

RAMON ABAD, COMPLAINANT, VS. JUDGE ANTONIO BELEN, RESPONDENT.

A.M. No. RTJ-92-813. January 30, 1995

Ponente: FELICIANO, J.

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FELICIANO, J.:

In a letter-complaint to the Court Administrator dated 12 December 1991, complainant Atty. Abad charged respondent Judge Antonio D. Belen of Branch 38, Regional Trial Court of Lingayen, Pangasinan with gross dereliction of duty, arising from the latter's failure to render a decision disposing of Special Proceeding No. 2648 entitled "Intestate Estate of Deceased Lino Abad Pine," a case instituted in 1945 and which was submitted for decision in 1984.

In a resolution dated 23 July 1992, the Court referred the case to the Office of the Court Administrator for evaluation, report and recommendation.

The Court Administrator's report was duly submitted on 7 September 1992. After deliberating thereon, the Court resolved on 12 November 1992 to refer this case to the Court of Appeals and designated Associate Justice Eduardo G. Montenegro to conduct an investigation and prepare a report and recommendation to the Supreme Court regarding the case.

Upon receipt of the record, Montenegro, J. set the case for preliminary conference on 25 January 1993. On that date, complainant failed to appear despite due notice, while respondent judge appeared with his counsel. Respondent was required, within twenty-five (25) days, to submit his evidence in affidavit form, attaching thereto all documents needed for his defense, and to furnish complainant copies of these papers. Complainant in turn was subsequently required, within fifteen days from receipt of respondent's papers, to file a reply thereto. Montenegro, J. likewise re-set the case for hearing from 28 January 1993 to 17 March 1993.

Respondent duly filed his affidavit and supporting papers on 19 February 1993 while complainant filed his reply and comment thereon on 17 March 1993. Montenegro, J. also conducted a hearing on the same day (17 March 1993), during which respondent, with the assistance of counsel, was cross-examined by complainant on the contents of his affidavit.

Thereafter, the Investigating Justice duly submitted to the Court his Report and Recommendations dated 12 April 1993.

The facts established by the report indicate that respondent judge was charged with having colluded with one Judge Aurora Gayapa, a party-opponent of complainant in S.P. No. 2648, in delaying the disposition of the case for a period of almost seven (7) years, from the time it was submitted for decision before respondent judge in 1984, until the time respondent actually rendered a decision on the case on 16 December 1991.

The Investigating Justice, however, found that the charge of collusion was not substantiated by the complainant's evidence. What the evidence did show was that respondent admitted in his affidavit that he failed to render a

decision in S.P. No. 2648 for a period of almost seven (7) years, well beyond the ninety-day period prescribed by law, because he "completely forgot about the case. It was an administrative lapse, although a serious one."

One offshoot of this lapse was that respondent came to submit what turned out to be false certificates of service indicating he had no cases pending decision.

The Report of the Investigating Justice appreciated five (5) circumstances which would mitigate respondent's liability: 1.) this was the first administrative case instituted against him after twenty-five (25) years of government service, nineteen of which were spent in the judiciary; 2.) his performance as a presiding judge is at par with his co-judges, in fact he has the lowest number of pending cases (102) among the three branches of the Regional Trial Court at Lingayen, Pangasinan; c.) from December 1988 up to November 1990, he had to preside over two branches (Branches 38 and 39) and at one time likewise over Branch 37; 4.) he is now sixty-six (66) years of age, suffering from a heart ailment, "likely to commit lapses and errors;" and 5.) respondent undertook to be more diligent in the performance of his duties and 'promises that no repetition of the same offense will be committed by him.'

The Investigating Justice recommended that respondent judge be fined an amount of P30,000.00, or in the alternative, be allowed to retire early with full benefits and privileges.

The Court hereby adopts the findings in the Report of Montenegro, J. being supported by substantial evidence, tending to show that respondent failed to render a decision in S.P. No. 2648 within the prescribed period and that respondent inadvertently submitted false certifications of service indicating he had no cases pending decision.

The charge of collusion to deliberately delay the disposition of S.P. No. 2648 cannot be sustained. Mere suspicion that a Judge was partial to a party is not enough; there should be evidence, adequate evidence, to prove the charge. [1]

However, respondent failed to discharge his duty to personally take note of and render a decision in S.P. No. 2648 within ninety days from submission of the case for decision. That he forgot about the case because of his heavy work load and advanced age is not an adequate defense against respondent's act of submitting false certificates of service; that circumstance may, however, be taken into account to mitigate his administrative responsibility. [2]

The Court observes that the respondent Judge had shown candor and contriteness and that no issue of integrity had been legitimately raised against him.

ACCORDINGLY, having regard to the particular circumstances of this case, respondent Judge Antonio D. Belen is hereby FINED the amount of One Thousand (P1,000.00) Pesos, deductible from his accumulated leave credits, for inadvertently delaying the disposition of S.P. No. 2648. The respondent is warned that a repetition of the same or similar act(s) will be dealt with more severely.

Narvasa, C.J., Padilla, Bidin, Regalado, Davide, Jr., Romero, Bellosillo, Melo, Quiason, Puno, Vitug, Kapunan, Mendoza, and Francisco, JJ., concur.

[1] Beltran v. Garcia, 41 SCRA 159, 175 (1971), reiterated in People v. Serrano, 203 SCRA 171, 187 (1991).

[2] Adriano v. Sto. Domingo, 202 SCRA 446, 448-449 (1991); Soyangco v. Maglalang, 196 SCRA 5, 8-9 (1991); Diputado-Baguio v. Torres, 221 SCRA 1, 3-4 (1992).

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