

THIRD DIVISION

[A.M. No. MTJ-00-1296 (formerly OCA IPI No. 98-548-MTJ), October 05, 2000]

ALBERT R. SORDAN, COMPLAINANT, VS. JUDGE ROLANDO B. DE GUZMAN OF THE METC-BR. 2, MANILA, RESPONDENT.

D E C I S I O N

GONZAGA-REYES, J.:

Herein complainant Albert R. Sordan is one of the plaintiffs in Civil Case No. CV-157715 entitled "Romualdo R. Sordan, Albert R. Sordan and Ma. Carmelita R. Sordan vs. Ricardo Roderos" for Unlawful Detainer which was assigned to herein respondent Judge Rolando De Guzman. Sordan filed the instant administrative complaint praying that respondent Judge be "dismissed from the judiciary and fined accordingly" for his failure to "conscientiously and promptly discharge his professional responsibility."

In his complaint, Sordan alleges that on December 23, 1997, he filed an Urgent Manifestation and Motion to Render Judgment By Reason of Failure to Answer in view of the defendant's failure to answer the complaint in said civil case pursuant to Section 6 of the Rule on Summary Procedure. Respondent Judge allegedly failed to render a decision in the aforesaid civil case, hence, Sordan filed on January 21, 1998 a Motion for Early Resolution. Until the filing of this administrative case, respondent Judge has failed to render judgment in the ejectment case which period is allegedly well beyond the 30-day reglementary period for rendition of judgment as provided under Section 10 of the Rule on Summary Procedure.

In his Letter dated November 13, 1998,^[1] respondent Judge averred that "no decision can possibly be rendered at this point in the aforesaid case as it is not submitted for decision yet." He further alleges that the Urgent Manifestation and Motion to Render Judgment by Reason of Failure to Answer dated December 23, 1997 has not been set for hearing nor was the notice of the motion addressed to the parties concerned, which motion should be considered as a mere scrap of paper, and is fatally defective. Hence, he prays for the dismissal of this case for lack of merit.

In the Resolution dated March 8, 2000, this Court required the parties to manifest whether they are willing to submit the case on the basis of the pleadings/records already filed and submitted. Complainant manifested that he is willing to submit the case for resolution/decision on the basis of the pleadings/records already filed and submitted. Respondent Judge filed a Manifestation that he is submitting additional pleadings. He filed his Comment dated April 10, 2000 alleging that the Urgent Manifestation and Motion to Render Judgment by Reason of Failure to Answer has not been set for hearing nor was the notice of the motion addressed to the party concerned; that there was no proof submitted that a copy of the motion was duly served on the adverse party; that the motion was fatally defective and was a