

MANUEL T. PEPINO, COMPLAINANT, VS. JUDGE TIBING A. ASAALI, RTC, BRANCH 17, ZAMBOANGA CITY, RESPONDENT.*A.M. No. RTJ-96-1339. January 29, 1997*

Ponente: NARVASA, C.J.

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Manuel T. Pepino has accused Judge Tibing A. Asaali of Branch 17, Regional Trial Court of Zamboanga City, of failing to decide Civil Case No. 3965 within the reglementary period therefor. According to Pepino, Civil Case No. 3965, in which he is the plaintiff, was submitted for decision after the defendants rested their case sometime in March, 1992. After the lapse of one year without a judgment being handed down, he filed a motion for resolution of the case. This was in 1993. No judgment was promulgated. He filed another motion for resolution of the case on October 13, 1994, and still another on March 1, 1995, but up to the date of his complaint, November 24, 1995, no decision had yet been rendered.

In the Comment (2nd Indorsement, January 16, 1996) submitted by Judge Asaali on requirement of this Court, he adverts to "certain intervening events (mainly the assumption of additional assignments and duties by virtue of administrative orders from this Court) ** (which) may help explain the reasons why ** (he) was not able to attend to the case immediately and decide the same within the 90-day reglementary period." According to him, in March, 1992, he was designated Acting Judge of RTC Branch 15 in addition to his regular duties in his court, RTC Branch 17, and he had to give preferential attention to detention prisoners whose cases were pending in Branch 15; that on March 1, 1993, while still presiding over two (2) salas, he was appointed Executive Judge of the Zamboanga City Regional Trial Court which post he held until June 1995; that on September 12, 1994 he was designated presiding Judge of Branch 3, Jolo, Sulu and of Branch 4, Parang, Sulu, in addition to his regular duties in his Court and as Executive Judge of the RTC of Zamboanga City, an assignment that required him to travel to Jolo, Sulu for at least (1) week every month and, in view of the number of detention prisoners involved, hold sessions there morning and afternoon; and that unlike a colleague that he names, he willingly accepted these assignments. He closes with the plea "that his failure to decide ** (Civil Case No. 3965) within the reglementary period ** be viewed with compassion, advising that the "decision is now being finalized.

Copies of the administrative orders relative to his additional assignments were later submitted by His Honor as attachments to a second letter to the Court dated April 13, 1996. In this letter, he declares in closing that the delay in his decision "was not and certainly never attended by any ulterior motive or gain, and ** (that his) reputation and integrity as a judge in Zamboanga City is an open book ** (showing him to) have always conducted ** (himself) very properly ** as a member of the judiciary ** (and) that since ** (he) joined the judiciary since July 1, 1985, never ** (has his) reputation, character and integrity been assailed or reproached."

Be all this as it may, His Honor's prolonged inaction over a period of three years cannot be ignored or countenanced. The inaction is accentuated by the fact that no less than three (3) motions were filed by the complainant calling the Judge's attention to his omission. He also failed to apply for an extension to decide the case in question. The omission defies satisfactory explanation; it obviously caused much distress and

disappointment to the complainant; and it certainly did nothing to enhance the image of the courts as agencies of justice where all people may expect the fair and prompt disposition of cases.

WHEREFORE, the Court administers to Judge Tibing A. Asaali a severe REPRIMAND with the stern warning that the commission of a like, or of any other, offense in the future will be dealt with more severely. SO ORDERED.

Davide, Jr., Melo, Francisco and Panganiban, JJ., concur.

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