

**RUBEN BALAGOT, PETITIONER, VS. JUDGE EMILIO OPINION,
MUNICIPAL TRIAL COURT, BRANCH 56, MALABON, METRO MANILA,
RESPONDENT.***A.M. No. MTJ-90-439. March 20, 1991*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/573800e28761/>**PER CURIAM:**

In a sworn letter complaint dated July 13, 1990, Ruben Balagot complained against respondent Municipal Judge Emilio Opinion due to alleged frequent postponements of the trial of Criminal Case No. 1138-85 which resulted in the termination of the said case in July, 1986 and the rendition of judgment thereon only on February 1, 1990.

Pursuant to a resolution dated August 14, 1990, respondent filed his comment dated September 19, 1990.

Respondent in his behalf alleged, that the frequent postponements and resettings of the trial were not due to his absence but upon motions of the parties litigants and other justifiable causes. Respondent did not deny and in fact admitted that the decision was rendered only on February 1, 1990 or after a period of almost three (3) years and eight (8) months from the time the case was considered submitted for decision on April 23, 1986 (should be July 23, 1986). He, however, attributed the cause of delay to the following factors and circumstances: a) failure of his stenographer to transcribe stenographic notes despite of two (2) memoranda issued to her dated March 22, 1988 and August 22, 1988, for her to comply with her duties and responsibilities; and b) from May, 1987 to June 6, 1988, he was designated as Acting Judge of Branch 55 of the same Court in addition to his regular duties and functions and for said reason, he was overloaded with cases, overworked and over burdened which accounted to the fact that he must have forgotten to follow-up the status of the case (pp. 13-15, Rollo).

Pursuant to a resolution dated October 16, 1990, this case was referred to the Executive Judge, Regional Trial Court, Malabon, Metro Manila, for investigation, report and recommendation.

In a report dated January 30, 1991, Executive Judge Marina L. Buzon stated:

"When this case was set for initial hearing on December 11, 1991, the complainant appeared without counsel and asked for a resetting to enable him to secure the services of a lawyer, to which respondent Judge interposed no objection. The hearing on January 8, 1991 was again cancelled upon motion of the complainant as he was not yet able to secure the services of a lawyer. The same was granted, without objection on the part of the respondent Judge, with warning that complainant would be deemed to have waived the presentation of his evidence should he still fail to present evidence at the next hearing. At the hearing on January 15, 1991, complainant, still appearing without counsel, manifested that he was withdrawing his complaint against respondent Judge as he found the Comment with Explanation of respondent Judge to be meritorious.

For his part, respondent presented his Comment with Explanation as Exh. '1'; the Order dated March 5, 1985 in Crim. Case No. 1138-85, entitled 'People of the Philippines v. Emilio Garcia' requiring the accused to submit his affidavit and that of his witnesses on April 12, 1985 (Exh. '2'); the sworn statements of the accused and his witness (Exhs. '3' and '4'); the Order dated April 17, 1985 setting the case for arraignment and trial on June 3, 1985 (Exh. '5'); the Orders showing that the postponement of the trial was due to the absence of the defense counsel, the private prosecutor or upon motion of the parties (Exhs. '6' to '16'); the Order dated July 23, 1986

considering the case submitted for decision (Exh. '17'; his Memorandum, dated August 22, 1988, to Lea M. Tolentino, Stenographic Reporter, regarding her absences and failure to submit her transcripts of stenographic notes (Exh. '18'); his letters dated November 8, 1988 and February 23, 1989, to the Court Administrator reporting the delinquencies of Lea M. Tolentino (Exhs. '19' and '20'); the letter of Lea M. Tolentino, dated March 15, 1989, to the Court Administrator (Exh. '21'); his letter, dated March 31, 1989, to the Court Administrator (Exh. '22'); his Memorandum, dated November 2, 1989, to Lea M. Tolentino (Exh. '23'); and the transcripts of stenographic notes of the trial in Criminal Case No. 1138-85 on October 2, 1985 and June 2, 1986, which were received by him only on January 7, 1990 (Exhs. '24', '24-A', '25' and '25-A').

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The withdrawal of the complaint against respondent Judge is of no moment, in view of respondent's admission of delay of more than three years in deciding Criminal Case No. 1138-85. Moreover, it is not for the complainant to decide whether the explanation of respondent Judge for such delay is meritorious or not." (pp. 2-3, Report)

The investigator judge recommended that respondent Judge be found guilty of neglect of duty and that a fine be imposed upon him.

We have succinctly evaluated the record of this case and found that the respondent judge's reasons for the delay in disposition of Criminal Case No. 1138-85 do not constitute a defense. We cannot ignore nor countenance such inaction of the respondent for more than three (3) years for it will defeat the spirit of a speedy disposition of justice. Neither can his designation as Acting Judge of Branch 55 relieve him of his duty to decide the case within the reglementary period considering that he was designated only in May, 1987 or seven months after the due date of the decision on October 21, 1986. The period within which to decide a case should be reckoned from the date a case was submitted for decision. A delay in the transcription of stenographic notes cannot be considered a valid reason for the delay in rendering judgment in a case. "Precisely, judges are directed to take down notes of salient portions of the hearing and proceed in the preparation of decisions without waiting for the transcript of stenographic notes. Furthermore, we have already ruled that with or without the transcribed stenographic notes, the 90 day period for deciding cases should be adhered to." [1]

Respondent Judge is found guilty of neglect of duty for deciding the aforesaid criminal case beyond the ninety-day period as required by the Constitution and Section 5, R.A. 296.

ACCORDINGLY, a FINE of Ten Thousand Pesos (P10,000.00) is imposed on respondent Judge, payable to this Court within ten (10) days from notice. Let a copy of this resolution be attached to the respondent's personal records.

Fernan, C.J., Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, Sarmiento, Griño-Aquino, Medialdea, Regalado, and Davide, Jr., JJ., concur.
Narvasa, J., in the result.

[1] *Lawan v. Moleta*, 90 SCRA 579, citing cases.

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