

DEE C. CHUAN & SONS, INC., REPRESENTED BY EFREN A. MADLANGSAKAY, COMPLAINANT, VS. JUDGE WILLIAM SIMON P. PERALTA, PRESIDING JUDGE REGIONAL TRIAL COURT, MANILA, BRANCH 50, RESPON...

A.M. No. RTJ-05-1917 [Formerly OCA I.P.I No. 04-2006-RTJ]. April 16, 2009

Ponente: CORONA, J.

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CORONA, J.:

In a verified complaint dated May 5, 2004 filed in the Office of the Court Administrator (OCA), complainant Dee C. Chuan & Sons, Inc.[1] (DCCSI) which was the plaintiff in Civil Case No. 02-105031 entitled Dee C. Chuan & Sons, Inc. v. Tek Hua Enterprising Corporation, Manuel C. Tiong and So Ping Bun, charged respondent Judge William Simon P. Peralta, Presiding Judge of the Regional Trial Court (RTC) of Manila, Branch 50, with undue delay in the disposition of pending motions in connection with that case.

Complainant alleges that on September 13, 2002, the Metropolitan Trial Court (MeTC) of Manila, Branch 6[2] rendered a decision[3] in the unlawful detainer case ordering defendants Tek Hua Enterprising Corporation (represented by its president Manuel C. Tiong) and So Ping Bun to vacate the leased premises and to jointly pay the cost of suit, attorney's fees and rentals for the reasonable use and occupation of the premises beginning June 1991.[4]

An appeal was filed in RTC Manila and the case was raffled to Branch 50 wherein respondent was presiding judge.[5] On March 18, 2003, DCCSI filed a "motion to dismiss appeal and for issuance of writ of execution" for failure of the appellants to post the required bond and to pay the rentals due in accordance with the decision of the MeTC. Acting on the motion, respondent issued an order dated March 21, 2003 requiring the appellants to file their comment thereto. Consequently, three motions to resolve were filed by DCCSI dated August 11, 2003, October 20, 2003 and December 3, 2003 respectively. However, despite the lapse of more than one year, respondent failed and refused to resolve the pending motions, prompting complainant to file this complaint.[6]

In his comment dated June 4, 2004, respondent merely informed the OCA that the subject case "ha(d) been resolved by (his) Court and the same (was) already for mailing" and attached a copy of his order dated May 5, 2004. In his order, he dismissed the appeal for failure of the appellants to file their memorandum and directed the issuance of a writ of execution in favor of DCCSI.

The OCA, in its report dated December 15, 2004, found that respondent indeed failed to resolve several motions for more than a year and showed indifference in his comment. It recommended that respondent be held liable for inefficiency in the performance of his official duties and fined in the amount of P11,000.

We agree with the findings and recommendation of the OCA but modify the penalty.

The Constitution mandates that all cases or matters filed before all lower courts shall be decided or resolved within 90 days from the time the case is submitted for decision.[7] Respondent ignored this mandate. He was also

in violation of the Canon of Judicial Ethics[8] and Code of Judicial Conduct[9] which require judges to dispose of the court's business promptly and decide cases within the required periods.[10]

For more than a year, the respondent failed to resolve several motions — the motion to dismiss appeal and for issuance of writ of execution as well as the three motions to resolve. Had the OCA not required him to comment on this complaint, these motions might well have remained pending up to now.

Failure to comply within the mandated period constitutes a serious violation of the constitutional right of the parties to a speedy disposition of their cases.[11] Considering that the subject case was an unlawful detainer case, its prompt resolution was a matter of public policy as it was subject to summary procedure.[12] It is disappointing that it was the respondent himself who caused the delay.[13]

The Court has always considered a judge's failure to resolve motions and incidents within the prescribed period of three months as gross inefficiency.[14] It undermines the people's faith and confidence in the judiciary,[15] lowers its standards and brings it to disrepute.[16] Undue delay cannot be countenanced at a time when the clogging of the court dockets is still the bane of the judiciary.[17] The *raison d'etre* of courts lies not only in properly dispensing justice but also in being able to do so seasonably.[18]

It is opportune to remind respondent of the evils of judicial delay:

Delay derails the administration of justice. It postpones the rectification of wrong and the vindication of the unjustly prosecuted. It crowds the dockets of the courts, increasing the costs for all litigants, pressuring judges to take short cuts, interfering with the prompt and deliberate disposition of those causes in which all parties are diligent and prepared for trial, and overhanging the entire process with the pall of disorganization and insolubility. More than this, possibilities for error in fact-finding multiply rapidly as time elapses between the original fact and its judicial determination. If the facts are not fully and accurately determined, then the wisest judge cannot distinguish between merit and demerit. If courts do not get the facts right, there is little chance for their judgment to be right.[19]

Furthermore, it is distressing that in his one-page comment containing two very brief paragraphs, respondent did not even bother to counter the accusation of DCCSI. Neither did he offer any reason or justification on why it took him more than a year to resolve the motions.

The Court will not tolerate the indifference of respondent judges to administrative complaints and to resolutions requiring comment on such complaints. An order or resolution of this Court is not to be construed as a mere request, nor should it be complied with partially, inadequately or selectively.[20] To do so shows disrespect to the Court, an act only too deserving of reproof.[21]

Respondent judge ought to be reminded that a resolution of this Court requiring comment on an administrative complaint against officials and employees of the Judiciary is not to be construed as a mere request from this Court. On the contrary, respondents in administrative cases are to take such resolutions seriously by commenting on all accusations or allegations against them as it is their duty to preserve the integrity of the judiciary. The Supreme Court can hardly discharge its constitutional mandate of overseeing judges and court personnel and taking proper administrative sanction against them if the judge or personnel concerned does not even recognize its administrative authority.[22](Emphasis supplied)

A magistrate's delay in rendering a decision or order and failure to comply with this Court's rules, directives and circulars both constitute less serious offenses under Rule 140, Section 9 of the Rules of Court.[23] Section 11(B) of Rule 140 provides the following sanctions for less serious offenses:

Sec. 11. Sanctions. --

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B. If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:

1. Suspension from office without salary and other benefits for not less than one (1) month nor more than three (3) months; or
2. A fine of more than P10,000.00 but not exceeding P20,000.00.

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In the light of the circumstances of this case, we find that a fine of P15,000 would be just and fair.

Pursuant to A.M. No. 02-9-02-SC,[24] this administrative case against respondent as a judge based on grounds which are also grounds for the disciplinary action against members of the Bar, shall be considered as disciplinary proceedings against such judge as a member of the Bar.[25]

Violation of the fundamental tenets of judicial conduct embodied in the Code of Judicial Conduct constitutes a breach of Canons 1 and 11 of the Code of Professional Responsibility (CPR):

CANON 1 -- A LAWYER SHALL UPHOLD THE CONSTITUTION, OBEY THE LAWS OF THE LAND AND PROMOTE RESPECT FOR LAW AND FOR LEGAL PROCESSES.

CANON 11 -- A LAWYER SHALL OBSERVE AND MAINTAIN THE RESPECT DUE TO THE COURTS AND TO JUDICIAL OFFICERS AND SHOULD INSIST ON SIMILAR CONDUCT BY OTHERS.

Certainly, a judge who falls short of the ethics of the judicial office tends to diminish the people's respect for the law and legal processes. He also fails to observe and maintain the esteem due to the courts and to judicial officers.[26] Respondent must always bear in mind that it is a magistrate's duty to uphold the integrity of the judiciary at all times.

Respondent's delay also runs counter to Canon 12 and Rule 12.04 of the CPR which provides:

CANON 12 -- A LAWYER SHALL EXERT EVERY EFFORT AND CONSIDER IT HIS DUTY TO ASSIST IN THE SPEEDY AND EFFICIENT ADMINISTRATION OF JUSTICE.

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Rule 12.04 - A lawyer shall not unduly delay a case, impede the execution of a judgment or misuse Court processes.

For such violation of Canons 1, 11, 12 and Rule 12.04 of the CPR, he should be further fined in the amount of P5,000.

WHEREFORE, respondent Judge William Simon P. Peralta, Presiding Judge of the Regional Trial Court, Manila, Branch 50 is hereby found GUILTY of two less serious offenses: (1) undue delay in rendering a decision or order and (2) violation of Supreme Court directives. He is FINED P15,000 payable within 10 days from his receipt of this resolution.

Respondent is further hereby FINED P5,000 for his violation of Canons 1, 11, 12 and Rule 12.04 of the Code of Professional Responsibility payable within the same period stated above.

He is STERNLY WARNED that the commission of the same or similar acts in the future shall be dealt with more severely.

Let copies of this resolution be furnished the Office of the Court Administrator and the Office of the Bar

Confidant to be attached to respondent's records.

SO ORDERED.

Puno, C.J., (Chairperson), Carpio, Leonardo-De Castro, and Bersamin, JJ., concur.

[1] Represented by its comptroller Efren A. Madlangsakay; rollo, p. 3.

[2] Penned by Judge Ma. Theresa Dolores C. Gomez-Estoesta; id., p. 24.

[3] In Civil Case No. 161061-CV; id., p. 5.

[4] Id., p. 24.

[5] Docketed as Civil Case No. 02-105031.

[6] Rollo, pp. 24-25.

[7] Constitution, Article VIII, Section 15.

[8] The New Code of Judicial Conduct for the Philippine Judiciary took effect on June 1, 2004. The act complained of was committed in 2003. In any event, Section 6 of Canons of Judicial Ethics provided:

6. Promptness

[A judge] should be prompt in disposing of all matters submitted to him, remembering that justice delayed is often justice denied.

[9] Canon 3, Rule 3.05 provided:

Rule 3.05 -- A judge shall dispose of the court's business promptly and decide cases within the required periods.

[10] The New Code of Judicial Conduct for the Philippine Judiciary superseded the Canons of Judicial Ethics and the Code of Judicial Conduct to the extent that the provisions or concepts therein are embodied in the new code. Provided, however, that in case of deficiency or absence of specific provisions in the new code, the Canons of Judicial Ethics and the Code of Judicial Conduct shall be applicable in a suppletory character.

Canon 6, Section 5 of the New Code of Judicial Conduct provides:

Judges shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness.

[11] Salvador v. Limsiaco, A.M. No. MTJ-08-1695, 16 April 2008, 551 SCRA 373, 377, citing Mosquero v. Legaspi, A.M. No. No. RTJ-99-1511, 10 July 2000, 335 SCRA 326.

[12] Bernaldez v. Avelino, A.M. No. MTJ-07-1672, 9 July 2007, 527 SCRA 11, 20, citing Office of the Court Administrator v. Judge Henry B. Avelino, MTJ No. 05-1606, 9 December 2005, 477 SCRA 1.

[13] Id., citing Bank of the Philippine Islands v. Generoso, A.M. No. MTJ-94-407, 25 October 1995, 249 SCRA 477.

[14] Pantig v. Daing, Jr., A.M. No. RTJ-03-1791, 8 July 2004, 434 SCRA 7, 17, citing Guintu vs. Judge Lucero, A.M. No. MTJ-93-794, 23 August 1996, 261 SCRA 1, 7.

[15] Concerned Trial Lawyers of Manila v. Veneracion, A.M. No. RTJ-05-1920, 26 April 2006, 488 SCRA 285, 296.

[16] *Espineli v. Español*, A.M. No. RTJ-03-1785, 10 March 2005, 453 SCRA 96, 99, citing *Office of the Court Administrator v. Quilala*, A.M. No. MTJ-01-1341, 15 February 2001, 351 SCRA 597.

[17] *Concerned Trial Lawyers of Manila v. Veneracion*, supra note 15, citing *Re: Report on the Judicial Audit in the RTC, Branch 71, Antipolo City*, A.M. No. 03-11-652-RTC, 21 July 2004, 434 SCRA 555.

[18] *Lim, Jr. v. Magallanes*, A.M. No. RTJ-05-1932, 2 April 2007, 520 SCRA 12, citing *Vicente Pichon v. Judge Lucilo Rallos*, 444 Phil. 131 (2003).

[19] *Orocio v. Roxas*, A.M. Nos. 07-115-CA-J and CA-08-46-J, 19 August 2008, citing *Pac. Transport. Co. v. Stoot*, 530 S.W.2d 930, 931 (Tex. 1975).

[20] *Goforth v. Huelar, Jr.*, A.M. No. P-07-2372, 23 July 2008, citing *Lumapas v. Tamin*, A.M. No. RTJ-99-1519, 26 June 2003, 405 SCRA 30.

[21] *Id.*

[22] *Office of the Court Administrator v. Villegas*, A.M. No. RTJ-00-1526, 3 June 2004, 430 SCRA 422, 426, citing the OCA Reply, pp. 1-2.

[23] As amended by A.M. No. 01-8-10-SC effective October 1, 2001. Sec. 9 states:

Sec. 9. Less Serious Charges. -- Less serious charges include:

1. Undue delay in rendering a decision or order, or in transmitting the records of a case;

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4. Violation of Supreme Court rules, directives and circulars;

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[24] Dated September 17, 2002 and took effect on October 1, 2002.

[25] *Maddela v. Dallong-Galicinao*, A.C. No. 6491, 31 January 2005, 450 SCRA 19, 25.

[26] *Juan de la Cruz (Concerned Citizen of Legazpi City) v. Carretas*, A.M. No. RTJ-07-2043, 5 September 2007, 532 SCRA 218, 232.

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