

MAMAMAYAN NG ZAPOTE 1, BACOR, CAVITE, COMPLAINANT, VS. JUDGE ISAURO M. BALDERIAN, RESPONDENT.

A.M. No. MTJ-95-1033. December 06, 1996

Ponente: MELO, J.

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MELO, J.:

The instant administrative case against respondent Judge Isauro M. Balderian of the Metropolitan Trial Court stationed in Bacoor, Cavite stemmed from an election protest, docketed as Election Case No. 94-31 and entitled “Alfredo L. Paredes vs. Corazon Gawaran, et al.,” which was assigned to said respondent's sala.

In its letter-complaint, the Mamamayan ng Zapote 1, Bacoor, Cavite, alleged that during the May 9, 1994 Barangay Elections, Corazon Gawaran was declared winner for the position of Barangay Captain of Zapote 1, Bacoor, Cavite; that due to certain alleged irregularities, Alfredo L. Paredes filed an election case against Corazon Gawaran; that the case was heard on June 3 and 6, 1994; that after the parties had presented their evidence, respondent asked for ten days to study the case which was followed by another request five days; and that despite the lapse of those extensions, respondent failed to resolve the election case.

Acting on said letter-complaint, the Court issued a Resolution dated March 20, 1995 requiring respondent to comment thereon within ten days from notice. This notwithstanding, respondent failed to file the required comment and for such failure the Court issued another Resolution dated August 28, 1995, requiring respondent to show cause why he should not be disciplinary dealt with and to file the required comment, both within ten days from notice. Respondent again failed to comply, prompting the Court to impose on him a fine in the amount of P500.00.

In the comment he finally filed, respondent averred that after the May 9, 1994 Barangay Elections, 4 cases were filed in his sala, 3 of which were initially assigned to the assisting judge in his sala, while one was heard by him; that in order to expedite the proceedings, all 4 cases were heard and tried by the assisting judge but, in the process thereof, the case subject matter of the present administrative complaint was left behind due to the volume of cases filed in his sala which averaged about 200 cases a month; that when his attention was called to the matter, he exerted utmost efforts to give preferential attention to the case in question; that due to his caseload in the two salas handled by him, plus the many cases remanded to the lower courts in view of the expanded jurisdiction of the Municipal Trial Courts, it was thus humanly impossible for him to act on the case with dispatch; and that the case was finally decided on January 10, 1996.

The Court, in its Resolution dated July 15, 1996, noted both respondent's comment and letter informing the Court that he had already paid the P500.00 fine. In the same Resolution, the matter was referred to the Office of the Court Administrator for evaluation, report, and recommendation.

In due time, the Office of the Court Administrator submitted its Memorandum dated November 4, 1996, with the following findings and recommendation:

Section 252 of the Omnibus Election Code (Batas Pambansa Bldg. 881) states that:

Election contest for barangay offices. -- A sworn petition contesting the election of a barangay officer shall be filed with the proper municipal or metropolitan trial court by any candidate who has duly filed a certificate of candidacy and has been voted for the same office, within ten days after the proclamation of the results of the election. The trial court shall decide the election protest within fifteen days after the filing thereof. The decision of the municipal or metropolitan trial court may be appealed within ten days after receipt of a copy thereof by the aggrieved party to the regional trial court which shall decide the case within thirty days from its submission, and whose decisions shall be final. (Art. XVIII, Sec. 191, 1978 EC; Sec. 20, BP 222)

A cursory review of the records show that Election Case No. 94-31 was filed with respondent court on 20 May 1994 and heard on 3 and 6 June 1994. This allegation in the letter-complaint was not disputed by the respondent.

Under the aforementioned provision, respondent court should have heard and decided the case within fifteen (15) days after filing thereof or on 4 June 1994. This is an election case which ought to have been decided with dispatch; instead, respondent judge rendered the Decision only on 10 January 1996, involving a delay of one (1) year and seven (7) months.

Administrative Circular No. 7-94 dated 25 April 1994 specifically directed among others the Metropolitan and the Municipal Trial Courts to try, hear and decide all cases involving violations of the Election Code as expeditiously as possible.

Failure to decide a case within the given period is not excusable and constitute gross inefficiency. (Asinas vs. Judge Trinidad, 242 SCRA 710) Clearly this delay is attributable to respondent Judge who in his Comment admitted the delay interposing as excuse therefore the heavy caseloads in the court he is handling.

Statistics on pending cases in the MTC, Bacoor, Cavite during the period 1 January to 31 December 1994 and 1 January to 31 December 1995 show a rather high incidence of cases filed totaling 1,181 and 1,591 respectively. This could have been brought about by the expanded jurisdiction of the MTCs which took effect on 15 April 1994. Despite a remarkable 713 and 804 case disposition for this two-year period with Judge Jimmy H.F. Luczon, Jr. as Assisting Judge, respondent's pending cases in the MTC, Bacoor, Cavite rose from 729 in 1 January 1994 to 1,984 in 31 December 1995.

On the other hand, statistics on pending cases in the 5th MCTC Carmona-Gen. Mariano Alvarez, Cavite shows a total of 531 and 468 cases filed during the period 1 January to 31 December 1994 and 1 January to 31 December 1995, respectively, with a total of 767 case disposition during the same periods. The number of pending cases rose from 180 in 1 January 1994 to 424 in 31 December 1995. The Assisting judge in this 5th MCTC is also Judge Jimmy H.F. Luczon, Jr.

While it cannot be denied that many trial courts, including that of the respondent's, are burdened with heavy caseloads, it is nevertheless imperative to stress that respondent Judge has the "obligation to diligently discharge administrative responsibilities and maintain professional competence in court management." (Arvisu vs. Judge Sumilang, 241 SCRA 577) This includes the adoption of an effective case flow management system.

Considering however the veritable deluge of cases in two salas handled by Judge Balderian and the high rate of disposal of cases thereat by the judge and his assisting judge, we are inclined to believe that the non-resolution of the election case complained of within the period fixed by law was a regrettable oversight.

Nevertheless, this should not totally free the judge from any liability thereunder, as it might set a dangerous precedent and provide judges equally situated with a convenient excuse for delay.

Respondent has been with the Judiciary for the past thirteen (13) years, eight (8) months and five (5) days and will be compulsory retired by 1 August 2013.

Premises considered, it is respectfully recommended that respondent judge be REPRIMANDED WITH WARNING that a repetition of the same or similar offense will be dealt with more severely. (pp.2-4, Memorandum)

The Court agrees with the findings of the Office of the Court Administrator that respondent is indeed guilty of gross inefficiency for failure to decide the election case within the mandated period.

Court exist to dispense and promote justice. Accordingly, the conduct of a judge should be free from any appearance of impropriety, and his personal behavior not only upon the bench and in the performance of official duties but also in his everyday life should be beyond reproach (Canon 2 of the Code of Judicial Conduct). Being the visible representation of law and more importantly of justice, he must be the embodiment of competence, integrity and independence and should be studiously careful to avoid even the slightest infraction of the law (OCA vs. Gines, 224 SCRA 261 [1993]). Likewise, he is required to observe due care in the performance of his official duties. He must dispose of the court's business promptly and decide cases within the required periods (Rule 3.05 of Canon 3 of the Code of Judicial Conduct). Having knowledge of internal rules and procedures, especially those which relate to the scope of his authority, he is in duty bound required to observe and abide by these rules and procedures which are primarily intended to ensure the orderly administration of justice (Cuaresma vs. Aguilar, 226 SCRA 73 [1993]).

Based on Section 252 of the Omnibus Election Code (Batas Pambansa Bldg. 881), it is clear that it is the ministerial duty of respondent to resolve election protest within fifteen days from the filing thereof. Thus, respondent was remiss in the performance of his duties when he failed to resolve the election protest within said period. Respondent should have resolved the election protest with dispatch at the latest on June 4, 1994. Instead it was only on January 10, 1996, or after one year and seven months to be exact, that the said election protest was finally resolved. Such failure of respondent to decide the election protest within the required period is not excusable and constitutes gross inefficiency (Ancheta vs. Antonio, 231 SCRA 74 [1994]; citing Longboan vs. Polig, 186 SCRA 557; and Sabado vs. Cajigal, 219 SCRA 800 [1993]). Respondent has violated Rule 3.01 of Canon 3 of the Code of Conduct which calls for a judge to be faithful to the law and to maintain professional competence, and also Rule 3.05 which admonishes all judges to dispose of the court's business promptly and to decide case within the period fixed by law.

Additionally, respondent has also violated Administrative Circular No. 7-94 dated April 25, 1994 which directs, among other things, the Metropolitan and the Municipal Trial Courts to try, hear, and decide all cases involving violations of the Election Code as expeditiously as possible.

Respondent can not escape liability by reasoning that his failure to decide the election case promptly was due to the heavy caseloads in the courts he presided over.

A judge ought to know the cases submitted to him for decision or resolution and is expected to keep his own record of cases so that he may act on them promptly. It is incumbent upon him to devise an efficient recording and filing system in his court so that no disorderliness can effect the flow of cases and their speedy disposition. Proper and efficient court management is asmuch his responsibility. He is the one directly responsible for the proper discharge of his official functions (Agcaoili vs. Ramos, 229 SCRA 705 [1994] citing Nidera vs. Lazaro, Adm. Matter No. R-465 MTJ, June 29, 1989).

While it is true that respondent has an overload of cases in the MTC, Bacoor, Cavite and in the 5th MCTC Carmona-Gen. Mariano Alvarez Cavite, this is not a valid and justifiable reason for him not to resolve Election Case No. 94-31 expeditiously and promptly. The Court cannot close its eyes to the fact that respondent took one (1) year and seven (7) months to resolve the election protest, when this should have been done within the

mandatory period of only 15 days.

Going over the decision of respondent on the subject election protest, the Court finds the case to be simple and uncomplicated as the main issue raised therein was whether or not the alleged irregularities committed during the barangay election were serious and sufficient enough to declare a failure of election. Moreover, the case merely involved a barangay position. In sum, the delay of respondent in deciding the election protest is inexcusable, unwarranted, and unreasonable.

We need but recall, in this regard, the caveat pronounced in *Castro vs. Malazo* (99 SCRA 164 [1980]), to wit:

We must once more impress upon the members of the Judiciary their sworn duty of administering justice without undue delay under the time-honored precept that justice delayed, is justice denied. The present clogged condition of the courts' docket in all levels of our judicial system cannot be cleared unless each and every judge earnestly and painstakingly takes it upon himself to comply faithfully with the mandate of the law. No less important than the speedy termination of hearings and trials of cases is the promptness and dispatch in the making of decisions and judgment, the signing thereof and filing the same with the Clerk of Court.

WHEREFORE, respondent Judge Isauro M. Balderian is found guilty of gross inefficiency, for which infraction he is hereby ordered to pay a fine in the amount of Two Thousand (P2,000.00), with the stern warning that future similar misconduct on his part will be dealt with more severely

SO ORDERED.

Narvasa, C.J., (Chairman), Davide Jr., Francisco, and Panganiban, JJ., concur.

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