

RENE U. GOLANGCO, COMPLAINANT, VS. JUDGE CANDIDO VILLANUEVA, RESPONDENT.

A.M. No. RTJ-01-1649. July 11, 2002

Ponente: DAVIDE, JR., C.J.

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DAVIDE, JR., C.J.:

This is the second administrative case filed by Rene Golangco (hereafter RENE) against herein respondent Judge Candido Villanueva in connection with Civil Case No. 92-3647, entitled Ma. Lucia Carlos Golangco v. Rene Uy Golangco, for the declaration of nullity of marriage, with prayers for damages, support and custody, and for a writ of preliminary injunction.

The antecedent facts are as follows:

On 21 July 1994, respondent Judge issued an order[1] granting custody pendente lite of the parties' minor children to Ma. Lucia C. Golangco (hereafter LUCIA), and visitation rights to RENE. The said order was reiterated in the order of 26 August 1994. Both orders were questioned by RENE before the Court of Appeals by way of a petition for certiorari, which was however denied.[2] Hence, RENE brought the matter to us in G.R. No. 120381. In our Resolution of 17 July 1995, the petition was denied for his failure to show that grave abuse of discretion was committed by the Court of Appeals.

On 15 August 1995, LUCIA filed with the trial court a motion for reconsideration of the 21 July 1994 Order, with urgent prayer for a writ of preliminary injunction. She alleged that RENE was harassing the children and the officials of the school where they were enrolled. He was verbally and physically abusing his sons, which prompted LUCIA to file a complaint against him for slight physical injuries. The next day, respondent Judge Villanueva issued a temporary restraining order.

On 4 October 1995, after due hearing, respondent Judge ordered the issuance of a writ of preliminary injunction enjoining and restraining RENE from "harassing, intimidating and threatening his minor children and the school officials of International School and the International Montessori School and other persons who may be looking after the welfare of said minors." [3] RENE assailed the order before the Court of Appeals via a petition for certiorari, which was, however, dismissed on the ground of forum-shopping. Thus, he filed a petition for review with this Court, which was docketed as G.R. No. 124724. In our decision of 22 December 1997, [4] we ruled that there was no forum-shopping, but we upheld the propriety of the issuance of the writ of preliminary injunction.

On 19 May 1997 and 17 September 1999, RENE filed with the trial court motions to lift the writ of preliminary injunction. He alleged that the criminal case for slight physical injuries, which arose out of the alleged violence he inflicted on his son and which served as the basis for the issuance of the writ of preliminary injunction, had already been dismissed for insufficiency of evidence. [5]

On 10 January 2000, respondent Judge denied the motion to lift the writ of preliminary injunction on the ground of absence of any allegation under oath or assurance supported by a bond that in the event the writ were dissolved,

the alleged harassment, intimidation or threats upon the parties' children would not occur again.[6]

On 3 October 2000, Rene again filed a motion to lift the writ of injunction and manifested his desire to comply with the requirements laid down by the Rules of Court. This motion was strongly opposed by LUCIA.

On 20 November 2000, RENE submitted, in support of said motion, his Compliance, as well as his affidavit assuring the court that he would never harass, intimidate or threaten his children.

On 29 November 2000 and 6 February 2001, RENE filed motions to immediately resolve the motion for the dissolution of the writ of preliminary injunction.

Alleging, among other things, the inaction on his motions by respondent Judge, RENE wrote the Office of the Court Administrator several times. Later, he asked that his 16 March 2001 letter be treated as his complaint.

In his Comment dated 17 April 2001, respondent Judge stated that since the presentation of evidence by both parties had been completed, the matter of custody would better be resolved in the decision in the main case. If such matter would be resolved ahead of the decision in the main case, the aggrieved party would most probably elevate it again by certiorari to the Court of Appeals. This could further delay the rendition of the decision in the main case as what happened when the Orders of 21 July 1994 and 4 October 1995 were elevated by certiorari to the Court of Appeals and to the Supreme Court, which necessitated the elevation of the entire records to the said appellate courts and which resulted in the suspension of proceedings.

Likewise, the Report and Recommendation of the Office of the Court Administrator discloses that, in a phone inquiry, respondent Judge admitted that he did not resolve RENE's third motion to lift the writ of preliminary injunction because he believed that the custody of the children, which was the subject of such motion, should be determined in the main case for the declaration of nullity of the marriage.

The Office of the Court Administrator, through then Acting Court Administrator Zenaida N. Elepaño, found unacceptable the excuse proffered by the respondent Judge for not resolving the motion to lift the writ of injunction. It recommended the filing of an administrative case against respondent Judge and the imposition of a fine in the amount of P1,000 for his failure to resolve the motion within the reglementary period.

In our resolution of 3 September 2001, RENE's letter-complaint was docketed as a regular administrative matter.

On 26 November 2001, respondent Judge submitted his decision dated 16 November 2001 in Civil Case No. 92-3647, which, among other things, denied RENE's motion to lift the writ of preliminary injunction and made permanent the writ issued against RENE.

Section 15, Paragraph 1, Article VIII of the 1987 Constitution mandates that all cases or matters must be decided or resolved by trial courts within three months from the date of submission for determination. Supreme Court Circular No. 13 dated 1 July 1987 directs judges to observe scrupulously the periods prescribed by the Constitution for the adjudication and resolution of all cases or matters submitted in their courts. In the same vein, the Code of Judicial Conduct provides that a judge should administer justice impartially and without delay[7] and that a judge shall dispose of the court's business promptly and decide cases within the required periods.[8]

The mandate to promptly dispose of cases or matters has been held by this Court to apply also to motions or interlocutory matters or incidents pending before a magistrate.[9] Unreasonable delay of a judge in resolving a pending incident is a violation of the norms of judicial conduct and constitutes gross inefficiency that warrants the imposition of an administrative sanction against the defaulting magistrate.[10]

In this case, respondent Judge Candido Villanueva denied on 10 January 2000 RENE's first and second motions for the lifting of the writ of preliminary injunction. Yet, RENE persisted; he filed a third motion for the

dissolution of the writ, and tried to comply with the requirements stated in the said Order. This was followed by motions for the early resolution of the motion to lift the writ. It is understandable why RENE was persistent because although the writ only restrained him from harassing, intimidating and threatening his children and the school officials, he was also deprived of the visitation rights accorded him by the 21 July 1994 Order. It must have been hard and painful for him as a father not to be able to see and enjoy the company of his children. As stated in his affidavit:[11]

12. Further, the Court should appreciate the irreparable damage suffered by affiant as a result of the continuation and maintenance of the writ of injunction and that has portrayed herein respondent as an ogre ... and this negative perception may have been etched in the tender and responsible minds of a party's [sic] common children which ought to be immediately erased lest it becomes permanently imprinted and made a prevailing mindset of the children; the children are both boys and require paternal company, affection and guidance, all of which cannot be provided by herein petitioner and each day that these boys are deprived of paternal company, affection and guidance, serves to deter their full emotional growth and development.

...

14. Affiant's frustrations in his ability to see and enjoy the company of his own flesh and blood are unquantifiable

Despite the motions for early resolution, RENE's motion to lift the writ of preliminary injunction remained unacted upon by the Judge within the prescribed three-month period. It was resolved only after a year when the decision in the main case was rendered.

The reason proffered by respondent Judge for his inaction on the motion is unacceptable. We agree with then Acting Court Administrator Elepaño that he should not have anticipated what the parties were likely to do after issuing an order on the motion, and then base his action or inaction on such speculation. What he should have done was simply to deny the motion and state his reason that the custody of the children, which was the subject of the motion to dissolve the writ of preliminary injunction, would be better determined in the main case. Bombarded though he might be with motions and other incidents in this case, as well as in other cases, respondent Judge was not justified in ignoring RENE's motion to lift the writ of preliminary injunction, especially that his attention thereto was twice called in RENE's motions for early resolution of the said motion.

In our decision of 4 September 1997 in the first administrative case, A.M. No. RTJ- 96-1355, filed by RENE against herein respondent Judge in connection with Civil Case No. 92-3647, this Court observed that respondent Judge was indeed "caught in the cross-fire" in this "emotionally-charged drama between a husband and a wife fighting for the custody of their children," and yet he remained patient to resolve the conflict. He should not have allowed his patience to wear thin. However unmeritorious RENE's motion might have been, he must have resolved it with reasonable dispatch, keeping in mind his bounden duty to promptly dispose of all matters submitted for determination.

WHEREFORE, respondent Judge Candido Villanueva is hereby ADMONISHED for his failure to act within the reglementary period on the motion of Rene Golangco for the lifting of the writ of preliminary injunction. He is DIRECTED to promptly dispose of all matters submitted to him for resolution in all cases before him, with a WARNING that the commission in the future of the same or similar acts shall be dealt with more severely.

SO ORDERED.

Vitug, Kapunan, Ynares-Santiago, and Austria-Martinez, JJ., concur.

- [1] Annex 3, 2nd Indorsement dated April 17, 2001 of Respondent Judge (hereafter 2nd Indorsement).
- [2] Annex 4, 2nd Indorsement.
- [3] Annex 1, 2nd Indorsement.
- [4] See *Golangco v. Court of Appeals*, 283 SCRA 493 [1997].
- [5] Decision, Civil Case No. 92-3647, 10.
- [6] Id.
- [7] Rule 1.02, Canon 1, Code of Judicial Conduct.
- [8] Rule 3.05, Canon 3, Code of Judicial Conduct.
- [9] *Hilario v. Concepcion*, 327 SCRA 96, 103 [2002]; *De Vera v. Layague*, 341 SCRA 67, 77 [2000].
- [10] See *Canson v. Garchitorena*, 311 SCRA 268 [1999].
- [11] Annex “G,” Letter dated 24 November 2000.

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