

WILFREDO G. MOSQUERA, COMPLAINANT, VS. JUDGE EMILIO B. LEGASPI, RESPONDENT.

AM RTJ-99-1511 (Formerly AM OCA IPI No. 97-344). July 10, 2000

Ponente: GONZAGA-REYES, J.

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GONZAGA-REYES, J.:

On April 19, 1997, Wilfredo Mosquera filed a verified complaint charging respondent Judge Emilio Legaspi, then Acting Presiding Judge, RTC, San Jose, Antique, Branch 10, with dereliction of duty for his failure to resolve/decide Civil Case No. 2530 within the period required by law.

In his complaint, Mosquera claimed that he was the plaintiff in the aforesaid case entitled "Wilfredo Mosquera vs. Estrella Jordan Pagunan, et al.," for consolidation of ownership, recovery of possession and damages with preliminary attachment; that during the lifetime of defendants' parents, they sold under a pacto de retro sale their conjugal rice land; that vendors-a-retro failed to exercise their right of redemption over the said lot; that complainant demanded that the possession of the land be delivered to him or the purchase price be returned after the lapse of the redemption period; and that since both demands were refused, he filed an action before the RTC-San Jose Antique, Branch 10, where respondent was then the Acting Presiding Judge; that the parties filed their respective memoranda and the case was deemed submitted for decision as early as June 1994; that respondent failed and refused to render a decision despite several follow ups and a motion for early decision. Thus, the present administrative complaint for dereliction of duty.

In his comment, respondent Judge claimed that he had already rendered a decision on the aforesaid case on December 2, 1997; that the delay was due to the request of the parties that the case be held in abeyance for the reason that being townmates and relatives, they were negotiating for an amicable settlement; that the motion for early decision was filed after the parties failed to settle their case amicably; that as Acting Executive Judge, he was saddled with so many cases involving detention prisoners which have been substantially tried by the former presiding judge, to which cases he gave his preferential attention; and that he was a pairing Judge of Branches 11, 12 and 13.

The Office of the Court Administrator recommended that respondent Judge be administratively sanctioned for his failure to resolve the case within the prescribed period or to ask for an extension to resolve. A penalty of fine in the amount of P2,000.00 was recommended.

In the resolution of November 15, 1999, we required the parties to manifest if they are willing to submit the case for decision on the basis of the pleadings/records already filed. Having failed to submit any manifestation despite notice of the said Resolution, the parties are deemed to have waived the submission of such manifestation.

We adopt the recommendation of the Office of the Court Administrator.

Sec. 15, Article VIII of the Constitution provides that all cases filed before the lower courts must be decided or resolved within three (3) months from the date of submission (*Lopez vs. Judge Reynaldo Alon*, 254 SCRA 166).

Non-observance of this mandate constitutes a ground for administrative sanction against the defaulting judge. (Marcelino vs. Cruz, 121 SCRA 51). A judge's failure to resolve cases submitted for decision within the reglementary period constitutes a serious violation of the constitutional right of the parties to a speedy disposition of their cases (n re: Judge Fernando Agdamag, 254 SCRA 644).

In the case at bar, it took respondent Judge more than three years to render a decision on the case. The case was submitted for decision in June 1994 and decided on December 2, 1997. He claimed that the parties themselves asked that the decision be held in abeyance in view of a possible amicable settlement and that at some time he was the only RTC Judge in the whole Province of Antique and was pairing Judge of RTC Branches 11, 12 and 13. Assuming these reasons were true, they could only mitigate the respondent Judge's liability but do not totally exculpate him from his responsibility to resolve cases submitted for decision within a period of three months from the date of submission unless an extension has been sought and granted by the court for meritorious reasons, e.g., when a difficult question of law is involved (See Lopez vs. Alon, supra). A judge should at all times remain in full control of the proceedings in his sala and should follow the time limit set for deciding cases. He should not be at the mercy of the whims of lawyers and parties for it is not their convenience which should be the primordial consideration but the administration of justice (Re: Report in the Judicial Audit and Inventory of the Records of Cases in the RTC, Branch 43, Roxas, Mindoro Oriental, 236 SCRA 631).

If indeed respondent Judge acted as pairing Judge of Branches 11, 12, 13, and this factor contributed to the delay in his disposition of Civil Case No. 2530, he should have asked for more time from the Supreme Court, giving the said justification therefor (Mappala vs. Nunez, 240 SCRA 600).

Lastly, respondent Judge claimed that he had already talked to the counsel for complainant who was amenable to the withdrawal of the administrative complaint. It should be remembered that a complaint for misconduct, malfeasance or misfeasance against a public officer or employee cannot simply be withdrawn anytime; such withdrawal would not result to the automatic dismissal of the case. The need to maintain the faith and confidence of the people in the government and its agencies and instrumentalities should not be made to depend on the whims and caprices of the complainants who are, in a real sense, only witnesses therein (Florendo vs. Enrile, 239 SCRA 22).

WHEREFORE, we hold respondent Judge Emilio Legaspi of the Regional Trial Court of Iloilo City administratively liable for his failure to render the decision in Civil Case No. 2530 within the prescribed period of ninety days from the time the case was submitted for decision. He is, therefore, ordered to pay a fine of P2,000.00 with stern warning that a repetition of the same or similar acts in the future shall be dealt with more severely by this Court. Let a copy of this Resolution be attached to respondent Judge's personal records.

SO ORDERED.

Melo, (Chairman), Vitug, Panganiban, and Purisima, JJ., concur.

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