

FERDINAND C. BACOLOT, COMPLAINANT, VS. HON. FRANCISCO D. PAÑO, PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH 93, SAN PEDRO, LAGUNA, RESPONDENT.

A.M. No. RTJ-10-2241 [Formerly OCA I.P.I. No. 09-3224-RTJ]. March 09, 2011

Ponente: PERALTA, J.

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PERALTA, J.:

Before this Court is a Complaint^[1] dated July 7, 2009, wherein complainant Ferdinand C. Bacolot (complainant) charged Hon. Francisco D. Paño, Presiding Judge of Branch 93, Regional Trial Court, San Pedro, Laguna with Grave Misconduct, Gross Neglect of Duty and Dereliction of Duty relative to Civil Case No. SPL-0819 entitled *Teresita Gallardo, et. al. v. Prudential Bank, et.al. for Annulment of Mortgage and Foreclosure Sale with Prayer for Cancellation of Title and Reconveyance of Property.*

The antecedent facts are as follows:

Bacolot is the cousin of Edmund B. Gallardo, plaintiff in the above-mentioned civil case, whom the latter has authorized, by a Special Power of Attorney, to file the instant administrative complaint against Judge Paño.

Bacolot narrated that on June 17, 2005, during trial of the civil case, plaintiffs, through counsel, filed a formal offer of evidence. Thereafter, defendant, after presentation of evidence, manifested that they have no more witness to present. Thus, Judge Paño issued an Order dated September 30, 2005 which reads:

Atty. Arnel Rivera manifested that he has no more witness to present, therefore, he rested his case and move that he be allowed to file a formal offer of evidence to which Atty. Ferdinand Baylon interposed no objection thereto and the latter is given ten (10) days from receipt of the same to file his Comment thereto.

SO ORDERED.

Defendant failed to file his formal offer of evidence. However, Bacolot complained that Judge Paño, instead of ordering the case as submitted for decision, issued an Order resetting the hearing of the case to another date.

On February 28, 2006, plaintiffs filed a Manifestation with Motion, praying that the case be submitted for decision since defendants have already waived their right to file a formal offer of evidence.

On May 29, 2006, Judge Paño, instead of resolving Bacolot's Manifestation with Motion, reset the hearing to August 11, 2006 allegedly upon motion of defendant's counsel.

On September 4, 2006, counsel for the defendant filed a Motion to Recall Witness, alleging that their former counsel inadvertently failed to have some documents identified by their first witness and prayed for the recall of said witness.

On September 23, 2008, plaintiffs requested the early resolution of the case since the case has already been pending for six (6) years. On October 30, 2008, plaintiffs also filed their Comment on the Motion to Recall

Witness.

On November 10, 2008, or more than two (2) years since the filing of defendant's motion to recall witness, Judge Paño granted the motion and allowed defendant to recall its first witness and set the hearing to December 11, 2008.

Feeling aggrieved, Bacolot, in behalf of plaintiff Gallardo, filed the instant administrative complaint.

Bacolot asserted that on September 30, 2005, defendant already rested his case and moved for allowance to file a formal offer of evidence. Defendant failed to file his formal offer of evidence. Consequently, Bacolot insisted that Judge Paño should have submitted the case for decision upon defendant's failure to make the formal offer. Bacolot complained that Judge Paño, instead of ordering the case to be submitted for resolution, *motu proprio* set another hearing for the presentation of defendant's next witness even if he knew that there were no more witnesses to be presented. Such actuation of Judge Paño, Bacolot asserted, constitutes grave misconduct.

Moreover, Bacolot added that Judge Paño is likewise guilty of gross neglect of duty for the very long delay of two (2) years in resolving defendant's motion to recall witness.

Finally, for failing to install measures for the efficient delivery and/or mailing of court processes, resulting in the repeated postponement of hearings, Bacolot claimed that Judge Paño is likewise guilty of dereliction of duty.

On July 22, 2009, the Office of the Court Administrator (OCA) directed Judge Paño to comment on the charges against him.

In his compliance dated November 3, 2009, Judge Paño posited that the grant or denial of a motion to recall witness is discretionary on the part of the court. Judge Paño maintained that the matter is judicial in nature, and the proper recourse of complainant if they feel aggrieved was through legal means and not the filing of an administrative complaint.

With regard to the allegation of delay in the resolution of the motion to recall witness, Judge Paño explained that the delay was due to the fact that there was no proof that plaintiffs received a copy of the Order dated September 22, 2006 which directed plaintiffs to comment on the motion to recall witness. Judge Paño insisted that plaintiffs' comment was required as part of due process. Judge Paño further clarified that on October 3, 2008, upon discovering that plaintiffs have not received a copy of the Order, he immediately directed that a copy of the same Order be furnished anew to plaintiffs' counsel. On November 11, 2008, Judge Paño also claimed that he immediately resolved the Motion to Recall Witness.

As to the charge of grave misconduct, Judge Paño clarified that it was only by inadvertence when he held a hearing on October 28, 2005 notwithstanding the fact that defendant's counsel had already rested his case. He maintained that there was no element of corruption or clear intent to violate the law or flagrant disregard of established rule.

Likewise, Judge Paño refuted that he failed to supervise the delivery/ mailing of court processes which resulted in the delay of administration of justice. He claimed that his staff are well aware of their responsibilities with regard to efficient delivery of court processes. Judge Paño, thus, prayed for the dismissal of the instant complaint for lack of merit.

On June 2, 2010, the OCA found Judge Paño guilty of undue delay in rendering order and simple misconduct. It further recommended that he be fined in the amount of P20,000.00 and be warned that a repetition of similar acts shall be dealt with more severely.

In a Resolution dated July 28, 2010, the Court resolved to redocket the instant administrative complaint as a

regular administrative matter.

RULING

The Code of Judicial Conduct under Rule 3.05[2] of Canon 3 enunciates that judges should administer justice without delay and directs every judge to dispose of the court's business promptly within the period prescribed by law. Rules prescribing the time within which certain acts must be done are indispensable to prevent needless delays in the orderly and speedy disposition of cases.[3]

In the instant case, we cannot excuse Judge Paño for the two-year delay in the resolution of a mere motion to recall witness. His staff's or plaintiffs' failure to inform him sooner that the plaintiffs have yet to receive the copy of the order will not shield him from liability. The proper and efficient court management is the responsibility of the judge, and he is the one directly responsible for the proper discharge of his official functions.[4] He cannot take refuge behind the inefficiency or mismanagement of his court personnel since the latter are not the guardians of a judge's responsibilities. A judge should be the master of his own domain and take responsibility for the mistakes of his subordinates.[5] The delay may be unintentional as Judge Paño would like us to believe, however, the fact remains that he was remiss in the performance of his duties in so far as resolving pending motions expeditiously.

However, as to the allegation of grave misconduct in holding a hearing notwithstanding the fact that defendant's counsel already rested his case, the same has no leg to stand on. It should be emphasized that the questioned ruling of respondent judge was done in the discharge of his judicial functions. Time and again, we have ruled that the acts of a judge, pertaining to his judicial functions, are not subject to disciplinary action, unless they are tainted with fraud, dishonesty, corruption or bad faith.[6] This, complainant failed to establish.

If the complainant felt aggrieved, his recourse is through judicial remedies, i.e., to elevate the assailed decision or order to the higher court for review and correction. Indeed, disciplinary proceedings and criminal actions against magistrates do not complement, supplement or substitute judicial remedies, whether ordinary or extraordinary. An inquiry into their civil, criminal and/or administrative liability may be made only after the available remedies have been exhausted and decided with finality. In fine, only judicial errors tainted with fraud, dishonesty, gross ignorance, bad faith, or deliberate intent to do an injustice will be administratively sanctioned. To hold, otherwise, would be to render judicial office untenable, for no one called upon to try the facts or interpret the law in the process of administering justice can be infallible in his judgment.[7]

WHEREFORE, Judge Francisco D. Paño, Presiding Judge, Regional Trial Court, Branch 93, San Pedro, Laguna, is hereby **ADMONISHED** for being remiss in the performance of his duties, and strongly **WARNED** that a repetition of the same or similar offense will warrant the imposition of a severe penalty.

SO ORDERED.

Carpio, (Chairperson), Velasco, Jr.,[*] Abad, and Mendoza, JJ., concur.

[*] Designated as an additional member in lieu of Associate Justice Antonio Eduardo B. Nachura, per Special Order No. 933, dated January 24, 2011.

[1] Rollo, pp. 1-9.

[2] Rule 3.05 ? A judge shall dispose of the court's business promptly and decide cases within the required periods.

[3] See Re: Cases Submitted For Decision Before Hon. Teresito A. Andoy, former Judge, Municipal Trial Court, Cainta, Rizal, A.M. No. 09-9-163-MTC, May 6, 2010.

[4] Office of the Court Administrator v. Quilala, 404 Phil. 432, 440 (2001).

[5] See Re: Report on the Judicial Audit Conducted in the Municipal Trial Court in Cities, Branch 2, Cagayan de Oro City, A.M. No. 02-8-207-MTCC, July 27, 2009, 594 SCRA 20, 34.

[6] Mariano v. Garfin, A.M. No. RTJ-06-2024, October 17, 2006, 504 SCRA 605, 614.

[7] Carmen Edaño v. Judge Fatima G. Asdala, Regional Trial Court, Branch 87, Quezon City, A.M. No. RTJ-06-2007 (formerly OCA I.P.I. No. 05-2368-RTJ), December 6, 2010

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