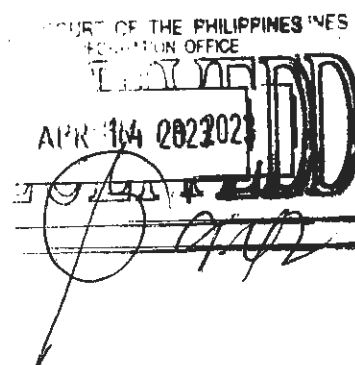




Republic of the Philippines  
Supreme Court  
Manila

EN BANC

NOTICE



Sirs/Mesdames:

*Please take notice that the Court en banc issued a Resolution dated MARCH 14, 2023, which reads as follows:*

**“A.M. No. RTJ-23-030 [Formerly OCA IPI No. 20-5063-RTJ] (Elena Dacer, Fenny Revilla, Agripino E. Azul Jr., and William Vasquez\* v. Judge Ma. Consejo Gengos-Ignalaga, Presiding Judge, Branch 100, Regional Trial Court, Antipolo City, Rizal). —** Before the Court is the administrative complaint<sup>1</sup> filed by Elena Dacer, Fenny Revilla, Agripino E. Azul, Jr., and William Vasquez (Dacer et al.) against Judge Ma. Consejo M. Gengos-Ignalaga (Judge Gengos-Ignalaga), Branch 100, Regional Trial Court (RTC), Antipolo City, Rizal, for gross inefficiency, gross ignorance of the law, and oppression.

Dacer et al. were defendants in an unlawful detainer case filed by one Eduardo G. De Leon before the Municipal Trial Court (MTC), Taytay, Rizal.<sup>2</sup> On 04 August 2017, in Civil Case No. 2290-17, the MTC ruled in favor of De Leon<sup>3</sup> and issued a Writ of Execution<sup>4</sup> and Notice to Comply and to Vacate and Leave Premises,<sup>5</sup> which were served upon Dacer et al.<sup>6</sup> Consequently, they filed a complaint for annulment of the MTC judgment before the RTC of Antipolo City, Rizal, which was raffled to Branch 100, presided over by Judge Gengos-Ignalaga.<sup>7</sup>

On 18 May 2018, Dacer et al. filed a Motion for Issuance of a Temporary Restraining Order (TRO) and/or Writ of Preliminary Injunction<sup>8</sup> before Branch 100, RTC, Antipolo City, Rizal, seeking to enjoin the

\* Also known as William Vazquez in some parts of the *rollo*.

<sup>1</sup> *Rollo*, pp. 2–21.

<sup>2</sup> *Id.* at 3–8.

<sup>3</sup> *Id.* at 58–61; penned by Presiding Judge Wilfredo V. Timola.

<sup>4</sup> *Id.* at 63–64.

<sup>5</sup> *Id.* at 62.

<sup>6</sup> *Id.* at 8–9.

<sup>7</sup> *Id.* at 9.

<sup>8</sup> *Id.* at 80–92.

implementation of the MTC decision.<sup>9</sup> Hearings on the motion were conducted by Judge Gengos-Ignalaga from 16 to 30 August 2018.<sup>10</sup>

On 27 September 2018, Judge Gengos-Ignalaga issued an order stating that Dacer et al.'s "application for Preliminary Injunction [was] deemed submitted for resolution."<sup>11</sup> On 07 November 2018, pending resolution of this matter, the MTC sheriff implemented the writs of execution and demolition issued by the MTC.<sup>12</sup> Dacer et al. alleged that because Judge Gengos-Ignalaga failed to resolve their motion within 20 days, they lost their homes to De Leon.<sup>13</sup>

On 26 November 2018, Dacer et al. filed another motion, this time for the issuance of a writ of preliminary mandatory injunction,<sup>14</sup> praying that they be restored possession of their properties.<sup>15</sup>

On 20 May 2019, Judge Gengos-Ignalaga issued an Order<sup>16</sup> resolving the two motions filed by Dacer et al. She ruled that the Motion for Issuance of a TRO had been rendered moot and academic when the writs of execution and demolition were implemented.<sup>17</sup> On the other hand, she denied the Motion for Issuance of Writ of Preliminary Mandatory Injunction, finding that Dacer et al. were not entitled to injunctive relief because they failed to show any clear and legal right over the subject property.<sup>18</sup>

On 02 July 2019, Dacer et al. filed a Motion for Reconsideration,<sup>19</sup> which allegedly had not been resolved by Judge Gengos-Ignalaga up to the date of the administrative complaint.

In her Comment,<sup>20</sup> Judge Gengos-Ignalaga refuted the charges against her and explained that the allegation of gross inefficiency for failing to resolve the Motion for Issuance of a TRO within 20 days was erroneous because the 20-day period applies only when a TRO has been issued by the court. Since no TRO was issued, the regular 90-day period to resolve applies.<sup>21</sup> Moreover, the Motion for Issuance of a TRO was rendered moot and academic when the writs of execution and demolition issued by the

<sup>9</sup> Id. at 90.

<sup>10</sup> Id. at 16.

<sup>11</sup> Id. at 100.

<sup>12</sup> Id. at 16.

<sup>13</sup> Id.

<sup>14</sup> Id. at 16, 102-116, 208-209.

<sup>15</sup> Id.

<sup>16</sup> Id. at 143-148.

<sup>17</sup> Id. at 146.

<sup>18</sup> Id. at 147-148.

<sup>19</sup> Id. at 150-153, 18. The complaint was dated 10 July 2020 and filed before the Office of the Court Administrator on 17 July 2020.

<sup>20</sup> Id. at 164-176.

<sup>21</sup> Id. at 169.

MTC were implemented.<sup>22</sup> The Motion for Issuance of a TRO was also considered abandoned by Dacer et al. when they filed an *ex parte* motion to resolve the Motion for Issuance of Writ of Preliminary Mandatory Injunction.<sup>23</sup> Further, there was no failure to resolve Dacer et al.'s motion for reconsideration because the case had been reraffled to another court for Judicial Dispute Resolution (JDR) proceedings. Thus, she could no longer hear or act on that motion.<sup>24</sup>

Additionally, Judge Gengos-Ignalaga explained that the order denying the Motion for Issuance of Writ of Preliminary Mandatory Injunction was based on her evaluation of the facts of the case, the evidence presented, and the application of pertinent laws and rules to the issues brought before her.<sup>25</sup> As such, the allegation of gross ignorance of the law was baseless and lacked merit.<sup>26</sup> Because the charges of gross inefficiency and gross ignorance of the law were both baseless, the allegation of oppression must fail for lack of merit.<sup>27</sup>

In a Report and Recommendation<sup>28</sup> dated 18 February 2021, Atty. James D.V. Navarrete, Acting Executive Director, Judicial Integrity Board (JIB), and Atty. Eduardo C. Tolentino, Acting SC Senior Chief Staff Officer, Research and Investigation Services, JIB, found that "there is sufficient evidence to hold respondent liable for the less serious charge of undue delay in rendering a decision or order."<sup>29</sup> But since there was no evidence of bad faith, malice, or corruption on her part,<sup>30</sup> they recommended that the administrative complaint be dismissed, with a stern warning that a similar infraction shall be dealt with more severely in the future.<sup>31</sup>

The JIB, however, in its Report<sup>32</sup> dated 18 November 2022, recommended that Judge Gengos-Ignalaga be found guilty of gross neglect of duty in the performance of official functions and fined in the amount of PhP 200,000.00 pursuant to Section 13(d), Rule 140, Rules of Court, as further amended.<sup>33</sup>

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<sup>22</sup> Id. at 169-170.

<sup>23</sup> Id. at 170.

<sup>24</sup> Id. at 171-172.

<sup>25</sup> Id. at 173.

<sup>26</sup> Id. at 172.

<sup>27</sup> Id. at 173.

<sup>28</sup> Id. at 241-246.

<sup>29</sup> Id. at 244.

<sup>30</sup> Id. at 245.

<sup>31</sup> Id. at 245-246.

<sup>32</sup> Id. at 247-259; penned by Justice Angelina Sandoval-Gutierrez (Ret.), Vice Chairperson, and concurred in by Justice Romeo J. Callejo, Sr. (Ret.), Chairperson; Justice Sesinando E. Villon (Ret.), First Regular Member; Justice Rodolfo A. Ponferrada (Ret.), Second Regular Member; and Justice Cielito N. Mindaro-Grulla (Ret.), Third Regular Member.

<sup>33</sup> Id. at 258.

The JIB held that the rules prescribing the period to decide and resolve cases are mandatory and the failure to observe the reglementary period as prescribed by the Constitution is not excusable and constitutes gross inefficiency.<sup>34</sup> It found that Judge Gengos-Ignalaga had a duty to resolve the Motion for Issuance of a TRO within 90 days from 27 September 2018, but because she issued the order resolving such motion only on 20 May 2019, or after seven months and 23 days, she incurred unreasonable delay that amounts to gross neglect of duty.<sup>35</sup>

Now, should Judge Gengos-Ignalaga be held administratively liable for the acts complained of?

We do not think so.

It is undisputed that the Motion for Issuance of a TRO was submitted for resolution on 27 September 2018. Judge Gengos-Ignalaga had 90 days to resolve it. However, on the 41<sup>st</sup> day, or on 07 November 2018, the writs of execution and demolition issued by the MTC were already implemented. Thereafter, on the 60<sup>th</sup> day, or on 26 November 2018, Dacer et al. filed the Motion for Issuance of Writ of Preliminary Mandatory Injunction.

Obviously, the Motion for Issuance of a TRO was already mooted on the 41<sup>st</sup> day of the 90-day period. In fact, on the 60<sup>th</sup> day, complainants had already invoked another remedy and filed the Motion for Issuance of Writ of Preliminary Mandatory Injunction to restore their possession of the subject property.<sup>36</sup> Consequently, there was no act left to be enjoined because the writs of execution and demolition had already been implemented by the MTC. There was really no more sense in either granting or denying the Motion for Issuance of a TRO at that point.

In *Niño v. Pizarro (Niño)*,<sup>37</sup> the Court exonerated respondent, then a Court of Appeals Justice, from the charge of undue delay in resolving a motion for TRO, after considering, among others, that the TRO application filed by complainant had become moot and academic when “[t]he public auction sale sought to be enjoined had in fact been already implemented.”<sup>38</sup> The Court also ruled:

Seemingly, complainant was seeking a formal denial of the application for a TRO, but no denial in such form was issued by respondent. Obviously, complainant did not appreciate the fact that **absence of action on the**

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<sup>34</sup> Id. at 254–255.

<sup>35</sup> Id. at 253–254.

<sup>36</sup> Id. at 195.

<sup>37</sup> 627 Phil. 111 (2010).

<sup>38</sup> Id. at 120–121.

**prayer for TRO amounts to a denial of the same.**<sup>39</sup> (Emphasis supplied)

*Niño* further held that, assuming a formal resolution of the TRO was necessary, there was no delay because before respondent could decide on the TRO, complainant filed a motion for summary judgment and two motions for early resolution that effectively extended the time within which to issue the resolution on the TRO. By filing such pleadings, respondent had to wait for the expiration of the period to comment before issuing the resolution. Hence, at that time, there was no delay on the part of respondent.<sup>40</sup>

Even the JIB, in its Report<sup>41</sup> in the instant case, held that “it is not mandatory for the trial court to issue an Order denying an application for a TRO x x x x. The court may simply allow the 20-day period to lapse. Understandably, in such a scenario, the application for TRO is denied.”<sup>42</sup>

In fine, Judge Gengos-Ignalaga’s inaction on Dacer et al.’s Motion for Issuance of a TRO amounted to a denial of the motion, *first*, because it was mooted by the demolition, and *second*, because it was superseded by the subsequent Motion for Issuance of Writ of Preliminary Mandatory Injunction. Eventually, Judge Gengos-Ignalaga did not see any merit in the two motions filed by Dacer et al. because of the aforesaid reasons<sup>43</sup> and their failure to “establish and show their clear and legal right over the subject property.”<sup>44</sup> Accordingly, the Court considers the seven-month and 23-day period it took Judge Gengos-Ignalaga to actually resolve the motion in writing in the instance case as reasonable.

Judges have the sworn duty to administer justice without undue delay.<sup>45</sup> Under the circumstances, this Court finds that Judge Gengos-Ignalaga observed this principle as there are sufficient justifications for her actions. Thus, the dismissal of the charges against her is warranted.

It must be emphasized that the policy of the Court on the timely disposition and resolution of cases is clear and consistent.<sup>46</sup> When errors are committed, the Court does not hesitate to discipline judges who are found guilty of violating the law or rules,<sup>47</sup> but the Court will also not hesitate to

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<sup>39</sup> Id. at 121.

<sup>40</sup> Id.

<sup>41</sup> Supra note 32.

<sup>42</sup> Id. at 253.

<sup>43</sup> *Rollo*, pp. 146–148, 169–171.

<sup>44</sup> Id. at 226.

<sup>45</sup> *Niño v. Pizarro*, supra note 37, citing *Torrevillas v. Navidad*, 605 Phil. 1 (2009).

<sup>46</sup> *Cao v. Rosales*, A.M. No. RTJ-20-2594 (Formerly OCA IPI No. 19-4922-RTJ), 09 December 2020.

<sup>47</sup> *Pineda v. Judge Pinto*, 483 Phil. 243 (2004), citing *Santos v. Lorenzo*, 436 Phil. 209 (2002).

March 14, 2023

exonerate them whenever circumstances merit a consideration and justifiable grounds are present.<sup>48</sup>

**WHEREFORE**, the administrative complaint against respondent Hon. Ma. Consejo M. Gengos-Ignalaga, Presiding Judge, Branch 100, Regional Trial Court, Antipolo City, Rizal, is **DISMISSED** for lack of merit. (2)

By authority of the Court:

**MARIFE M. LOMIBAO-CUEVAS**

Clerk of Court *lv*

By:



**LIBRADA C. BUENA**

Division Clerk of Court, First Division  
(Per Office Order No. 02-2023)

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<sup>48</sup> Id; see also *Tallado v. Judge Winston S. Racoma*, A.M. No. RTJ-22-022 (Formerly OCA IPI No. 19-4966-RTJ), 23 August 2022.

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\* A.M. No. RTJ-23-030  
kat 3/14/23 (URes2) 4/5/23

\* changed from 930 to 030  
(jane) 4/11/23

