

JULIUS N. RABOCA, PETITIONER, VS. JUDGE GREGORIO D. PANTANOSAS, JR., MTCC, BRANCH 2, CAGAYAN DE ORO CITY, RESPONDENT.

A.M. No. MTJ-93-884. June 23, 1995

Ponente: VITUG, J.

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VITUG, J.:

In an affidavit-complaint, dated 15 June 1993, affiant-complainant Julius N. Raboca charged respondent Judge Gregorio D. Pantanosas, Jr., with "Gross Inefficiency, Incompetence, Ignorance of the Law, Grave Misconduct, Bias and Malicious Delay," relative to Civil Case No. 12980 (Sps. Candido V. Raboca, et al. vs. Dante Sarraga, et al.) for forcible entry. The complainant, who was counsel for the plaintiffs in the aforesaid case, averred, among other things, that the defendants filed a motion for a bill of particulars, instead of filing an answer to the complaint, which the respondent Judge granted despite the nature of the action; that the complainant then filed a motion to render judgment invoking the rules on summary procedure; that while in a subsequent order, dated 08 February 1991, respondent Judge revoked his previous order and required the defendants to answer the complaint within five (5) days from notice, the resulting delays on account of the disregard of the rules on summary procedure, however, effectively afforded the defendants sixty four (64) days to answer the complaint; that respondent Judge ordered the case to be set for hearing to entertain clarificatory questions knowing that there really was nothing that needed to be clarified; and that the case was submitted for decision on 15 February 1992 but it was only on 07 June 1993, or about fifteen (15) months later, when respondent Judge handed down his decision.

In his comment, dated 26 August 1993, respondent Judge denied the charges against him. He countered that the delay in the filing of defendants' answer was caused by various motions and counter-motions filed by both parties; that the plaintiffs, in fact, actively participated in the hearings conducted for clarificatory questions; and that he failed to decide the case within ninety (90) days from the time it was submitted for decision due to his additional duties for being an officer of the Municipal Judges League. He later also claimed that his defective eyesight hampered the disposition of cases pending in his sala.[1]

In its resolution, dated 09 March 1994, the Court required the parties to manifest before it whether or not they would be willing to have the case decided on the basis of the pleadings already filed. In his manifestation of 11 April 1994, respondent Judge stated that he was submitting the case for resolution; the complainant, on the other hand, signified that he has opted to file a reply to respondent Judge's comment. The reply traversed respondent Judge's asseverations and reiterated the charges that the complainant had made.

The Office of the Court Administrator ("OCA") in its memorandum of 20 March 1995, reiterating that which it submitted on 17 November 1993, opined that, except for the charge that respondent Judge decided the case fifteen (15) months after it was submitted for decision, the matters brought up by the complainant were judicial in nature and not appropriate subject of these administrative proceedings. For respondent Judge's neglect in failing to

seasonably dispose of Civil Case No. 12980, the OCA recommended that respondent be fined and warned against a repetition of similar acts in the future.

We agree with, and adopt the above findings of, the Office of the Court Administrator.

The rules require courts to decide cases submitted for decision generally within three (3) months from the date of such submission.[2] With respect to cases falling under the Rules on Summary Procedure, first level courts are only allowed thirty (30) days following the receipt of the last affidavit and position paper, or the expiration of the period for filing the same, within which to render judgment.[3] Here, the ejectment case filed by the complainant was submitted for decision on 14 February 1992 but it took respondent Judge several months later, or specifically until 21 May 1993, to finally dispose of the case. Initially, he attempted to so excuse the delay by citing his other duties as an officer of the Municipal Judges League;[4] later, he cited his failing eyesight.[5] Canon 5 of the Code of Judicial Conduct would demand that judges should regulate their extrajudicial activities in a manner that would not interfere with or affect adversely their judicial functions. Regarding the belated explanation that respondent Judge suffered from an eyesight problem, it would appear to us to be more of an afterthought than not; while he underwent an eye operation, it was not, however, until after several months later (in December 1992), or about ten months after the submission of the case for decision that he did undergo it. In any event, the excuse sought, albeit deserving perhaps some sympathy, would not warrant a total justification for respondent's nonfeasance.

WHEREFORE, respondent Judge is FINED the reduced amount of P1,000.00[6] and CAUTIONED against a repetition of similar acts in the future.

SO ORDERED.

Feliciano, (Chairman), Romero, Melo, and Francisco, JJ., concur.

[1] Manifestation, dated 11 April 1994, p. 44 of Rollo.

[2] See Section 15, Article VIII, Constitution of the Philippines.

[3] Section 10, Revised Rules on Summary Procedure.

[4] Comment, dated 26 August 1993, Rollo, pp. 5-8, on page 7.

[5] Manifestation, dated 11 April 1994, *supra*.

[6] From the P5,000.00 recommended by OCA.

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