

PABLO ESPAÑOLA, PETITIONER, VS. JUDGE VINCENT EDEN C. PANAY, REGIONAL TRIAL COURT, BRANCH 30, BAYOMBONG, NUEVA VIZCAYA, RESPONDENT.

A.M. No. RTJ-95-1325. October 04, 1995

Ponente: VITUG, J.

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VITUG, J.:

In a petition, dated 09 September 1994, Pablo S. Española charged Judge Vincent Eden C. Panay with dereliction of duty. Complainant averred that respondent Judge had failed to decide Civil Case No. 262 (Pablo S. Española, et al. vs. Cristo Collado and Ricardo Manzano) within the reglementary period.

In a motion, dated 27 September 1994, complainant sought to withdraw his complaint on the ground that Civil Case No. 262 had meanwhile been decided. Complainant stated that he would instead interpose an appeal from the decision.

In an "Additional Complaint," dated 20 October 1994, Española reiterated his previous complaint, complaining that respondent Judge was likewise guilty of delay in deciding the following cases:

Civil

Case No.

Case Title

Date Submitted for Decision

Date Decided

147 Española vs. Bote

Aug. 1988

Aug. 23, 1994

262 Española vs. Manzano

Sept. 1992

July 29, 1994

200 Bote vs. Española

May 1993

Aug. 11, 1994

The complaint also begrudged respondent Judge for using his decision to attack the person, honor and reputation

of complainant, as well as that of his family, by such sarcastic remarks as -

"The plaintiff, Pablo Española, is not a graduate of Bachelor of Laws for nothing; he is not fondly called as 'attorney' in the locality for nothing; he is not a notary public for 33 years from 1951 to 1984 for nothing."

In his comment, dated 12 December 1994, respondent Judge surmised that the revival of the complaint against him was due to complainant's having lost his cases before the Judge. He stated that the decision in Civil Case No. 147 was delayed due to an agreement of the parties to have it consolidated with Civil Case No. 200. Judge Panay also invited the Court's attention to his "plight of having within his sole jurisdiction, Branch 30, the Southern half of the province of Nueva Vizcaya or eight of the total fifteen municipalities while the Northern half of only seven municipalities, are shared by four other branches x x x" making the total number of cases filed with his sala equal to, or at times in excess of, the total cases filed with the four branches. The situation, he averred, had been further aggravated by his designation by the Court to preside over Branch 29, relieving Judge Carlos T. Aggabao, from June 1992 to June 1993, and his designation to preside over Branch 31, Province of Quirino, from June 1994 to October 1994. Compounding yet the matter, he explained, his Clerk of Court, Atty. Rodrigo B. Galo, was suspended from office since 1993 to date.

Respondent Judge, finally, reported that he had finished resolving the cases submitted for decision since the last week of August 1994 and that only two criminal cases and three special proceeding cases remained to be decided, all within the ninety-day period.

Since there is practically no serious dispute on the facts alleged by complainant, i.e., respondent's delay in deciding cases, it was deemed unnecessary to have this administrative case still referred to an Associate Justice of the Court of Appeals for investigation. The Court required, instead, the parties to manifest whether they would be willing to submit the matter on the basis of the pleadings already filed. Both parties responded in the affirmative.

In the concluding portion of its memorandum, dated 23 May 1995, addressed to Chief Justice Andres R. Narvasa, the Office of the Court Administrator, through Deputy Court Administrator Juanito A. Bernad, recommended:

"WHEREFORE, for undue delay in deciding Civil Cases Nos. 147, 262, and 200, it is respectfully recommended that respondent Judge be imposed a FINE of Ten Thousand Pesos (P10,000.00), with STERN WARNING that a repetition of the same or similar acts and/or omissions in the future will be dealt with more severely."

The recommendation accords with Rule 140 of the Rules of Court, as amended on 22 November 1990, considering the following:

First. Civil Case No. 147 was submitted for decision in August 1988 while Civil Case No. 200 was submitted for decision in May 1993. Assuming that there was an agreement between the parties and their respective counsel to have the two cases jointly decided, it behooved respondent Judge to consolidate the two cases. In fact, these two cases were not jointly decided; Civil Case No. 200 was decided on 11 August 1994 while Civil Case No. 147 was decided on 23 August 1994.

Second. Respondent Judge did not proffer any sound justification for the delay in deciding Civil Case No. 262.

Third. Respondent Judge's designation to preside over Branch 29 from June 1992 to June 1993, and over Branch 31 from June 1994 to October 1994, was not an excuse. Civil Case No. 147 was submitted for decision as early as 1988.

Fourth. Respondent Judge knew, or should have known, that if his caseload prevented the disposition of cases within the reglementary period, all he had to do was to ask from this Court for a reasonable extension of time to

dispose of the cases involved.[1] There would appear to be no record of any attempt on the part of respondent Judge to make such a request.

WHEREFORE, finding Judge Vincent Eden C. Panay guilty of undue delay in deciding Civil Case No. 147, No. 262 and No. 200, we impose on him a fine of Ten Thousand Pesos (P10,000.00), with a warning that a similar infraction in the future will be dealt with more severely than heretofore.

SO ORDERED.

Feliciano, (Chairman), and Romero, J., concur.

Melo, J., on leave.

[1] See Cruz vs. Basa, 218 SCRA 551.

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