BENITO MONCADA, COMPLAINANT, VS. MTC-CABUYAO, LAGUNA RESPONDENT.

A.M. NO. MTJ-06-1639 (Formerly OCA-IPI No. 05-1803- MTJ). July 28, 2006

Ponente: TINGA, J.

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TINGA, J.:

The present administrative case against Judge Alden V. Cervantes (respondent judge) stemmed from the undue delay in the resolution of a criminal case for Usurpation of Real Property and Real Rights filed before his sala as Municipal Trial Court judge of Cabuyao, Laguna. The complaint dated 22 November 2005 was filed by the defendant in that case, Benito Moncada (Moncada), charging respondent judge with violation of Canon 1, Rule 1.01,[1] Canon 3,[2] and Canon 3, Rule 3.05[3] of the Code of Judicial Conduct.

Moncada alleges that on 23 December 1997, he and his wife entered into a contract of lease[4] with the spouses Jose Ebron and Librada Ebron (spouses Ebron) over a parcel of land located at Barangay Pulo, Cabuyao, Laguna, covered by Transfer Certificate of Title No. T-404878. Under the terms of the contract, Moncada, as lessee, was to pay a monthly rental of P4,000.00 and another P10,000.00 representing advances in rental fees for 2½ months.

Immediately thereafter, Moncada opened a bakeshop in a two-story building which he constructed after he sought permission from the spouses Ebron as stipulated in the contract of lease. Moncada claims that he spent more than P400,000.00 for the construction of the building.

Sometime in 2000, Moncada went to the Office of the Register of Deeds and Assessor's Office of Cabuyao, Laguna, to verify the ownership of the land he leased. He came upon Tax Declaration No. 05248, which indicated a different set of persons other than the spouses Ebron as the owners of the property.[5] Moncada confronted the spouses Ebron about his discovery, but the latter got angry and instead asked for double the amount of the then prevailing rent. Moncada did not agree to the increase in rent. As a result, the spouses Ebron refused to accept Moncada's payment for the leased premises.

On 15 December 2000, the spouses Ebron filed with the Metropolitan Trial Court of Cabuyao, Laguna, a civil case for Unlawful Detainer with Ejectment & Damages with Preliminary and Mandatory Injunction[6] and a criminal case for Usurpation of Real Property and Real Rights[7] against Moncada.

On 24 May 2001, Moncada pleaded not guilty upon arraignment in the criminal case. Pre-trial was deferred on several occasions for failure of either the private or the public prosecutor to appear in court, and for other reasons not explained in the records. All told, the criminal case dragged on from 24 May 2001 to 16 January 2006.[8]

During that period, Moncada filed a Motion to Suspend Action for Usurpation on the Ground of Prejudicial Question[9] on 5 June 2002 which was promptly denied by respondent judge on 29 July 2002.[10] He also filed on 28 January 2004 a Motion to Dismiss[11] on the ground that the criminal case against him, having been pending from the time the pre-trial conference on 29 July 2002 was terminated until the time of the filing of the motion, violated the Rule on Summary Procedure (Rules) specifically with regard to his right to speedy, impartial

and public trial. On 16 February 2004, respondent judge issued an Order[12] denying Moncada's Motion to Dismiss.

Another Motion to Dismiss[13] was filed by Moncada dated 30 June 2004. However, in an Order dated 7 July 2004, respondent judge again denied the motion to dismiss, characterizing the same as "misplaced."[14]

Aside from the slow pace of the criminal case, Moncada also avers that the stenographic notes taken during the hearings of the case have not been transcribed and that, as of the time of the filing of the instant complaint, no transcript of stenographic notes (TSNs) were attached to the records of the case.

Meanwhile, respondent judge retired from the judiciary on 23 November 2005, a day before the present complaint against him was filed.

Required to file a Comment, respondent judge instead filed a Manifestations and Motion to Dismiss Administrative Complaint[15] insisting on his honest belief that the present administrative case filed by Moncada has no legal basis and is unmeritorious. Respondent judge claims that he was not remiss in performing his duties as a judge and that the denial of the motions to dismiss was in the exercise of his sound discretion. Respondent judge also notes that the complaint was filed after he retired on 23 November 2005.

The Office of the Court Administrator (OCA), through Senior Deputy Court Administrator Zenaida N. Elepaño and Deputy Court Administrator Jose P. Perez, filed with this Court its Evaluation, Report and Recommendation dated 6 April 2006, recommending the imposition of a fine in the amount of P20,000.00 to be deducted from respondent judge's retirement benefits.

The OCA found the charge of ignorance of the law for denying Moncada's motions to dismiss bereft of merit. It concluded that respondent judge issued the assailed orders in the exercise of his sound judicial discretion, and if any error was committed, it was an error in judgment that can be corrected by a judicial remedy set forth in the Rules of Court. However, as regards the delay in the disposition of the criminal case before respondent judge's court, the OCA held that the latter was evidently remiss in his duty to resolve the same on time. It declared:

> His conduct blatantly manifests his incompetence and ineptitude in discharging his functions. Not only did he violate the constitutional and statutory requirements that cases be decided within the period fixed therefore, he likewise contravened Section 16, Article III of the Constitution, which provides that "All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial or administrative bodies." The public trust's [sic] character of a judge's office imposes upon him the highest degree of responsibility in the discharge of his obligation to promptly administer justice (OCA vs. Benedicto, 296 SCRA 62, [1998]). Needless to say, any delay in the determination or resolution of a case, no matter how insignificant the case may seem to a judge, is, at bottom, delay in the administration of justice, in general. The suffering injured by just one person-whether plaintiff, defendant or accused-while awaiting a judgment that may affect his life, honor, liberty or property, taints the entire judiciary's performance in its solemn task of administering justice. (Re: Report on the Judicial Audit, RTC Branches 4 and 23, Manila and MeTC, Branch 14, Manila, 291 SCRA 10, [1998]).[16]

We are in accord with the OCA's findings and recommendation.

At the outset, it must be emphasized that the nature of the criminal case against Moncada is one that entails the disposition of the case under the Rules. Section 17 thereof provides that when the trial has been conducted, the Court shall promulgate the judgment not later than thirty (30) days after the termination of trial.

It is obvious that expediency is the objective of the Rules. Certainly, leaving a case undecided for more than five (5) years is not sanctioned by the Rules.

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Delay in the disposition and resolution of cases constitutes a serious violation of the parties' constitutional right to speedy disposition of their grievances in court.[17] In Office of the Court Administrator v. Avelino,[18] the Court held that a delay in the disposition of a criminal case for slight physical injuries for five (5) years is a violation of Section 10 of the Revised Rule on Summary Procedure which directs a judge to decide the case within thirty (30) days from receipt of the last affidavits and position papers, or the expiration of the period for filing the same. It must be stressed that the Revised Rule was enacted to achieve an expeditious and inexpensive determination of the cases falling within its coverage. It is therefore not encouraging when it is the judge himself who occasions the delay sought to be prevented by the said Rule.[19]

In this case, the failure of respondent judge to decide the criminal case with dispatch as mandated by the Rules speaks of his arrant negligence. Worse, respondent judge did not even offer a plausible explanation why the criminal case took so long to be resolved.[20] His proffered excuse that he was merely an acting presiding judge of the MTC, Cabuyao, Laguna is unacceptable. All judges are required to ensure that the administration of justice is unhampered by delays that deprive litigants of their right to speedy disposition of their cases.

The Court also deems it fit to discuss the absence of the TSNs of the criminal case from the record even after the lapse of a considerable length of time. Although it is the duty of the court stenographer to transcribe the stenographic notes, it is a given fact that the judge exercises supervision over his court personnel. The Code of Judicial Conduct requires judges to organize and supervise court personnel to ensure the prompt and efficient dispatch of business, and to require the observance of high standards of public service and fidelity at all times.[21]

It is of no moment that Moncada filed his complaint one (1) day after the retirement of respondent judge. It should be stressed that the administrative case Moncada filed against him was in relation to his duties as a judge. As such, even if he has retired from the service, if found to be remiss in upholding his sworn responsibility, he could still be penalized for the infractions he has committed.

However, since the retirement of respondent judge precludes the imposition of the penalty of suspension,[22] the Court now rules that it is but proper to impose upon him the recommended fine of P20,000.00 to be deducted from whatever retirement benefits he may receive.

WHEREFORE, finding respondent judge guilty of gross neglect of judicial duty and indifference to his responsibility concerning speedy disposition of cases, Judge Alden V. Cervantes is hereby FINED the sum of Twenty Thousand Pesos (P20,000.00) to be deducted from his retirement benefits.

SO ORDERED.

Quisumbing, (Chairperson), Carpio, Carpio-Morales, and Velasco, Jr. JJ., concur.

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[1] Canon 1, Rule 1.01-A judge should be the embodiment of competence, integrity, and independence.

[2]Canon 3-A judge should perform official duties honestly, and with impartiality and diligence.

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

[4] Rollo, pp. 10-11.

[5]The declared owners were: Nicanor P. Padilla III, Ma. Ysabel P. Sylianteng, Regina Eumelia P. Geraldez, Gesila Fatima P Concepcion, Susana Leonor P. Campos, and Cecilia P. Padilla. Id. at 13.

[6]Docketed as Civil Case No. 704. Id. at 15-20.

[7] Docketed as Criminal Case No. 7079. Id. at 21.

[8] Id. at 35-43, 47-49, 50-51, 54-56, 60-62, 67-72. As can be gleamed from complainant's attached annexes of notices of hearings by the MTC.

[9] Id. at 44-46.

[10] Id. at 48-49.

[11] Id. at 57-58.

[12] Id. at 59. The Order reads:

The Motion to Dismiss filed by accused, through caunsel, (sic) on January 28, 2004 is denied for lack of merit. The records show that this case has been set for hearings and the parties have appeared in Court during said hearings.

SO ORDERED.

[13] Id. at 62-63. The pertinent portion of the Motion to Dismiss states:

That during the last hearing, on June 14, 2003, both parties represented by their respective counsels came into an agreement, which was later on confirmed before the Honorable Court, that this case shall be dismissed on written motion of the herein accused, hence the instant motion.

That part of the agreement was that the accused should undertake in writing that he shall peacefully leave the premises subject of this controversy, hence attached hereto is the written undertaking of the accused as Annex "1", to form an integral part hereof.

[14] Id. at 66. Respondent judge in his Order dated 7 July 2004 reasoned:

The Motion to Dismiss, (sic) dated, June 30, 2004, filed by the accused, through counsel, is hereby denied for being misplaced.

The records show that earlier on January 28, 2004, accused, through counsel filed the Motion to Dismiss which was already denied under Court Order dated February 16, 1994.

Let this case be set for the continuance of the hearings.

[15] Rollo, pp. 75-76.

[16] Id. at 79.

[17] Office of the Court Administrator v. Avelino, MTJ No. 05-1606, 9 December 2005, 477 SCRA 9, 15 citing Golangco v. Villanueva, 384 SCRA 305, 308-309 (2002).

[18] Supra.

[19] Id.

[20]Rollo, p. 75-76.

[21] Rule 3.09.

[22] Section 9, Rule 140 of the Revised Rules of Court classifies undue delay in rendering a decision or order as a less serious charge and imposes for its violation a penalty of 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.

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