

JUDGE ALICIA GONZALES-DECANO, COMPLAINANT, VS. JUDGE ORLANDO ANA F. SIAPNO, RESPONDENT.

A.M. No. MTJ-00-1279. March 01, 2001

Ponente: KAPUNAN, J.

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KAPUNAN, J.:

In two Letters dated July 10, 1997 and June 16, 1998,[1] addressed to the Court Administrator, Judge Alicia B. Gonzales-Decano, Executive Judge, Regional Trial Court, Urdaneta, Pangasinan, reported that Judge Orlando Ana F. Siapno of the Urdaneta Municipal Trial Court (MTC) has not decided within the required periods the following cases already submitted for decision:

- Civil Case No. 3976

Melchor Hortaleza vs. Florencio Hortaleza

For: Forcible Entry with Preliminary Injunction

Filed: February 19, 1993

Submitted for Decision: November 27, 1996

- Civil Case No. 3979

Melchor Hortaleza vs. Sps. Jorge Hortaleza, et al.

For: Unlawful Detainer

Filed: February 19, 1993

Submitted for Decision: November 26, 1996

- Civil Case No. 4109

Francisca Lutrania, et al. vs. Nicomedes Tomines, et al.

For: Unlawful Detainer

Filed: February 10, 1995

Submitted for Decision: January 20, 1997

- Civil* Case No. 4244

Leah Balberdi vs. Conrad Lomboy

For: Election Protest on Irregularities in the conduct of

Barangay Election, Revision and Recounting of

Ballots with Damages

Filed: May 13, 1996

Submitted for Resolution: June 25, 1996

- Civil Case No. 4179

Alfredo Salazar vs. Juan Sison

For: Forcible Entry/Specific Performance and Damages

Filed: November 6, 1995

Submitted for Decision: June 18, 1996

- Criminal Case No. 15081
People vs. Bong Tolosa
For: Reckless Imprudence resulting in Serious Physical
Injuries and Damage to Property
Filed: February 2, 1994
Submitted for Decision: January 8, 1997

- Criminal Case No. 13292
People vs. Edgardo dela Peña y Aviles
For: Simple Trespass to Dwelling
Filed: August 28, 1992
Submitted for Decision: February 29, 1997

Required to comment by the Court Administrator, respondent Judge did not dispute outright the allegations of delay. Instead, he attempted to explain the reasons for his failure to act on the above cases within the required periods.

Civil Case Nos. 3976 & 3979

These cases are interrelated and were tried jointly.

Respondent Judge makes it appear that a decision had already been rendered in these cases, although he is not sure when. Respondent Judge wrote:

Although apparently from the order the case was submitted for resolution, Judge Decano did not submit a copy of the decision to show that it was decided after 90 days. I cannot verify or secure a copy of the decision because, according to MTC Personnel it was being kept by Celestina Corpuz, the Clerk of Court when I went to Urdaneta to secure one.[2]

There is, however, no indication in any of Judge Gonzalez-Decano's letters or in the annexes thereto that a decision had already been rendered therein.

In any case, respondent Judge maintains that if there was delay in rendering a decision, it was due to circumstances beyond his control such as the transcription of the stenographic notes. There are a thousand cases pending in Urdaneta and there is only one stenographer in his sala.

Civil Case No. 4109

Respondent Judge claims that he had already dictated a resolution in this case but, for reasons beyond his control, it was not typed right away and submitted to him for his signature. He emphasizes that he has only one steno-typist in his sala.

"Civil" Case No. 4244

The stenographic notes of the above case have not yet been transcribed; hence, respondent Judge could not prepare his decision. The transcript was finished only on April 24, 1998 because of the stenographer's heavy work volume.

Civil Case No. 4179

Respondent Judge claims he had already ordered the transcription of the stenographic notes as basis for the preparation of the decision in this case. He adds that although he also takes notes during the trial, the same is not considered official and he risks administrative sanction should he decide on matters that later turn out to be not supported by the records.

Respondent Judge, however, also avers that he had already dictated his decision but he was suspended before he could finalize it.

Criminal Case No. 15081

The above case is subject to the completion of the transcript of records. Respondent Judge asserts that it is difficult to render a decision without the transcript of records, especially in a criminal case such as this. The freedom, life and career of a man and the future of his family are at stake.

Criminal Case No. 13292

In an Order dated February 29, 1997, [sic]** respondent Judge gave the prosecutor in this case 20 days to file her comment on the defense's demurrer to the evidence, after which the case was deemed submitted for decision. Twenty days after February 29, 1997 [sic] is March 20, 1997 and 90 days after the latter date is June 20, 1997. Respondent Judge, however, was suspended on May 19, 1997 and hence could not render a decision on the case.

In addition to the above comments, respondent Judge stresses that from May to December 1993, he had disposed of 719 cases, and 493 cases from January to December 1994. He further accuses Celestina Corpuz, the MTC Clerk of Court who reported the undisposed cases to Judge Gonzalez-Decano, of "trying to put [him] down" because he charged her with corruption before the Supreme Court and the Ombudsman. He also claims that he could not possibly check on all cases pending resolution because Judge Gonzalez-Decano had also designated him Presiding Judge of Manaoag, Pangasinan. At the same time, he is the Presiding Judge in the MTCs of Asingan and Pozorrubio where the presiding judges inhibited themselves. Respondent Judge thus prays for the dismissal of the charges against him.

Finding merit in the complaint, the Court Administrator recommends that the Court impose upon respondent Judge a fine in the amount of P5,000.00 with a stern warning that a repetition of similar acts shall be dealt with more severely.

We agree with the findings of the OCA and its recommendation.

The Court has consistently emphasized the need for judges to decide cases within the mandated periods. The failure of a judge to render a decision within such time constitutes a violation of Rule 3.05 of the Code of Judicial Conduct, which requires that a judge dispose of the court's business promptly and decide cases within the required periods.[3] It amounts to gross inefficiency[4] and warrants administrative sanction.[5]

That the transcript of stenographic notes in cases already deemed submitted for decision has not yet been completed does not excuse such failure.[6] This Court has directed judges to take down notes of salient portions of the hearing and proceed in the preparation of decisions without waiting for the transcribed stenographic notes.[7] The argument that such notes are not "official" would not relieve judges of their duty to render a decision within the required periods. The solution is not to await the transcription of the stenographic notes but for the judge to pay careful attention to the proceedings and take accurate notes.

Neither does respondent Judge's claim that his draft decision was not typed right away and submitted to him for signature serve as a valid excuse. The reasons for such failure are not beyond the judge's control. On the contrary, these circumstances are entirely within his control. Rule 3.09 of the Canons of Judicial Ethics charges judges with the administrative responsibility of organizing and supervising the court personnel to secure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity. Rule 3.10 of the Canons even imposes upon them the duty to initiate appropriate disciplinary measures against court personnel for unprofessional conduct of which he may have become aware.

Respondent Judge also attributes the delay in Civil Case No. 4179 to his suspension. This argument has no merit. Cases of forcible entry like Civil Case No. 4179 are governed by the Revised Rule on Summary Procedure.[8] The period for rendering a decision thereon is thirty (30) days following the receipt of the last affidavit and position paper, or the expiration of the period for filing the same.[9] Civil Case No. 4179 was deemed submitted for decision on June 18, 1996. Respondent Judge, however, alleges that he was suspended on May 19, 1997, way past the 30-day period from June 18, 1996 within which to render a decision.

Respondent Judge likewise pleads his suspension to justify the delay in Criminal Case No. 13292. The list prepared by complainant Judge states that the case was deemed submitted for decision on February 29, 1997 [sic]. Respondent Judge submits, however, that on February 29, 1997 [sic] he gave the prosecutor twenty (20) days to comment on the defense's demurrer to the evidence. Hence, the period when the case is deemed submitted for decision should be counted from end of the 20-day period, or March 20, 1997. Ninety (90) days after the latter date is June 20, 1997. Respondent Judge, however, was suspended on May 19, 1997 and hence could not render a decision on the case.

Granting that March 20, 1997 is indeed the date the case was deemed submitted for decision, respondent Judge's suspension cannot excuse his failure to decide the case on time. The flaw in respondent Judge's argument is that he assumes that he has ninety (90) days within which to render a decision on the case.

Section 1.B.(4) of the Revised Rule on Summary Procedure, however, provides:

SECTION 1. Scope - This rule shall govern the summary procedure in the Metropolitan Trial Courts, the Municipal Trial Court in Cities, the Municipal Trial Courts, and the Municipal Circuit Trial Courts in the following cases falling within their jurisdiction:

xxx

A. Criminal Cases:

1. xxx

xxx

(4) All other criminal cases where the penalty prescribed by law for the offense charged is imprisonment not exceeding six months, or a fine not exceeding one thousand pesos (P1,000.00), or both, irrespective of other impossible penalties, accessory or otherwise, or of the civil liability arising therefrom: provided, however, that in offenses involving damage to property through criminal negligence, this Rule shall govern where the impossible fine does not exceed ten thousand pesos (P10,000.00). [Underscoring supplied.]

Criminal Case No. 13292 is a case of simple trespass to dwelling, punishable by arresto menor or a fine not exceeding P200.00, or both.[10] The duration of the penalty of arresto menor is from one (1) day to thirty (30) days.[11] As the penalty for simple trespass to dwelling does not exceed six (6) months imprisonment or a fine of P1,000.00, Criminal Case No. 13292 is governed by the Revised Rule on Summary Procedure. Hence, respondent judge only had thirty (30) days, not ninety (90) days, within which to render a decision on the subject case.[12] Thirty (30) days after March 20, 1997 is April 19, 1997 or a whole month before respondent Judge was suspended on May 19, 1997.

Next, respondent Judge attributes ill motive on the part of MTC Clerk of Court Celestine Corpuz, who reported the delay in the disposition of the subject cases to complainant Judge. Assuming, however, that the Clerk of Court was indeed motivated by bad faith in making the report, this does not detract from the fact that there was delay in the disposition of said cases.

Finally, the additional assignments or designations imposed upon respondent Judge does not make him less liable

for the delay. In *Casia vs. Gestopa, Jr.*,^[13] we held:

That respondent Judge had to attend to other courts will not save him from administrative sanction. In *Perez vs. Andaya*, we held a similar contention unmeritorious, quoting the recommendation of the Investigating Justice with favor thus:

"Respondent judge's argument that on September 29, 1993(,) he was designated acting presiding judge of (the) RTC(,) Branch 54(,) in Lucena City, and has been carrying (the) heavy case load of two salas, and lately designated to hear heinous crimes(,) should not be made as basis for excuses at this point in time when the judiciary is under siege upon which the judge should give complete and dedicated support of his primary and fundamental task to restore full confidence of our people in the courts."

Likewise in *Re: Report of Justice Felipe B. Kalalo*:

"x x x. The additional assignment of Judge Angeles should not have deterred him from disposing off the twenty-two criminal cases pending before him. All he had to do was to request from this Court a reasonable extension of time to resolve the cases."

Indeed, respondent Judge should have known that if his caseload prevented the disposition of cases within the reglementary period, all he had to do was to ask from this Court for a reasonable extension of time to dispose of the cases involved. The Court, cognizant of the caseload of judges and mindful of the difficulty encountered by them in the seasonable disposition of cases, would almost always grant the request.

Respondent Judge's undisputed claim that he disposed of numerous cases in previous years, however, serves to mitigate his liability.^[14]

WHEREFORE, respondent Judge is hereby ordered to pay a FINE in the amount of FIVE THOUSAND PESOS (P5,000.00) with a WARNING that a repetition of the same or similar act will be dealt with more severely.

SO ORDERED.

Davide, Jr. C.J., (Chairman), Puno, Pardo, and Ynares-Santiago, JJ., concur.

* This is an election case.

** 1997 was not a leap year. Nevertheless, we assume for the sake of the succeeding discussion that the date is accurate.

[1] The letter dated June 16, 1998 was in response to a request by the Court Administrator for clarification regarding the designation of the cases involved.

[2] Comment, pp. 4-5.

[3] *Martin vs. Guerrero*, 317 SCRA 166 (1999); *Canson vs. Garchitorena*, 311 SCRA 268 (1999).

[4] *Office of the Court Administrator vs. Quiñanola*, 317 SCRA 37 (1999); *Martin vs. Guerrero*, 317 SCRA 166 (1999); *Re: Request of Judge Irma Zita V. Masamayor, RTC-Br. 52, Talibon, Bohol, For Extension of Time to Decide Civil Case No. 0020 and Criminal Case No. 98-384*, 316 SCRA 219 (1999); *Ricolcol vs. Camarista*, 312 SCRA 468 (1999).

[5] *Office of the Court Administrator vs. Quiñanola*, supra; *Re: Request of Judge Irma Zita V. Masamayor, RTC-Branch 52, Talibon, Bohol, For Extension of Time to Decide Civil Case No. 0020 and Criminal Case No. 98-384*, 316 SCRA 219 (1999); *Report on the Judicial Audit Conducted in RTC, Branches 29, 56 and 57*,

Libanan, Camarines Sur, 316 SCRA 272 (1999); Canson vs. Garchitorena, *supra*.

[6] Report on the Judicial Audit in RTC, Br. 27, Lapu-Lapu City, 289 SCRA 398 (1998); Ng vs. Ulibari, 293 SCRA 342 (1998); Office of the Court Administrator vs. Butalid, 293 SCRA 589 (1998).

[7] Re: Judge Danilo M. Tenerife, 255 SCRA 184 (1996).

[8] Revised Rule on Summary Procedure, sec. 1. A. (1).

[9] *Id.*, sec.10.

[10] Revised Penal Code, art. 281.

[11] *Id.*, art. 27.

[12] See note 9.

[13] 312 SCRA 204 (1999).

[14] Re: Report on the Judicial Audit Conducted in the RTC, Br. 68, Camiling, Tarlac, 305 SCRA 61 (1999).

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