

FRANCISCO ANCHETA, COMPLAINANT, VS. JUDGE PEDRO C. ANTONIO, RESPONDENT.

A.M. No. MTJ-91-560. March 11, 1994

Ponente: MELO, J.

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MELO, J.:

The sworn complaint dated July 16, 1991 of Francisco Ancheta, charges respondent Judge Pedro C. Antonio, Presiding Judge of the 10th Municipal Circuit Trial Court stationed at Roxas-Quirino, Isabela with "Grave Misconduct and Dereliction of Duty" relative to Civil Case No. 737 entitled "Francisco Ancheta vs. Dominator Lamorena, et al.", for Forcible Entry with Preliminary Injunction.

Complainant, the plaintiff in the aforecited case, alleges that after the case was submitted for decision sometime in July 1988, respondent judge, through an emissary, demanded P10,000.00 in exchange for a favorable decision on the case. For complainant's failure to acquiesce to respondent's demand, the case remained undecided for over three (3) years.

In his Answer filed by way of compliance with our Resolution of December 12, 1991, respondent judge denies having asked for money from the complainant and avers that such an allegation was fabricated by Atty. Felipe Bugarin, complainant's counsel, who had a personal grudge against respondent. In support thereof, respondent submitted the affidavit dated February 3, 1992 of complainant, which pertinently states:

That in complaint which was filed by Atty. Felipe M. Bugarin in my behalf, was later on discovered by me to have accused Judge Pedro C. Antonio of demanding the amount of Ten Thousand Pesos (P10,000.00) from me through an emissary in exchange of a favorable decision of Civil Case No. 737 filed before his (Judge Antonio's) sala;

That the truth of the matter is that no emissary as alleged in the complaint, came to me to demand Ten Thousand Pesos (P10,000.00) but one of the men of said Attorney Bugarin came to me with a prepared complaint explaining that he will file an Administrative Complaint before the Supreme Court to expedite said Civil Case filed before the sala of said Judge;

That at the time (sometime in June 1991) I was just operated on my right eye and had no contact lens yet, so I asked the contents of the said complaint and it was explained to me as stated by me in the succeeding paragraph of the foregoing affidavit;

That I relied on the statement of the person sent by Atty. Felipe M. Bugarin because as my lawyer I have a trust in him and I know that he would not do things that will incriminate me;

That had I known that there is an allegation in that said administrative case that Judge Antonio is trying to demand Ten Thousand Pesos (P10,000.00) from me, I should have not signed the same because that is a big lie, as there was nobody who came to me to ask said amount. (p. 20, Rollo)

Respondent judge likewise refutes the charge of undue delay in deciding Civil Case No. 737, attributing the delay

to the failure of the parties to amicably settle the case. Besides, he avers that complainant's lawyer did not move for the expeditious disposition thereof. He contends that when the issue of ownership arose in the ejectment case, the case ceased to be governed by the rule on summary procedure.

The Court in its Resolution dated September 17, 1992, required Atty. Felipe Bugarin to comment on the aforesaid affidavit of complainant dated February 3, 1992.

Atty. Bugarin filed his comment stating that the complaint filed by complainant Francisco Ancheta with this Court was notarized by Atty. Mariano A. Avecilla who attested that he notarized the document only after ascertaining that the affiant fully understood its contents and that it was voluntarily executed. On the other hand, the affidavit of complainant dated February 3, 1992 which was sworn to before the Clerk of Court was allegedly not executed voluntarily as the complainant was said to have been forced by respondent judge to sign it.

By resolution of the Court dated October 29, 1992, complainant Francisco Ancheta and respondent judge were required to file their respective replies to Atty. Bugarin's comment.

Francisco Ancheta did not file his reply, but respondent judge replying refuted the allegation of Atty. Bugarin that respondent forced complainant to execute the affidavit dated February 3, 1992. Respondent contends that the affidavit was freely and voluntarily executed by complainant after consultation with Atty. Bugarin.

The Court in its Resolution of February 2, 1993 noted the aforesaid reply. In another Resolution dated June 10, 1993, the Court referred the case to the Office of the Court Administrator for evaluation, report, and recommendation.

Acting on the recommendation of the Office of the Court Administrator, the Court referred the case to Executive Judge Teodulo B. Mirasol, RTC, Roxas, Isabela, for evaluation, report, and recommendation.

In due time, Judge Mirasol submitted his report and recommendation stating:

To be determined by this investigation is (1) whether or not attempted bribery as charged has been committed by the respondent and, (2) whether or not there was unreasonable delay in the disposition of the Forcible Entry case filed in respondent's court.

In the investigation conducted by the undersigned, the complainant was personally examined after notice to him and his counsel. Atty. Mariano A. Avecilla, the Notary Public, before whom the complaint was supposedly subscribed and sworn to by the complainant was also subpoenaed to appear. The respondent appeared on the scheduled investigation, but the complainant's counsel and the Notary Public aforementioned did not.

Francisco Ancheta, quite an old man accompanied by his niece, Mrs. Eugenia Quidasol, declared that he is the same Francisco Ancheta, the complainant in this case; that he does not know having filed a complaint against the respondent although according to him he complained only why the Forcible Entry case he filed suffered undue delay.

The respondent opted not to adduce evidence in his defense personally because he heard from the very lips of the complainant that he has no more interest in pursuing his complaint, only with respect to the alleged demand for P10,000.00 because that is not true as complainant averred, not the delay in the disposition of the Forcible Entry case. Furthermore, the respondent Judge has submitted his answer to the complaint and he probably has nothing to add thereto.

After the extensive examination of complainant, the respondent kept silent and this silence would be construed as tacitly opting not to adduce evidence in his defense. In most likelihood, after he heard the complainant, he believes there is no need for him to explain his side.

Scanning the records of the Forcible Entry case docketed in the respondent's court as Civil Case No. 737, it appears that the complaint was filed on June 1, 1987. The same was dismissed *motu prop[r]io* by the respondent on October 18, 1991. It could be seen then that this case has been pending for more than four years.

It appears further from the same records that the case was deemed submitted for decision in September 1988 and no decision was rendered within the prescribed period of ninety days, and surprisingly the case was re-opened on August 3, 1991. Evidently, the case slept for almost three years and revived by the respondent on the flimsy ground that there was no preliminary conference order therein. The records shows, however, that on September 14, 1987, the preliminary conference was deemed terminated (p. 49, records of the Forcible Entry case).

The order issued by the respondent reviving the case obviously is not well taken because the preliminary conference has already been terminated. The flimsy excuse put up by the respondent to correct an honest mistake does not speak well of him specially so when he dismissed *motu prop[r]io* the forcible Entry case giving rise to a well-founded suspicion that his leanings was towards the defendants. This conclusion is inevitable for he never acted on the motion for the issuance of a writ of preliminary mandatory injunction prayed for by the plaintiff in that case. According to the respondent the question of ownership became a pivotal issue without which he could not determine possession. If that is true the best thing that he could have done is to exercise prudence so that the case could have been dismissed outright instead of sleeping on it. There is more reason to believe that the respondent waited for something from the litigants although we are not ready to make such a conclusion. However, it is very clear that he is guilty of willful neglect in treating that Forcible Entry case. His actuations, if we might add, become suspect for this is not the first case that he prolonged his proceedings. In an earlier administrative case it was our findings that in a preliminary investigation of a criminal case (Adm. Case No. MTJ-91-527, Teriel Salcedo vs. Pedro C. Antonio) he waited for more than 200 days to terminate the same and recommended the filing of a case against Teriel Salcedo which, however, was dismissed by the Office of the Provincial Prosecutor when elevated to that office by respondent for review.

We find the respondent guilty of nonfeasance. The light sanction meted to him in a previous administrative case mentioned above is too light. A stiffer sanction is more in keeping with the determined efforts of the Supreme Court to discipline members of the bench, hence, a fine of one month salary is reasonable enough to let him feel the gravity of his indiscretion.

In view of the above findings, we respectfully recommend that a fine be meted to him for his nonfeasance in unreasonably and unduly delaying the disposition of a case heard in his sala which is covered by the rules on Summary Procedure in the Municipal Courts. (pp. 1-3, Report and Recommendation)

By and large, we agree with the conclusions of Judge Mirasol that respondent is guilty of delay in deciding Civil Case No. 737. Failure to decide a case within the required period is not excusable and constitutes gross inefficiency (*Longboan vs. Polig*, 186 SCRA 557, cited in *Sabado vs. Cajigal*, 219 SCRA 800 [1993]). Respondent judge is presumably aware of this ruling of the Court and he cannot pretend to be ignorant of Rule 3.01 of Canon 3 of the Code of Judicial Conduct which calls for a judge to be faithful to the law and to maintain professional competence. There is also Rule 3.05 which admonishes all judges to dispose of the court's business promptly and to decide cases within the period fixed by law.

Further, it appears that for a delay of 270 days in conducting the preliminary investigation of a criminal complaint, respondent was reprimanded in our resolution of October 13, 1992 in A.M. No. MTJ-91-57.

WHEREFORE, respondent Judge Pedro C. Antonio is ordered to pay a fine in the amount of Ten Thousand Pesos (P10,000.00) with the stern warning that future similar misconduct on his part will be dealt with more severely.

SO ORDERED.

Narvasa, C.J., Cruz, Feliciano, Padilla, Bidin, Regalado, Davide, Jr., Romero, Nocon, Bellosillo, Quiason, Puno, Vitug, and Kapunan, JJ., concur.

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