

MICHAEL GAMALIEL PLATA, COMPLAINANT, VS. JUDGE LIZABETH G. TORRES, RESPONDENT.

A.M. No. MTJ-08-1721 (Formerly A.M. No. IPI-03-1464-MTJ). October 24, 2008

Ponente: BRION, J.

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BRION, J.:

In a sworn letter dated April 21, 2003 addressed to then Court Administrator, now Associate Justice Presbitero J. Velasco, Jr., Michael Gamaliel J. Plata (complainant) charged Judge Lizabeth G. Torres (respondent Judge) of the Metropolitan Trial Court in Cities (MeTC), Branch 60, Mandaluyong City, with grave abuse of discretion, gross negligence, serious inefficiency and violation of the Code of Judicial Conduct for her failure/refusal to resolve the Motion to Withdraw Information dated July 29, 1999, filed by Assistant City Prosecutor Susante J. Tobias of Mandaluyong City, in Criminal Case No. 6679 entitled "People of the Philippines v. Michael J. Plata."

The complainant reiterated his charges against the respondent Judge in a verified letter-complaint dated August 14, 2003.

The recitals in both the letter and the complaint-affidavit show that the complainant was accused of attempted homicide before the City Prosecutor's Office of Mandaluyong City, docketed at I.S. No. 97-10732. The City Prosecutor's Office found probable cause to charge the complainant of the imputed crime in a Resolution dated November 21, 1997. Consequently, an Information for Attempted Homicide was filed against him with the MeTC of Mandaluyong City. The case was subsequently raffled to the sala of the respondent Judge.

The complainant appealed the City Prosecutor's resolution to the Department of Justice (DOJ). In Resolution No. 305, Series of 1998, the DOJ reversed the appealed resolution and directed it to cause, with leave of court, the withdrawal of the information for attempted homicide. Secretary of Justice Serafin R. Cuevas denied the motions for the reconsideration of DOJ Resolution No. 305.

In accordance with the DOJ directive, Prosecutor Tobias filed a Motion to Withdraw Information with the respondent Judge's court on July 29, 1999. Two (2) years after, the respondent Judge had not acted on the motion, prompting the complainant to file on August 28, 2001 a manifestation for its early resolution. The respondent Judge set the motion for hearing on December 13, 2001. Instead of proceeding with the hearing, the respondent Judge required the private complainants to file a manifestation within five days supporting their claim that DOJ Resolution No. 305 had been appealed to the Court of Appeals; otherwise the motion shall be deemed submitted for resolution. No action came from the respondent Judge despite the lapse of the five-day period; this inaction lasted up to the filing of the present administrative complaint.

The complainant claims that the respondent Judge's failure to act on the motion to withdraw the information is a violation of his constitutional right to a speedy disposition of the case against him. He alleges that "[L]ike the sword of Dasmocles, the instant case has hounded me in the exercise of my lawful rights, in the performance of my tasks, and in my need to clear my name and reputation."

On August 26, 2003, we required the respondent Judge to comment on the administrative complaint. The respondent Judge failed to comply despite the several extensions and a warning we gave.

Finally, we required the respondent Judge in a Resolution dated November 21, 2005 to show cause why she should not be administratively dealt with for having repeatedly failed to comment on the complaint despite directives from the Court. We likewise required her to submit the required comment within five (5) days from notice. The respondent Judge disregarded our "show cause" order and likewise failed to file the required comment, prompting us to impose a P1,000.00 fine against her. She only filed her "show cause" explanation and comment on November 3, 2006, or more than three (3) years after she was first required to comment,

The Court designated Consultant Romulo S. Quimbo of the Office of the Court Administrator (OCA) to investigate the administrative complaint and to submit a report and recommendation on the case. On March 31, 2007, he reported as follows:

x x x

In her "Consolidated Order," respondent admits that in Criminal Case No. 66879 against the present complaint, a motion to withdraw the information was filed by the public prosecutor on July 30, 1999. Respondent is not necessarily responsible for the court's inaction on the matter before June 1, 2001 when she assumed the position of presiding judge of Branch 60, Metropolitan Trial Court of Mandaluyong City. But after her assumption, it was her responsibility to resolve the pending incident within the period allowed by law.

It appears from the same "Consolidated Order" that Criminal Case No. 66879 was dismissed on September 15, 2006. If we consider the fact that complainant filed, on August 1, 2001, a manifestation praying that the motion to withdraw information against him be given due course, it was quite a long time before respondent resolved the motion as she issued her "Consolidated Order" only on September 15, 2006 or more than five years after.

The excuse given by respondent is that she wanted to have all the cases disposed of at one time. This motive is laudable if by doing so the judge does not go beyond the periods provided by law for the resolution of pending incidents.

The failure of respondent to promptly resolve the motion filed by the public prosecutors to withdraw the information, damaged the complainant. The latter had to keep his bail bond active during all these years that the motion was held in abeyance. If he was paying a yearly premium, to that extent he suffered damages. Instead of being relieved of the anxiety of having a criminal case pending against him, complainant suffered the same for the period that respondent failed to resolve the incident.

Finding the respondent Judge liable, OCA Consultant Quimbo made the following recommendations:

Considering that because of her obstinate refusal/failure to submit the comment required of her despite several extensions granted her, the Court had to impose a fine on her, it is recommended that in the present case, respondent be fined in the amount of fifteen (15) thousand pesos and warned that a repetition of the same offense will be dealt with more severely by the Court.

The Court agrees with the findings of OCA Consultant Quimbo. As a general principle, rules prescribing the time within which certain acts must be done or certain proceedings taken, are considered absolutely indispensable to the prevention of needless delays and to the orderly and speedy discharge of official business. By their very nature, these rules are regarded as mandatory.[1] The 1987 Constitution requires trial judges to dispose of the court's business promptly and to decide cases and matters within three (3) months from the filing of the last pleading, brief or memorandum. In the disposition of cases, members of the bench have always been exhorted to strictly adhere to this rule to prevent delay, a major culprit in the erosion of public faith and confidence in our justice system. The speedy disposition of cases by judges is in fact unequivocally directed by Canon 6 of the Code

of Judicial Ethics: "He should be prompt in disposing of all matters submitted to him, remembering that justice delayed is often justice denied." [2]

In the present case, it took respondent Judge more than five (5) years before she resolved a simple motion to withdraw the information against the complainant. This is indicative of the gross inefficiency that undermines the people's faith in the judiciary and reinforces in the mind of the litigants the impression that the wheels of justice grind exceedingly slow. We cannot allow this to happen, particularly at a time when the clogging of the court dockets is one of the main complaints against the judiciary.

The respondent Judge attributes her delay in resolving the subject motion on "overwhelming workload, aggravated by lack of court personnel and marital problems." She claims that when she assumed her position as Judge of the MeTC, Branch 60, Mandaluyong City, she inherited more than 10,000 cases with 2,645 new cases filed with her court; she had to work beyond office hours and even on Saturdays in order to cope. In addition to the heavy workload in her own branch, she had to attend to the more than 7,000 cases in Branch 59 where she was designated as pairing Judge. She was also designated as Executive Judge from November 2002 to May 2006. Thus, she was deciding cases as many as 299 per month on the average, and a low of 58 cases a month on the average as reflected in her monthly reports. The lack of court personnel and her personal problems as a single parent aggravated her professional woes.

While the respondent Judge's justifications for the delay in her sala are not without merit, the circumstances she cited are not sufficient to exonerate her from liability. As we have repeatedly stressed, if it becomes unavoidable for a judge to render a decision or resolve a matter beyond the reglementary period, he or she may always seek additional time by simply filing a request for extension with us, citing the good reasons for the request. [3] The Court, cognizant of the heavy caseload of some judges and mindful of the difficulties they encounter in the discharge of their adjudicatory duties, has always been liberal in recognizing meritorious grounds and in granting these requests. [4]

Under Rule 140, Section 2 of the Rules of Court, undue delay in rendering a decision is considered a less serious charge punishable by either suspension from office without salary for not less than one (1) month or more than three (3) months, or a fine of more than P10,000.00 but not exceeding P20,000.00.

Considering that the circumstances the respondent Judge cited are meritorious and are sufficient to mitigate her liability, we see no need to impose on respondent Judge the maximum penalty the Rule decrees. The fine of P15,000.00 that OCA Consultant Quimbo recommended is likewise high and would render meaningless the mitigating circumstances we recognized. To be fair to the respondent Judge, we must limit the fine to P10,000.00.

The respondent Judge's liability for repeatedly disregarding the orders of this Court is, however, another matter. She showed disrespect, if not actual contempt of this Court, by her extended indifference to the resolutions requiring her to comment on the accusations against her. A resolution of this Court requiring that specific acts be done or undertaken with respect to the performance of judicial duties, is not a mere request but a directive that should be complied with promptly and completely. It took the respondent Judge the whole of one year (from November 2005 to November 2006) to respond to our "show cause" order. This kind of resistance to our orders betrays not only a recalcitrant streak in character, but also a direct disrespect and indifference to this Court that we cannot tolerate. [5] In *Martinez v. Zoleta*, [6] we held:

The resolution of the Supreme Court requiring comment on an administrative complaint against officials and employees of the judiciary should not be construed as a mere request from the Court. Nor should it be complied with partially, inadequately, or selectively. Respondents in administrative complaints should comment on all accusations or allegations against them in the administrative complaints because it is their duty

to preserve the integrity of the judiciary. Moreover, the Court should not and will not tolerate future indifference of respondents and to resolutions requiring comment on such administrative complaints.

The respondent Judge's extended and repeated failure to comply with the Court's directives constitutes gross misconduct and insubordination.[7] The last person to refuse to adhere to the directives of the Court, or, in its stead, the Office of the Court Administrator, is the judge himself. No position is more demanding as regards moral righteousness and uprightness of any individual than a judge on the bench.[8] The respondent Judge miserably failed to live up to this expectation.

For her gross misconduct and insubordination, we impose on the respondent Judge a fine of ten thousand pesos (P10,000.00).

WHEREFORE, we hereby impose on respondent Judge Lizabeth G. Torres of the MeTC, Branch 60, Mandaluyong City, the penalty of fine of P10,000.00 for undue delay in resolving the Motion to Withdraw Information in Criminal Case No. 6679, and another fine of P10,000.00 for her repeated failure to comply with the Court's directives to file her comment on the administrative complaint against her. We WARN that any repetition of these or similar offenses in the future shall be dealt with more severely.

SO ORDERED.

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

[1] Balajedeong v. del Rosario, A.M. No. MTJ-07-1662, June 8, 2007, 524 SCRA 13.

[2] Office of the Court Administrator v. Español, A.M. No. RTJ-04-1872, October 18, 2004, 440 SCRA 332.

[3] Office of the Court Administrator v. Barroso, Jr. (ret.), et al., A.M. No. RTJ-04-1874, October 18, 2004, 440 SCRA 334.

[4] Balajedeong v. del Rosario, supra note 1.

[5] Imbang v. del Rosario, A.M. No. 03-1515-MTJ, November 19, 2004, 443 SCRA 79.

[6] A.M. No. MTJ-94-904, 315 SCRA 438.

[7] Imbang v. del Rosario, supra note 5.

[8] Id.

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