



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **15 February 2021** which reads as follows:*

“A.M. No. RTJ-21-2608 [Formerly OCA IPI No. 18-4908-RTJ] (*Mario L. Tengco v. Presiding Judge Eugenio G. dela Cruz, Regional Trial Court, Branch 117, Pasay City*). – Before this Court is a Complaint-Affidavit¹ filed by Mario L. Tengco (*complainant*) against Hon. Eugenio G. dela Cruz (*respondent*), Presiding Judge, Regional Trial Court of Pasay City, Branch 117 (*RTC*) for Undue Delay in the Disposition of a Case relative to Civil Case No. R-PSY-10-04410-CV entitled “*Mario L. Tengco and Eufracia S. Tengco v. Caridad Sanchez, et al.*” for Specific Performance.

In its August 14, 2020 Report and Recommendation,² the Office of the Court Administrator (*OCA*) found respondent guilty of undue delay in rendering a resolution or order for his failure to expeditiously resolve the pending incidents in Civil Case No. R-PSY-10-04410-CV. Considering that the findings of fact and the recommendations of the *OCA* are supported by the evidence on record and by applicable laws, this Court **ADOPTS** and **ACCEPTS** these findings and recommendations.

As aptly noted by the *OCA*, respondent failed to resolve complainant’s omnibus motion and Caridad Sanchez’s (*Sanchez*) motion for reconsideration within the 90-day reglementary period. In fact, it took respondent eight (8) months to resolve said motion. As stated by the *OCA*, respondent “cannot justify such length of time on the ground that Sanchez did not file a reply to complainant’s Consolidated Comment.”³ As a judge, respondent should have been aware of the considerable amount of time that had lapsed from his last

¹ *Rollo*, pp. 2-12.

² *Id.* at 151-158.

³ *Id.* at 156.

Order, which should have prompted him to inquire whether the parties had already filed their respective pleadings as directed.

Judges have the duty to administer justice without delay. Respondent should bear in mind that those charged with the task of dispensing justice carry a heavy burden of responsibility. Indeed, had respondent been more circumspect in discharging his judicial duties, he would have discovered the pending incidents in the civil cases.

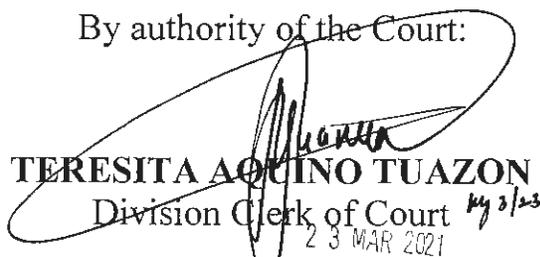
While this Court is aware of the heavy case load of trial courts, and has allowed reasonable extensions of time needed to decide cases or resolve pending incidents therein, such extensions must first be requested from the Court. A judge cannot by himself choose to prolong the period for deciding cases beyond that authorized by law. Here, respondent made no such request for extension of time to resolve complainant's omnibus motion and Sanchez's motion for reconsideration in Civil Case No. R-PSY-10-04410-CV.

WHEREFORE, the Court finds respondent Hon. Eugenio G. dela Cruz, Presiding Judge, Regional Trial Court of Pasay City, Branch 117, **GUILTY** of a less serious charge of Undue Delay in Rendering a Resolution or Order under Section 9,⁴ Rule 140 of the Rules of Court and is hereby **ORDERED** to **PAY** a fine in the amount of Two Thousand Pesos (₱2,000.00) to be deducted from his retirement/gratuity benefits.

The Financial Management Office of the Court Administrator is hereby **DIRECTED** to release the retirement benefits and other monetary benefits that respondent may be entitled to, unless withheld for some other cause.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court *ky 3/23*
23 MAR 2021

⁴ A.M. No. 01-8-10-SC, Re: Proposed Amendment to Rule 140 of the Rules of Court Re: Discipline of Justices and Judges, dated September 11, 2001, took effect on October 1, 2001.

SECTION. 9. *Less Serious Charges.* – Less serious charges include:

1. Undue delay in rendering a decision or order, or in transmitting the records of a case;

x x x x

HON. COURT ADMINISTRATOR

Jose Midas P. Marquez (x)

HON. DEPUTY COURT ADMINISTRATOR

Raul B. Villanueva (x)

Jenny Lind Aldecoa-Delorino (x)

Leo T. Madrazo (x)

ASSISTANT COURT ADMINISTRATOR

Hon. Lilian C. Baribal-Co (x)

Hon. Maria Regina Adoracion

Filomena M. Ignacio (x)

Legal Office (x)

Court Management Office (x)

Financial Management Office (x)

Docket & Clearance Division (x)

Office of Administrative Services (x)

Office of the Court Administrator

Supreme Court, Manila

JUDICIAL AND BAR COUNCIL

SECRETARIAT (x)

Supreme Court, Manila

HON. EUGENIO G. DELA CRUZ (reg)

Presiding Judge

Regional Trial Court, Branch 117

Pasay City

MARIO L. TENGCO (reg)

Complainant

No. 331 Int. Lebertad, Pasay City

THE CHIEF (x)

Financial Management Office

Office of the Court Administrator

Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)

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Supreme Court, Manila

Please notify the Court of any change in your address.

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