

MAYOR ROGER S. PADILLA, COMPLAINANT, VS. HON. ROBERTO V. ZANTUA, JR., MUNICIPAL TRIAL COURT, JOSE PANGANIBAN, CAMARINES NORTE, RESPONDENT.

A.M. No. MTJ-93-888. October 24, 1994

Ponente: ROMERO, J.

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ROMERO, J.:

In a sworn complaint dated October 5, 1993, Mayor Roger S. Padilla of the Municipality of Jose Panganiban, Camarines Norte charges respondent Judge Roberto V. Zantua, Municipal Trial Court of Jose Panganiban, Camarines Norte with serious irregularities and grave misconduct in the performance of his official duties for: (1) failure to decide cases within the prescribed period; (2) unreasonable delay in the disposition of cases which have been prejudicial to litigants; (3) manifest partiality in favor of a litigant and (4) fraternizing with lawyers who have pending cases in his sala.[1]

Mayor Roger S. Padilla alleges that in Criminal Case Nos. 5935 and 5936 (People v. Ventura Calzada, et al.) for grave coercion and grave threats; Criminal Case No. 5973 (People v. Efren Dalde, et al.) for highgrading; Civil Case No. 610 (Vicente Enriquez v. Zaldy Suarez) for trespassing (sic); Criminal Case No. 5908 (People v. Rolando Racasa) for highgrading; and Criminal Case No. 5998 (People v. Job Riel) for alarms and scandals, the opposing counsel, Atty. Augusto B. Schneider is always seen eating and drinking in the constant company of respondent Judge in public establishments in the Municipality of Jose Panganiban, Camarines Norte.

Mayor Padilla complains that these cases have been pending since 1991, some have not even been tried and because of delays in the disposition of these cases and the perceived partiality of respondent Judge to Atty. Augusto Schneider, the people's confidence in the judiciary is being eroded.

In compliance with the Resolution of this Court dated February 14, 1994,[2] respondent Judge Zantua denied the accusations against him in his answer and comment alleging, among others, that Criminal Case Nos. 5935 and 5936 for grave coercion and grave threats had been lagging for more than two (2) years because of the numerous postponements of both the prosecution and the defense; that he allowed the presentation of the witnesses without the presence of opposing counsel provided that the parties and their counsel were properly notified and the witnesses shall be subject to cross examination pursuant to Section 2, par. (c) of the 1985 Rules on Criminal Procedure and the case of *Borja v. Mendoza*, 77 SCRA 422; that Atty. Schneider has never been a counsel in this case because the prosecutor was Pedro Vega and the defense counsel was Freddie Venida.[3]

Respondent Judge claims that in Criminal Case No. 5973 (People v. Efren Dalde) for highgrading wherein Mayor Padilla claims that no hearing has been conducted, records of the case will bear him out that a hearing had actually been conducted; that the accused, represented by a DAR lawyer, was arraigned, pre-trial was held, and ocular inspection was made.

In Civil Case No. 610 (Vicente Enriquez v. Zaldy Suarez) for forcible entry (not for trespassing) wherein Mayor Padilla complains that it was decided without a hearing, respondent Judge maintains that the case was tried

pursuant to Section 1, par. 1-A of the Rule on Summary Procedure. After an answer was filed, the parties were asked to submit their respective position papers with their evidence, after which the case was decided in accordance with Section 10 thereof.

The delay in Criminal Case No. 5908 (People v. Rolando Racasa), according to respondent Judge, was caused by the frequent postponements and non-appearance of the private prosecutor and/or defense counsel, and justice requires the presence of lawyers in the trial of cases where the records show that the accused had already been arraigned and the three prosecution witnesses had already been presented.

In Criminal Case No. 5998 (People v. Job Riel), respondent Judge claims that the delay was due to numerous postponements but explains that the accused has already been arraigned and the last witness is to be presented by the prosecution.

Respondent Judge denies that he is fraternizing with lawyers with pending cases in his sala, explaining that in the case of Atty. Schneider, he is the only lawyer in the Municipality of Jose Panganiban and it is but natural for respondent Judge to be friendly with him but maintains that their friendship has never been a hindrance to the proper disposition of the cases in his sala as his impartiality is known not only in the Municipality of Jose Panganiban, but also in the province of Camarines Norte as shown by his decisions in MTC Mercedes, MTC Paracale and MTC Basud.

Respondent Judge attributes the filing of the instant complaint against him to local politics in the Municipality of Jose Panganiban, alleging that since his appointment on February 16, 1983, he has always been neutral and impartial in all the cases he disposed of; that even in the case against herein complainant Mayor for slander by deed, he displayed his position of being neutral and impartial, for which reason he has earned the ire of Governor Roy Padilla, Sr., complainant's father, and Mayor Roger Padilla because respondent Judge refuses to succumb to their influence and pressure; that for this reason, he requested his transfer on November 29, 1990 to another station (MTC, Basud, Camarines Norte) as his life in Jose Panganiban is in imminent danger brought about by the political pressures, and this request was followed by his letter-requests dated May 2, 1991, then August 30, 1993, and most recently, the letter-request dated December 10, 1993 addressed to Hon. Reynaldo L. Suarez, Deputy Court Administrator.

The case was referred to the Office of the Court Administrator for evaluation, report and recommendation. In a Memorandum dated August 4, 1994 addressed to the Hon. Chief Justice Andres R. Narvasa, Deputy Court Administrator Reynaldo L. Suarez, concurred in by Court Administrator Ernani Cruz Paño, recommended the dismissal of charges for failure to decide cases within the prescribed period and for unreasonable delay in the disposition of cases.[4]

We agree with the dismissal of the charges with respect to failure to decide the cases within the prescribed period and the charges of unreasonable delay in the disposition of cases against respondent Judge.

Complainant in the instant case failed to specifically cite any of the cases referred to in the complaint which remained undecided after the lapse of the required 90-day period to decide cases; hence, the dismissal of charges of violation of the 90-day period is in order. The delay in the trial of the cited cases in the complaint, particularly Criminal Case Nos. 5935 and 5936, Criminal Case No. 5908 and Criminal Case No. 5998, was not entirely the fault of herein respondent Judge. The delay was caused by the numerous postponements both by the prosecution and the defense. However, respondent Judge should be reminded of the directive in Circular No. 1-89 dated January 19, 1989 requiring all courts to conduct a mandatory continuous trial which is to be terminated within 90 days from inception of the initial hearing.

However, as regards the allegations of manifest partiality in favor of a litigant and fraternizing with lawyers who have pending cases in his sala, we note that respondent Judge does not deny his close friendship and association with Atty. Augusto Schneider. Respondent Judge pointed out that while it is true that Atty. Schneider has pending cases in his sala, the latter lost in these cases which is supposed to give the impression that such close association with Atty. Schneider has not affected his neutrality and impartiality as a Judge.

We cannot fully countenance the view of respondent Judge. Constant company with a lawyer tends to breed intimacy and camaraderie to the point that favors in the future may be asked from respondent judge which he may find hard to resist. The actuation of respondent Judge of eating and drinking in public places with a lawyer who has pending cases in his sala may well arouse suspicion in the public mind, thus tending to erode the trust of the litigants in the impartiality of the judge. This eventuality may undermine the people's faith in the administration of justice. It is of no moment that Atty. Augusto Schneider is the only lawyer in the locality.

A judge should behave at all times as to inspire public confidence in the integrity and impartiality of the judiciary.[5] The prestige of judicial office shall not be used or lent to advance the private interests of others, nor convey or permit others to convey the impression that they are in a special position to influence the judge.[6]

Once again, we find this case an occasion to remind members of the Judiciary:

"x x x to so conduct themselves as to be beyond reproach and suspicion, and be free from any appearance of impropriety in their personal behavior not only in the discharge of their official duties but also in their everyday life, for as we have earlier stressed, 'no position exacts greater demand on moral righteousness and uprightness of an individual than a seat in the Judiciary' so that (a) magistrate of the law must comport himself at all times in such a manner that his conduct, official or otherwise, can bear the most searching scrutiny of the public that looks up to him as the epitome of integrity and justice." [7]

Public confidence in the Judiciary is eroded by irresponsible or improper conduct of judges. A judge must avoid all impropriety and the appearance thereof. Being the subject of constant public scrutiny, a judge should freely and willingly accept restrictions on conduct that might be viewed as burdensome by the ordinary citizen.[8]

ACCORDINGLY, in view of the foregoing, respondent Judge is hereby ADMONISHED with a warning that a repetition of similar acts in the future will be dealt with more severely. Respondent Judge is reminded to be prompt in the disposition of cases pending in his sala pursuant to Sections 3, 4, 5 of Rule 22, Rules of Court and Administrative Circular No. 1-88 and Circular 1-89.

Let a copy of this Resolution be attached to his personal records.

Bidin, (Acting Chairman), Melo, and Vitug, JJ., concur.
Feliciano, J., on leave.

[1] Rollo, pp. 2-4.

[2] Rollo, p. 8.

[3] Rollo, pp. 9-15.

[4] Rollo, pp. 91-94.

[5] Canon 2, Rule 2.01, Code of Judicial Conduct.

[6] Canon, Rule 2.03, Code of Judicial Conduct.

[7] National Intelligence and Security Authority v. Tablang, A.M. No. R-94-RTJ, July 31, 1991 and its companion case, Jose Lagon v. Tablang, A.M. No. RTJ-86-24, July 31, 1991, 199 SCRA 766, 776, citing Association of Court Employees of Panabo Davao v. Tupas, 175 SCRA 292.

[8] In Re: Judge Benjamin H. Virrey, A.M. No. 90-7-1159-MTC, October 15, 1991, 202 SCRA 628.

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