# ATTY. JOSE M. CASTILLO, COMPLAINANT, VS. JUDGE ROSE MARIE ALONZO-LEGASTO, RESPONDENT.

*A.M. No. RTJ-03-1804 (Formerly OCA IPI No. 03-1850-RTJ). June 23, 2005*

Ponente: TINGA, J.

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**TINGA, J.:**

This administrative matter stemmed from the letter[1] of Atty. Jose M. Castillo dated October 9, 2002 calling the Court's attention to the alleged delay in the resolution of a motion for reconsideration filed by the defendants in Civil Case No. Q-98-34597 entitled "Salome M. Castillo represented by Attorney-in-Fact Atty. Jose M. Castillo v. Spouses Ruben and Erlinda Asedillo," then pending before the sala of Judge Rose Marie Alonzo-Legasto. According to Castillo, respondent judge rendered a decision in the case on September 26, 2001. Defendants filed a motion for reconsideration which was set for hearing on November 9, 2001. However, despite the lapse of one year, respondent judge had not resolved the motion.

In its 1st Indorsement[2] dated April 21, 2003, the Office of the Court Administrator (OCA) required respondent judge to comment on the letter. In compliance with the directive, respondent judge filed a letter[3] informing the OCA that she had already resolved the motion on January 7, 2003. She blamed her branch clerk of court for not immediately calling her attention to the filing of the motion.

In a separate sworn letter[4] dated March 12, 2003, Castillo formally charged respondent judge with violation of the Canon of Judicial Ethics[5] and Act of Grave Injustice by rendering an Unjust Judgment. Castillo believes that respondent judge's resolution of the motion for reconsideration and reversal of the decision previously rendered in favor of complainant Salome Castillo was impelled by the letter dated October 9, 2002 which he sent the OCA. He implores the OCA to determine whether respondent judge was motivated by ill-feeling when she issued the order resolving the motion for reconsideration.

Respondent judge was once again required to comment on the formal charges leveled against her. In her letter[6] dated 8, May 2003, respondent judge avers that she reversed her decision after a painstaking analysis of the records and applicable jurisprudence, and not out of any ill motive as Castillo suggests. She denies that she was remiss in her duty to resolve the motion for reconsideration and claims that she was not able to resolve the same promptly only because the branch clerk of court failed to bring the matter to her attention.

Castillo filed a letter[7] dated May 24, 2003 in reply to respondent judge's comment and in reiteration of his allegations.

The OCA found the case impressed with merit and recommended that respondent judge be found guilty of delay in resolving the motion for reconsideration filed in Civil Case No. Q-98-34597 and fined in the sum of One Thousand Pesos (P1,000.00). Under the 1997 Revised Rules on Civil Procedure, a motion for reconsideration should be resolved within thirty (30) days from the time it is submitted for resolution. The motion for reconsideration in this case was set for hearing on November 9, 2001. However, complainant Salome Castillo was given ten (10) days or until November 19, 2001 within which to file a comment on the motion. Counting the thirty

(30)-day period from this date, respondent judge had until December 19, 2001 within which to resolve the motion. Her resolution was issued only on January 7, 2003, more than a full year later. Hence, there is basis in finding her remiss in her duty to promptly dispose of the court's business.

With respect to the accusation that respondent judge committed grave injustice for rendering an unjust judgment, the OCA found the claim unsupported by evidence. Besides, the OCA opined that the issue necessarily touches upon the merits of the case which is beyond the scope of an administrative case. Considering that the case was then on appeal, the OCA deemed it best to leave the matter to the appellate court for a judicious determination on the merits.[8]

In the Resolution[9] dated September 17, 2003, the parties were required to manifest whether they are willing to submit the case for resolution based on the pleadings submitted. Both parties so manifested.[10]

Except as to the recommended penalty, we agree with the findings of the OCA.

The Court has repeatedly warned judges to dispose of court business promptly, resolve pending incidents and motions, and decide cases within the prescribed periods for "delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards and brings it into disrepute." Such exhortation is in fact enshrined in Sec. 15, par. (1), Art. VIII of our Constitution, as well as in Rule 3.05, Canon 3 of the Code of Judicial Conduct,[11] which mandates that a magistrate should dispose of the court's business promptly and decide cases within the required periods. For violations thereof we have invariably imposed penalties ranging from fine to suspension depending on the circumstances of each case as the number of motions or cases unresolved, the presence of aggravating or mitigating circumstances, the damage suffered by the parties as a result of the delay, the health and age of the judge, etc.[12]

The OCA correctly noted that the motion for reconsideration in this case, submitted for resolution on November 19, 2001, should have been resolved thirty (30) days hence,[13] or on December 19, 2001. However, respondent judge was only able to finally resolve the motion on January 7, 2003, more than a year later.

Respondent judge's explanation that the delay was occasioned by her clerk of court's failure to bring the matter to her attention could not free her from administrative liability. As a judge, she has the bounden duty to maintain proper monitoring of cases submitted for her decision or resolution. A judge ought to know the cases submitted to her for decision or resolution and is expected to keep her own record of cases so that she may act on them promptly. It is her duty to take note of the cases submitted for her decision or resolution and see to it that they are decided within the prescribed period. She cannot hide behind the inefficiency or irresponsibility of her court personnel because the latter are not the guardians of her responsibilities. Indeed, Rule 3.09, Canon 3 of the Code of Judicial Conduct[14] requires respondent judge to organize and supervise the court personnel for prompt and efficient dispatch of business.[15]

Section 4, Rule 140 of the Rules of Court, as amended, provides that undue delay in rendering a decision or order is considered a less serious offense punishable, under Section 11-B of the same rule, by (a) suspension from office without salary and other benefits for one (1) to three (3) months; or (b) the imposition of a fine of not less than ten thousand pesos (P10,000.00) but not more than twenty thousand pesos (P20,000.00). The OCA's recommendation that respondent judge be fined the amount of one thousand pesos (P1,000.00) is, therefore, inappropriate.

Finally, the charge of knowingly rendering an unjust judgment should be dismissed, the main case having been decided by the Court in its Resolution dated March 25, 2004,[16] which has already become final and executory.

WHEREFORE, for undue delay in resolving the motion for reconsideration in Civil Case No. Q-98-34597 entitled "Salome M. Castillo represented by Attorney-in-Fact Atty. Jose M. Castillo v. Spouses Ruben and Erlinda


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Asedillo", respondent Judge Rose Marie Alonzo-Legasto, Regional Trial Court (RTC) Branch 99, Quezon City, is FINED Ten Thousand Pesos (P10,000.00) to be deducted from her retirement benefits, with warning that repetition thereof or similar offenses will be dealt with more severely.

The charge of knowingly rendering an unjust judgment is DISMISSED for lack of merit.

**SO ORDERED.**

Puno (Chairman), Austria-Martinez, Callejo, Sr., and Chico-Nazario, JJ., concur.

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[1] Rollo, p. 4.

[2] Id. at 5.

[3] The OCA's memorandum dated August 20, 2003 refers to a letter filed by respondent judge in compliance with the 1st Indorsement. The letter, however, is not contained in the records.

[4] Rollo, pp. 6-9.

[5] The Canons of Judicial Ethics and the Code of Judicial Conduct have been superseded by the New Code of Judicial Conduct for the Philippine Judiciary.

[6] Rollo, p. 34.

[7] Id. at 35-36.

[8] Id. at 1-3; Report dated August 20, 2003. The case, G.R. No. 159971, was decided by this Court in its Resolution dated March 25, 2004.

[9] Id. at 37.

[10] Id. at 50-52. See also letter of respondent judge dated May 11, 2005 in temporary rollo.

[11] Rule 3.05.—A judge shall dispose of the court's business promptly and decide cases within the required periods.

[12] Aslarona v. Echavez, A.M. No. RTJ-03-1803, October 2, 2003, 412 SCRA 533, citing Ganzon II v. Ereño, A.M. No. RTJ-00-1554, June 1, 2000, 333 SCRA 6, OCA v. Quilala, A.M. No. MTJ-01-1341, February 15, 2001, 351 SCRA 597, Cases Submitted for Decision Before Retired Judge Maximo A. Savellano, Jr., A.M. No. 99-7-250-RTC, April 5, 2000, 329 SCRA 637, Heirs of Crisostomo Sucaldito v. Cruz, A.M. RTJ-99-1456, July 27, 2000, 336 SCRA 467, OCA v. Aquino, A.M. No. RTJ-00-1555, June 22, 2000, 334 SCRA 179, Himalin v. Balderian, A.M. No. MTJ-03-1504, August 20, 2003, 409 SCRA 606.

[13] Sec. 4, Rule 37 of the Rules of Court provides:

Sec. 4. Resolution of motion.—A motion for new trial or reconsideration shall be resolved within thirty (30) days from the time it is submitted for resolution.

[14] Rule 3.09.—A judge should organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity.

See also Sec. 5, Canon 6 of the New Code of Judicial Conduct for the Philippine Judiciary, which provides:

Sec. 5. Judges shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and

with reasonable promptness.

[15] Unitrust Development Bank v. Caoibes, A.M. No. RTJ-03-1745, August 20, 2003, 409 SCRA 394, citing Mamamayan ng Zapote 1, Bacoor, Cavite v. Balderian, 333 Phil. 190 (1996), Secretary of Justice v. Legaspi, A.C. No. 269-J, September 10, 1981, 107 SCRA 233.

[16] See supra note 8.


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