

JOSEPHINE C. MARTINEZ, COMPLAINANT, VS. JUDGE CESAR N. ZOLETA, RESPONDENT.

A.M. No. MTJ-94-904. May 22, 1996

Ponente: REGALADO, J.

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REGALADO, J.:

The antecedents of and proceedings taken in this administrative matter are commendably summarized in the memorandum of Deputy Court Administrator Zenaida N. Elepaño, dated May 7, 1996, the pertinent portions of which we adopt and quote:

Initially filed with this Court is a letter dated 31 May 1993 of Josephine C. Martinez bringing to the attention of Deputy Court Administrator Reynaldo L. Suarez the predicament of her brother-in-law who is detained at the Provincial Jail at Trece Martires City. Allegedly, no action could be taken by the Office of the Provincial Prosecutor of Cavite City on Criminal Case No. 2506 entitled “People of the Philippines vs. Elranie Martinez” for Rape since the records have not yet been forwarded to the said office for further proceedings by the MCTC, Maragondon-Ternate, Cavite presided over by Judge Cesar N. Zoleta.

The aforesaid letter was referred by DCA Suarez to Judge Zoleta for APPROPRIATE ACTION in a 1st Indorsement dated 2 June 1993. With no advice received from respondent on the action taken by him, this Office required the former to submit his comment in a letter dated 13 July 1993. Again respondent failed to comply therewith so that a 3rd Tracer dated 7 September 1993 was sent to him reiterating the directive with a warning that appropriate action would be taken should he fail to submit his comment.

Meanwhile on 4 January 1994 Ms. Martinez filed a sworn letter-complaint charging respondent Judge with failure to forward the records of Criminal Case No. 2506 to the Office of the Provincial Prosecutor for further proceedings despite repeated demands. As a consequence, her brother-in-law remained in detention at the Trece Martires City Provincial Jail since his case had not yet been heard as the records were still with respondent Judge.

The Second Division of this Court in Its Resolution dated 16 February 1994 required respondent Judge to COMMENT on the complaint.

Because respondent failed to file the required comment, he was ordered in the Resolution dated 23 May 1994 to SHOW CAUSE why he should not be disciplinary dealt with or held in contempt for such failure and to COMPLY with the aforesaid resolution of 16 February 1994.

Despite this, respondent Judge still failed to comply with the show-cause resolution. Hence in the Resolution dated 8 August 1994 a FINE of P500.00 was imposed by the Court on respondent Judge payable within ten (10) days from notice, otherwise, he would suffer imprisonment of five (5) days. Respondent was again ordered to COMPLY with the resolution of 16 February 1994 within ten (10) days from notice.

Respondent failed to comply with the Resolution dated 8 August 1994 thus, the Second Division of this Court in Its Resolution dated 3 July 1995 INCREASED the fine imposed on respondent Judge to P1,000.00 payable within ten (10) days from notice and failing payment, ordered imprisonment of ten (10) days, and to COMPLY

with the Resolution of 16 February I 1994.

For respondent's failure to comply with the aforesaid directive the Second Division of this Court in its Resolution dated 20 November 1995 ADJUDGED respondent Judge Cesar N. Zoleta GUILTY of contempt of Court under Rule 71, Section 3(b) of the Rules of Court; ORDERED his IMPRISONMENT for ten (10) days pursuant to the Resolution of 3 July 1995; required him to COMPLY with the resolution of 16 February 1994 and directed the ISSUANCE of the Order for his Arrest and Commitment for immediate service by the National Bureau of Investigation.

Verification from the Disbursement and Collection Division of the Finance Management and Budget Office of this Court (FMBO) disclosed that on 9 September 1994 respondent Judge paid the P500.00 FINE imposed in the resolution dated 8 August 1994, as shown in the certified photo copy of Official Receipt No. 077122.

In view of respondent's failure to file a notice of compliance regarding the matter, the P500.00 was increased to P1,000.00 in the Resolution of 3 July 1995.

On the other hand, verification from the Documentation Unit of the Office of the Court Administrator disclosed that respondent Judge up to the present has not yet filed his Comment on the complaint, as shown in the Certification dated 3 May 1996 issued by Atty. Celso M. Gabalones, Chief, Documentation Unit.

A scrutiny of the records show that copies of the Resolutions dated 16 February 1994, 23 May 1994 and 8 August 1994 were personally received by respondent Judge while copy of the Resolution dated 3 July was received by one Monseur Maganto.

In its resolution of March 25, 1996, the Court required the Director, National Bureau of Investigation (NBI) to submit the return of compliance of the Order of Arrest and Commitment issued against respondent judge on November 20, 1995 within five (5) days from notice thereof. The same resolution also directed that the case be referred to the Office of the Court Administrator for evaluation, report and recommendation.

A return of said order was submitted by Supervising Agent Ferdinand A. Garcia of the NBI on May 10, 1996, wherein the Court was informed that respondent judge was arrested in Maragondon, Cavite on May 9, 1996 and was detained at the NBI at Taft Avenue, Manila.

On May 10, 1996, respondent judge filed a manifestation and motion seeking the reconsideration and recall of the order, for his arrest and commitment. He insisted that he duly complied with the resolution of August 8, 1994 by paying the fine imposed therein on September 9, 1994, hence he contends that it was erroneous for the Court to issue another resolution on July 3, 1995 increasing the fine and the period of imprisonment in case of non-payment thereof.

Respondent judge either did not read and understand the import of the aforesaid two resolutions or is making a justification for his nonfeasance with tongue in cheek. He glosses over the fact that he was required in the resolution dated February 16, 1994 to comment on the administrative complaint within ten (10) days from notice thereof, a directive he still has to comply with up to now, more than two (2) years later, despite repeated orders of the Court.

It was only in his present manifestation and motion, after he was taken into custody, that he makes mention of that requirement with a lame explanation that does not inspire belief, thus:

9. That even respondent's failure to submit his comment to the herein administrative complaint was not intended to be in willful disregard of this Honorable Court's order, the same being due to respondent's sincere and total reliance on complainant's assurance, evidenced by a letter and repeatedly made in front of reputable witnesses, that such was no longer necessary, as said complainant herself would personally make I the corresponding acknowledgment of her mistake to the Supreme Court.

Why he never filed any comment or informed this Court of the foregoing facts he now belatedly alleges, if true, is beyond comprehension. Withal, he now asks to "be given ten (10) days from date within which to submit his formal explanation and comment to the instant administrative complaint." The Court will, therefore, grant him that final opportunity before passing upon the subject and merits of the basic administrative complaint in another and subsequent decision.

For the present, what concerns us is his long continued and obstinate refusal to file his comment on the complaint despite several resolutions requiring the same. Indeed, the Court is hard to put to understand his intransigence and dissembling, considering that he has been with the Judiciary for more than nine (9) years and ten (10) months and he cannot, therefore, be said to be unfamiliar with the duties and responsibilities of his position.

We consequently agree with and advert once again to the observation of Deputy Court Administrator Elepaño in her memorandum, to wit:

While respondent judge seasonably paid the FINE of P500.00 he nevertheless continued to defy the Orders of this Court by not filing his Comment on the complaint. Such continuous defiance renders him liable for gross misconduct and insubordination and must be dealt with accordingly.

In the case of Pasane vs. Reloza, 235 SCRA 1, this Court found respondent Judge Ricardo A. Reloza guilty of gross misconduct and insubordination for his continued failure to comply with the lawful orders of the Court. A fine of P5,000.00 was imposed on respondent who was also required to comply with the Court's directive to pay the fine imposed on him as well as to submit his comment on the complaint.

ACCORDINGLY, and as correctly recommended by Deputy Court Administrator Elepaño, respondent Judge Cesar N. Zoleta is hereby declared GUILTY of gross misconduct and insubordination for his deliberate and continuous failure and refusal to comply with the aforesaid resolutions of the Court.

He is ordered to pay a fine of FIVE THOUSAND PESOS (P5,000.00) within ten (10) days from notice hereof and to comply with the resolution of February 16, 1994 requiring him to submit his COMMENT on the complaint as he has now undertaken to do, with the STERN WARNING of a more severe sanction in case of non-compliance or a repetition of the misconduct herein repressed.

Judge Napoleon V. Dilag of the Regional Trial Court, Branch 15, Naic, Cavite is DIRECTED to conduct an inspection and verification of the docket and calendar of the Municipal Circuit Trial Court, Maragondon- Ternate, Cavite presided over by respondent judge, and to submit a report thereon to this Court within (60) days from receipt of a copy of this decision.

SO ORDERED.

Regalado (Chairman), Romero, Puno, Mendoza, and Torres, Jr., JJ., concur.

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