

FIRST DIVISION

[A.M. No. MTJ-98-1161, August 17, 1999]

**HONESTO RICOLCOL, COMPLAINANT, VS. JUDGE RUBY BITHAO
CAMARISTA, RESPONDENT.**

D E C I S I O N

KAPUNAN, J.:

On October 25, 1996, herein complainant Honesto Ricolcol filed with the Office of the Court Administrator (OCA, for brevity) a letter-complaint charging herein respondent Ma. Ruby Bithao-Camarista, Presiding Judge of the Metropolitan Trial Court (MTC) of Manila, Branch 1, with failure to resolve within the reglementary period of ninety (90) days complainant's Petition for the Issuance of a Writ of Execution.

Complainant alleged that he was the plaintiff in Civil Case No. 151702 entitled "Honesto Ricolcol vs. Lourdes and Rodolfo dela Rama." Pursuant to the provisions of P.D. 1508 (Katarungang Pambarangay Law), an amicable settlement was entered into by and between the parties in the aforesaid case. In the said settlement, the defendants (spouses Dela Rama) agreed to pay the unpaid rentals due the plaintiff up to May 17, 1996; and, that in case of default, they would vacate the subject premises. The amicable settlement became final and executory but the defendants refused to pay the overdue rentals and/or vacate the premises. Hence, complainant filed the aforesaid Petition for the Issuance of a Writ of Execution. On June 27, 1996, complainant filed a Motion for the Early Issuance of a Writ of Execution. The same was not acted upon by respondent judge. Thus, on September 24, 1996, complainant filed a Second Motion for Issuance of a Writ of Execution. Up to the filing of the aforesaid letter-complaint on October 25, 1996, no action had allegedly been taken by respondent judge.

Complainant further claimed that due to the inaction/delay of respondent judge in resolving the petition, the defendants left the subject premises without paying rentals and bills to the prejudice of complainant.

On November 7, 1996, by way of 1st Indorsement, Deputy Court Administrator Bernardo P. Abesamis referred the letter of complainant Ricolcol to respondent judge for comment and/or appropriate action within ten (10) days. No reply was received from respondent judge.

On January 9, 1997, complainant sent another letter informing the OCA that no action had been taken by respondent judge on his petition despite the aforesaid 1st Indorsement.

Thus, on January 20, 1997, the OCA sent a 1st Tracer to respondent judge directing her to comply with the 1st Indorsement dated November 7, 1996, with a warning

that should she fail to comply with the same, the matter would be submitted to this Court for consideration.

As with the previous indorsement, there was no compliance from respondent judge.

On April 21, 1997, complainant informed the OCA of the delay of respondent judge in resolving his petition and requested that appropriate administrative action be taken against her.

On July 16, 1997, the Court resolved to require respondent judge to comment on the letter-complaint of Mr. Ricolcol.

In her Comment, respondent judge alleged that she came to know about the matter only when she received a copy of this Court's Resolution on October 17, 1997. She made the excuse that the officer-in-charge of her office, one Merlie N. Yuson, was not able to bring the matter to her attention because the records of the case could not be found. Allegedly, these were inadvertently attached/stapled to the records of another case which was later on dismissed and included in the bundle of disposed cases.^[1]

Respondent judge further claimed that the abrupt and immediate transfer of Branch 1 from its former office at the old condemned City Court Building contributed to the delay in finding the records of the case. All the case records of said court were in complete disarray because the order to vacate was so sudden and there was no time to put them in proper order. Besides, respondent judge explained, the present location of Branch 1 is such that they cannot as of yet implement an efficient filing system of disposed and active cases due to very limited space.

Respondent judge further averred that in addition to the above predicament, she had to attend to equally important functions such as trial of cases, physical inventories of previous and existing voluminous court records, transfer of all equipment from the old condemned building, all of which, plus the absence of a suitable place to hold office, hampered the normal judicial process and rendered said court powerless in resolving the case within the reglementary period.^[2]

On March 20, 1998, the Office of the Court Administrator, pursuant to the Court's earlier resolution, submitted its Evaluation, Report and Recommendation regarding the case, which is quoted in part:

"Records show that the Petition for the Issuance of a Writ of Execution was filed on June 17, 1996. Presumably, it was acted upon only sometime in November 1997 after the Court has directed respondent Judge to comment on the complaint of Mr. Ricolcol. Hence, it was about seventeen (17) months after the same was acted upon.

"Respondent offered as an excuse the failure of her Officer-in-Charge to bring to her attention of the matter and their sudden transfer to their present office. This may mitigate respondent's liability but will not in any way excuse her from her responsibilities.

"As early as November 7, 1996, the first letter of Mr. Ricolcol was already referred to her by this Office for comment and/or to take appropriate