

THIRD DIVISION

[A.M. RTJ-99-1511, July 10, 2000]

WILFREDO G. MOSQUERA, COMPLAINANT, VS. JUDGE EMILIO B. LEGASPI, RESPONDENT.

R E S O L U T I O N

GONZAGA-REYES, J.:

On April 19, 1997, Wilfredo Mosquera filed a verified complaint charging respondent Judge Emilio Legaspi, then Acting Presiding Judge, RTC, San Jose, Antique, Branch 10, with dereliction of duty for his failure to resolve/decide Civil Case No. 2530 within the period required by law.

In his complaint, Mosquera claimed that he was the plaintiff in the aforesaid case entitled "Wilfredo Mosquera vs. Estrella Jordan Pagunan, et al.," for consolidation of ownership, recovery of possession and damages with preliminary attachment; that during the lifetime of defendants' parents, they sold under a *pacto de retro* sale their conjugal rice land; that vendors-*a-retro* failed to exercise their right of redemption over the said lot; that complainant demanded that the possession of the land be delivered to him or the purchase price be returned after the lapse of the redemption period; and that since both demands were refused, he filed an action before the RTC-San Jose Antique, Branch 10, where respondent was then the Acting Presiding Judge; that the parties filed their respective memoranda and the case was deemed submitted for decision as early as June 1994; that respondent failed and refused to render a decision despite several follow ups and a motion for early decision. Thus, the present administrative complaint for dereliction of duty.

In his comment, respondent Judge claimed that he had already rendered a decision on the aforesaid case on December 2, 1997; that the delay was due to the request of the parties that the case be held in abeyance for the reason that being townmates and relatives, they were negotiating for an amicable settlement; that the motion for early decision was filed after the parties failed to settle their case amicably; that as Acting Executive Judge, he was saddled with so many cases involving detention prisoners which have been substantially tried by the former presiding judge, to which cases he gave his preferential attention; and that he was a pairing Judge of Branches 11, 12 and 13.

The Office of the Court Administrator recommended that respondent Judge be administratively sanctioned for his failure to resolve the case within the prescribed period or to ask for an extension to resolve. A penalty of fine in the amount of P2,000.00 was recommended.

In the resolution of November 15, 1999, we required the parties to manifest if they are willing to submit the case for decision on the basis of the pleadings/records already filed. Having failed to submit any manifestation despite notice of the said