

MOISES S. BENTULAN, COMPLAINANT, VS. JUDGE MANUEL P. DUMATOL, RESPONDENT.*Adm. Matter No. RTJ-93-999. June 15, 1994*

Ponente: DAVIDE, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/307557d0a337/>**DAVIDE, JR., J.:**

Respondent, the incumbent Presiding Judge of Branch 112 of the Regional Trial Court of Pasay City, was charged with inefficiency and incompetence in the performance of official duties in a verified letter-complaint, dated 28 April 1993, addressed to the Honorable Chief Justice through the Court Administrator. Complainant, who is the defendant in Civil Case No. 9441-P, alleges in the letter-complaint that the said case was instituted on 6 February 1984 and was submitted for decision as early as 29 September 1989. Yet, despite several oral and written requests and motions for its early decision made by the complainant, the respondent failed to decide the case. More specifically, he alleges that since eight months after the case was submitted for decision, he had been going to the sala of the respondent to inquire about the status of the case. On each occasion, a certain Vida Garcia always informed him that the respondent was either busy or not yet in. He also filed with the respondent's court an Ex-parte Motion to Render Decision on 5 May 1990, an Ex-parte Motion to Resolve Motion to Render Decision on 14 September 1990, and another Motion to Resolve Motion to Render Decision on 21 December 1990. Then on several occasions during the succeeding years he followed-up his requests.

On 1 August 1991, Atty. Cynthia Madamba, Clerk of Court of the respondent's court, informed the complainant that he had already finished writing the decision but that it was with the respondent for approval and signing.

Complainant further avers that in August 1991, he again inquired about the decision and the respondent personally informed him that he would resolve the case the following month since he would have to give priority first to cases involving prisoners. On account of the actuations of the respondent, the complainant sought assistance from the Office of the Court Administrator. On 28 October 1991, Atty. Andrew Inocencio of the said Office told the complainant that the respondent would inform the Office about the case on the last day of October. But since by November the said Office had not received any call from the respondent, the complainant went to the sala of the respondent on 25 November 1991. He was assured by Atty. Madamba that the decision would be released on 15 December 1991. On 16 December 1991, the respondent again assured the complainant that the decision would be released before the end of the year. The respondent explained that since he heard only the last part of the case, he still needed time to study the case records. On 27 December 1991, the respondent again assured him that the decision would be released after New Year.

In his Comment submitted on 16 November 1993 in compliance with the Resolution of 16 June 1993, the respondent explains that the case was filed before he became a Judge, that the pre-trial thereon and the reception of the evidence for the plaintiffs were conducted by Judge Nicanor Silvano, and that the evidence for the defendant was received by Judge (now CA Justice) Fermin Martin, Jr. and by Judge Sergio Amonoy. When the latter was designated by this Court to try exclusively criminal cases, Civil Case No. 9441-P was re-raffled to him (respondent). Since the plaintiffs therein waived the presentation of rebuttal evidence, he required the parties to

submit their respective memoranda, which they did. Considering that not all of the stenographic notes have been transcribed, the testimony on cross-examination of plaintiff Aurelia Mercado was retaken on 10 April 1989 upon motion of the plaintiffs. The parties then submitted their supplemental memoranda. Plaintiffs submitted a reply memorandum on 15 September 1989. He further claims that a draft of the decision "has already been prepared sometime in November 1991 but due to conflicting priorities including preparing decisions in cases involving detention prisoners, appealed ejectment cases tried under the rules on summary procedure in the inferior courts and other cases personally heard by him, the decision in [the] case was not promptly finalized and released"; and that the "records of this case, as well as, the evidences [sic] submitted by the parties and the transcript of stenographic notes were all burned in the fire which gutted the premises of [the] Court in January 1992." He admits that "he has failed to promptly render a decision in [the] case after the parties have submitted their respective memoranda, and is willing to receive whatever penalty this Court may, considering the circumstances of the case, deem fit and proper," but appeals for leniency because his "failure to decide [the] case without delay is due, principally to the fact that it was not he who actually heard the evidence for the parties, coupled with the fact that the docket of [the] Court, since [he] was appointed in November 4, 1986, has been clogged with cases with unresolved motions and undecided cases, so much so that the [J]PDIO had to retrieve some of the 'inherited cases' which the staff of judges of said office had to decide."

Complainant filed a Reply to the Comment.

In the Resolution of 8 December 1993, we required the parties to inform the Court if they were willing to submit this case for decision on the basis of the pleadings already filed. In separate manifestations, the parties agreed to submit this case on the basis of such pleadings.

We referred this case to the Office of the Court Administrator for evaluation, report, and recommendation. In its Memorandum of 25 April 1994, the said Office, after narrating the foregoing allegations in the complaint and comment, makes the following observations and evaluation:

"After a careful perusal of the records of the case, we find Judge Manuel P. Dumatol to be liable of the offense charged.

No less than the Philippine Constitution guarantees that 'all persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial or administrative bodies' (Sec. 16 Art. III, Phil. Constitution).

The Philippine Constitution goes on to say in Art. VIII, Sec. 15 that 'all cases or matters filed after the effectivity of this Constitution must be decided or resolved x x x within three months for all other lower courts.'

The Code of Judicial Conduct dictates that 'he should be prompt in disposing all matters submitted to him, remembering that justice delayed is often justice denied.'

The same Code of Judicial Conduct mandates that 'a judge should administer justice impartially and without delay.'

Several laws and circulars of this Honorable Court have been enacted and issued to counter the alarming problem of delay in the administration of justice. Hence, it is imperative upon the respondent Judge to support and implement these laws and circulars by resolving the cases submitted before him for decision without delay and within the soonest time possible.

From the history of the case culled from the rollo, this is not an inherited case because it was submitted for decision to respondent Judge. Hence, he should have exhibited more than casual industry and promptness in disposing this case submitted to him a long time ago especially when a party was following it up time and again demonstrating his interest in the early termination of the same.

In the present case, respondent Judge simply lacks the eagerness and zeal to decide the subject case. The case was submitted for decision on September 1989 and the draft of the decision was prepared only in November 1991. Worst, the draft was among those gutted by the fire which occurred in January 1992.

Had the respondent Judge been more dedicated in his work, the case would have been resolved way before the fire. There would have been no need for reconstitution. Had the respondent Judge been more mindful that 'justice delayed is justice denied,' the case would not have dragged up to this date."

and recommends as follows:

"PREMISES CONSIDERED, it is respectfully submitted for the consideration of this Honorable Court with the recommendation that Judge Manuel P. Dumatol, RTC, Branch 112, Pasay City be meted a penalty of FIVE THOUSAND PESOS (P5,000.00) FINE with a stern warning that a repetition of the same and similar acts or offenses in the future will be dealt with severely."

We find the evaluation and recommendation to be well-taken and hereby adopt it.

We wish to add that the respondent has not denied the allegations of the complainant that the latter made oral requests and filed written motions for the early decision of the case. Since there is no showing that the respondent had acted on the written motions, it is safe to assume that he simply disregarded them. Be that as it may, his attention was, nevertheless, drawn to the fact that the decision was long overdue and that his period to decide the case under the solemn mandate of Section 15(1), Article VIII of the 1987 Constitution had long expired. That he had other "priorities" to attend to does not mitigate his liability because, firstly, such a claim finds no factual support and, secondly, if the claim were true, then he should have written this Court and asked for extension of time to decide Civil Case No. 9441-P and other cases. Obviously, he forgot that the public-trust character of his office imposes upon him the highest degree of responsibility and efficiency.

WHEREFORE, the Court finds respondent JUDGE MANUEL P. DUMATOL guilty of gross inefficiency and neglect of duty and he is hereby ordered to pay a FINE of FIVE THOUSAND PESOS (P5,000.00), with a warning that the commission of the same or similar acts in the future will be dealt with more severely. Respondent Judge is further directed to decide Civil Case No. 9441-P, if he still has not done so, with utmost dispatch.

SO ORDERED.

Cruz, (Chairman), Bellosillo, Quason, and Kapunan, JJ., concur.

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