

RENE BOY GOMEZ, COMPLAINANT, VS. JUDGE MANUEL D. PATALINGHUG, ALBERTO C. PITA, ACTING CLERK OF COURT/LEGAL RESEARCHER, AND A CONCERNED RECORDS CUSTODIAN, MTCC, DANAOK CITY, RESPON...

A.M. No. MTJ-03-1493. June 18, 2003

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

Complainant is the accused in Criminal Case No. 5794 for Grave Threats, pending before the Municipal Circuit Trial Court of Danao City. From April 19, 1995 to November 8, 1996, the prosecution presented its witnesses before the Presiding Judge, the late Eleuteria N. Alfeche, and later before Acting Presiding Judge Salvador B. Mendoza. After the prosecution rested, the defense moved for the deferment of the hearings since the accused's counter-affidavit and the affidavits of the witnesses were missing from the records of the trial court. Meanwhile, respondent Judge Manuel D. Patalinghug was assigned to the MCTC of Danao City. On March 17, 1998, the defense presented the copy of the accused's counter-affidavit in the files of the Assistant City Prosecutor. Since the affidavits of the other defense witnesses were still missing, counsel for the accused, Atty. Ana Marie Angelica P. Batiquin, was constrained to rest the case.

On January 3, 2000, a decision in Criminal Case No. 5794 was rendered and promulgated, convicting the accused Rene Gomez and sentencing him to suffer the penalty of one month and one day to two months imprisonment and to pay a fine of P200.00.[1] Atty. Batiquin was not notified of the promulgation. When she obtained a copy of the decision, she noticed the portion therein that read: "[t]he Court was able to observe the demeanor of the private complainant when she was cross-examined in open court." [2] She went to see respondent judge to point out the error and reminded him that he was not the presiding judge at the time of presentation of the prosecution witnesses. During her conversation with respondent judge, it appeared that the decision was actually prepared by the Acting Clerk of Court, respondent Alberto C. Pita. Atty. Batiquin promptly expressed her dismay that the decision was not prepared by the presiding judge.

Immediately thereafter, respondent judge promulgated a second decision wherein he rectified the above error, but nonetheless convicted the accused and imposed on him the same penalty.[3] In the second decision, respondent judge noted that only the counter-affidavit of the accused was submitted in evidence.[4] Again, Atty. Batiquin went to the court to examine the records of the case. There she found that the counter-affidavit of the accused, which was previously missing, was attached to the records right after the affidavits of the prosecution witnesses. Moreover, the first decision was no longer attached to the record; only the second decision was attached thereto.

Hence, the accused filed with this Court an administrative complaint charging respondents Judge Manuel D. Patalinghug, Acting Clerk of Court Alberto C. Pita, and an unnamed records custodian, all of the Municipal Circuit Trial Court of Danao City, with Conduct Prejudicial to the Best Interest of the Service, Grave Abuse of Authority, Serious Misconduct, Gross Dishonesty and Partiality, and Misrepresentation and Concealment of

Records.[5]

Respondents Judge Patalinghug and Pita filed a joint Comment. They deny complainant's claim that he submitted his counter-affidavit and the affidavits of his witnesses to the court; otherwise, he should have presented his service copy with the stamp: "Received" by the trial court. Moreover, respondents claim that no part of the records of Criminal Case No. 5794 was lost; that complainant's counter-affidavit was attached to the records right after the evidence for the prosecution. Neither was the first decision missing, since complainant was able to secure a copy thereof from the court. Furthermore, although there were two decisions promulgated, there was in legal contemplation only one decision rendered by the court, inasmuch as the first decision, promulgated on January 3, 2000, was effectively recalled eight days later in an Order dated January 11, 2000, or before its finality.[6]

In compliance with this Court's Resolution,[7] complainant and respondents manifested their willingness to have the case submitted for decision on the basis of the pleadings filed.[8] Thereafter, the case was referred to the Office of the Court Administrator for evaluation, report and recommendation. On July 27, 2001, the OCA submitted its report wherein it recommended that the complaint against Alberto C. Pita be dismissed and that respondent Judge be fined in an amount equivalent to one (1) month salary with a stern warning that a repetition of the same or similar acts in the future will be dealt with more severely.[9]

We agree with the findings of the Court Administrator. Indeed, it is understandable for complainant to suspect that the first decision was not personally prepared by respondent Judge. The following excerpt, to be sure, could not have been written by him:

The Court was able to observe the demeanor of the private complainant when she was examined in open court; she was spontaneous in her giving of answers to questions propounded by counsel for the accused and her answers were clothed with sincerity and in fact she was crying when she gave her testimony.[10]

The efficacy of a decision is not necessarily impaired by the fact that its writer took over from a colleague who had earlier presided at the trial, unless there is a showing of grave abuse of discretion in the factual findings reached by him.[11] The fact that the judge who prepared, signed and promulgated the decision was not the one who heard the evidence does not render the judgment void per se.[12] However, respondent judge should have exercised caution and carefully scrutinized the draft decision to make the necessary corrections before affixing his signature thereon. His failure to do so betrays his carelessness and laziness, which are anathema to the professional competence and diligence required of judges, to wit:

CANON 3 — A JUDGE SHOULD PERFORM OFFICIAL DUTIES HONESTLY, AND WITH IMPARTIALITY AND DILIGENCE.

Rule 3.01 — A judge shall be faithful to the law and maintain professional competence.

Rule 3.02 In every case, a judge shall endeavor diligently to ascertain the facts and the applicable law unswayed by partisan interests, public opinion or fear of criticism.

No one called upon to try the facts or interpret the law in the administration of justice can be infallible;[13] and a judge may not always be subjected to disciplinary action for every erroneous order or decision he renders. Nevertheless, this relative immunity is not a license for the judge to be negligent or abusive and arbitrary in the performance of his adjudicatory prerogatives.[14] The judge is under obligation to observe propriety, discreteness and due care in the performance of his judicial functions.[15] In the case at bar, respondent Judge fell short of these ideals.

Judicial indolence is considered gross inefficiency punishable by a fine or suspension from service without pay with the gravity of the penalty dependent on the attendant aggravating or mitigating circumstances.[16] Therefore,

we adopt the Court Administrator's recommendation that respondent Judge be meted the penalty of fine, but in the specific amount of P20,000.00.

WHEREFORE, respondent Judge Manuel D. Patalinghug is found GUILTY of Gross Inefficiency and is FINED the amount of P20,000.00, with STERN WARNING that a repetition of the same or similar offense in the future will be dealt with more severely. The complaint against Alberto C. Pita and the unnamed Records Custodian is DISMISSED for lack of merit.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Vitug, Carpio, and Azcuna, JJ., concur.

[1] Rollo, 18-27.

[2] Id., p. 26.

[3] Id., pp. 38-48.

[4] Id., p. 47.

[5] Id., pp. 5-7.

[6] Id., pp. 59-63.

[7] Id., p. 174.

[8] Id., pp. 175 & 178.

[9] Id., pp. 168-172.

[10] Supra., note 2.

[11] Quinao v. People, G.R. No. 139603, 14 July 2000, 335 SCRA 741.

[12] People v. Quiamco, G.R. No. 96249, 17 February 1997, 268 SCRA 516; People v. Espanola, G.R. No. 119308, 18 April 1997, 271 SCRA 689.

[13] Pilipinas Bank v. Tirona-Liwag, A.M. No. CA-90-11, 18 October 1990, 190 SCRA 834.

[14] De Vera v. Dames III, A.M. No. RTJ-99-1455, 13 July 1999, 310 SCRA 213.

[15] Enojas v. Gacott, Jr., A.M. No. RTJ-99-1513, 19 January 2000.

[16] Report on the Judicial audit Conducted in RTC Branches 29 and 59, Toledo City, A.M. No. 97-9-278-RTC, 8 July 1998, 292 SCRA 8.

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