

HEIRS OF CRISOSTOMO SUCALDITO, COMPLAINANTS, VS. JUDGE MAGNO C. CRUZ, REGIONAL TRIAL COURT, MALITA (AT DIGOS), DAVAO DEL SUR, BRANCH 20, RESPONDENT.

A.M. No. RTJ-99-1456 (Formerly A.M. OCA IPI No. 98-503-RTJ). July 27, 2000

Ponente: PURISIMA, J.

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PURISIMA, J.:

For the speedy disposition of cases, a judge is called upon by law to resolve cases and incidents pending before him within the prescribed period of time. Failure to comply therewith constitutes gross inefficiency which is punishable administratively.

Administrative Matter No. RTJ-99-1456 at bar was commenced by a letter with affidavit/complaint[1] of complainants Zenaida Sucaldito and Carmencita Sucaldito Valencia charging respondent Judge Magno Cruz with malicious delay in the administration of justice for his failure to rule on a motion for inhibition within ninety (90) days from its submission in Special Proc. Case No. 113-97-RTC-20, entitled In the Matter of Intestate Estate of former Senator Alejandro D. Almendras, Sr. The same complainants also accused the respondent in his capacity as Presiding Judge of Branch 19 of the Regional Trial Court in Digos, Davao del Sur, of the same delay in Civil Cases Nos. 3443, 457 (96), 485 (96), 952, 240-91, and in the case of Insoy, et al. versus SODACO, et al. Complainants further complained that the respondent judge falsely stated in his Certificates of Service that there was no case or incident pending decision or resolution in his sala for more than ninety (90) days.

In its 1st Indorsement,[2] dated March 30, 1998, the Office of the Court Administrator (OCA) required the respondent judge to comment on the subject complaint against him. He responded by way of a 2nd Indorsement,[3] which reads:

"The aforementioned complainants-affiants are successors-in-interest of plaintiffs in Civil Case No. 952, now pending hearing in this Branch, in connection with the claim for payment of attorney's fees and recording of attorney's lien of the counsel for plaintiffs who prevailed in said case. After the death of the plaintiff in said case, Mr. Crisostomo Sucaldito, the aforementioned complainants-affiants, heirs of said deceased plaintiff, engaged the services of Atty. Dominador F. Carrillo, a former Judge in (sic) this Court who, thereupon, entered appearance for said complainants to counter said claims for attorney's fees of their counsel of record, Atty. Edgar D. Rabor, who handled said case from its inception until final judgment and execution. That case even reached the Supreme Court and was remanded to this Court for execution. Said Atty. Rabor has not officially withdrawn his appearance for the plaintiffs when Atty. Carrillo entered his appearance in said case for the purpose aforesaid. This actuation of said Atty. Carrillo, to the mind of this respondent-Judge (sic), is apparently a breach of professional ethics, and he was admonished in open Court by this representation which said counsel vehemently resented. Thus, as expected, said counsel, Atty. Dominador F. Carrillo, filed a strongly worded 'Urgent Motion For The Inhibition/Disqualification Of The Honorable Presiding Judge' for alleged bias and partiality.

It is very apparent, therefore, that these present two (2) complainants-affiants are being 'used' by said counsel

to get even with this Presiding Judge by accusing the latter of alleged delay in the resolution of certain incidents in other cases also handled by said offended counsel in this Branch."

With respect to the other instances of delay imputed against him, respondent judge explained:

- That the accusation of delay in Special Proceedings No. 113-97 (Petition for Letters of Administration of the Intestate Estate of Former Senator Alejandro D. Almendras, Sr.) is not borne by the records.
- That with respect to Civil Case No. 3443 (Digos Fish Vendors Association, et al. versus Hon. Mayor Arsenio Latasa, et al. for Damages/Preliminary Injunction), the plaintiffs and their counsel, Atty. Carillo, filed an Amended Complaint, with leave of court, but summons had not yet been issued to defendants as the issues raised in the complaint appear to have been rendered moot and academic.
- That with respect to Civil Case Nos. 457-96 and 485-96 RTC-20 (In the Matter of the Intestate Estate of Carlos Nuere, et al. versus County Development Corporation, et al.), he has already issued the Order of Inhibition, contrary to complainants' allusion of delay; and
- That Civil Case No. 453-92 (Lucio Abad, et al. versus SODACO) is an appeal from the decision of the Municipal Trial Court which was reversed by respondent judge; that the plaintiffs, represented by Atty. Carrillo, filed a Motion to Reconsider which incident was last heard on March 20, 1998, after which plaintiffs-appellees requested for thirty (30) days within which to submit a written Memorandum in support of their Motion. The same was granted on condition that if the Memorandum was not filed on time, the incident would be deemed submitted for resolution. No memorandum having been filed, the incident is now pending resolution.

On April 26, 1999, in the "Administrative Matter for Agenda"[4] the Office of the Court Administrator arrived at the following findings:

"Going over the records of the case it appears that in SP No. 113-97-RTC-20, the motion for inhibition was filed and submitted for resolution on July 3, 1997. It was granted on January 2, 1998, however, a motion for reconsideration was filed on February 25, 1998 and a corresponding opposition was filed on March 9, 1998. Hence, the incident is still pending resolution by the court. Based on the foregoing respondent was able to resolve the motion for inhibition almost six (6) months after it was submitted for resolution. This notwithstanding, respondent judge issued Certificates of Service from October 1997 to January 1998 certifying that he has resolved all pending incidents within 90 days.

The motion for inhibition which was filed by the plaintiffs in Civil Case No. 3443 on January 28, 1997 was allegedly denied by respondent Judge on January 30, 1997. Thereafter, on January 31, 1997 defendants filed (sic) a motion to dismiss while plaintiffs sought the reconsideration of the order dated January 30, 1997 with a request to be allowed to amend and correct some defects. Plaintiffs filed their respective pleadings the last of which was dated February 19, 1997. According to respondent Judge, summons has not been issued to the defendants as the issues raised in the complaint appear to have become moot and academic.

In Civil Cases Nos. 457 (96) RTC-21 (3302-OCC) and 485-96 (RTC-20) (3367-000) the motion for inhibition was submitted for resolution on March 11, 1997 and it was granted only on February 9, 1998 after the lapse of almost eleven (11) months. Again, respondent certified from June 1997 to February 1998 that he has resolved all pending incidents within 90 days.

In Civil Case No. 453-92 a motion for immediate execution was allegedly filed on November 19, 1996 which respondent Judge, until the present has failed to resolve. Respondent Judge, on the other hand claims that plaintiffs filed a Motion for Reconsideration which was last heard on March 20, 1998 and is now due for resolution.

Based from (sic) the foregoing, respondent Judge is guilty of delay in the resolution of SP No. 113-97-RTC-20 and Civil Cases Nos. 457 (96) RTC -21 (3302-OCC) and 485-96 (RTC-20) (3367-000). Moreover, he failed to refute such charge in so far as Civil Cases Nos. 952 and 240-91 are concerned. Such silence can be deemed as an implied admission of complainants' allegation that the motion in the said two civil cases was submitted for resolution on August 1, 1997 which he failed to resolve until the present. In spite of his failure to resolve the motion, respondent certified from November 1997 to November 1998 that he has resolved all pending incidents within ninety (90) days."

On the basis of the foregoing, the OCA recommended that respondent judge be fined in the amount of Fifty Thousand (P50,000.00) Pesos.

After a careful study, and with due regard to the facts of the case and pleadings submitted by the parties, the Court is of the opinion, and so finds, that the respondent judge is guilty of delay in resolving motions pending before his court. Considering, however, that he has already retired from service, and taking into account the attendant facts and circumstances, a fine deductible from his retirement benefits should just be imposed upon the respondent.

In SP No. 113-97-RTC-20, the motion for inhibition was submitted for resolution on July 3, 1997 but was resolved only on January 2, 1998. In Civil Cases Nos. 457(96) RTC-21 (3302-OCC) and 485-96 (RTC-20) (3367-000), the motion for inhibition was submitted for resolution on March 11, 1997 and was granted on February 9, 1998. As regards Civil Cases Nos. 952 and 240-91, complainants pointed out that a motion for inhibition has been pending before the respondent judge for at least 113 days. The latter neither refuted nor commented on the allegation of delay leveled against him by the complainants and therefore, has impliedly admitted the same. In all the subject cases, the motions therein filed were either resolved after ninety (90) days or not resolved at all.

During all period that the said motions were unacted upon, respondent judge falsely stated in his Certificates of Service[5] that he has "xxx decided and resolved all cases or incidents within three (3) months from date of submission xxx." Such a grave misrepresentation by the respondent must be duly punished.

Under Section 15(1)[6] of Article VIII of the 1987 Constitution and Canon 3, Rule 3.05[7] of the Code of Judicial Conduct, judges are mandated to dispose of their cases promptly and decide them within the prescribed periods.[8] The failure of a judge to decide a case seasonably constitutes gross inefficiency.[9]

Failure to resolve cases submitted for decision within the period fixed by law is a serious violation of the constitutional right of the parties to speedy disposition of their cases.[10] The Certificate of Service is not merely a means to one's paycheck but an instrument by which courts can safeguard the constitutional right of the people to a speedy disposition of their cases.[11]

WHEREFORE, respondent judge Magno C. Cruz is found GUILTY of gross inefficiency and is hereby FINED the amount of TWENTY THOUSAND (P20,000.00) PESOS, to be deducted from his retirement benefits.

SO ORDERED.

Melo, (Chairman), Vitug, Panganiban, and Gonzaga-Reyes, JJ., concur.

[1] Rollo, pp. 2-4.

[2] Ibid., p. 33.

[3] Ibid., pp. 34-41.

[4] Rollo, pp. 110-114.

[5] Rollo, pp. 88-109.

[6] "SEC. 15 (1) All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty-four months from date of submission for the Supreme Court, and, unless reduced by the Supreme Court, twelve months for all lower collegiate courts, and three months for all other lower courts."

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

[8] Re: Judge Danilo M. Tenerife, 255 SCRA 184, 187.

[9] Ibid.

[10] Re: Judge Fernando P. Agdamag, 254 SCRA 644, 650.

[11] Sabitsana, Jr. v. Villamor, 202 SCRA 435, 440.

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