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Supreme Court
Manila

THIRD DIVISION

NOTICE

SUPREME COURT OF THE PHILIPPINES
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Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated July 8, 2020, which reads as follows:

“A.M. No. MTJ-20-1939 [Formerly OCA I.P.I. No. 19-3028-MTJ] – (ATTY. AGUSTIN JAVELLANA, complainant v. HON. EUNICE T. CUANSING, Presiding Judge, Municipal Trial Court in Cities, Silay City, Negros Occidental, respondent).– For resolution before the Court is the Administrative Complaint¹ dated January 17, 2019 filed by Atty. Agustin Javellana (complainant) against Judge Eunice T. Cuansing (respondent) for violation of Rule 3.05 of the Code of Judicial Conduct relative to Civil Case No. 1149-C, entitled, *“Spouses Agustin Javellana and Florence Apilis-Javellana vs. Lajave Agricultural Management and Development Enterprises, Inc.”*

The complaint stemmed from a case for unlawful detainer filed by complainant and his wife on November 29, 2012 before the Municipal Trial Court in Cities (MTCC), Silay City, Negros Occidental. The case was however dismissed for lack of jurisdiction by Acting Presiding Judge Napoleon S. Diamante. Consequently, complainant appealed to the Regional Trial Court (RTC), Silay, Negros Occidental, and the same was docketed as Civil Case No. 2823-40. In a Decision dated January 7, 2016, the RTC reversed the order of dismissal and remanded the case to the MTCC for further proceedings.²

Defendant Lajave Agricultural Management and Development Enterprises (Lajave) filed a motion for reconsideration, but the same was denied by the RTC. Accordingly, the RTC directed that the records of the case be remanded to the MTCC. In an Order dated December 4, 2017, respondent Judge directed the parties to submit their respective position papers and affidavits of their witnesses within 10 days from receipt of the Preliminary Conference Order. Complainant submitted his Position Paper by registered

¹ Rollo, pp. 2-5.
² Id. at 2-3.

mail on January 3, 2018, while Lajave filed its Position Paper on December 29, 2017.³

In his Complaint, complainant argued that more than one year had elapsed since the submission of the parties' respective position papers, yet as of the preparation of his complaint, respondent Judge has not yet rendered her decision. He stressed that under Section 11, Rule 70 of the 1997 Rules of Civil Procedure, "*the court must render a decision in an unlawful detainer case within thirty (30) days from the receipts of the affidavits and position papers and the expiration of the period for filing the same.*" Complainant further insisted that the Code of Judicial Conduct requires judges to dispose of court business promptly and decide cases within the prescribed period because any delay in the administration of justice deprives litigants of their right to speedy disposition of their case and undermines the people's faith in the judiciary.⁴

In her Comment,⁵ respondent Judge claimed that complainant did not disclose that there was a pending petition for review before the Court of Appeals (CA), Cebu City, assailing the January 7, 2016 and August 5, 2016 Orders of the RTC. She explained that the resolution of the petition is very material before taking action on the unlawful detainer case. She adds that the court was not officially apprised of such action during the conduct of the proceedings after the records had been remanded by the RTC. Respondent Judge asserted that she is aware that decisions in civil cases governed by the Rule on Summary Procedure, including cases of forcible entry and unlawful detainer, shall be immediately executory. She, however, argued that the ruling was made under the premise that the judgment brought on appeal before the RTC was rendered on the merits. She reasoned that this is not applicable to the case because the appeal to the RTC was pursuant to a motion to dismiss and was not a judgment on the merits.⁶

Evaluation and Recommendation of the OCA

The Office of the Court Administrator (OCA) recommended that respondent Judge be found guilty of Undue Delay in rendering a Decision, and recommended that a fine in the amount of Ten Thousand Pesos (₱10,000.00) be imposed upon her, thus:

IN VIEW OF THE FOREGOING, it is respectfully recommended for the consideration of the Honorable Court that:

1. the administrative complaint against Hon. Eunice T. Cuansing, Presiding Judge, Municipal Trial Court in Cities, Silay City,

³ Id. at 3.

⁴ Id. at 3-4.

⁵ Id. at 98-101.

⁶ Id. at. 98-99.

Negros Occidental be RE-DOCKETED as a regular administrative matter; and

2. respondent Judge Cuansing be found GUILTY of Undue Delay in Rendering a Decision and be FINED in the amount of ten Thousand Pesos (P10,000.00) and she is further warned that a repetition of the same or any similar act shall be dealt with more severely.⁷

In finding merit in the complaint, the OCA noted that complainant filed his position paper on January 11, 2018. Meanwhile, the records do not show when Lajave filed its position paper. Complainant merely alleged that it was filed on December 29, 2017, and respondent Judge did not rebut the date of filing as alleged by complainant. Thus, the OCA assumed that Lavaje's position paper was filed on December 29, 2017. Likewise, the OCA noted that in the October 26, 2016 Resolution of the CA, the prayer for a temporary restraining order and/or a writ of preliminary injunction was denied. Hence, there was no impediment for respondent Judge to decide the case upon receipt of the parties' position papers. Furthermore, the OCA explained that the petition for review in CA-G.R. SP No. 10339 did not toll the thirty (30)-day period to decide the case.⁸

Ruling of the Court

The Court sustains the findings and recommendation of the OCA.

Section 15, Article VIII of the 1987 Constitution requires the lower courts to decide or resolve cases or matters for decision or final resolution within three months from date of submission. In complaints for forcible entry and unlawful detainer as in this case, Section 10 of the Rules on Summary Procedure specifically requires that the complaint be resolved within 30 days from receipt of the last affidavits and position papers. Without any order of extension granted by this Court, failure to decide even a single case within the required period constitutes gross inefficiency.⁹

In the same vein, Sections 2 and 5 of Canon 6 of the New Code of Judicial Conduct enjoin the judges to devote their professional activity to judicial duties and to perform them, including the delivery of reserved decisions, efficiently, fairly, and with reasonable promptness. This obligation to render decision promptly is further emphasized in Administrative Circular No. 3-99 which reminds all judges to meticulously observe the periods prescribed by the Constitution for deciding cases because failure to comply

⁷ Id. at 161-162.

⁸ Id. at 3-4.

⁹ *Gamboa-Roces v. Judge Perez*, 803 Phil. 1, 6 (2017).

with the prescribed period transgresses the parties' constitutional right to speedy disposition of their cases.¹⁰

The Court is not persuaded with respondent Judge's argument that the decision in the case of *ALPA-PCM v. Bulasao*¹¹ is not applicable to Civil Case No. 1149-C because what was appealed therein was an order issued pursuant to a motion to dismiss and not a judgment on the merits. In that case, it was held that actions for unlawful detainer are governed primarily by the Revised Rules on Summary Procedure and suppletorily by the Rules of Court. Section 21 of the Revised Rules on Summary Procedure states that:

Sec 21. *Appeal.* — The judgment or final order shall be appealable to the appropriate Regional Trial Court which shall decide the same in accordance with Section 22 of Batas Pambansa Blg. 129. The decision of the Regional Trial Court in civil cases governed by this Rule including forcible entry and unlawful detainer, shall be immediately executory without prejudice to a further appeal that may be taken therefrom. Section 10 of Rule 70 shall be deemed repealed.

Pursuant to the above rule, decisions of the RTC rendered in the exercise of its appellate jurisdiction involving cases falling under the Revised Rules on Summary Procedure are immediately executory. Thus, when the RTC ruled that the MTCC had jurisdiction over Civil Case No. 1149-C and remanded the case for further proceedings, respondent Judge necessarily had the duty to observe the reglementary period prescribed for the rendition of judgment for forcible entry and unlawful detainer cases, which is 30 days from receipt of the affidavits and position papers or the expiration of the period for filing the same. In the present case, respondent Judge rendered her Decision on July 8, 2019, more than a year from the filing of the last position paper on January 11, 2018.

The Court has always reminded judges to attend promptly to the business of the court and to decide cases within the required periods for the honor and integrity of the Judiciary is measured not only by the fairness and correctness of the decisions rendered, but also by the efficiency with which disputes are resolved. Any delay in the disposition of cases erodes the public's faith and confidence in the Judiciary. Thus, judges should give full dedication to their primary and fundamental task of administering justice efficiently, in order to restore and maintain the people's confidence in the courts.¹²

Under Sections 9 and 11, Rule 140 of the Rules of Court, as amended

¹⁰ *Cabares v. Judge Tandinco, Jr.*, 675 Phil. 453, 456 (2011).

¹¹ 684 Phil. 451 (2012).

¹² *Gamboa-Roces v. Judge Perez*, supra note 9, at 6-7.

by A.M. No. 01-8-10-SC,¹³ undue delay in rendering a decision is a less serious charge punishable by either (a) suspension from the service without salary and other benefits for not less than one month nor more than three months; or (b) a fine of more than ₱10,000.00 but not more than ₱20,000.00.

In *Saceda v. Judge Gestopa, Jr.*,¹⁴ the Court found the respondent judge guilty of gross inefficiency and was fined in the amount of ₱10,000.00 for his failure to render judgment in a complaint for ejectment within the 30-day reglementary period as required by the Rules on Summary Procedure. Likewise, in the case of *Petallar v. Judge Pullos*,¹⁵ respondent judge was found liable for undue delay in rendering a decision and was fined in the amount of ₱10,000.00. Thus, in accordance with prevailing rules and jurisprudence, the Court imposes upon respondent Judge a fine in the amount of ₱10,000.00.

WHEREFORE, finding respondent Judge Eunice T. Cuansing, Presiding Judge, Municipal Trial Court in Cities, Silay City, Negros Occidental, **GUILTY** of undue delay in rendering a decision, the Court hereby orders her to pay a **FINE** in the amount of **TEN THOUSAND PESOS (₱10,000.00)**, with **STERN WARNING** that a repetition of the same or similar offense shall be dealt with more severely.

SO ORDERED.”

By authority of the Court:

Misael C. Batt
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court
GER
11/8/20

Atty. Agustin Javellana
Complainant
87 R. Alvero cor. E. Abada Sts.
1108 Loyola Heights, Quezon City

Hon. Eunice T. Cuansing
Presiding Judge
MUNICIPAL TRIAL COURT IN CITIES
6116 Silay, Negros Occidental

Hon. Jose Midas P. Marquez
Court Administrator
OFFICE OF THE COURT ADMINISTRATOR
Supreme Court, Manila

¹³ Promulgated on September 11, 2001 and took effect on October 1, 2001.

¹⁴ 423 Phil. 420 (2001).

¹⁵ 464 Phil. 540 (2004).

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Hon. Jenny Lind R. Aldecoa-Delorino
Hon. Leo T. Madrazo
Deputy Court Administrators
OFFICE OF THE COURT ADMINISTRATOR
Supreme Court, Manila

Hon. Lilian C. Barribal-Co
Hon. Maria Regina Adoracion Filomena M. Ignacio
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(Formerly OCA IPI No. MTJ-19-3028)

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