

THE SECRETARY OF JUSTICE, COMPLAINANT, VS. HON. FLORENCIO VILLAMOR, RESPONDENT.

Adm. Case No. 196-J. November 24, 1972

Ponente: RUIZ CASTRO, J.

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RUIZ CASTRO, J.:

On February 18, 1971 the Honorable Secretary of Justice (hereinafter referred to as the complainant) filed with this Court an administrative complaint against the Honorable Judge Florencio Villamor (hereinafter referred to as the respondent), charging the latter with serious misconduct and serious inefficiency and recommending appropriate disciplinary action, pursuant to Section 67[1] of the Judiciary Act, as amended. The complainant imputes to the respondent as serious inefficiency the latter's failure to decide Civil Case SD-71 entitled "Diego Andres vs. Filomena Ramos" for more than three years after its submission for decision, and as serious misconduct the falsification of his certificates of service submitted for the collection of his salary pursuant to Section 5 of the Judiciary Act, as amended.

From the record of the case at bar can be gleaned the factual incidents that led to the filing of the present administrative complaint.

On September 7, 1964 Diego Andres lodged a complaint with the Court of First Instance of Nueva Ecija, Branch VI (with the respondent presiding) against Filomena Ramos (Civil Case SD-71). Andres sought to recover from Ramos the ownership and possession of a parcel of agricultural land as well as damages. Ramos filed his answer to the complaint about a month later.

The trial of the case which commenced on December 9, 1964 dragged on until March 29, 1967 because of repeated postponements at the behest of the respective counsels of Andres and Ramos. On the latter date, trial was finally terminated, and the respondent issued an order requiring the parties to submit their respective memoranda within thirty days, after which the case would be considered submitted for decision. Neither party, however, filed his memorandum within the thirty-day period—Andres submitted his only on June 15, 1967, Ramos his on July 18, 1967.

Subsequently, in a letter dated August 4, 1970 to the complainant, Andres requested assistance in obtaining a resolution of the case. The Department of Justice then referred Andres' letter to the respondent under covering indorsement dated September 28, 1970 for necessary action. Having received neither reply nor acknowledgment from the respondent, the Department sent him a telegram dated November 16, 1970 requesting information on the status of the case. When the Department again received no reply to its telegram, it inquired from the Clerk of Court, by letter dated December 9, 1970, about the status of the case. Failing again to receive a reply, the complainant sent the respondent a telegram dated January 4, 1971 notifying him of the suspension of his salary "effective immediately."

On January 23, 1971 the respondent rendered his decision in Civil Case SD-71. The filing of the present administrative case followed on February 18, 1971.

In due time, the respondent answered the administrative complaint, controverting the acts of serious misconduct and inefficiency imputed to him, explaining the various incidents relative to his failure to decide the case involved herein within ninety days from submission and to the preparation of his service certificates, and praying for the dismissal of the complaint.

After the parties submitted their respective memoranda, the Court referred the case, through a resolution dated January 17, 1972, to the Honorable Justice Hermogenes Concepcion of the Court of Appeals for investigation, report and recommendation. On November 9, 1972 Justice Concepcion presented his report to this Court, finding the respondent not remiss in the performance of his duties and recommending dismissal of the administrative complaint.

Resolution of the present administrative case hinges entirely on a determination of whether the respondent's failure to decide Civil Case SD-71 for more than three years and his certification in his certificates of service filed after October 15, 1967 to the effect that all cases submitted for his decision or determination for a period of ninety days or more had been decided or determined on or before the dates of said certificates, amount to serious inefficiency and serious misconduct.

It is the submission of the complainant that considering that the respondent decided Civil Case SD-71 only on January 23, 1971, he had therefore falsely stated in his service certificates which he submitted after the expiration of the ninety-day period provided for by Section 5[2] of the Judiciary Act, as amended — whether reckoned from the date of expiration of the thirty-day period the said respondent gave the parties within which to submit their respective memoranda, or from the date Ramos (the defendant in Civil Case SD-71) filed his memorandum — and prior to January 23, 1971, that all cases under submission for his decision or determination for a period of ninety days or more had been decided or determined on or before the dates of the said certificates. And, the complainant insists, the respondent's failure to decide Civil Case SD-71 for a period of more than three years definitely constitutes serious inefficiency while his falsification of his service certificates submitted for the collection of his salary undoubtedly amounts to serious misconduct.

In his defense, the respondent adduced reasons for his failure to decide Civil Case SD-71 on time and attributes his delayed resolution of the said case to excusable oversight or excusable negligence. He also avers that he prepared his certificates of service in utmost good faith, without any intent to prevaricate. The explanation of the respondent for his questioned actuations convinces this Court of the absence of any valid legal basis to warrant a finding of serious misconduct or serious inefficiency on his part. Verily, the incidents that caused the delay in the resolution of Civil Case SD-71 supply no sufficient indicia of a course of conduct on the part of the respondent that was impelled by improper or corrupt motives.

To begin with, the respondent, as his narration reveals, shortly after the termination of the trial of Civil Case SD-71 on March 29, 1971, kept the notes he took during the trial of the said case in one of the drawers in his office. He deemed it proper to keep in a safe place his own notes of the trial while he waited for the respective memoranda of the parties. Unfortunately, not one of his subordinates called his attention to the compliance by the parties — three to four months after the thirty-day period given them — with his order re the submission of their memoranda.

Then, the respondent, already afflicted with a heart condition, fell victim to a heart attack. This necessitated his confinement at the Nueva Ecija provincial hospital and, later, at the V. Luna General Hospital for therapy and rest. Subsequently, he went on sick leave for six months in order to fully recover his health.

He then returned to duty, still unaware of the status of Civil Case SD-71 — then pending before him for decision — and continued to be so unaware until he received the telegram from the complainant informing him of the

suspension of his salary "effective immediately" due to his failure to decide the said case. And, ad interim, he continued to accomplish his certificates of service, unknowing of the submission of Civil Case SD-71 for his decision.

To place the blame entirely on the respondent for his failure to decide Civil Case SD-71 on time amounts to a severely restricted appreciation of the prevailing factual milieu. The inaction of the parties for a considerable length of time after the expiration of the thirty-day period granted them for the filing of their respective memoranda contributed in no small way to the unintended deferment of the resolution of Civil Case SD-71. The parties' delayed submission of their respective memoranda provided a snag, avoidable at that, in the prompt disposition of the case.

Then, the respondent found himself contending with the consequences of a heart attack. He was confined at the Nueva Ecija provincial hospital and later at the V. Luna General Hospital, not only for the necessary bed-rest program usually prescribed for patients who suffer similar heart disorders but also for immediate attendance to his specific medical needs. This enforced confinement caused unwanted disturbance in his active life and in the daily routine of court work. The respondent also took a prolonged sick leave to enable him to recover fully. Undoubtedly, the respondent's illness, with its accompanying tensions and anxiety, and the extended period of recuperation which imposed upon him a state of inactivity, occasioned his oversight of the pendency of Civil Case SD-71.

Thus, the respondent, completely unmindful of the status of Civil Case SD-71, prepared and filed his service certificates, stating therein that all cases submitted to him for decision and determination for a period of ninety days or more had been decided or determined on or before the dates of the said certificates. These certificates of service, the circumstances pointed out, the respondent accomplished without any wrongful design to omit the fact of the pendency of Civil Case SD-71 before him for decision. Nor was there any intent to make untruthful statements in the said service certificates. In the preparation of these certificates, the respondent merely stated therein what he honestly believed to be the true status of the case traffic in his court. So, in the absence on the part of the respondent of any malicious perversion of the truth or of any intent to make false statements in his certificates of service, the charge that he committed acts of falsification cannot be upheld.

Significantly, the present charges of serious misconduct and serious inefficiency lodged against the respondent constitute the very first charge of misconduct in his thirty long years of continuous service in the Government. The absence of any previous charges against the respondent, administrative[^]or otherwise, attests to the faithful performance of his duties and to his honesty. These circumstances strongly militate against the proposition that the respondent wilfully forgot or intentionally neglected to act on Civil Case SD-71.

The foregoing notwithstanding, an incident in the case at bar, reflective of the behavior of the respondent, has not escaped this Court's attention. The record shows that the Department of Justice twice communicated with him — by indorsement dated September 28, 1970 and by telegram dated November 16, 1970 — asking for information on any action, if any, already taken by him on Civil Case SD-71. The Department received neither reply nor acknowledgment. In his memorandum filed with this Court, the respondent neither denies receipt of the indorsement and the telegram nor offers any explanation for his omission to make reply. In this Court's opinion, the respondent's failure to accord the Department of Justice—under whose administrative supervision he falls — any acknowledgment of or answer to its indorsement and telegram does not speak well of his official behavior as a member of the judiciary. This infraction by the respondent of the commonly accepted norms of courtesy demeans his exalted position as a judge. A judge should at all times exercise unremitting regard for others — department officials, counsels, litigants, witnesses. He should ever endeavor to attend punctiliously to the details, though numerous they may be, concomitant to his duties, more so when they involve, directly or indirectly, the

administration of justice.

In this connection, this Court notes the practice not only of the respondent but as well of many other judges of leaving to their clerks of court or other court personnel the control of the docket in their respective courts. As a consequence, only the clerk of court who daily keeps track of the court business knows the actual docket condition in the court. The presiding judge relies mainly on the abbreviated reports of his clerk of court on the case traffic in his court. True, to require the judge himself to personally attend to the minute administrative details appurtenant to the docket of his court constitutes an exacting and rigoristic demand. However, a judge should regularly check the docket situation in his court to ensure the prompt dispatch of court business. This requires but the minimum of diligent effort on the part of the judge.

The respondent is hereby admonished to observe the workaday norms of courtesy and to exercise due diligence in the performance of his administrative duties.

All circumstances considered, especially since the complainant ascribes to him neither corrupt motivation nor malicious intent to violate the law, there appears to be no sufficient cause in the record that would warrant the suspension, much less the removal from office, of the respondent.

ACCORDINGLY, the respondent Judge Florencio Villamor is absolved of the charges of serious misconduct and serious inefficiency, and the complaint against him is hereby dismissed.

Conception, C.J., Zaldivar, Fernando, Teehankee, Barredo, Makasiar, Antonio, and Esguerra, JJ., concur.

Makalintal, J., is on official leave.

[1] "SEC. 67. Proceedings for removal of Judges. - No District Judge shall be separated or removed from office by the President of the Philippines unless sufficient cause shall exist, in the judgment of the Supreme Court, involving serious misconduct or inefficiency, for the removal of said judge from office after the proper proceedings. The Supreme Court of the Philippines is authorized, upon its own motion, or upon information of the Secretary of Justice to conduct an inquiry into the official or personal conduct of any judge appointed under the provisions of this law, and to adopt such rules of procedure in that regard as it may deem proper; and, after such judge shall have been heard in his own defense, the Supreme Court may recommend his removal to the President of the Philippines, who, if he deems that the public interest will be subserved thereby, shall thereupon make the appropriate order for such removal.

"The President of the Philippines, upon recommendation of the Supreme Court, may temporarily suspend a judge pending proceedings under this section. In case the judge suspended is acquitted of the cause or causes that gave rise to the investigation, the President of the Philippines shall order the payment to him of the salary, or part thereof, which he did not receive during his suspension, from any available funds for expenses of the judiciary.

"The cost and expenses incident to such investigations shall be paid from the funds appropriated for contingent expenses of the judiciary, upon vouchers approved by the Chief Justice of the Supreme Court."

[2] "SEC. 5. Judges' certificate as to work completed. - District judges, judges of city courts, and municipal judges shall certify on their applications for leave, and upon salary vouchers presented by them for payment, or upon the payrolls upon which their salaries are paid, that all special proceedings, applications, petitions, motions, and all civil and criminal cases which have been under submission for decision or determination for a period of ninety days or more have been determined and decided on or before the date of making the certificate, and no leave shall

be granted and no salary shall be paid without such certificate.

"In case any proceeding, application, petition, motion, civil or criminal case is resubmitted upon the voluntary application or consent in writing of all the parties to the case, cause, or proceeding, and not otherwise, the ninety days herein prescribed within which a decision should be made shall begin to run from the date of such resubmission."

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