

**ROMERO TEODOSIO, ROLANDO RICO, AMADO BAUTISTA AND
JESSIE BAUTISTA, COMPLAINANTS, VS. HON. JUDGE ARTURO R.
CARPIO, FIRST MUNICIPAL CIRCUIT TRIAL COURT (MCTC), NEW
WASHINGTON, AKL...**

A.M. No. MTJ-02-1416 (Formerly A.M. OCA IPI No. 01-994-MTJ). February 27, 2004

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

The instant administrative case is one for dereliction of duty filed against Judge Arturo R. Carpio, First Municipal Circuit Trial Court (MCTC), New Washington, Aklan, relative to Election Cases Nos. 2-1997,[1] 3-1997,[2] 4-1997[3] and 5-1997.[4] The allegations are contained in a verified Affidavit-Complaint[5] dated October 16, 2000 filed by Romero Teodosio, Rolando Rico, Amado Bautista and Jessie Bautista.

According to the complainants, they are the respective protestants in the foregoing election cases, and that the same were filed after the 1997 Barangay Elections. The respondent judge issued an Order[6] dated November 22, 1999, declaring the case submitted for resolution upon the parties' submission of their respective memoranda. On May 10, 2000, the complainants' counsel filed an Ex-Parte Omnibus Motion,[7] informing the court that except in Election Case No. 4-1997, all the protestants had filed their respective memoranda. On August 18, 2000, the complainants, by themselves, filed an Omnibus Motion[8] praying that their election protest be decided. The complainants thus alleged that despite the fact that the case before the respondent judge was an election case, and considering the length of time that had already elapsed, the latter is guilty of dereliction of duty in not rendering any decision on the said election protests.

In his Comment, the respondent averred that the election cases had already been decided, thus:

Election Case No. 2-1997 – May 2, 2001[9]
Election Case No. 3-1997 – May 4, 2001[10]
Election Case No. 4-1997 – May 4, 2001[11]
Election Case No. 5-1997 – May 4, 2001[12]

According to the respondent:

That the decision in the above-entitled cases had been made only on May 2 and May 4, 2001, respectively, due to careful examination of voluminous records as well as the contested ballots in the above-entitled cases and also due to the time given by the undersigned for cases in the 6th Municipal Circuit Trial Court of Altavas and Balete, Aklan, where the herein Presiding Judge is acting Presiding Judge since December 12, 1997 up to the present per Designation by the Honorable Sheila Martelino-Cortes, Executive Judge, Regional Trial Court, Kalibo, Aklan, copy of which designation is hereto attached as Annex "8", as well as in cases in the Municipal Court of Kalibo, Kalibo, Aklan and in the MCTC of Banga-Libacao and Madalag, Banga, Aklan in designated cases due to inhibition of the Presiding Judge in said Courts.[13]

In its Evaluation and Recommendation[14] dated February 12, 2002, the Office of the Court Administrator found

that the respondent judge was guilty of failing to decide the election cases within the ninety-day reglementary period, and recommended that a) the instant administrative complaint be re-docketed as a regular administrative matter; b) the respondent judge be fined in the amount of P3,000.00; and c) the respondent be sternly warned that a repetition of the same offense in the future will be dealt with more severely.

The case was, thereafter, referred to Executive Judge Marietta J. Homena-Valencia of the Regional Trial Court of Aklan.[15] On October 21, 2003, the complainants Teodosio, Rico and Bautista manifested that they were no longer interested in pursuing the case and were withdrawing the complaint against the respondent, as three years had already elapsed since the filing of the complaint and that harmonious relations between the parties had long been restored. On October 24, 2003, Atty. Porferio Taplac, counsel for the complainants, filed a Manifestation on behalf of complainant Jessie Bautista to the effect that the latter was, likewise, joining his co-complainants in withdrawing the complaint.

In her Report dated December 12, 2003, the Executive Judge recommended that the complaint against the respondent be dismissed, with a warning that future similar inaction would be dealt with appropriately. She anchored her recommendation on the following findings:

...[A] reading of each decision indeed shows that Judge Carpio had to examine one hundred twenty-one (121) protested and counter-protested ballots for Election Case No. 2-1997; forty-one (41) contested and counter-contested ballots in Election Case No. 3-1997; one hundred nineteen (119) such ballots for Election Case No. 4-1997 and one hundred nine (109) such ballots in Election Case No. 5-1997. Judge Carpio incorporated his rulings on all these exhibits into his findings resulting to a nineteen (19)-page decision in Case No. 2-1997, a thirty-five (35)-page decision in Case No. 3-1997, a twenty-eight (28)-page decision in Case No. 4-1997 and a thirty-seven (37)-page decision in Case No. 5-1997, all typed in single space. The findings of the judge in each protested and counter-protested ballots were painstakingly written in his decisions;

(12) Deciding an election protest case is not as easy as deciding a civil case for forcible entry or ejectment. The decision-making process involved in an election protest is more complicated and requires of the trial judge more time to ponder on the validity of the entries in the ballot of or of the ballot itself;

(13) First [level] (and also second level) judges in this jurisdiction hear cases daily. They are also mandated by the Constitution to decide a case within three (3) months after it is submitted for decision. The pressure on the judge to hear and then decide in a period of three (3) months is thus tremendous...[16]

At the outset, the Court would like to make it clear that the dismissal or withdrawal of charges and the desistance of witnesses does not automatically result in the dismissal of an administrative case. This Court, in fact, looks with disfavor at affidavits of desistance filed by complainants, especially if done as an afterthought. The withdrawal of the complaint does not have the legal effect of exonerating the respondent from any administrative disciplinary action. It does not operate to divest this Court with jurisdiction to determine the truth behind the matter stated in the complaint. The Court's disciplinary authority cannot be dependent on or frustrated by private arrangements between parties; otherwise, the prompt and fair administration of justice, as well as the discipline of court personnel, would be undermined.[17]

Judges should dispose of court business promptly within the period prescribed by law or the extended time granted them by this Court.[18] This is mandated by Rule 3.05 of Canon 3 of the Code of Judicial Conduct, and by no less than the Constitution itself.[19] Canon 6 reminds a judge to be prompt in disposing of all matters submitted to him or her, remembering that justice delayed is often justice denied.[20] Delay in the disposition of cases erodes the faith and confidence of the public in the institution of justice, lowers its standards and brings them into disrepute. Every judge must cultivate a capacity for quick decision; he must not delay the judgment which a party justly deserves. The public trust reposed in a judge's office imposes upon him the highest degree of

responsibility to promptly administer justice.[21]

The Court, however, is not unaware of the heavy caseload of judges and the rigors of travel that they sometimes have to make because of detail to vacant salas. It is precisely for this reason that the Court has been sympathetic to requests for extensions of time within which to decide cases and resolve matters and incidents related thereto.[22] Indeed, the Court allows a certain degree of latitude to judges and grants them a reasonable extension of time to decide and resolve cases upon proper application by the judge concerned and on meritorious grounds.[23] All the respondent had to do was ask the Court for an extension of time to decide the cases. This, he failed to do.

Under Section 9, Rule 140 of the Rules of Court, undue delay in rendering a decision or order is classified as a less serious charge, punishable by either suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months, or a fine of more than P10,000.00 but not exceeding P20,000.00.[24] However, considering the respondent's candid admission and the fact that his designation as presiding judge in other salas contributed to the delay in deciding the election cases, he is hereby REPRIMANDED.

WHEREFORE, Respondent Judge Arturo R. Carpio of the First Municipal Circuit Trial Court of New Washington, Aklan, is hereby REPRIMANDED. He is STERNLY WARNED that a repetition of the same or similar act shall be dealt with more severely.

SO ORDERED.

Quisumbing, (Acting Chairman), Austria-Martinez, and Tinga, JJ., concur.

Puno, J., (Chairman), on leave.

[1] Romero Teodosio v. Filipina Bautista.

[2] Rolando Rico v. Teody Masangya.

[3] Jessie Bautista v. Salvador Pitoy.

[4] Amado Bautista v. Raul Esmeralda.

[5] Rollo, pp. 1-3.

[6] Annex "A," Rollo, pp. 4-5.

[7] Annex "B," Id. at 6-7.

[8] Annex "C," Id. at 8-9.

[9] Annex "1," Id. at 14-32.

[10] Annex "2," Id. at 33-67.

[11] Annex "3," Id. at 68-95.

[12] Annex "4," Id. at 96-132.

[13] Rollo, p. 12.

[14] Id. at 139-140.

[15] Resolution dated June 9, 2003, Rollo, p. 143.

[16] Report, pp. 2-3.

[17] Guray v. Bautista, 360 SCRA 489 (2001).

[18] Rodolfo Macachor v. Judge Rolindo D. Beldia, Jr., A.M. No. RTJ-02-1724, June 12, 2003.

[19] See Re: Judicial Audit Report Conducted in the Regional Trial Court, Branch 17, Kidapawan City, A.M. No. 02-8-471, March 14, 2003, citing Office of the Court Administrator v. Quizon, 376 SCRA 579 (2002).

[20] Re: Request of Judge Sylvia G. Jurao for Extension of Time to Decide Criminal Case No. 5812 and 27 and Others Pending before the RTC-Branched 10 and 12, San Jose, Antique, A.M. No. 00-11-566-RTC, July 31, 2003.

[21] Edgardo D. Balsamo v. Judge Pedro L. Suan, A.M. No. RTJ-01-1656, September 17, 2003.

[22] Report on the Judicial Audit Conducted in the MTCC-Branched 1, 2 & 3, Mandaue City, A.M. No. 02-8-188-MTCC, July 17, 2003.

[23] Office of the Court Administrator v. Judge Francisco C. Joven, A.M. No. RTJ-01-1646, March 11, 2003.

[24] Section 11 (B) of Rule 140, as amended by AM No. 01-8-10-SC, September 11, 2001.

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