AUGUSTUS M. GONZALES, COMPLAINANT, VS. JUDGE ANTONIO B. BANTOLO, REGIONAL TRIAL COURT, BRANCH 13, CULASI, ANTIQUE, RESPONDENT.

A.M. NO. RTJ-06-1993 [OCA-IPI NO. 05-2161-RTJ]. April 26, 2006

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

A complaint was filed on December 20, 2004 by Augustus M. Gonzales against Judge Antonio B. Bantolo of the Regional Trial Court of Culasi, Antique, Branch 13, for gross ignorance of the law, gross incompetence and delay in the resolution of the motion for reconsideration.

Gonzales alleged that on October 2, 2003, respondent Judge issued an order[1] relative to Civil Case No. C-135 entitled Francisco A. Rada, Jr. and Juliefra G. Rada v. Augustus M. Gonzales, the dispositive portion of which reads:

> WHEREFORE, premises considered, upon motion of the petitioners without objection on the part of the respondent, the respondent is hereby directed/ordered:
>
> - To return the remaining stocks now at the bodega of Pandan North Bay Enterprises at Poblacion, Pandan, Antique, or its money equivalent in the sum of Sixty Thousand Four Hundred Thirty One Pesos (P60,431.00) as well as empty bottles and cases of SMC products kept thereat consisting of five (5) ten-wheeler truck or its monetary value of Five Hundred Twenty-Five Thousand One Hundred Eighty Three (P525,183.00) Pesos to SMC at its Numancia Sales Office, Numancia, Aklan. (Annex "A" of the Omnibus Motion and Manifestation).
>
> - To return the sum of Six Hundred Thousand Pesos (P600,000.00) which respondent withdrawn (sic) from the joint account aforementioned which constitutes the proceeds from the sale of SMC products by Pandan North Bay Enterprises prior to December 13, 2002 by directly turning it over to the SMC at its Sales Office at Numancia, Aklan. (Annex "B" Ibid)
>
> - To stop the respondent or any person acting in his behalf from collecting the accounts (sic) receivables from customers and for him to account and turn over the money already collected from the customers arising from the accounts (sic) receivable of PNBE to SMC at its Sales Office at Numancia, Aklan.
>
> - Not to sell nor to dispose in whatever manner any and all vehicles, equipments and other properties owned by PNBE either registered in his name or PNBE, and
>
> - To turn over and account the proceeds of the sale of the Toyota Hi-lux 4x4 pick up to PNBE or to SMC at its Sales Office, Numancia, Aklan.
>
> Furnish copy of this Order to the parties and their respective counsel.
>
> SO ORDERED.[2]

On October 22, 2003, Gonzales filed a motion for reconsideration[3] of the order. In this complaint, Gonzales

alleged that respondent Judge failed to resolve the motion for reconsideration despite lapse of more than one year from the time it was filed or submitted for resolution.

In his Comment,[4] respondent Judge claimed that when the motion for reconsideration was submitted for resolution on December 18, 2003,[5] Gonzales filed a Motion to Recuse[6] on December 5, 2003, and a Motion to Defer Further Proceedings[7] on January 8, 2004, which directly caused his failure to resolve the pending motion for reconsideration.[8] He also alleged that the motion for reconsideration is already moot and resolving the same would be futile because the relief prayed in the motion for reconsideration has been abandoned with the filing of the amended petition.[9]

The Office of the Court Administrator (OCA) recommended that the charge of gross ignorance should be dismissed for failure to establish that respondent Judge was motivated by bad faith, fraud, malice or dishonesty, in not resolving the motion for reconsideration on time. At the same time, the OCA recommended that respondent Judge be fined in the amount of P10,500.00 in lieu of suspension considering his compulsory retirement from the service last January 6, 2006, for failure to resolve the motion for reconsideration within the mandatory period which shall be deducted from his retirement benefits.[10]

We agree with the findings and recommendation of the OCA.

Indeed, respondent Judge failed to resolve the motion for reconsideration within the mandatory period of 30 days from the time it was submitted for resolution[11] on December 18, 2003. When respondent Judge compulsorily retired from the service on January 6, 2006, or more than two years after the motion for reconsideration was submitted for resolution, it remained unresolved. In addition, the reasons adduced by respondent Judge for not resolving the motion for reconsideration lack merit. Regardless of whether the grounds or reliefs prayed for in the motion for reconsideration have become moot, respondent judge has the duty to resolve the motion in the interest of orderly administration of justice and to properly inform the parties of the outcome of the motion.

The Court has repeatedly warned judges to dispose of court business promptly, resolve pending incidents and motions, and decide cases within the prescribed periods for delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards and brings it into disrepute. Such exhortation is enshrined in Section 15, par. (1), Article VIII of our Constitution, as well as in Rule 3.05, Canon 3 of the Code of Judicial Conduct, which mandates that a magistrate should dispose of the court's business promptly and decide cases within the required periods. For violations thereof, we have invariably imposed penalties ranging from fine to suspension depending on the circumstances of each case.[12]

Undue delay in rendering an order is a less serious charge[13] punishable by suspension from office without salary and other benefits for not less than one nor more than three months; or a fine of more than P10,000.00 but not exceeding P20,000.00.[14] Considering that respondent Judge had compulsorily retired from the service on January 6, 2006, we find the penalty of fine in the amount of P10,500.00 as recommended by the OCA to be in order.

WHEREFORE, for undue delay in resolving the motion for reconsideration in Civil Case No. C-135 entitled Francisco A. Rada, Jr. and Juliefra G. Rada v. Augustus M. Gonzales, respondent Judge Antonio B. Bantolo, then of the Regional Trial Court of Culasi, Antique, Branch 13, is FINED Ten Thousand Five Hundred Pesos (P10,500.00) to be deducted from his retirement benefits.

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SO ORDERED.

Panganiban, C.J., (Chairperson), Austria-Martinez, and Callejo, Sr., JJ., concur.
Chico-Nazario, J., on official leave.

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[1] Rollo, pp. 18-19.

[2] Id. at 19.

[3] Id. at 20-30.

[4] Id. at 40-47.

[5] Id. at 81.

[6] Id. at 82-83.

[7] Id. at 84-85.

[8] Id. at 43.

[9] Id. at 46.

[10] Id. at 143.

[11] RULES OF COURT, Rule 37, Sec. 4.

[12] Castillo v. Alonzo-Legasto, A.M. No. RTJ-03-1804, June 23, 2005, 461 SCRA 27, 31.

[13] RULES OF COURT, Rule 140, Sec. 9.

[14] Id., Sec. 11.

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