EVANGELINE VERA CRUZ, COMPLAINANT, VS. JUDGE WINSTON M. VILLEGAS, RESPONDENT.

A.M. No. RTJ-09-2211 (Formerly OCA I.P.I. No. 07-2752-RTJ). August 12, 2010

Ponente: BRION, J.

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BRION, J.:

We resolve in this Decision the verified complaint, dated November 26, 2007,[1] of Evangeline Vera Cruz against Judge Winston M. Villegas, Regional Trial Court (RTC), Branch 43, Tanjay City, Negros Oriental. Evangeline charged Judge Villegas with undue delay in rendering a decision or order; for fraternizing with litigants with a pending case in his court in relation to Civil Case No. 192 (entitled Evangeline Vera Cruz v. Lorenzo Vera Cruz, et al., for declaration of nullity of marriage); and, for violation of the Code of Judicial Conduct.

Evangeline alleged that on September 11, 2007, she went to Dumaguete City to verify the status of the annulment of marriage case she had filed; she wanted to know the reason why it had not moved for more than a year. She went to the court to look at the case folder, but Atty. Jaime Jasmin, the clerk of court, could not find it. After a while, he said that the case record is in the house of Judge Villegas and he is willing to accompany her to the place. When they reached the judge's residence, she got the shock of her life when she discovered that Judge Villegas and Dra. Carmelita Vera Cruz, co-defendant in the civil case, are practically neighbors, living in the same barangay. She explained that only the Archbishop's palace separates Judge Villegas' house and that of Carmelita; Carmelita's house is situated in a compound across the street fronting the Archbishop's palace; whereas, Judge Villegas' residence is at the back of the palace.

Evangeline further alleged that although she did not want to speculate on the relationship between the judge and Carmelita, she hated to think that something fishy was going on; the delay in the disposition of the case was to Carmelita's benefit and at her expense, a situation too much for her to bear.

On January 31, 2008, Evangeline filed a petition for change of venue of the case[2] - from the sala of Judge Villegas in Dumaguete City to Manila - claiming that she is a stranger to Dumaguete City as she works and lives in Makati City. She expressed apprehension on the outcome of Civil Case No. 192, uncertain that she would receive a fair hearing from Judge Villegas after she filed an administrative complaint against him. She lamented the slow pace the case was taking, pointing out that she filed it on March 6, 2003, and for almost five (5) years since, it was still on pre-trial; it had not moved for more than a year, the last hearing having been held on July 6, 2006.[3]

As required by the Office of the Court Administrator (OCA), Judge Villegas submitted, on March 14, 2008, his comment (dated January 31, 2008)[4] on the complaint. Judge Villegas explained that Evangeline did not disclose in the administrative complaint, as well as in Civil Case No. 192, that her marriage with Lorenzo Vera Cruz on June 17, 1981 was declared null and void, in a decision dated March 24, 1986, by the RTC, Branch 94, Quezon City,[5] and it became final and executory on June 19, 1986.[6] Lorenzo, the defendant in Civil Case No. 192, moved to dismiss the case on the ground that Evangeline did not present a cause of action in view of the final and

executory decision of the Quezon City RTC, Branch 94. Nonetheless, he had already denied Lorenzo's motion to dismiss as a prohibited pleading.[7]

Judge Villegas denied that he and Carmelita are neighbors or that he is fraternizing with her; his house is about 250 meters from Carmelita's house.[8] On the charge of delay in the disposition of the case, Judge Villegas reasoned out that he has to hear no fewer than ten (10) to twelve (12) cases a day with very little time and energy for him to attend to pending incidents, not to mention that the performance of his duties was adversely affected when the power service in the court was cut off due to nonpayment of electric bills. He expressed the commitment to dispose of the case after the hearing scheduled in his order dated December 27, 2007.[9]

In her reply filed on January 28, 2008,[10] Evangeline insisted that the houses of Judge Villegas and Carmelita are proximate to each other, their residences being a few minutes walking distance from one to the other. She bewailed being kept in the dark on the reasons for the delay in the disposition of her case; despite her long distance calls from Makati to inquire about the case, she only got negative answers from the clerk of court. She denied that her marriage with Lorenzo had been annulled, as certified by the Civil Registry of Manila[11] and the National Statistics Office (NSO).[12] The purported annulment had been fabricated and this was the reason why no annulment was registered with the Civil Registry of Manila and with the NSO. She claimed that she had not been given a fair treatment by Judge Villegas. She pleaded that her case be released from the sala of Judge Villegas and be transferred to Manila.

On April 28, 2008, Evangeline filed a Manifestation[13] claiming that in February 2008, when she asked for a copy of her marriage contract from the NSO, she discovered to her surprise that the declaration of nullity of her marriage with Lorenzo, pursuant to the decision of Judge Filemon H. Mendoza, RTC, National Capital Region, Branch XCIV, Quezon City, rendered on March 24, 1986, had been annotated on the copy she obtained.[14] With the declaration of nullity having been registered only on November 15, 2006, or twenty (20) years after the fact, Evangeline could not help but speculate that there had been connivance in the belated submission to the NSO, which happened while Civil Case No. 192 was pending and hardly moving in the sala of Judge Villegas. She pointed to Judge Villegas himself, Lorenzo and his lawyer, Atty. Ramon Orfanel, and her former counsel, Atty. Richard Enojo, as the possible actors in the connivance.

The OCA Report

In a Memorandum dated October 1, 2009,[15] the OCA advised the Court that it found Judge Villegas guilty of undue delay in resolving Lorenzo's Motion to Dismiss and failing to make progress in the case beyond the pre-trial stage, after almost five (5) years since it was filed in 2003. It recommended that Judge Villegas be fined P5,000.00, the offense charged being his first.

The OCA, however, recommended that the charges of violation of the Code of Judicial Conduct and fraternizing with a litigant be dismissed for lack of evidence.

The OCA further recommended that Evangeline's petition for change of venue be denied; the reasons she advanced were not sufficiently compelling and weighty to justify a change of venue.

On November 23, 2009, at the OCA's suggestion, the Court resolved to:

- re-docket the present administrative complaint as a regular administrative matter against Judge Villegas;

- require the parties to manifest whether they were willing to submit the matter for resolution on the basis of the pleadings and the records; and

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- deny the request for change of venue for lack of merit.[16]

Evangeline and Judge Villegas submitted the case for resolution on February 4, 2010[17] and March 16, 2010,[18] respectively.

The Court's Ruling

Except for the sanction to be imposed on Judge Villegas, we find the OCA recommendations in order.

First. The charges of violation of the Code of Judicial Conduct and fraternizing with litigants must fail. As the OCA correctly concluded, Evangeline failed to adduce substantial evidence to support Judge Villegas' guilt. Charges based on mere suspicion and speculation cannot be given credence.[19]

Second. Judge Villegas is liable for undue delay in rendering a decision or order. The following discussion from the OCA report[20] clearly establishes the judge's guilt:

> Records show that Civil Case No. 192 was filed on March 6, 2003. The complainant alleges that their last hearing was held on July 6, 2006 as evidenced by the Order issued by the respondent judge granting, among other things, her request to secure the services of another lawyer and to file the corresponding opposition to the Motion to Dismiss filed by Lorenzo Vera Cruz. It was only on December 27, 2007, or after more than one (1) year, that the respondent judge issued another Order denying the Motion to Dismiss and setting the case for pre-trial on February 7, 2008. Hence, it is clear that the respondent judge was guilty of undue delay in resolving the Motion to Dismiss filed by Lorenzo Vera Cruz. The said motion was resolved beyond the 90-day period required by law. Further, it was not refuted that the case was filed in 2003, and after almost five (5) years[,] it remains in the pre-trial stage. Respondent's contentions that he had to hear 10 to 12 cases a day and that the electricity of the court was cut off in September 2007 are untenable to justify delay in the trial and resolution of pending incidents filed before him.

Indeed, Judge Villegas had fallen short of the standards of efficiency and promptness of action required of an administrator of justice. He had become deaf, in this particular case, to the age-old maxim "justice delayed is justice denied." As we stressed in an earlier administrative matter,[21] "Failure to decide a case or resolve a motion within the reglementary period constitutes gross inefficiency and warrants the imposition of administrative sanction against the erring magistrate. The delay in resolving motions and incidents pending before a judge within the reglementary period of ninety (90) days fixed by the Constitution and the law is not excusable."[22]

Undue delay in rendering a decision or order, or in transmitting the records of a case is classified as a less serious charge.[23] If the respondent is found guilty of a less serious charge, any of the following sanctions may be imposed: (1) suspension from office without salary and other benefits for not less than one (1) month nor more than three (3) months; or (2) a fine of more than P10,000.00 but not exceeding P20,000.00.[24]

In determining the penalty to be imposed, we take into account the surrounding circumstances of the case. In this case, we have to consider that this is Judge Villegas' first offense of this nature. Thus, a fine, rather than the heavier penalty of suspension, is more appropriate. The amount of the fine, on the other hand, has to take into account the extent of the delay. The complainant's case - Civil Case No. 192 - was still on pre-trial as of February 7, 2008, or almost five years since it was filed on March 6, 2003. This delay cannot but be substantial delay given the time that has passed and the status of the case. Thus, a fine in the midrange of the imposable penalty, or P15,000.00 is in order.

WHEREFORE, premises considered, Judge Winston M. Villegas is found GUILTY of undue delay in rendering a decision in Civil Case No. 192. Accordingly, he is fined P15,000.00, with a STERN WARNING against the commission of a similar offense. The charges of violating the Code of Judicial Conduct and of fraternizing with a

litigant are DISMISSED for lack of evidence.

SO ORDERED.

Carpio Morales, (Chairperson), Bersamin, [*]Abad, and Villarama, Jr., JJ., concur.

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[*] Designated additional Member of the Third Division, in view of the retirement of Chief Justice Reynato S. Puno, per Special Order No. 843 dated May 17, 2010.

[1] Rollo, pp. 5-7.

[2] Id. at 19-20.

[3] Id. at 30; Petition, Annex "C."

[4] Id. at 45-49.

[5] Id. at 55-56; Comment, Annex "A."

[6] Id. at 57; Comment, Annex "B."

[7] Id. at 68-72; Comment, Annex "G."

[8] Id. at 60; Comment, Annex "D."

[9] Id. at 68-72; Comment, Annex "G."

[10] Id. at 74-76.

[11] Id. at 78.

[12] Id. at 79.

[13] Id. at 86-88.

[14] Id. at 90; Manifestation, Annex "B," "Remarks."

[15] Id. at 140-143.

[16] Id. at 144.

[17] Id. at 147.

[18] Id. at 149.

[19] Rafael Rondina, et al. v. Associate Justice Eloy R. Bello, Jr., CA, 501 Phil. 319 (2005).

[20] Id. at 141-142; OCA Memorandum, pp. 2-3.

[21] Dumaua v. Ramirez, A.M. No. MTJ-04-1546, July 29, 2005, 465 SCRA 1.

[22] Id. at 2.

[23] Rules of Court, Rule 140, Section 9.

[24] Id., Section 11(B).

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