

**ROMEO R. SANCHEZ, COMPLAINANT, VS. ACTING PRESIDING JUDGE,
MUNICIPAL TRIAL COURT IN CITIES, BRANCH 1, PROMULGATED:
SURIGAO CITY,**

A.M. NO. MTJ-04-1570. September 05, 2006

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

This is an administrative complaint against Acting Presiding Judge Quintin B. Alaan ("respondent judge") of the Municipal Trial Court in Cities of Surigao City, Branch 1 ("MTCC-Branch 1"), for dereliction of duty and inefficiency.

The Facts

In a verified letter-complaint dated 11 March 2004, Romeo R. Sanchez ("complainant") alleged that respondent judge failed to render a decision in Election Case No. 02-5888 ("election case") entitled "Romeo R. Sanchez v. Tomas Menor, Jr." for judicial recount of votes.[1] Complainant explained that the last pleading[2] was filed on 30 April 2003 but up to the filing of the letter-complaint, respondent judge had not rendered a decision.

Complainant also questioned respondent judge's possession of the records of the election case despite the revocation on 2 July 2003 of respondent judge's designation as acting presiding judge of MTCC-Branch 1.[3] Complainant alleged that it was only in the first week of November 2003 that respondent judge returned the records of the case.

Complainant opined that respondent judge delayed the disposition of the election case and the return of the records because respondent judge is a "personal and very close friend" of protestee, Tomas Menor, Jr. ("Menor").

In his Comment dated 15 July 2004, respondent judge admitted that the case was deemed submitted for decision on 30 April 2003 but denied that there was undue delay in the disposition of the election case. Respondent judge cited his numerous court assignments and heavy caseload as the cause of the delay.[4] Respondent judge also mentioned complainant's letter-complaint to Chief Justice Hilario G. Davide, Jr. ("letter")[5] and the motion for inhibition ("motion")[6] as additional reasons for the delay.

Respondent judge further stated that he suffered a mild stroke on 31 March 2003 and was confined at the Manila Doctors Hospital until 7 April 2003. Respondent judge reported back to work in the last week of April 2003 and sought immediate relief from hearing the cases pending before MTCC-Branch 1, which included the election case.

Respondent judge explained that he had already prepared the draft decision as early as the last week of June 2003 but was not able to finalize the decision because of the revocation of his designation as acting presiding judge.

Respondent judge believed that his authority to hear and decide the cases pending before MTCC-Branch 1 had ceased.

On the records of the election case, respondent judge explained that he returned the records to the Clerk of Court in July 2003. But the records were given back to respondent judge in the second week of October 2003 because of a "standing agreement" with newly designated Acting Presiding Judge Leonora R. Edera ("Judge Edera") that respondent judge would prepare the drafts of the cases submitted for decision during his term as acting presiding judge, subject to the "scrutiny and approval" of Judge Edera.[7] Respondent judge claimed that he finished the draft decision in the first week of November 2003 and returned the records.

Respondent judge also denied that Menor was his friend and claimed that he met Menor only once, at the wedding of his stenographer's daughter.

The Report of the Office of the Court Administrator

In its Report dated 2 November 2004, the Office of the Court Administrator (OCA) found respondent judge liable for gross inefficiency for failure to decide the election case within the required period. The OCA recommended that the case be re-docketed as a regular administrative matter and that respondent judge be fined P11,000.

In a Resolution dated 13 December 2004, the Court resolved to re-docket the case as a regular administrative matter and required the parties to manifest if they were willing to submit the case for decision based on the pleadings filed. In a letter dated 23 February 2005, complainant manifested affirmatively. Respondent judge failed to file a manifestation and the Court, in a Resolution dated 1 August 2005, deemed respondent judge to have waived the filing of his manifestation.

The Ruling of the Court

On Respondent Judge's Violation of Administrative Circular No. 5-98

Judges must maintain professional competence by being knowledgeable and obedient to the rules and circulars issued by the Supreme Court.[8] Administrative Circular No. 5-98[9] provides that cases already submitted for decision before an Acting Judge, at the time of the assumption of the newly designated Acting Presiding Judge, shall be decided by the Acting Judge.

In this case, the election case was already submitted for decision before the revocation of respondent judge's designation, and the appointment of Judge Edera as acting presiding judge of MTCC-Branch 1. Therefore, respondent judge was duty-bound to decide the election case. There was no need for the "agreement" with Judge Edera that respondent judge would only draft the decision subject to the "scrutiny and approval" of Judge Edera. Consequently, respondent judge's possession of the records of the case was justified because respondent judge was mandated by the circular to decide the election case.

On Respondent Judge's Gross Inefficiency

A petition or protest contesting the election of a barangay officer should be decided by the municipal or metropolitan trial court within fifteen days from its filing.[10] Courts are mandated to give preference to election contests over all other cases, except petitions for habeas corpus, and judges are enjoined to hear and decide election contests without delay.[11] In this case, since the election protest was filed on 18 July 2002, respondent

judge should have rendered a decision on 2 August 2002 or fifteen days from the filing of the election protest.

In *Bolalin v. Occiano*, the Court said:

The period provided by law must be observed faithfully because an election case involves public interest. Time is of the essence in its disposition since the uncertainty as to who is the real choice of the people for the position must soonest be dispelled. It is neither fair nor just that one whose right to the office is in doubt should remain in that office for an uncertain period. It must be noted that the term of office of barangay officials is only three years, hence the need for the resolution of the controversy in the shortest possible time.[12]

Complainant's motion and letter should not have prevented respondent judge from deciding the election case. The letter and motion were filed more than eleven months and fourteen months, respectively, after respondent judge should have decided the case. The revocation of respondent judge's designation as acting presiding judge of MTCC-Branch 1 does not excuse the delay as the revocation came exactly eleven months from the time the case should have been decided. Respondent judge had more than reasonable time to decide the election case.

Because of the delay in the disposition of the election case, the Court finds respondent judge liable for gross inefficiency and for violation of Rule 3.05[13] of the Code of Judicial Conduct. Respondent judge had a mild stroke on 31 March 2003 or almost eight months after he should have decided the election case. Respondent judge's mild stroke does not exonerate him. However, respondent judge's additional court assignment serves to mitigate his liability.[14] The Court, mindful of the judges' heavy caseload, allows judges to request for a reasonable extension of time to resolve cases.[15] While respondent judge did not request for an extension of time to decide the election case, the Court recognizes his additional assignment as acting presiding judge of MTCC-Branch 1.

On the Appropriate Penalty Against Respondent Judge

Gross inefficiency and violation of Supreme Court circulars are less serious charges punishable with (a) suspension from office without salary and other benefits for a period of not less than one month but not more than three months; or (b) fine of more than P10,000 but not exceeding P20,000.[16]

Considering that respondent judge had compulsorily retired on 31 October 2004 and that this is respondent judge's third offense,[17] a fine of P11,000 as recommended by the OCA is proper.

WHEREFORE, the Court finds respondent Judge Quintin B. Alaan GUILTY of gross inefficiency and of violation of Administrative Circular No. 5-98. The Court FINES him P11,000 to be deducted from the P20,000 withheld from his retirement benefits.

SO ORDERED.

Quisumbing, (Chairperson), Carpio Morales, and Tinga, JJ., concur.
Velasco, Jr. J., no part due to prior action in OCA.

[1] The election case was filed on 18 July 2002.

[2] Memorandum of Protestee.

[3] Administrative Order No. 94-2003 dated 2 July 2003 revoked respondent judge's designation as acting presiding judge of MTCC-Branch 1.

[4] Aside from respondent judge's official station at the Municipal Circuit Trial Court of Alegria-Tubod, Surigao del Norte, respondent judge was also regularly assigned at the MTCC-Branch 1, Surigao City and at the Municipal Trial Court (MTC) of Mainit, Surigao del Norte. Respondent judge also attended to cases at the MTC of Anao-aon and MTC of Sison, both in Surigao del Norte, where the presiding judges have inhibited themselves from hearing some cases.

[5] Dated 12 July 2003.

[6] Complainant filed on 17 October 2003 a "Motion for the Inhibition of the Former Honorable Presiding Judge Designate and to have the Records of the Case Immediately Returned to the Municipal Trial Court in Cities Branch 1 so that the same may be Decided with Absolute Dispatch." The motion was denied by Judge Edera on 15 January 2004.

[7] 2nd Indorsement dated 15 July 2004, p. 1.

[8] Code of Judicial Conduct, Rule 3.01.

[9] Dated 18 February 1998.

[10] Omnibus Election Code, Section 252.

[11] Id., Section 258.

[12] 334 Phil. 178, 182 (1997).

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

[14] See *Perez v. Andaya*, 349 Phil. 714 (1998).

[15] Report of Justice Felipe B. Kalalo, 346 Phil. 742 (1997).

[16] Rules of Court, Sections 9 and 11(B), Rule 140, as amended by A.M. No. 01-8-10-SC, effective 1 October 2001.

[17] In *Cañeda v. Alaan* [425 Phil. 20 (2002)], respondent judge was found liable for violation of the Code of Judicial Conduct and was fined P5,000 with a warning that the commission of a similar offense will merit a more severe penalty.

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