

GIDEON B. JUSON, COMPLAINANT, VS. JUDGE VICENTE C. MONDRAGON, MCTC, MAKILALA, NORTH COTOBATO, RESPONDENT.

A.M. NO. MTJ-07-1685 (FORMERLY OCA IPI NO. 05-1792-MTJ). September 03, 2007

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

This is an administrative complaint[1] filed by Gideon B. Juson (Juson) against Judge Vicente C. Mondragon (Judge Mondragon), Presiding Judge of the Municipal Circuit Trial Court (MCTC), Makilala-Tulun, North Cotobato, for Delay in Rendering an Order, relative to Civil Case No. 355, entitled "Silverio Pareja v. Dominador Almirante, Sr.," pending before said court.

On 6 June 1996, a certain Silverio Pareja (Pareja) filed a Complaint for recovery of possession of a parcel of land, and damages and attorney's fees against Dominador Almirante (Almirante) before the MCTC of Makilala-Tulun, North Cotabato, docketed as Civil Case No. 355.

Within the period for filing an answer, Almirante filed a Motion To Dismiss alleging that the claim on which the action is founded is unenforceable under the provision of the statute of limitations; and that the complaint states no cause of action.

Thereafter, a series of conferences was held to strike out a compromise agreement as there was a possibility of an amicable settlement, but the efforts of the parties proved futile as no out-of-court settlement was reached between them.

Meanwhile, herein Juson filed an Answer in Intervention on 3 May 2002 claiming that he is the registered owner of the same parcel of land which was the subject matter of Civil Case No. 355.

Thereafter, the case was scheduled for hearing on 23 May 2002 wherein Juson's counsel manifested[2] that he would file a Motion for Intervention. The hearing was reset to 25 July 2002. For reasons not shown in the records, the scheduled hearing was again apparently reset to 7 August 2003 when Pareja's counsel reminded the court that it had not yet resolved Juson's Motion for Intervention. Accordingly, Judge Mondragon issued an Order[3] on the same day declaring that he would act on the said Motion before the next hearing set on 9 October 2003.

By the hearing on 9 October 2003, Judge Mondragon still had not yet acted on Juson's Motion for Intervention. He, instead, issued an Order[4] explaining that:

The court did not act on the Motion for Intervention because in the last hearing of this case, Atty. Melvin A. Lamata the lawyer then of Intervenor/Movant [Juson] manifested in court that he is going to withdraw the said Motion because the Intervenor/Movant [Juson] was being threatened. Now, the Intervenor/Movant [Juson] categorically stated in court that he is not going to withdraw his Motion.

Judge Mondragon again promised to take action on Juson's Motion for Intervention before the next hearing set on 2 December 2003. However, the hearing was again postponed to 12 January 2004, then to 5 February 2004. The 5 February 2004 hearing was again postponed to 16 March 2004 because Judge Mondragon had not yet acted on

Juson's Motion for Intervention.

In the 16 March 2004 hearing, Judge Mondragon still failed to act on Juson's Motion for Intervention despite the presence of all the parties before his court. In his Order,[5] Judge Mondragon stated that "in view of the fact that the court has not yet acted on the Motion for Intervention of Gideon Juson, the court resets the hearing today to give time for the court to act on the said motion. After the court has acted on the Motion, the case will be set for initial trial."

Up until 17 October 2005, Juson's Motion for Intervention remained unresolved, to his damage and prejudice.

Hence, this Complaint[6] filed by Juson claiming undue delay in the resolution by Judge Mondragon of his Motion for Intervention in Civil Case No. 355.

In his Comment[7] to Juson's complaint, Judge Mondragon points out that Pareja instituted Civil Case No. 355 on 6 June 1996. After the filing of Civil Case No. 355, conferences were held to attempt to reach a compromise agreement between the original parties, but unfortunately, no out-of-court settlement was reached. Juson then filed his Motion for Intervention therein. Judge Mondragon admits the delay in resolving the motion and explains that such delay is attributable to the fact that he is supervising three courts at a time, to wit: as Presiding Judge of MCTC Makilala-Tulunan, Cotabato; as Acting Judge of MTC Magpet, Cotabato; and as Acting Judge of MCTC Roxas-Antipas-Arakan, Cotabato. Also, he invokes his failing health since his stroke in 1997. As a matter of fact, he wrote the Office of the Court Administrator (OCA) inquiring about the requirements for the filing of an application for Disability Retirement effective on 1 January 2007. Judge Mondragon further informs this Court that he had already granted Juson's Motion for Intervention in Civil Case No. 355 in a Resolution dated 17 October 2005.

On 17 April 2006, the OCA submitted its Report,[8] recommending that -

- the instant administrative case be RE-DOCKETED as an administrative matter;
- respondent Judge be FINED in the amount of P10,000.00 for Undue Delay in Rendering an Order with a STERN WARNING that commission of the same act would be dealt with more severely.

On 19 June 2006, this Court required[9] the parties herein to manifest within 10 days from notice if they were willing to submit the matter for resolution based on the pleadings filed.

On 2 August 2006, Judge Mondragon submitted his manifestation[10] stating that he was submitting the case for resolution based on the pleadings filed. On the other hand, Juson failed to file his manifestation despite notice sent to and received by him. Thus, this Court deemed[11] as waived his right to submit a supplemental comment/pleading herein, and submitted the case for decision based on the pleadings filed.

After a close scrutiny of the records, this Court agrees in the recommendation of the OCA.

As a general principle, rules prescribing the time within which certain acts must be done, or certain proceedings taken, are considered absolutely indispensable to the prevention of needless delays and the orderly and speedy discharge of judicial business. By their very nature, these rules are regarded as mandatory.[12]

The office of the judge exacts nothing less than faithful observance of the Constitution and the law in the discharge of official duties.[13] Section 15(1), Article VIII of the Constitution, mandates that cases or matters filed with the lower courts must be decided or resolved within three months from the date they are submitted for decision or resolution. Moreover, Rule 3.05, Canon 3 of the Code of Judicial Conduct, directs judges to "dispose of the court's business promptly and decide cases within the required periods." Judges must closely adhere to the Code of Judicial Conduct in order to preserve the integrity, competence, and independence of the judiciary and

make the administration of justice more efficient.[14] Time and again, this Court has stressed the need to strictly observe this duty so as not to negate its efforts to minimize, if not totally eradicate, the twin problems of congestion and delay that have long plagued Philippine courts. Canons 6 and 7 of the Canons of Judicial Ethics also exhort judges to be prompt and punctual in the disposition and resolution of cases and matters pending before their courts, to wit:

- PROMPTNESS

He should be prompt in disposing of all matters submitted to him, remembering that justice delayed is often justice denied.

- PUNCTUALITY

He should be punctual in the performance of his judicial duties, recognizing that the time of litigants, witnesses, and attorneys is of value and that if the judge is unpunctual in his habits, he sets a bad example to the bar and tends to create dissatisfaction with the administration of justice.

Finally, Administrative Circular No. 1 dated 28 January 1988 requires all magistrates to observe scrupulously the periods prescribed in Article VIII, Section 15 of the Constitution, and to act promptly on all motions and interlocutory matters pending before their courts.

In the case at bar, records are not clear when Juson actually filed the Motion for Intervention. We can only surmise based on Judge Mondragon's Order dated 12 January 2004 that Juson was supposed to file said Motion on 27 January 2004 or 15 days thereafter. We quote the pertinent portion of the 12 January 2004 Order, thus:

Atty. Tabosares requested that he be allowed to file within 15 days a Motion for Intervention which the court granted. He is given 15 days to file the said Motion for Intervention copy furnish Atty. Guro who is given also 15 days to file his Comment or Opposition to the said Motion, and which Motion for Intervention will be resolved by this court before the next hearing but after Atty. Tabosares have filed his rejoinder to the comment of Atty. Guro.[15]

On 16 March 2004, Judge Mondragon issued another Order[16] stating that "in view of the fact that the court has not yet acted on the Motion for Intervention of Gideon Juson, the court resets the hearing today to give time for the court to act on the said Motion. After the court has acted on the motion, the case will be set for initial trial."

Clearly, the Motion for Intervention had already been filed and had become substantial for resolution on or before 16 March 2004. Thus, even if the reckoning period for the 3-month period within which to resolve said motion is on 16 March 2004, still there was delayed action as the Motion for Intervention was resolved only on 17 October 2005 or more than 1½ years after its submission for resolution.

Judge Mondragon ascribes the delay in his resolution of Juson's Motion for Intervention in Civil Case No. 355 to his failing health, which has not returned to normalcy since his stroke in 1997 due to high blood pressure. Such an excuse hardly merits serious consideration. Even if he was stricken by an illness which hampered his due performance of his duties, still it was incumbent upon Judge Mondragon to inform this Court of his inability to seasonably decide the cases assigned to him. His illness should not be an excuse for his failure to render the corresponding decision or resolution within the prescribed period. While the Court sympathizes with his woes, the demands of public service cannot abide by his illness.[17] In case of poor health, the Judge concerned needs only to ask this Court for an extension of time to decide/resolve cases/incidents, as soon as it becomes clear to him that there would be delay in his disposition thereof.[18] The Court notes that Judge Mondragon made no such request. Also, if his health problems had indeed severely impaired his ability to decide cases, Judge Mondragon could have retired voluntarily instead of remaining at his post to the detriment of the litigants and the public.

Judge Mondragon further presented as an excuse for the delay in resolving Juson's Motion for Intervention the additional work given to him in supervising three courts at a time, to wit: as Presiding Judge of MCTC Makilala-Tulunán, Cotabato; as Acting Judge of MTC Magpet, Cotabato; and as Acting Judge of MCTC Roxas-Antipas-Arakan, Cotabato. This will not exonerate him. His failure to decide the case on time cannot be ignored. As this Court ruled in *Española v. Panay*,^[19] if the case load of the judge prevents the disposition of cases within the reglementary periods, again, he should ask this Court for a reasonable extension of time to dispose of the cases involved. This is to avoid or dispel any suspicion that something sinister or corrupt is going on. The records of this administrative matter do not show that any attempt was made by Judge Mondragon to make such a request. Instead, he preferred to keep the case pending, enshrouding the same in his silence.

Judge Mondragon should have known that if his caseload, additional assignments or designations, health reasons or other factors prevented the timely disposition of his pending cases, all he had to do was to simply ask this Court for a reasonable extension of time to dispose of his cases. The Court, cognizant of the heavy case load of some judges and mindful of the difficulties encountered by them in the disposition thereof, is almost always disposed to grant such requests on meritorious grounds.^[20] But for all his excuses, Judge Mondragon failed to file any motion for extension despite the availability of this remedy.

This Court cannot overstress this policy on prompt disposition or resolution of cases. Delay in case disposition is a major culprit in the erosion of public faith and confidence in the judiciary and the lowering of its standards.^[21] Failure to decide cases within the reglementary period, without strong and justifiable reasons, constitutes gross inefficiency warranting the imposition of administrative sanction on the defaulting judge.^[22]

Indeed, this Court has consistently impressed upon judges the need to decide cases promptly and expeditiously on the principle that justice delayed is justice denied. Failure to resolve cases submitted for decision within the period fixed by law constitutes a serious violation of the constitutional right of the parties to a speedy disposition of their cases.^[23]

Prompt disposition of cases is attained basically through the efficiency and dedication to duty of judges. If they do not possess those traits, delay in the disposition of cases is inevitable, to the prejudice of litigants. Accordingly, judges should be imbued with a high sense of duty and responsibility in the discharge of their obligation to promptly administer justice.^[24]

As frontline officials of the judiciary, judges should, at all times, act with efficiency and with probity. They are duty-bound not only to be faithful to the law, but likewise to maintain professional competence. The pursuit of excellence must be their guiding principle. This is the least that judges can do to sustain the trust and confidence which the public reposed in them and the institution they represent.^[25]

The Court reiterates that the judge is the visible representation of the law and, more importantly, of justice. Thus, he must be the first to abide by the law and weave an example for the others to follow. He should be studiously careful to avoid committing even the slightest infraction of the Rules.^[26]

All told, this Court finds Judge Mondragon guilty of undue delay in rendering a decision in Civil Case No. 355 which, under Section 9(1), Rule 140 of the Revised Rules of Court, is classified as a less serious charge. Under Section 11(B) of the same Rule, the penalty for such charge is suspension from office without salary and other benefits for not less than one nor more than three months, or a fine of more than P10,000.00 but not exceeding P20,000.00.

In the Report on the Judicial Audit Conducted in the Regional Trial Court, Branches 29 and 59, Toledo City,^[27] the Court observed the following factors in the determination of the proper penalty for failure to decide a case on

time:

We have always considered the failure of a judge to decide a case within ninety (90) days as gross inefficiency and imposed either fine or suspension from service without pay for such. The fines imposed vary in each case, depending chiefly on the number of cases not decided within the reglementary period and other factors, to wit: 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. x x x.

As may be gleaned from the case above-quoted, several factors shall be considered in imposing the proper penalty, such as: 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.

In the present case, the delay for which Judge Mondragon is being found liable pertains to only one case, Civil Case No. 355. There are the mitigating circumstances of his admission of his fault to decide the case on time and his failing health. While this Court recognizes Judge Mondragon's poor health, as well as his heavy case load, such factors cannot exonerate him from his administrative liability, but can only serve to mitigate the imposable penalty.

Hence, the Court finds the amount of P10,000.00 reasonable under the premises.

WHEREFORE, Judge Vicente C. Mondragon is found GUILTY of undue delay in the disposition of the Motion for Intervention of Gideon B. Juson in Civil Case No. 355 and is hereby ordered to pay a FINE of Ten Thousand Pesos (P10,000.00). He is warned that a repetition of the same or similar act shall be dealt with more severely. Let a copy of this decision be attached to his personal records. The Court Administrator is directed to furnish all concerned parties copies of this Resolution.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Nachura, and Reyes, JJ., concur.

[1] Rollo, pp. 1-3.

[2] Id. at 4.

[3] Id. at p. 5.

[4] Id. at p. 6.

[5] Id. at p. 8.

[6] Id. at 1-3.

[7] Id. at 11-12.

[8] Id. at 18-19.

[9] Id. at 20.

[10] Id. at 21.

[11] Id. at 27.

[12] *Gachon v. Devera, Jr.*, G.R. No. 116695, 20 June 1997, 274 SCRA 540, 548-549, citing *Cf. Valdez v. Ocumen*, 106 Phil. 929, 933 (1960) and *Alvero v. De la Rosa*, 76 Phil. 428, 434 (1946).

- [13] Re: Report on the Judicial Audit and Physical Inventory of the Cases in RTC-Br. 138, Makati City, 325 Phil. 111, 118 (1996).
- [14] Office of the Court Administrator v. Javellana, A.M. No. RTJ-02-1737, 9 September 2004, 438 SCRA 1, 14.
- [15] Rollo, p. 7.
- [16] Id. at 8.
- [17] Office of the Court Administrator v. Butalid, 355 Phil. 337, 350 (1998).
- [18] Office of the Court Administrator v. Quizon, 427 Phil. 63, 76 (2002).
- [19] A.M. No. RTJ-95-1325, 4 October 1995, 248 SCRA 684, 687, citing Cruz v. Basa, A.M. No. MTJ-91- 598, 9 February 1993, 218 SCRA 551, 557.
- [20] Gonzalez-Decano v. Siapno, A.M. No. MTJ-00-1279, 1 March 2001, 353 SCRA 269, 278.
- [21] Re: Report of Deputy Court Administrator Bernardo T. Ponferada Re: Judicial Audit Conducted in the RTC, Branch 26, Argao, Cebu, A.M. No. 00-4-09-SC, 23 February 2005, 452 SCRA 125, 133.
- [22] Celino v. Judge Abrogar, 315 Phil. 305, 312 (1995).
- [23] Re: Judicial Audit of the RTC, Br. 14, Zamboanga City, Presided Over by Hon. Ernesto R. Gutierrez, A.M. No. RTJ-05-1950, 13 February 2006, 482 SCRA 310, 318.
- [24] Re: Report on the Judicial Audit and Physical Inventory of Cases in the Regional Trial Court, Br. 54, Bacolod City, A.M. No. 06-4-219-RTC, 2 November 2006, 506 SCRA 505, 520.
- [25] Re: Report on the Judicial Audit Conducted in the RTC, Branch 22, Manila, A.M. No. 00-1-10-RTC, 10 September 2004, 438 SCRA 111, 125-126.
- [26] Castillo v. Cortes, A.M. No. RTJ-93-1082, 25 July 1994, 234 SCRA 398.
- [27] 354 Phil. 8, 21 (1998).

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