UNITED BF HOME OWNERS, COMPLAINANT, VS. JUSTICE ANGELINA SANDOVAL-GUTIERREZ AND JUSTICE ALFREDO L. BENIPAYO, RESPONDENTS.

A.M. No. CA-99-30 (Formerly A.M. OCAIPI No. 99-15-CA-J). September 29, 1999

Ponente: KAPUNAN, J.

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KAPUNAN, J.:

This refers to an administrative complaint filed by the United BF Homeowners against Justice Angelina Sandoval-Gutierrez of the Court of Appeals and Justice Alfredo L. Benipayo, the Court Administrator, alleging "unreasonable and very suspicious delay" on the part of the former in deciding CA G.R. SP No. 46624[1] and inaction by the latter on the administrative complaint filed with the Office of the Court Administrator by complainants against Justice Gutierrez and the members of her division in connection with the alleged delay.

The antecedents of the case are as follows:

On 27 January 1998, United BF Homeowners, Romeo T. Villamejor, Raul S. Lanuevo, Roberto Arnaldo, Florentino Concepcion, BF Northwest Homeowners Associations, Inc., KK Homeowners Asso. Inc., and BF (CRAB) Homeowners Association, Inc., filed before the Court of Appeals a petition for prohibition with application for a temporary restraining order and preliminary injunction against the Municipal Mayor, the Zoning Administrator, the Municipal Engineer, the Chief of Permits and Licenses Division, the Municipal Council and the BF Homes Barangay Council of Parañaque, Metro Manila, which was docketed as CA-G.R. SP No. 46624. Petitioners therein questioned the constitutionality of sections 11.5, 11.6, 15, 17, and 19.6 of Ordinance No. 97-08, passed by the Municipal Council of Parañaque, which reclassified Aguirre and El Grande Avenues in BF Homes Parañaque from a residential to a commercial area. Petitioners therein prayed that the questioned sections of Ordinance No. 97-08 be declared unconstitutional and that the Mayor and other officials of Parañaque be enjoined from implementing the same.

On 28 January 1998, the petition was assigned to Justice Gutierrez as ponente. Six (6) days thereafter, or on 3 February 1998, the Thirteenth Division of the Court of Appeals, chaired by Justice Gutierrez, issued a resolution directing the Office of the Solicitor General (OSG) and the respondents therein to file their respective comments on the petition within ten (10) days from receipt of the resolution. In the same resolution, the Court of Appeals ordered the holding in abeyance of the application for a temporary restraining order pending the receipt of the above-mentioned comments.

On 13 February 1998, the OSG filed a motion for extension of thirty (30) days to file its comment. On 18 February 1998, the Court of Appeals issued a resolution granting the motion of the OSG. Thereafter, the OSG filed four (4) successive motions for extension of time, totaling one hundred twenty (120) days, which were all granted by the Court of Appeals.[2]

On 17 July 1998, the OSG finally submitted its comment on the petition. On 7 September 1998, the petitioners filed their reply to the comment of the OSG.

On 28 June 1999, the Eighth Division, composed of the former members of the Thirteenth Division and still chaired by Justice Gutierrez, promulgated its decision on CA-G.R. SP No. 46624, dismissing the petition for prohibition for lack of merit.

However, on 7 September 1998, while the petition for prohibition was pending before the Court of Appeals, the United BF Homeowners filed an administrative complaint against Justice Gutierrez and the members of her division before the Office of the Court Administrator, docketed as A.M. OCA IPI No. 98-9-CA-J. The United BF Homeowners alleged that Justice Gutierrez had not been acting on their petition for prohibition and that she had given respondents therein undue advantage by granting the five (5) motions for extension of time[3] of the OSG. They prayed for the transfer of the case to another division of the Court of Appeals which could act on the petition more expeditiously. They, likewise, prayed that Justice Gutierrez be made to account for the long delay in resolving the petition and that "[t]he Chair and the Members of the 13th Division be required to explain why they should not be classified as what President Estrada has termed 'hoodlums in robes' for their uncharacteristics inaction on the instant case."[4]

On 7 May 1999, the United BF Homeowners addressed a Letter-Complaint, dated 10 January 1999, to the Chief Justice charging Justice Gutierrez and the other members of her division of delay in the resolution CA G.R. SP No. 46624. They asserted that, as of the date of the letter , Justice Gutierrez had "sat on the case" for eleven (11) months and that they also found it "incredulous that she granted the Asst. Solicitor General a total of [150] days extension within which to reply to [their] Petition where only 120 days is allowed under their (sic) rules."[5] They further adverted that Justice Gutierrez and the other members of her division "have recently acted favorably to a Petition for Injunction [CA-G.R. SP No. 47011] filed by a sister subdivision (BF Almanza) against the Las Piñas City Government for converting their main avenues into a public road. x x x The decision was swift and decisive. x x x It seems that the good Justice has the adroitness to compartmentalize Justice (sic). We can only surmise the thousands of reasons why."[6] On the other hand, complainants implicated Justice Benipayo for his alleged inaction in resolving their administrative complaint against Justice Gutierrez and the members of her division.

For ready reference, a portion of the letter-complaint is reproduced hereunder:

> Despite this general sentiment of our homeowners, the City Council insolently proceeded with the enactment of the onerous ordinance - to our detriment.
>
> The mind – set of the City council seemed to have rubbed off Justice Gutierrez because for the last eleven (11) months she has sat on the case we filed against the act of the City Council. We also find it incredulous that she granted the Asst. Solicitor General a total of 155 days extension (attached, annex E) within which to reply to our Petition, where only 120 days is allowed under their (sic) rules. This, she did without even conducting a single hearing – to at least determine the rationale of our PETITION if not its URGENCY.
>
> We have reasons to suspect that Justice Gutierrez has succumbed to the representations of the commercial establishment owners to delay her decision until such time that the contested areas become saturated with commercial establishments which would then render her decision nugatory and our Petition moot and academic. In the meantime that the case is pending, our hands are tied by that detestable ordinance. Meanwhile, new businesses are being established in the subdivision, contributing to the further deterioration of our community. If Justice Gutierrez will continue to sit on our Petition without making any decision, the situation will even worsen and become untenable. That is why we are seeking your help – to find immediate relief.
>
> Surprisingly, Justice Gutierrez and the members of her division have recently acted favorably to a Petition for Injunction filed by a sister subdivision (BF Almanza) against the Las Pinas City Government for converting their main avenue into a public road (attached, annex F). The decision was swift and decisive. The case was

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> elevated to her division in (sic) March 8, 1998 and the decision was handed down in (sic) September 21, 1998. If she could be so decisive in the foregoing case, why can't she be to ours? It seems the good Justice has the adroitness to compartmentalize Justice (sic). We can only surmise the thousands of reasons why. We respectfully submit that the conversion of a residential area into a commercial zone inside a subdivision with [a] DEED [of] RESTRICTION in the property titles that stipulates "for residential use only" is certainly several times more UNCONSTITUTIONAL than the mere conversion of a subdivision road for public use! We are therefore puzzled why Justice Gutierrez has not similarly ruled on our case.
>
> On September 2, 1998, after realizing that Justice Gutierrez was not in any way going to render her decision on our Petition, we filed a complaint against her with the Court Administrator for the unreasonable and very suspicious delay (attached, annex G). However, there has been no action by Justice Alfredo Benipayo on the matter for the last four (4) months.
>
> On 27 May 1999, the complainants wrote a follow-up letter, dated 3 May 1999, to the Chief Justice. The letter says:
>
> Dear Chief Justice Davide:
>
> Our homeowners filed in your office a complaint against Justices Angelina Gutierrez and Alfredo Benipayo in (sic) March 3, 1999 (attached Annex "A").
>
> Considering that the complaint against Justice Gutierrez filed in your office was a complaint on top of the original complaint filed with the Court Administrator (attached Annex "B"), we are so disillusioned that nothing has been done about it for the last eight (8) months by Justice Benipayo and, for the last two (2) months by your office on our complaint against both of them.
>
> We are made to believe that our Courts is (sic) the final bastion of Justice in this land. We are beginning to doubt it is. Because if it is so, why is the Justice we have been seeking for so long seemed to have been thrown into the dustbin of delay.
>
> In view of these circumstances, we cannot do anything else but ask the following questions:
> 1. Is the attendant delay deliberate?
> 2. Is it a conspiracy?
> 3. Why can't your office do something about it?

We also cannot understand the inactions (sic) of Justice Gutierrez to our Petition for Injunction for the last one year and three (3) months now. Our questions again are: (1) Why can she do that? (2) Is she that high and mighty? (3) Does she know the meaning of Justice (sic) delayed? (4) Do we also have to file a graft complaint against her in the Ombudsman the same way we did against the Municipal Officials of Parañaque (attached Annex "C") for her to act on our Petition?

Enclosed is a Board resolution (attached annex D) last year authorizing our Association's officers to do just that.

On 15 June 1999, the Court issued a resolution requiring Justice Gutierrez and Court Administrator Benipayo to comment on the letter-complaint.

In her comment, Justice Gutierrez denied the allegation of complainants that she "sat on the case" and that she incurred "unreasonable and very suspicious delay" in resolving their petition for prohibition. She stated that the case was only submitted for decision on 7 September 1998, the date when petitioners therein submitted their reply to the comment of the OSG, and that less than ten (10) months thereafter, or on 28 June 1999, the Eighth Division already promulgated its decision dismissing the petition for lack of merit. She enumerated the various incidents after the filing of the petition that did not permit the immediate resolution of the petition. These are:

1. On 3 February 1998, the Thirteenth Division issued a resolution directing the OSG and the respondent to file their comments on the petition.

2. On 18 February 1998, the Court of Appeals issued a resolution granting the motions of the OSG dated 13 and 16 February 1998 for an extension of time to file the required comment.

3. On 16 March 1998, the Court of Appeals again issued a resolution granting the respondents' motion dated 5 March 1998 for an extension of time to submit their comment.

4. On 25 March 1998, the Court of Appeals promulgated a resolution directing both parties to comment on the motion to intervene filed by El Grande Aguirre Commence and Trade Association.

5. On 5 May 1998, the Court of Appeals directed respondents to comment on petitioners' "petition for contempt" against Rocelo Bucad, President of El Acto; and granted petitioners' motion for an extension of fifteen days within which to file a reply to respondents' comment.

6. On 10 June 1998, the Court of Appeals issued a resolution granting the OSG's twin motions for extension to file comment on the petition and noting petitioners' reply to respondents' comment and that of El Acto.

7. On 17 July 1998, the OSG filed its comment on the petition.

8. On 29 June 1999, the Court of Appeals through its Thirteenth Division promulgated its decision dismissing CA-G.R. SP No. 46624.

With regard to the total of 150 days extension granted to the OSG to file its comment, Justice Gutierrez explained that A.M. No. 99-2-03-SC which limited to a total of 80 days the allowable extensions that may be given to the OSG took effect only on 15 March 1999, or after the Court of Appeals had already granted the extensions sought by the OSG. In any case, Justice Gutierrez added, she was aware that, like the courts, the OSG has a very heavy workload. She also pointed out that aside from CA G.R. SP No. 46624, there were other cases assigned to her that were earlier submitted for decision, apart from the fact that she was on leave of absence from 12 December 1998 up to 12 January 1999 due to the illness of her husband. On the accusation that she "compartmentalized" her dispensation of justice, she answered that the contrasting factual settings of the two cases merited opposing dispositions. She stated that in the BF Almanza case, the questioned ordinance could not stand the test of constitutionality due to the fact that its implementation would not only allow everyone untramelled access to privately held property but would also require the destruction of certain structures erected through the expenditure of private funds. In contrast, she pointed out, complainants' petition had to be dismissed since it questioned an ordinance which aims to achieve the orderly development of the community and, as such, was enacted through a valid exercise of police power.

On the other hand, Justice Benipayo, in his Comment, noted that the complaint had no basis and pointed out that A.M. OCA IPI No. 98-9-CA-J was already dismissed by this Court on 2 March 1999 for lack of merit.

We find the complaint devoid of merit.

The courts exist to promote justice and, thus, aid in securing the contentment and happiness of the people.[7] To this end, the judge should organize his or her court with a view to a prompt and convenient dispatch of business, especially those cases which the law requires to be expeditiously heard and decided. On the other hand, a judge should not decide cases with undue haste, especially when their nature and complexity require in-depth study and research.[8] A fast-tracking in the disposition of cases to achieve popularity at the expense of mature and careful deliberation is anathema to justice and fairness. Simply put, the administration of justice should be speedy but, at the same time, careful.

We have searched the records in vain for a reasonable basis to justify complainants' accusation that Justice Gutierrez acted with "unreasonable and very suspicious delay" in resolving their petition for prohibition.

First, the reglementary period for deciding or resolving a case does not run from the date when the initiatory pleading was filed but, rather, from the time when the last required pleading is submitted as provided in Section 15 (1) and (2), Article VIII of the 1987 Constitution.[9] Pursuant to said provisions, lower collegiate courts, such as the Court of Appeals, are mandated to resolve a case within twelve (12) months from the submission of the last required pleading. In the case at bar, the last pleading, which was the reply of petitioners therein to the comment of the OSG, was submitted on 7 September 1998. Less than ten (10) months thereafter, or more precisely on 29 June 1999, the Court of Appeals already promulgated its decision on the petition. Clearly, Justice Gutierrez and the members of her division did not violate the above provision; consequently, they could not be considered to have delayed the resolution of the petition for prohibition.

Second, if the case was not decided as early as what complainants would have wanted it, it was not because Justice Gutierrez "sat" on it. The OSG filed five (5) motions for extension of time[10] to file its comment and this was during several changes in its leadership – from Romeo C. dela Cruz to Silvestre H. Bello III and, finally, Ricardo P. Galvez – before the OSG could finally file its comment. On this point, complainants fault Justice Gutierrez for granting the OSG a total of one hundred fifty (150) days extension[11] in filing its comment on the petition. While the number of extensions granted might have appeared to complainants as excessive, that matter rested largely on the discretion of the Court of Appeals. It took cognizance of the heavy workload of the OSG in resolving its requests for extension. It may also be noted that the last motion for extension filed by the OSG was granted long before the effectivity on 15 March 1999 of A.M. No. 99-2-03-SC which limited the OSG to an extension of sixty (60) days within which to file its comment on a petition and an additional extension not exceeding twenty (20) days if warranted by a compelling reason.[12]

Accusing Justice Gutierrez of "compartmentalizing" her dispensation of justice, complainants cited the BF Almanza case which, according to them, was decided in a "swift and decisive" manner, whereas CA G.R. SP No. 46624 took a much longer time to resolve.

The analogy is illogical. The pace, treatment and disposition of one case cannot be used as a gauge to determine how another case should be or should have been handled. Each case has its own distinct set of facts and circumstances upon which the amount of time needed for its disposition may depend. The decision in the BF Almanza case, penned by Justice Romeo Brawner and promulgated on 21 September 1998, struck down the Ordinance No. 152-93 passed by the Municipal Council of Las Piñas for being unconstitutional. The Ordinance directed the owner/developer of BF Homes Almanza to open and allow the public use of its streets and roads, free of charge, and required the demolition of certain structures erected by private funds. On the other hand, the constitutionality of Ordinance No. 97-08 of the Municipal Council of Parañaque was upheld in Ca-G.R. SP No. 46624 penned by Justice Gutierrez.

With respect to the complaint against Justice Benipayo, complainants assert that Justice Benipayo is also guilty of "very unusual delay" in deciding their administrative complaint against Justice Gutierrez and the members of her division. The records do not disclose any such delay imputed to Justice Benipayo. In fact, as correctly pointed out by him, this Court dismissed the complaint against Justice Gutierrez in its Resolution of 2 March 1999. Besides, it is not the Court Administrator who decides administrative complaints against justices of the Court of Appeals. It is this Court which has the authority to decide whether a member of the bench should be subjected to disciplinary action.[13]

The Court's dismissal on 2 March 1999, for lack of merit of complainant's Letter-Complaint charging Justice

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Gutierrez and the other members of her divisions with bias and partiality and practically describing them as "hoodlums in robes" for their alleged "uncharacteristic inaction on the instant case," should have put an end to the case. That resolution became final without complainants even bothering to file a motion for reconsideration. Shunting aside the finality of the Court's resolution, complainants unrelentingly pursued their vicious attack on the character and integrity of the justices. Thus, in their Letter to the Chief Justice dated 10 January 1999, but surprisingly received by the Office of the Chief Justice only on 7 May 1999, complainants made reference to Justice Gutierrez' "adroitness to compartmentalize justice" of which "(w)e can only surmise the thousands of reasons why."

In the 15 April 1999 issue of their local newspaper, "Village Mail," complainants again subjected Justice Gutierrez to ridicule and disrespect by printing the following line: "We have reasons to suspect that Justice Gutierrez has succumbed to the representations of the commercial establishment owners to delay her decision until such time that the contested areas become saturated with commercial establishments which would render her decision nugatory and our petition moot and academic."

In their Follow-Up Complaint dated 3 May 1999 addressed to the Chief Justice, complainants cast aspersion not only on the dignity and integrity of Justices Gutierrez and Benipayo but of this Court, as well. They averrred that they "were so disillusioned that nothing has been done about [their complaint against Justice Gutierrez] for the last eight (8) months by Justice Benipayo and, for the last two (2) months by your (the Chief Justice's) office on our complaint against both of them." Directly pointing an accusing finger to this Court and/or the Office of the Chief Justice, complainants posed the questions: "Is the attendant delay deliberate?"; "Is it a conspiracy?"; "Why can't your Office do something about it?"; "Is she that high and mighty?"; "Do we have to file a graft complaint against her in the Ombudsman x x x.?"

The charge of foot-dragging against this Court is not only malicious but false because the Court had already acted on their complaint against Justices Gutierrez and Benipayo and dismissed the same in its Resolution of 2 March 1999.

The above-mentioned accusations, imputations and innuendoes, no doubt, are intended to get across the message that Justice Gutierrez was deliberately delaying the resolution of the case at the behest of the opposing party for certain considerations, for which reason she should be investigated by the Ombudsman. More than this, complainants plainly suggest that this Court could be complicit in the alleged delay.

We cannot but strongly deplore the resort by complainants to vile, intemperate and libelous language in attacking the character and integrity of the justices concerned, without any semblance of proof to back up their reckless allegations. Complainants' acts degrade the dignity of the court and denigrate the trust and respect that should be accorded courts to maintain and uphold the highest ideals of justice.

To be sure, complaints are entitled to voice their criticism within the context of the constitutional guarantee of freedom of speech, but such freedom cannot be exercised at the expense of the honor and dignity of the judges and the primacy of the administration of justice.

In In Re: Wenceslao Laureta,[14] where we suspended the counsel of a party therein from the practice of law for grave professional misconduct, we also imposed a fine on his client for writing disparaging letters to the Justices of this Court. There, we held:

> To allow litigants to go beyond the Court's resolution and claim that the members acted "with deliberate bad faith" and rendered an "unjust resolution" in disregard or violation of the duty of their high office to act upon their own independent consideration and judgment of the matter at hand would be to destroy the authenticity, integrity and conclusiveness of such collegiate acts and resolutions and to disregard utterly the presumption of

> regular performance of official duty. To allow such collateral attack would destroy the separation of powers and undermine the role of the Supreme Court as the final arbiter of all justiciable disputes.
>
> xxx
>
> In resume, we find that respondent Ilustre has transcended the permissible bounds of fair comment and criticism to the detriment of the orderly administration of justice in her letters addressed to the individual Justices quoted in the show-cause Resolution of this court en banc, particularly the under lined portions thereof; in the language of the charges she filed before the Tanodbayan quoted and underscored in the same Resolution; in her statements, conduct, acts and charges against the Supreme Court and/or the official actions of the justices concerned and her ascription of improper motives to them; and in her unjustified outburst that she can no longer expect justice from this Court. The fact that said letters are not technically considered pleadings, nor the fact that they were submitted after the main petition had been finally resolved does not detract from the gravity of the contempt committed. The constitutional right of freedom of speech or right to privacy cannot be used as a shield for contemptuous acts against the Court.

In Adorio vs. Bersamin,[15] we affirmed the imposition by the trial court a fine against both the litigant and his counsel for contempt. We made therein the following pronouncement:

> Petitioner's allegation that the proceedings before the trial court were "irregular" therefore lacks basis. Such statement, when read with petitioner's remark that the so-called irregularities "show the accused's control over the court and court procedure," is nothing short of contemptuous.
>
> The latter statement is particularly alarming for it implies that court proceedings are a mere farce, and the court a mere stooge, a marionette subject to the manipulation of the opposing party. It suggests that the judge was moved by considerations other than his sense of justice and fair play thereby calling into question the integrity and independence of the court. Such statement tends to bring the authority and administration of law into disrespect and constitutes a violation of the Code of Professional Responsibility, x x x.

WHEREFORE, the Court resolves to dismiss the complaint dated 10 January 1999. Complainants are required to show cause within ten (10) days from receipt hereof why they should not be punished for contempt for using intemperate, offensive and libelous language against Justice Gutierrez and the other members of her division as above described, tending to cast aspersion on their honor and integrity and to degrade the administration of justice, as well as for making false and malicious imputations that this Court and Justice Benipayo are parties to the alleged delay committed by Justice Gutierrez in the resolution of CA-G.R. No. SP-46624.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, and Ynares-Santiago, JJ., concur.

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[1] United BF Homeowners' Associations, Inc., et al. vs. The Municipal Mayor, et al.

[2] Although complainants claim that the Office of the Solicitor General was granted a total of 155 days extension, records reveal that it was only granted a total of 150 days extension.

[3] Although complainants claim that the Office of the Solicitor General filed six (6) motions for extension of time to file comment, records reveal that it filed only five (5) of such motions.

[4] Annex "G," Letter-Complaint.

[5] See note 2.

[6] Letter-Complaint, p. 3.

[7] Canon 2, Canons of Judicial Ethics.

[8] Amberti vs. Court of Appeals, 89 SCRA 240, 249 (1979).

[9] Section 15 (1) All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty-four months from the date of submission for the Supreme Court, and, unless reduced by the Supreme Court, twelve months for all lower collegiate courts, and three months for all other lower courts.

(2) A case or matter shall be deemed submitted for decision or resolution upon the filing of the last pleading, brief, or memorandum required by the Rules of Court or by the court itself.

[10] See note 3.

[11] See note 2.

[12] AM No. 99-02-07-SC pertinently provides:

Accordingly, on its first motion of time to file Comment or Appellee's Brief, the Office of the Solicitor General shalll fortwith be given an extension of sixty (60) days and ninety (90) days respectivley with a warning that no further extension shalll be granted, unless compelling reason warrants a further extension, which shall in no case exceed twenty (20) days, In cases of extreme urgency, however, the period to plead that may be granted to the OSG can be shortened.

[13] Section 11, Article VIII of the 1987 Constitution:

Sec. 11. x x x The Supreme Court en banc shall have the power to discipline judges of lower courts, or order their dismissal by a vote of a majority of the members who actually took part in the deliberations on the issues in the case and voted thereon.

[14] 148 SCRA 383 (1987).

[15] 273 SCRA 217 (1997).

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