, on the judicious and prompt disposition of cases and other matters pending before the courts. A judge who fails to act within the period prescribed by law is guilty of gross inefficiency.

The Case

In a sworn Letter-Complaint received by the Office of the Court Administrator on July 17, 1998, Spouses Conrado and Maita Seña, through Expedito Flores, charged Judge Ester Tuazon Villarin of the Metropolitan Trial Court of Las Piñas (Branch 79) with unreasonable delay in the disposition of their forcible entry case. Their Complaint reads:

"The undersigned are the plaintiffs in a forcible entry case (Civil Case No. 4304) now pending before Las Piñas City, MTC Branch 79, presided by Judge Ester Tuazon Villarin. We wrote to you in order to complain [about] the unreasonable delay in the disposition of said simple case, particularly our motion for immediate execution and defendants' notice of appeal both filed before said MTC.

"Anyway, please be informed that after Judge Villarin rendered last March 25, 1997 her decision (See Annex 'A' hereof) in our case, defendants filed last March 11, 1998 before said MTC their notice of appeal (See Annex 'B' hereof). Consequently, we filed last April 2, 1998 before said MTC our motion for immediate execution (See Annex 'C' hereof) on the main ground that defendants did not post the mandatory supersedeas bond. As can be easily seen on p. 5 of our motion, we even set it for hearing on April 17, 1998.

"Unfortunately, as of this writing, neither defendants' notice of appeal nor our simple motion for execution was acted upon by said MTC. Worse, our constant follow-ups (both personal and by phone) with Mr. Recacho and Ms Benitez (court employees) proved futile.

"Without stressing the obvious, said MTC should have acted immediately either on defendants' appeal notice or our execution motion pursuant to

Rule 40, Sec. 6 of the 1997 Rules on Civil Procedure, to wit:

xxx xxx xxx

'Sec. 6. Duty of the clerk of court.'

Within fifteen (15) days from the perfection of the appeal, the clerk of court or the branch clerk of court of the lower court SHALL TRANSMIT the original record or the record on appeal, together with the transcripts and exhibits, which he shall certify as complete, to the Regional Trial Court. A copy of his LETTER OF TRANSMITTAL of the records to the appellate court SHALL BE FURNISHED THE PARTIES.' (Underscoring Ours)'

"Now, it bears stressing that defendants did NOT perfect their appeal because they did not post the supersedeas bond; hence, the MTC should have granted our execution motion. However if the MTC believes that defendants have perfected their appeal; then the MTC's clerk of court should have transmitted already the records of our case to the RTC EVEN AS EARLY AS MARCH 26, 1998. Lamentably, said MTC has literally slept on the simple pending incidents for more than three (3) months already to our severe prejudice.

"In view of the foregoing, kindly investigate this matter and if warranted, impose appropriate sanctions on the erring staff of said MTC.

"Thank you, and hoping for your immediate and favorable action on this matter."^[1]

Respondent Judge Villarin filed her Comment on November 10, 1998, informing Court Administrator Alfredo Benipayo of the status of the case, and we quote:

"Respectfully returned to Hon. Alfredo L. Benipayo, Court Administrator, Supreme Court, Manila, with the information that Civil Case No. 4304 entitled "Sps. Conrado & Maita Seña vs. Remedios Vicente, et. al.," for Forcible Entry, had been forwarded by the Clerk of this Court, to the Office of the Clerk of Court, Regional Trial Court, Regional Trial Court, Las Piñas City, for the resolution of the appeal interposed by the defendants on July 21, 1998 and had been raffled to Branch 253, Regional Trial Court, Las Piñas City, now docketed as LP-98-0178, presided by Hon. Jose F. Caoibes, Jr., whose last order, dated September 25, 1998 granted defendants last extension of time to file memorandum four days (4) days from September 22, 1998 or until September 26, 1998.

"The Motion to Dismiss Defendants' Appeal and/or Motion for Execution Pending Appeal, filed by plaintiffs' counsel, Atty. J.L. Jorvina, Jr., dated August 20, 1998, before Branch 253 RTC, Las Piñas City, ha[s] been considered [or] deemed admitted for resolution In the order of Judge Jose F. Caoibes, Jr., dated August 28, 1998."^[2]