

DORCAS G. PETALLAR, COMPLAINANT, VS. JUDGE JUANILLO M. PULLOS, MCTC, SAN FRANCISCO, SURIGAO DEL NORTE, RESPONDENT.

A.M. No. MTJ-03-1484 (Formerly OCA IPI No. 02-1198-MTJ). January 15, 2004

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

In a complaint-affidavit[1] dated February 7, 2002, Judge Juanillo M. Pullos, former presiding judge of the Municipal Circuit Trial Court of San Francisco, Surigao del Norte, stands charged by complainant Dorcas G. Petallar of violating Canon 1, Rule 1.02[2] and Canon 3, Rule 3.05[3] of the Code of Judicial Conduct; as well as Rule 140, Section 4[4] and Rule 70, Sections 10[5] and 11[6] of the Rules of Court; for undue delay in rendering a decision in Case No. 137 for Forcible Entry.

In charging respondent judge with having violated his duty to administer justice impartially and without delay, Petallar averred that he was the plaintiff in said forcible entry case, adding (and we quote his allegations):

“2.

That I filed the complaint for Forcible Entry aforementioned in MCTC San Francisco sometime on (sic) March, 1999, which court is presided by Judge Juanillo M. Pullos;

“3.

That the Defendants filed their Answer on April 8, 1999;

“4.

That after preliminary conference, we were ordered to submit our respective position papers and evidences;

“5.

That on February 02, 2000, I, the Plaintiff submitted our position paper and evidences and the Defendants submitted also their position paper and evidences on the same period;

“6.

That after I submitted our position papers and evidences together with the Defendants, I did not remember Judge Juanillo M. Pullos to have ordered us to submit additional affidavits or other evidences to clarify certain material facts;

“7.

That after 30 days after the receipt of the affidavits and position papers and the expiration of the period for filing at the MCTC-San Francisco, Surigao del Norte, Judge Juanillo M. Pullos did not render judgment;

“8.

That after two months from the submission of our position papers, I often went to the court of Judge Pullos personally to verify if there is already a judgment;

“9.

That I filed a manifestation through my lawyer on October 15, 2000, a copy is attached as ANNEX-“A”;

“10.

That just to remind Judge Juanillo M. Pullos of his sworn duty, I nonetheless compelled my lawyer on August 3, 2001 to file a Motion for Rendition of Judgment before Judge Pullos which was duly received on August 6, 2001, a copy of said Motion is attached as ANNEX “B”;

“11.

That I personally asked Judge Juanillo Pullos in his court when must be the rendition of judgment of our case and personally answered me three times on those three occasions, as follows:

- ‘That he was still studying the case,’ and he promised this to me sometime on September 2001;
- ‘That he had already studied the case but the form shall still be reduced in typewritten form’ and he said this to me sometime on the 1st week of October 2001;
- ‘That the Decision shall be mailed’ and he said this on October 25, 2001;

“12.

That as of the filing of this Complaint, December 27, 2001, I did not receive any judgment in the above-entitled case;”[7]

For his part, respondent judge in his comment, by way of 2nd Indorsement[8] dated August 6, 2002, stated that he handed down his decision in Case No. 137 on June 2, 2002. He pointed out that said decision is, in fact, the subject of an appeal. Respondent submitted that the charges against him had become moot.

The Office of the Court Administrator (OCA), however, found no merit in respondent’s contention that the administrative complaint against the latter had been mooted by the decision he rendered in Case No. 137. The OCA observed that said decision was rendered out of time, in breach of Rule 70, Section 11 of the Rules of Court, which mandates that judgment must be rendered within thirty (30) days after receipt of the affidavits and position papers or the expiration of the period for filing the same. The OCA also found respondent omitted to come up with a satisfactory explanation as to his failure to decide the case within the prescribed period. Nor did he ask for an extension of time within which to decide the case. Thus, in its report dated February 6, 2003, the OCA held respondent liable for undue delay in rendering judgment in violation of the Rules of Court and recommended that he be fined the amount of P5,000.00. It was further recommended that respondent judge be admonished to be more conscientious and prompt in the performance of his duties.

On March 30, 2003, respondent retired from the judiciary.

After a careful perusal of the records of this administrative matter, we find no reason to disagree with the findings of the OCA. Respondent indeed violated Rule 70, Section 11 of the Rules of Court for undue delay in rendering judgment. The records show that the parties in Special Civil Action Case No. 137 had filed their respective position papers as early as February 2, 2000. Thus, respondent had until March 4, 2000 to render judgment. Had there been circumstances which prevented him from handing down his decision within the prescribed period, respondent should have at least requested from this Court for an extension of time within which to render judgment. As respondent himself admitted, Case No. 137 was decided only on June 2, 2002 or two (2) years and

some three (3) months beyond the reglementary period. Moreover, he could not even come up with an explanation for the delay.

We cannot overemphasize the Court's policy on prompt resolution of disputes. Justice delayed is justice denied. Failure to resolve cases submitted for decision within the period fixed by law constitutes a serious violation of Article III, Section 16[9] of the Constitution.

The honor and integrity of the judicial system is measured not only by the fairness and correctness of decisions rendered, but also by the efficiency with which disputes are resolved. Thus, judges must perform their official duties with utmost diligence if public confidence in the judiciary is to be preserved. There is no excuse for mediocrity in the performance of judicial functions. The position of judge exacts nothing less than faithful observance of the law and the Constitution[10] in the discharge of official duties.

Nevertheless, we are aware of the heavy case load of first level courts. Thus, we have, on numerous occasions, allowed reasonable extensions of time within which to decide cases. But such extensions must first be sought from this Court. A judge cannot by himself prolong the period for deciding cases beyond that authorized by law. Without any order of extension granted by this Court, failure to decide a case within the prescribed period constitutes gross inefficiency that merits administrative sanction.[11]

The OCA recommended that respondent judge be fined in the amount of P5,000.00 for his failure to decide on time Case No. 137, with admonition to be more conscientious and prompt in the performance of judicial duties. We agree that a fine must be imposed, but not in the amount recommended by the OCA. Under Rule 140, Section 4 of the Revised Rules of Court, undue delay in rendering a decision in a case is a less serious charge that merits, under Section 10(B) of the same Rule, either suspension from office or a fine beginning at P10,000.00 but below P20,000.00. This being his first administrative case brought to our attention and there being no special circumstance to warrant the imposition of a higher penalty, we find it reasonable and appropriate to impose upon respondent a fine of P10,000.00 only. Now, considering that he already retired from the service, said amount ought to be deducted from his retirement pay and benefits.

WHEREFORE, respondent Judge Juanillo M. Pullos, former presiding judge of the Municipal Circuit Trial Court of San Francisco, Surigao del Norte, is found **LIABLE** for undue delay in rendering a decision in Case No. 137, tantamount to **GROSS INEFFICIENCY**. He is hereby **ORDERED** to pay a **FINE** of P10,000.00 to be deducted from his retirement pay and benefits.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Callejo, Sr., and Tinga, JJ., concur.

[1] Rollo, pp. 1-3.

[2] Rule 1.02. – A judge should administer justice impartially and without delay.

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

[4] SEC. 4. Less Serious Charges. – Less serious charges include:

- Undue delay in rendering a decision or order, or in transmitting the records of a case;

...

[5] SEC. 10. Submission of affidavits and position papers. – Within ten (10) days from receipt of the order mentioned in the next preceding section, the parties shall submit the affidavits of their witnesses and other evidence on the factual issues defined in the order, together with their position papers setting forth the law and the facts relied upon by them.

[6] SEC. 11. Period for rendition of judgment. – Within thirty (30) days after receipt of the affidavits and position papers, or the expiration of the period for filing the same, the court shall render judgment.

However, should the court find it necessary to clarify certain material facts, it may, during the said period, issue an order specifying the matters to be clarified, and require the parties to submit affidavits or other evidence on the said matters within ten (10) days from receipt of said order. Judgment shall be rendered within fifteen (15) days after the receipt of the last affidavit or the expiration of the period for filing the same.

The court shall not resort to the foregoing procedure just to gain time for the rendition of the judgment.

[7] Rollo, pp. 1-2.

[8] Id. at 11.

[9] SEC. 16. All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.

[10] ART. VIII, SEC. 15. (1) All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty-four months from date of submission for the Supreme Court, and, unless reduced by the Supreme Court, twelve months for all lower collegiate courts, and three months for all other lower courts.

(2) A case or matter shall be deemed submitted for decision or resolution upon the filing of the last pleading, brief, or memorandum required by the Rules of Court or by the court itself.

(3) Upon the expiration of the corresponding period, a certification to this effect signed by the Chief Justice or the presiding judge shall forthwith be issued and a copy thereof attached to the record of the case or matter, and served upon the parties. The certification shall state why a decision or resolution has not been rendered or issued within said period.

...

[11] Saceda v. Gestopa, Jr., A.M. No. MTJ-00-1303, 13 December 2001, 372 SCRA 193, 197.

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