

LOURDES FLOR, COMPLAINANT, VS. MUNICIPAL JUDGE NICANOR J. CRUZ, JR. OF PARAÑAQUE, METRO MANILA, RESPONDENT.*Adm. Matter No. 1387-MJ. November 17, 1980*

Ponente: ABAD SANTOS, J.

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In her letter-complaint dated August 24, 1976, Mrs. Lourdes Flor charged Parañaque Municipal Judge Nicanor Cruz, Jr. with "Misfeasance in Office" for his official actuations in three criminal cases on involving complainant. As particularized in her complaint, respondent's misfeasance were, briefly: (1) His changing of a promulgated judgment in Criminal Case No. 34315 from one of conviction to an acquittal of the accused Emilia Olivarez Vda de Monsod; (2) Delay of several years in the disposition of the cases which were filed in June and July, 1972; (3) By reason of the said acquittal of the accused, an unjust judgment violative of Article 204 of the Revised Penal Code; (4) Wrong translation of com-plainant's testimony; (5) Issuance of a subpoena on June 30, 1972, commanding complainant's appearance the following day in violation of Section 6 of Rule 29 and (6) Unspecified violations of Section 1 of Rule 111, Section 3 of Rule 112, Section 2 of Rule 115, Section 3 of Rule 116 and Section 17 of Rule 125. Parenthetically, the provisions of the Rules cited by complainant were of the old Rules of Court.

On the first specified charge, complainant claimed that on April 1, 1976, when the scheduled promulgation of judgment was not had, she and her counsel were able to find out that respondent's decision in Criminal Case No. 34315 convicted the accused Emilia Olivarez Vda. de Monsod. She therefore wondered why the promulgated decision of May 28, 1976, acquitted said accused and she concluded that the respondent must have changed his judgment from one of conviction to an acquittal. On the same basis, complainant contended that the respondent rendered an unjust judgment. Of the rest of the charges, aside from the complained delay in the disposition of the cases, there was lack of material allegations detailing the factual support thereof.

When made to comment, respondent disclosed that the questioned judgment was promulgated on August 19, 1976, after three resettings from April 1, 1976 which were due to his illness for which he had applied for a leave of absence. He also disclosed that due to said illness he was unable to prepare his judgment until after April 1, 1976. He branded the charge that he changed a promulgated decision a "downright lie" not only for the reason that it was impossible for complainant to have seen a judgment which he had not yet prepared but also because it was unbelievable that her counsel, considering his stature, would stoop so low as to request that they be shown an unpromulgated decision of the court. Furthermore, respondent questioned why complainant did not identify the court employee who showed them the purported decision, if it were true that they were shown the same.

Respondent attributed the delay in the disposition of the cases to complainant's protracted presentation of her witnesses which respondent allowed out of a desire to give complainant the chance to complete her evidence. Respondent also explained that he issued the subpoena dated June 30, 1972, only to have a confrontation between complainant, who was the accused, and Emilia Olivarez for a possible settlement of their criminal charges and counter-charges.

To refute the alleged wrong translation of complainant's testimony, respondent asked why complainant never asked for its correction by the Court but complained of it only later. Lastly, the unspecified violations of the Rules were denied by respondent who apparently was misled into considering them as referring to the New Rules of Court.

An assessment of the complaint together with respondent's comment thereon and complainant's reply persuades Us that complainant's charges were largely engendered by a misapprehension of respondent's proper authority under the Rules. Moreover, complainant failed to establish adequate factual bases for a prima facie finding against the respondent that warrant due course to further investigation. Complainant had not sufficiently shown that the respondent changed his decision. Even assuming that he did before its promulgation, the same would nevertheless have properly been within respondent's power. The rest of her charges, other than the delay in the disposition of the cases, are similarly not well-founded.

The undisputed fact that the cases took nearly four (4) years to be disposed of by the respondent cannot be ignored or countenanced by this Court. Even under the circumstances disclosed in his comment, respondent was not unavoidably helpless in duly expediting the disposition of the cases. Thus, this Court, in *Escabillas vs. Martinez* (Adm. Matter No. 127-MJ, August 31, 1977, 78 SCRA 367), reiterated the injunction for the speedy administration of justice.

"Much of the popular criticism of the courts, which must be frankly admitted is all too often justified, is based on the laws' delay. Congested condition of the court's dockets is deplorable and intolerable. It can have no other result than the loss of evidence, the abandonment of cases, and denial and frequent defeat of justice. It lowers the standard of the courts and brings them into disrepute. (In re Impeachment of Flordeliza, 49 Phil. 608)."

WHEREFORE, finding the charges, other than the undue delay in the disposition of cases which were filed in June and July, 1972, to be without merit, the same are hereby dismissed. However, with respect to the excepted charge, the respondent is hereby admonished to be more prompt in the disposition of cases to avoid future complaints of delay in his administration of justice. Let a copy of this resolution be placed in his personal record.

SO ORDERED.

Barredo, (Chairman), Aquino, Concepcion, Jr., and De Castro, JJ., concur.

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