

DR. WILSON B. TAN, COMPLAINANT, VS. JUDGE ANTONIO T. ESTOCONING, RESPONDENT.

A.M. NO. MTJ-04-1554. June 29, 2005

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

Before this Court are three complaints,[1] filed by Dr. Wilson B. Tan against Judge Antonio T. Estoconing, of Municipal Trial Court in Cities, Branch 1, Dumaguete City, for undue delay in rendering judgment, misdeclaration of monthly reports, gross ignorance of the law, knowingly rendering an unjust judgment, and violation of the Anti-Graft and Corrupt Practices Act (R.A. No. 3019).

The facts are as follows:

Dr. Tan filed a complaint (A.M. OCA IPI No. 03-1382-MTJ) before this Court on December 3, 2002, alleging that: he is the private complainant in Crim. Case No. L-1355 (People vs. SPO1 Julius H. Alquizar) for estafa lodged before the sala of respondent judge; on September 9, 2002 or almost ten months after the case was submitted for decision, complainant filed a manifestation reminding respondent that the 90-day mandatory period to decide the case has already lapsed; instead of appreciating such reminder, respondent issued an Order dated September 12, 2002 questioning the propriety of complainant's manifestation on the ground that the same should be filed through counsel; respondent was partial as manifested by his acquittal of the accused; and respondent must have falsified his monthly report of cases by declaring therein that Crim. Case No. L-1355 was still undergoing trial when in truth, it has been submitted for decision as early as November 5, 2001.[2]

On February 13, 2003, Dr. Tan filed another complaint (A.M. OCA IPI No. 03-1383-MTJ) alleging that: he is the complainant in Crim. Case Nos. H-121 (People vs. Victoria M. Pasculado) and H-124 (People vs. Luzviminda C. Cimafranca) for estafa, lodged before the sala of respondent; said cases were submitted for decision on April 9, 2002 but were promulgated only on November 18, 2002 or more than seven months after the cases were submitted for decision; it is most likely that respondent judge faked his monthly report to this Court to make it appear that he has not delayed in rendering his decisions; he is grossly ignorant if not unjust in acquitting the accused in the said cases and in not awarding the return of the value of the consigned goods; and respondent is guilty of partiality or evident bad faith against complainant.[3]

Respondent filed his Comment, dated April 30, 2003, to both complaints explaining that: complainant was his friend for many years until the decisions rendered became unfavorable to him; in fact, complainant had a case in another court which also suffered delay but he did not complain because the decision was favorable to him; if complainant was not satisfied with his decisions, he should have appealed the same on questions of law instead of filing administrative cases against him; complainant filed the present cases only to harass him and to stop him from further hearing complainant's other criminal cases pending before his court; there is no delay in the rendition of his decisions since he just wanted the three criminal cases involving the same private complainant to be promulgated simultaneously; there are also no misdeclarations as the audit team came on October 2002 and

found nothing wrong in his sala; and there was no bias or partiality in the orders that he issued.[4]

On June 19, 2003, complainant filed a Reply stating that: respondent cannot cite the delay in the judgment of another court to justify the delay in the rendition of his judgment; he also cannot put up as an excuse respondent's wish to promulgate the decisions of the three cases at the same time since this was not allowed by the Office of the Court Administrator (OCA); respondent erred in stating that complainant should appeal the acquittal of the accused since this is not allowed by the rules; and respondent erred in acquitting the accused of the crime of estafa by citing the laws on contracts.[5]

On March 29, 2004, the OCA, in its Report, recommended:

a) that OCA IPI No. 03-1382-MTJ be RE-DOCKETED as a regular administrative matter, and considering that this is his first offense in his almost ten (10) years of service in the judiciary, respondent Judge Antonio T. Estoconing, MTCC, Branch 1, Dumaguete City, Negros Oriental be FINED in the amount of Eleven Thousand Pesos (P11,000.00) for undue delay in rendering the decision in Criminal Case No. L-1355 with a STERN WARNING that future similar act will be dealt with more severely; and

b) that OCA IPI No. 03-1383-MTJ be RE-DOCKETED as a regular administrative matter, and considering that this is his second offense and it involves two (2) cases, respondent Judge Antonio T. Estoconing, MTCC, Branch 1, Dumaguete City, Negros Oriental be FINED in the amount of Eleven Thousand Pesos (P11,000.00) for undue delay in rendering the decision in Criminal Cases Nos. H-121 and H-124 with a STERN WARNING that future similar act will be dealt with more severely.[6]

Both complaints were redocketed as A.M. No. MTJ-04-1554.

Meanwhile, on May 13, 2003, Dr. Tan filed his third complaint (A.M. OCA IPI No. 03-1413-MTJ) stating that: he is the private complainant in Crim. Case No. H-211 (People vs. Fely Brillantes); on January 23, 2002, respondent ordered the defense counsel to furnish the private prosecutor a copy of their memorandum of exhibits, instead of the public prosecutor which has control and supervision over the case; on November 4, 2002, respondent considered the case submitted for resolution after the defense failed to submit its offer of evidence; on December 27, 2002, upon motion of the accused, respondent issued another order receiving and admitting as evidence the memorandum of exhibits of the defense and ordered the prosecution to file its comment thereon within five days; the prosecution filed a "Manifestation" seeking a ruling on the accused's formal offer of exhibits and manifested its intention to present rebuttal witnesses; respondent denied the latter manifestation in an Order dated January 17, 2003 on the ground that no new issues and no new matters have been raised by the defense; respondent committed undue delay in the rendition of judgment since the case was originally submitted for decision on November 4, 2002, and scheduled for promulgation on January 20, 2003 which was moved and finally set for April 29, 2003;[7] and the respondent ignored the elements of the crime of estafa and used the laws on contract in disposing the case.[8]

Respondent denied the charges in his Comment dated July 13, 2003 and explained that: he found the evidence presented by the prosecution to be spurious and questionable; he committed no procedural lapses; complainant never questioned him during the trial and only raised issues after he failed to obtain a favorable judgment; the various orders he issued prove that he wanted to dispose of the case at the earliest possible time; the case was submitted for decision on February 4, 2003 and the judgment rendered on May 5, 2003, hence the 90-day period to decide was not violated; the complainant deliberately misled the OCA by failing to disclose in his complaint the Order dated February 4, 2003; and this was not the first time that the complainant tried to mislead the Court.[9]

The OCA, in its Report dated March 29, 2004, recommended that:

- a) the instant case be RE-DOCKETED as a regular administrative matter;
- b) that respondent Judge Antonio T. Estoconing be FINED in the amount of Twenty Thousand Pesos (P20,000.00) with a STERN WARNING that commission of the same or similar acts will be dealt with more severely.[10]

The complaint is redocketed as A.M. No. MTJ-04-1562.

In its Resolution dated March 22, 2004, the Court consolidated A.M. No. MTJ-04-1554 and A.M. No. MTJ-04-1562.

Both complainant and respondent manifested that they are willing to submit the case for resolution based on the pleadings.[11]

In sum, respondent is being charged by complainant with the following: (1) undue delay in rendering judgments in Crim. Case Nos. L-1355, H-121, H-124 and H-211; (2) misdeclaration of monthly reports; (3) gross ignorance of the law and rendering an unjust judgment; and (4) manifest partiality and bad faith under R.A. No. 3019, Sec. 3(e).

Undue delay. As to the charge of undue delay in rendering judgment, the Court finds that, except for Crim. Case No. H-211, respondent judge is guilty thereof and therefore should be disciplined accordingly.

The Constitution provides that all lower courts must decide or resolve cases or matters brought before them three months from the time a case or matter is submitted for decision.[12] The Code of Judicial Conduct also directs judges to dispose of the court's business promptly and decide cases within the required periods.[13] This is in view of the right of all persons to the speedy disposition of their cases under Article III, Section 15 (1) and (2) of the 1987 Constitution.

Respondent judge failed to render decisions within the 90-day reglementary period as follows: Crim. Case No. L-1355 was submitted for decision on November 5, 2001 but was rendered only on November 18, 2002;[14] Crim. Case Nos. H-121 and H-124 were submitted for decision on April 9, 2002 but the decisions thereon were promulgated on November 18, 2002.[15] Evidently, respondent failed to comply with the required period.

The Court usually allows reasonable extensions of time to decide cases in view of the heavy caseload of the trial courts. If a judge is unable to comply with the 90-day reglementary period for deciding cases or matters, he can, for good reasons, ask for an extension and such request is generally granted.[16] But respondent did not ask for any extension in these cases. Having failed to decide a case within the required period, without any order of extension granted by this Court, respondent is liable for gross inefficiency that merits administrative sanction.[17]

Respondent's request to promulgate the abovementioned cases at the same time was denied by the OCA.[18] Thus, he cannot use this excuse to exculpate himself from liability.

Municipal judges play important roles in our justice system. They are the front-line officers in the administration of justice. They are the visible representation of the law. It is, therefore, essential that they live up to the high standards demanded by the Code of Judicial Conduct.[19]

As oft stated, justice delayed is justice denied. The honor and integrity of the judiciary is measured not only by the fairness and correctness of the decisions rendered, but also by the efficiency with which disputes are resolved. Judges are therefore mandated to perform their duties with utmost diligence in order to preserve the confidence of the public in the judiciary.[20]

As to Crim. Case No. H-211, records show that the last Order issued by the respondent submitting the case for

decision was dated February 4, 2003.[21] While the case was originally submitted for decision on November 4, 2002 without defense evidence and was set for promulgation on January 20, 2003, the respondent, upon motion of the accused, admitted the memorandum of exhibits of the defense and gave the prosecution time to file its comment.[22] On January 17, 2003, respondent issued another Order moving the promulgation of judgment to February 12, 2003 stating that it is giving the prosecution three days from receipt of said order to file its comment on the offer of evidence; otherwise the prosecution shall be deemed to have waived its right to file the same and the case shall be submitted for decision.[23] On February 4, 2003, respondent issued its last Order[24] admitting the comment and submitting the case for decision which was finally rendered on May 5, 2003.[25]

What the Court sees in this criminal case is a situation where respondent reconsidered his previous action in submitting the case for decision without the defense evidence by admitting the memorandum of exhibits filed by accused and requiring the prosecution to comment thereon. The Court sees nothing irregular on this matter considering that what respondent admitted are not the exhibits but the “memorandum of exhibits.” And when respondent admitted the comment and submitted the case for decision on February 4, 2003, the 90-day reglementary period should be reckoned from said date, and not from November 4, 2002. Respondent promulgated his decision on May 5, 2003 which is within the 90-day reglementary period. Hence, respondent cannot be held liable for undue delay as far as Crim. Case No. H-211 is concerned.

Misdeclaration of monthly reports. Respondent in his comment answered the charge of “misdeclaration of monthly reports” by saying that complainant, who was biased, partial and unfair, merely acted in retaliation since the judgments rendered by respondent were not favorable to him.[26]

The OCA in its report noted that:

. . . respondent judge did not confirm or deny complainant’s claim that he misdeclared in his Monthly Report of Cases that he had no cases submitted for decision...[O]ur verification with the Court Management office shows that Criminal Cases Nos. L-1355, H-121 and H-124 were not among those listed under Item No. VI (List of Cases Submitted for Decision but Not Yet Decided at the End of the Month) of the Monthly Report of Cases for February, March, June, July and August 2002 of MTCC, Branch 1, Dumaguete City, Negros Oriental.[27]

This is in violation of Administrative Circular No. 61-2001, which took effect in January of 2002, directing judges to certify the correctness of the monthly report of cases, to be accomplished by the clerks of court, which must include a list of cases submitted for decision but not yet decided at the end of the month.

As found by the OCA, the cases subject of the present administrative complaints were not reflected in the required monthly reports particularly under the list of cases submitted for decision. Erroneous statistical accomplishment of the monthly report is equivalent to the submission of inaccurate report making the same a ground for disciplinary action.[28] Proper and efficient court management is the responsibility of the judge.[29]

Gross ignorance of the law and rendering unjust judgments.

Complainant claims that respondent is guilty of ignorance of the law when he denied the manifestation of the prosecution that it be allowed to present rebuttal evidence. Respondent’s reason for the denial is that there were no issues and no new matters that were raised by the defense. Whether or not respondent committed grave abuse of discretion in so denying the prosecution to present rebuttal evidence is an issue that could have been determined in a petition for certiorari filed with the proper court and should not have been the subject of an administrative complaint.

The Court has carefully examined the decisions rendered by respondent in Criminal Case Nos. L-1355 (People vs. SPO1 Julius H. Alquizar),[30] H-121 (People vs. Victoria M. Pasculado),[31] H-124 (People vs. Luzviminda C.

Cimafranca)[32] and H-211 (People vs. Lily Brillantes), acquitting all the accused of the crime of estafa. While there is really much to be desired in the manner by which the respondent crafted his decisions, such as his failure to discuss the existence or non-existence of the elements of the crime of estafa, respondent has made it clear that on the basis of the evidence presented, more particularly, the acknowledgement receipts signed by the accused, they could not be held guilty of estafa “for lack of evidence.”

In Criminal Case No. L-1355, respondent pointed out that the accused was not identified in court and that the articles mentioned in the Information that were supposed to have been delivered on consignment basis to accused were not the same as that appearing in the acknowledgement receipt submitted to the court and therefore said receipt was without probative value.

In Criminal Case Nos. H-121 and H-124 respondent declared that the items that should have been returned by the accused have no sufficient descriptions such that it is wholly dependent on the complainant as to what articles are to be delivered. In effect, respondent believed the claims of both accused that they merely obtained loans from complainant.

In Criminal Case No. H-211, respondent declared that this is only a dealership agreement between complainant and accused which is not binding between the parties as complainant did not sign the same.

In all these four criminal cases, respondent held that the said receipts are actually contracts between complainant and the accused, which, in the absence of the signature of complainant and the failure to discuss the articles with particularity, are not binding on them under Articles 1306 and 1308 of the Civil Code. Bizarre as these rationalizations of respondent may appear, to say the least, if not erroneous, the Court agrees with the OCA that respondent cannot be held administratively liable for the decisions he rendered in the said criminal cases. The OCA, in its report, correctly stated that:

With respect to the charge of the complainant that the decisions of respondent judge were erroneous, well-settled is the rule that “A judge may not be held administratively accountable for every erroneous order or decision he renders. To hold otherwise would be to render judicial office unbearable, for no one called upon to try the facts or interpret the law in the process of administering justice can be infallible in his judgment (Pilipinas Bank vs. Tirona-Liwag, 190 SCRA 840 [1990]). To merit disciplinary sanction, the error or mistake of a judge must be gross or patent, malicious, deliberate or in bad faith (Del Callar vs. Salvador, 268 SCRA 320 [1997]). In this case, complainant failed to show that the actuation of respondent judge was attended by bad faith, bias or gross and deliberate ignorance of the law. Thus, this charge must fail.[33]

As a matter of public policy, not every error or mistake committed by judges in the performance of their official duties renders them administratively liable. In the absence of fraud, dishonesty or deliberate intent to do an injustice, acts done in their official capacity, even though erroneous, do not always constitute misconduct.[34]

Only errors that are tainted with fraud, corruption or malice may be the subject of disciplinary actions. For administrative liability to attach, respondent must be shown to have been moved by bad faith, dishonesty, hatred or some other motive. Indeed, judges may not be held administratively liable for any of their official acts, no matter how erroneous, as long as they acted in good faith.[35]

There exists no competent evidence that respondent in disposing of the four criminal cases has been moved by bad faith, dishonesty, hatred or some other motive.

Paragraph 2, Section 2, Rule 120 of the Rules of Court provides:

In case the judgment is of acquittal, it shall state whether the evidence of the prosecution abundantly failed to prove the guilt of the accused or merely failed to prove his guilt beyond reasonable doubt. In either case, the

judgment shall determine if the act or omission from which the civil liability might arise did not exist.

As to the failure of respondent to rule on the civil liability of the accused in all the four criminal cases, or provide for complainant the return of the value of the consigned goods, suffice it to be stated that respondent was only being consistent when he opined in the text of his decisions that there existed only civil contracts between complainant and the four accused, and, in acquitting them “for lack of evidence.” At any rate, a motion for reconsideration on the civil aspect of the case could have served complainant’s purpose instead of the filing of an administrative case.

Violation of Sec. 3(e) of R.A. 3019. Complainant accuses respondent of manifest partiality and evident bad faith, in violation of Sec. 3(e) of R.A. No. 3019.

Sec. 3(e) of R.A. No. 3019 provides that:

Sec. 3. Corrupt practices of public officers--- In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

(e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official, administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.

Apart from complainant’s accusations, the Court finds no sufficient evidence to discipline respondent on this ground. Basic is the principle that in administrative proceedings, the complainant bears the onus of establishing, by substantial evidence, the averments of his complaint.[36] Failing to do so, respondent can not be held liable for this charge.

Moreover, the Court is guided by its ruling in Cruz vs. Iturralde,[37] to wit:

It is settled that mere suspicion of partiality is not enough. There should be hard evidence to prove it, as well as a manifest showing of bias and partiality stemming from an extrajudicial source or some other basis. To be sure, a judge’s conduct must be clearly indicative of arbitrariness and prejudice before it can be stigmatized as biased and partial.

The complainant failed to demonstrate partiality on the part of respondent in the subject criminal cases. The fact that accused are acquitted does not necessarily indicate partiality. The Court cannot presume partiality based on the circumstances alleged in the complaints.

In fine, the Court finds respondent guilty of undue delay in the promulgation of the decisions in Criminal Case Nos. L-1355, H-121 and H-124 and for misdeclarations of monthly reports, for which he should be meted out the penalty of fine in the amount of P40,000.00.

WHEREFORE, we find respondent Judge Antonio T. Estoconing guilty of gross misconduct in unduly delaying the promulgation of decisions and misdeclaration of monthly reports in A.M. No. MTJ-041554 involving Crim. Case Nos. L-1355, H-121 and H-124. He is ordered to pay a FINE in the amount of Forty Thousand Pesos (P40,000.00) with a STERN WARNING that a repetition of the same or similar infraction shall be dealt with more severely.

Judge Estoconing is EXONERATED from administrative liability in A.M. No. MTJ-04-1562 involving Crim. Case No. H-211.

SO ORDERED.

Davide, Jr., C.J., Puno, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Corona, Carpio-Morales, Callejo, Sr., Azcuna, Tinga, Chico-Nazario, and Garcia, JJ., concur.

- [1] Consolidated per this Court's Resolution dated November 22, 2004, Rollo, Vol. 3, p. 56.
- [2] Rollo, Vol. 2, pp. 1-2.
- [3] Id., Vol. 1, pp. 1-2.
- [4] Rollo, Vol. 1, pp. 19-22.
- [5] Id., pp. 44-45.
- [6] Rollo, Vol. 2, pp. 88-90.
- [7] The decision was eventually promulgated on May 5, 2003 as borne by the records; Rollo, Vol. 3, p. 17.
- [8] Rollo, Vol. 3, pp. 1-4.
- [9] Id., pp. 32-34.
- [10] Id., pp. 46-48.
- [11] Id., pp. 50, 54.
- [12] Art VIII, Sec. 15 (1) (2) of the 1987 Constitution.
- [13] Canon 3, Rule 3.05 of the Code of Judicial Conduct.
- [14] Rollo, Vol. 2, pp. 4, 13 & 23.
- [15] Rollo, Vol. 1, pp. 4, 12.
- [16] OCA vs. Madronio, AM MTJ-04-1571, February 14, 2005.
- [17] Reyes-Garmsen vs. Judge Bello, A.M. No. RTJ-04-1877, December 21, 2004.
- [18] Rollo, Vol. 2, p. 50.
- [19] Agunday vs. Judge Tresvalles, A.M. No. MTJ-99-1236, November 25, 1999, 319 SCRA 134.
- [20] Petallar vs. Judge Pullos, A.M. No. MTJ-03-1484, January 15, 2004, 419 SCRA 434.
- [21] Rollo, Vol. 3, p. 23.
- [22] Rollo, Vol. 3, pp. 7, 9.
- [23] Id., p. 11.
- [24] Id., p. 28.
- [25] Id., p. 17.
- [26] Rollo, Vol. 2, p. 23.
- [27] Id., p. 89.

[28] Re: Report on the Judicial Audit Conducted in the Regional Trial Court, Branches 87 and 98, Quezon City, A.M. No. 99-11-423-RTC, June 26, 2001, 359 SCRA 562.

[29] Office of the Court Administrator vs. Judge Quilala, A.M. No. MTJ-01-1341, February 15, 2001, 351 SCRA 597.

[30] Rollo, Vol. 2, Annex “D,” pp. 7-13.

[31] Rollo, Vol. 1, Annex “E,” pp. 8-12.

[32] Id., Annex “F,” pp. 13-17.

[33] Rollo, Vol. 2, p. 89.

[34] Cruz vs. Iturralde, A.M. RTJ No. 03-1775, April 30, 2003, 402 SCRA 65, 73-74.

[35] Id., p. 74.

[36] Barbers vs. Judge Laguio, RTJ-00-1568, February 15, 2001, 351 SCRA 606.

[37] A.M. RTJ No. 03-1775, April 30, 2003, 402 SCRA 65, 73.

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