

SECOND DIVISION

[A.M. No. RTJ-99-1469 (Formerly OCA IPI No. 97-484-RTJ), October 02, 2000]

JULIUS N. RABOCA, COMPLAINANT, VS. JUDGE ALEJANDRO M. VELEZ, REGIONAL TRIAL COURT, CAGAYAN DE ORO CITY, BRANCH 20, RESPONDENT.

RESOLUTION

QUISUMBING, J.:

In a sworn complaint dated November 13, 1997,^[1] Julius N. Raboca charged respondent Judge Alejandro M. Velez^[2] of the Regional Trial Court of Cagayan de Oro City, Branch 20, with gross negligence, inefficiency, incompetence, serious misconduct, and malicious and unreasonable delay, relative to Civil Case No. 91-246 entitled "*Spouses Candido V. Raboca, et al v. Dante Sarroga, et al*" for quieting of title.

Complainant is the counsel for the plaintiffs in the aforesaid case, filed on July 2, 1991. On March 2, 1992, plaintiffs filed a Motion for Summary Judgment, which after over five (5) years, respondent had not ruled on up to the time the instant complaint was filed.

On March 20, 1992, complainant filed a Supplemental Motion for Summary Judgment on substantially the same arguments contained in their earlier motion. Again, respondent did not resolve the second motion for over five (5) years.

On February 16, 1995 and May 10, 1996, plaintiffs moved for the resolution of their earlier motions but respondent again failed to act on these motions.

Complainant now contends that Judge Velez' failure to resolve the subject motions within the reglementary period, constituted gross inefficiency. He also submits that the respondent's monthly certificates of service attesting that all pending incidents and cases were decided within the mandatory 90-day period must have been falsified, since he had not resolve the aforestated motions.

In his Answer, Judge Velez denied the charges against him. He said that if there was any delay in the disposition of Civil Case No. 91-246, the delay was not motivated by any malice nor intention to delay the proceedings. He explained that from April to May 1992, he was allowed by this Court to travel to the United States as team leader of the Group Study Exchange of the Rotary Foundation, Rotary International, District No. 5930, South Texas, USA; that he had fallen ill several times disabling him from work; that on August 21, 1993, he suffered a heart attack, confined for seven days at the Intensive Care Unit of the Maria Reyna Hospital in Cagayan de Oro City, and re-admitted from January 1-4, 1994. On October 25, 1995, he was confined at the St. Luke's Medical Center in Quezon City, and operated on. One

month later, he had a heart bypass surgery and it took several months before he was fit to work again.

Respondent likewise denied he showed bias in favor of defendant Dante P. Sarraga. Respondent pointed out that any delay was more prejudicial to Sarraga since the latter had a pending Motion to Dismiss, which should take precedence over complainant's Motion for Summary Judgment. He explained that it would have been more convenient for him had he dismissed the suit outright, but in the interest of justice and fairness, he gave plaintiffs sufficient time to present their side.

Judge Velez also averred that the delay was not entirely due to him. After the case was filed, several interlocutory matters and motions had to be attended to. From 1992 to May 21, 1996, when plaintiffs notified the trial court of the change of their counsel's address and moved for the judge's inhibition, complainant had done nothing to prosecute the case thereby contributing to the delay.

Respondent further explained that complainant filed an identical case, (Case No. OMB-3-97-2183) against him with the Office of the Ombudsman for Mindanao. Said complaint was later dismissed by the Ombudsman in its resolution dated March 31, 1998,^[3] with the recommendation that the matter be referred to this Court for appropriate action and disposition.

In its Memorandum dated June 10, 1999,^[4] the Office of the Court Administrator (OCA) found that respondent's delay in resolving the motion was not actuated by ill motives or willful intention to prejudice anyone. Nonetheless, the OCA concluded respondent should be held administratively liable for the delay. It noted that respondent should have requested the Supreme Court, through the OCA, for additional time to act upon the said motions when he became ill. Also, during the time that the subject motions were unresolved, respondent did not state in his certificates of service that he had pending cases and incidents not yet resolved. Such nondisclosure constitutes falsification of certificates of service. However, the OCA noted respondent's advanced age and poor health and recommended that respondent instead be fined the sum of P1,000.00 to be deducted from his retirement benefits.

Indeed, respondent failed to resolve the Motions for Summary Judgment. A motion for summary judgment is premised on the assumption that a scrutiny of the facts will disclose that the issues presented need not be tried either because these are patently devoid of substance or that there is no genuine issue as to any pertinent fact.^[5] A judgment on the motion must be "rendered forthwith if the pleadings, supporting affidavits, depositions, and admissions on file show that, except as to the amount of damages, there is no genuine issue and that the moving party is entitled to a judgment as a matter of law."^[6] It is a method sanctioned by the Rules of Court for prompt disposition of a civil action where there exists no serious controversy.^[7] In applying for summary judgment, plaintiffs sought speedy disposition of their case.

Respondent failed to act on the subject motions for summary judgment for over five years. The Constitution mandates that all cases filed before the lower courts must be decided or resolved within three (3) months from the date of submission.^[8] Failure to observe this command constitutes a ground for administrative sanction