

THE SECRETARY OF JUSTICE, COMPLAINANT, VS. HONOR ABDULWAHID A. BIDIN, RESPONDENT.

Adm. Case No. 194-J. October 22, 1971

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

The secretary of Justice, in a complaint dated February 2, 1971, charges the respondent Judge Abdulwahid A. Bidin of the Court of First Instance of Zamboanga City with serious misconduct, alleging:

that Civil Case No. 1305 entitled *Young Sen vs. Overseas Bank of Manila* and Civil Case No. 1192 entitled *Hadji Usman Sakaluran vs. Hadji Musa Arip* were submitted for decision to the respondent Judge respectively on January 9, 1970 and April 14, 1970; and that notwithstanding his failure to decide said cases as of November 6, 1970, as shown by the monthly report of the clerk of court (Annex "A", p. 3, rec.), said respondent Judge, in order to collect his salary pursuant to Section 5 of the Judiciary Act of 1948, submitted his certificates of service from the month of April to October, 1970 stating therein "that all special proceedings, applications, petitions, demurrers, motions, and cases of all kinds which have been under sub-mission for a period of ninety (90) days or more have been determined and decided" on or before the dates specified in the said certificates (Annexes "B" to "H-1", pp. 4-16, rec.).

In his Answer, respondent Judge denies the charge and claims:

that his certificates of service (Annexes "B" to "H-1") were not submitted on the respective dates appearing therein but were part of his certificates of service which were submitted to the Department of Justice on December 29, 1970, as shown by his letter of transmittal (Annex "1" or Exh. "1" - "1-A", p. 23, rec.), after he decided on December 29, 1970 the two cases mentioned in the complaint, attaching thereto copies of the decisions of the two cases as Annexes "2" and "3" (pp. 24-37, rec.); that his salaries from September to December, 1970 were withheld by the Department of Justice and were only sent to him on or about January 20, 1971 and received on January 25, 1971 (Exh. "2-B", p. 36, rec.) by the clerk of court; and that therefore he did not falsify his certificates of service (Annexes "B" to "H-1") and he did not commit any serious misconduct as contemplated by Section 67 of the Judiciary Act.

The undisputed facts as found by the investigator, Honorable Associate Justice Mateo Canonoy of the Court of Appeals, sustained as they are by the evidence, are as follows:

"The TOBM case was submitted for decision on January 9, 1970 and the Hadji case, on April 14, 1970. Both cases were decided by the respondent Judge on December 29, 1970. From September to December, 1970, his salaries were withheld by the Department of Justice. His certificates of service (Annexes "B" to "H-1") for the period from April 15, 1970 to October 31, 1970 were attached to his letter of transmittal addressed to the Department of Justice, dated December 29, 1970. (Exhs. 1, 1-A). On January 20, 1971 the Department sent the salary checks of the respondent to the clerk of Court of the CFI of Zamboanga City. The Clerk of court received them on January 25, 1971. (Exhs. 2, 2-A). They were, in turn, received by the respondent on the same date. (Exh. 2-B). Each of the certificates of service (dated April 15, May 15, May 31, June 15, June 30, July 15, July 31, August 15, August 31, September 15, September 30, October 15, and October 31, all of 1970) states:

"In accordance with the provisions of section 129 of the Administrative code (Act No. 2711) I HEREBY CERTIFY that all special proceedings, applications, petitions, demurrers, motions, and cases of all kinds which have been under submission for decision or determination for a period of ninety days or more have been determined and decided on or before this . . . (date).

"It must be conceded that on the face of said Annexes B to H-1 which are admitted by the respondent Judge to be his, each contains a falsity in that beginning April 15, 1970 the TOBM case was already pending decision for more than ninety days and from July 15, 1970 the Hadji case was also already pending decision for more than ninety days. Under section 129 of the Revised Administrative Code it is the duty of the respondent Judge of a CFI to disclose in his certificate of service the true status of the special proceedings, applications, motions, cases of all kinds in his court and the fact that none which has been pending decision or determination for ninety days or more, are still pending decision or determination ---otherwise, he is not entitled to collect his salary."

It also appears that in Civil Case No. 1305 against the Overseas Bank of Manila, the Central Bank as party defendant therein filed a motion dated April 17, 1970 for the suspension of further proceedings in the case because of the pendency in the Supreme Court of G.R. No. L-29332, entitled "Ramos, et. al. vs. Central Bank", the decision of which would affect said Civil Case No. 1305 (Exh. "3", pp. 48-51, rec.), which was opposed by the plaintiff therein and accordingly denied by the respondent Judge in an order dated December 28, 1970 (Exh. "A" or "3-A", p. 52, rec.).

Mr. Justice Canonoy concluded that respondent had no wrongful intent to injure a third party, because:

- (a) he had already decided the two civil cases on December 29, 1970 before he submitted his certificates of service in question also on that day, December 29, 1970;
- (b) prior to December 29, 1970, he had not collected his salary from September to December, 1970, which salary was withheld by the Department of Justice; and
- (c) he claimed and collected his salary for the aforesaid months of September to December, 1970 only after he had decided the aforesaid civil cases and therefore there was no need for him to falsify his certificates of service.

Mr. Justice Canonoy added that respondent Judge might have been careless or might have labored under a misapprehension of the import of the certificates of service in question; but his explanation indicates that he did not have the intention to falsify the said documents.

Respondent does not deny and therefore is deemed to have admitted that he received his salary from April 10 to August 31, 1970 despite the fact that Civil Case No. 1305 remained undecided for over ninety (90) days already as it was submitted for decision on January 9, 1970. The 90-day period for respondent to decide Civil Case No. 1192 -- which was submitted for decision on April 14, 1970 -- expired on July 14, 1970. However, this should not be regarded with undue strictness as against the respondent.

Actually, the 90-day period for respondent Judge to decide Civil Case No. 1305 -- originally submitted for decision on January 9, 1970 -- should be considered extended by the motion of the Central Bank dated April 17, 1970 to suspend further proceedings therein and by the order of respondent Judge, dated December 28, 1970 denying said motion. The records do not disclose the date plaintiff therein filed his opposition to said motion of the Central Bank and the date when the said motion was submitted for resolution.

Then again, his docket is unusually clogged.

It should be noted that respondent Judge took his oath of office only on June 20, 1958. He was only less than two

years in office when the said two civil cases were submitted for decision.

According to the monthly report of his clerk of court, as of October 30, 1970, his docket had a total of 1,123 pending cases which number includes 576 criminal cases, about 159 of which involve detention prisoners, which ordinarily need prior attention (Annex p. 3, rec.), while the same Annex "A" discloses that in the month of October, 1970, respondent decided twelve (12) criminal cases and two guardian-ship cases, neither said annex "A" nor the records of the investigation of this administrative case reveal the number of resolutions issued by the Judge during the period from January to August, 1970, much less the nature of the incidents involved, whether or not they relate to novel legal questions, which need deep and extensive study. The incidents which might have been resolved by him in said cases might have required more time for determination than the merits of the main cases, themselves, like motions to quash or to dismiss or motions for reconsiderations or motions to annul execution. That the respondent heard and decided other cases during the period from January to August, 1970, disclosed that he was never idle. And because he tried and resolved cases during those months, he is entitled under the law to his compensation on which he and his family depend so that they will not be rendered necessitous and become easy victims of extraneous influences and pressures that subvert his independence and dignity. The function of a Judge is not limited to rendering judgment or promulgating resolutions, but includes the hearing of the cases and their inevitable incidents, which try his patience and temper especially when the witnesses and counsels are contumacious or uncooperative. The Judge who does not receive his salary regularly, although he has tried, heard and resolved cases, petitions, motions submitted to him, will not be physically, emotionally and mentally prepared to devote the requisite time and effort in the study and analysis of the evidence and law governing the cases and incidents that arise in the course of the proceedings, harassed as he and his family are with the lack of financial resources with which to maintain themselves as befit his position and social standing.

The respondent Judge therefore deserves compassion and understanding. Hence, we are constrained to concur in the recommendation of Mr. Justice Mateo Canonoy and hereby exonerate the respondent Judge of the charges, with the admonition however, that henceforth he be more careful, punctual and observant in the performance of his functions.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar, Castro, Fernando, Teehankee, Barredo, and Villamor, JJ., concur.

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