383 Phil. 832

THIRD DIVISION

[A.M. No. MTJ-99-1184, March 02, 2000]

AMPARO S. FARRALES AND ATTY. RAUL S. SISON, COMPLAINANTS, VS. JUDGE RUBY B. CAMARISTA, RESPONDENT.

R E S O L U T I O N

MELO, J.:

Through a verified complaint dated December 15, 1997, complainants, client and counsel, charged respondent with gross incompetence, gross inefficiency, and ignorance of the law, with regard to two civil cases, as follows: (a) Civil Case No. 144411-CV entitled "Amparo Farrales, represented by her Attorney-in-Fact, Atty. Eldorado T. Lim vs. Mrs. Meny Martin" (also referred to in the record as Menny Martin) for Ejectment/Unlawful Detainer; and Civil Case No. 144414-CV entitled "Amparo Farrales, represented by her Attorney-in-Fact, Atty. Eldorado T. Lim vs. Mrs. Mely Rizon" for Ejectment/Unlawful Detainer.

The factual antecedents of the subject complaint are as follows:

On June 10, 1994 and June 13, 1994, both aforestated cases were filed by complainants and were raffled to Branch I, Metropolitan Trial Court, Manila, presided over by respondent.

In the first case, therein defendant, on June 22, 1994, filed her responsive pleading. On January 25, 1995, respondent, *motu proprio* issued an order referring the case for conciliation to the barangay chairman of Barangay 676, Zone 73, Ermita, Manila. From January 25, 1995 to January 25, 1996, the case was not calendared for hearing, until herein complainant-counsel, Atty. Raul S. Sison, who took over the case from Atty. Eldorado T. Lim, filed his formal entry of appearance. On February 2, 1996, the plaintiff (complainant herein) filed a motion to set aside the order of January 25, 1995, and to set the case for preliminary conference, which was denied by respondent. Subsequently, the parties submitted themselves to conciliation but no settlement was reached. There being no clarificatory hearing set, the case was deemed submitted for decision as of October, 1996. On February 27, 1997, plaintiff filed a motion for early decision. However, despite repeated follow-ups, the case remained undecided.

In the second case, the defendant therein, on June 21, 1994, filed a motion for referral to the proper barangay for arbitration and/or conciliation. Later, respondent issued two orders dated November 7, 1994 and January 27, 1995, respectively, directing the parties to conciliate before the Chairman of Barangay 676, Zone 73, Ermita, Manila. Meanwhile, complainant Sison entered his appearance as counsel for plaintiff therein. On February 12, 1996, complainants filed a motion to set aside the order of November 7, 1994, as well as to render judgment. Respondent denied the same and referred the case to said barangay for conciliation proceedings under

penalty of the case being dismissed. Subsequently, a certificate to file action was issued by the barangay chairman following defendantÕs failure to appear during the scheduled conciliation meeting. On July 12, 1996, after the lapse of two years and one month from the service of summons, defendant filed her answer. However, notwithstanding the lapse of time in filing the answer and plaintiffÕs opposition thereto, respondent, in an order dated September 3, 1996, directed the parties to file their respective position papers. After the lapse of thirty days from submission of position papers and there being no decision rendered by respondent, plaintiff filed a motion for early decision on February 27, 1997. When still no decision was rendered, complainant Sison (plaintiffÕs counsel) wrote respondent on July 18, 1997 requesting that a decision be rendered in the case. Still, the case remained unresolved.

Herein complainants contend that the delay in the disposition of the above-stated cases was a result of respondentÕs lack of basic knowledge of the 1991 Revised Rule on Summary Procedure and/or her ignorance of the law. They likewise question respondentÕs act of referring the case to the barangay level for conciliation when the parties actually reside in barangays of different cities/municipalities.

Thereafter, complainant Sison submitted his manifestation dated January 26, 1998 informing the Court that despite the filing of the instant administrative complaint, no decision had yet been rendered by respondent in the two civil cases.

In respondentÕs answer, she alleged that the subject civil cases were two of those left by then Acting Presiding Judge Alden Cervantes and were originally pending before Branch 28, Metropolitan Trial Court, Manila before they were reassigned by raffle to respondentÕs sala. She also contends that although barangay conciliation is not necessary in Civil Case No. 144414-CV, she referred the case, motu proprio, to the lupon of the barangay where the realty subject thereof is located in accordance with the last paragraph of Section 2, Presidential Decree No. 1508, and the last paragraph of Section 408 of the Local Government Code of 1991. For failure of the parties to settle the case before the lupon, the same was deemed submitted for decision.

The subject complaint also cited our decision in Administrative Matter No. MTJ-97-1123 (initiated by Atty. Joselito Enriquez against herein respondent on the basis of which the latter was found to be unconscientious and not prompt in the performance of her duties and was fined P3,000.00 with a warning that a repetition of the same or similar acts in the future will be dealt with more severely). Respondent avers that such conclusion was arrived at since the Court overlooked some facts in her favor in imposing upon her a fine with warning.

On March 17, 1999, the Court issued a resolution requiring the parties to manifest if they were submitting the case for resolution on the basis of the pleadings. Atty. Sison filed his manifestation to the effect that complainants were withdrawing their complaint. Respondent, on the other hand, submitted a supplemental answer or explanation. On the basis of the second, the Office of the Court Administrator recommends that a fine in the amount of P20,000.00 be imposed against respondent with a stern warning that the same or similar acts in the future be dealt with more severely.

The crux of the matter is respondentÕs violation of the 1991 Revised Rule on

Summary Procedure and her erroneous application of the Katarungang Pambarangay Law (Presidential Decree No. 1508).

The Rule on Summary Procedure clearly and undoubtedly provides for the period within which judgment should be rendered. Section 10 thereof provides:

> SEC. 10. *Rendition of judgment.*ÑWithin thirty (30) days after receipt of the last affidavits and position papers, or the expiration of the period for filing the same, the court shall render judgment.
>
> However, should the court find it necessary to clarify certain material facts, it may, during the said period, issue an order specifying the matters to be clarified, and require the parties to submit affidavits or other evidence on the said matters within ten (10) days from receipt of said order. Judgment shall be rendered within fifteen (15) days after the receipt of the last clarificatory affidavits, or the expiration of the period for filing the same.
>
> The court shall not resort to the clarificatory procedure to gain time for the rendition of the judgment.

Section 8 thereof, which provides the contents of the record of the preliminary conference, includes a statement as to --

> c) Whether, on the basis of the pleadings and the stipulations and admissions made by the parties, judgment may be rendered without the need of further proceedings, in which event the judgment shall be rendered within thirty (30) days from issuance of the order;

It is thus very clear that the period for rendition of judgment in cases falling under summary procedure is thirty days. This is in keeping with the spirit of the rule which aims to achieve an expeditious and inexpensive determination of the cases falling thereunder.

The jurisprudential direction consistently taken by the Court adheres to the rule that failure to decide a case within the required period is not excusable and constitutes gross inefficiency (*Abarquez vs. Rebosura,* 285 SCRA 109 [1998]; *In re Judge Jose F. Madara,* 104 SCRA 245 [1981]; *Longboan vs. Judge Polig,* 186 SCRA 557 [1990]; *Sabado vs. Cajigal,* 219 SCRA 800 [1993]). Delay in disposition of cases erodes the faith and confidence of the people in the judiciary, lowers its standards, and brings it into disrepute (*Abarquez vs. Rebosura,* supra).

Canon 3, Rule 3.05 of the Code of Judicial Conduct admonishes all judges to dispose of the courtÕs business promptly and decide cases within the period fixed by law. Rule 3.01 compels them to be faithful to the law and prompts them to maintain professional competence.

Failure to observe time provisions for the rendition of judgments constitutes a ground for administrative sanction against the defaulting judge (*Alfonso-Cortes vs. Maglalang,* 227 SCRA 482 [1993]; *Mappala vs. Nu–ez,* 240 SCRA 600 [1995]), absent sufficient justification for his non-compliance therewith (*Abarquez vs. Rebosura, supra*). Of special import is the requirement under the Rule on Summary Procedure which was intended precisely for the expeditious resolution of cases