

RODOLFO O. MACACHOR, COMPLAINANT, VS. JUDGE ROLINDO D. BELDIA JR., ASSISTING JUDGE, REGIONAL TRIAL COURT, BRANCH 272, MARIKINA CITY, RESPONDENT.

A.M. No. RTJ-02-1724. June 12, 2003

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

Judges should dispose of court business promptly within the period prescribed by law, or the extended time granted them by this Court. Undue delay in resolving a notice of appeal and a pending motion constitutes gross inefficiency.

The Case

In a sworn Complaint^[1] received by the Office of the Court Administrator (OCA) on June 25, 2001, Judge Rolindo D. Beldia Jr. — assisting judge of the Regional Trial Court (RTC) of Marikina City, Branch 272 — was charged by Rodolfo O. Macachor with gross ignorance of the law and neglect of duty.

The Facts

In 1996, complainant and his wife were plaintiffs in a case for rescission of a contract of sale entitled *Spouses Maria Isabel Macachor and Rodolfo Macachor v. Libella Dimaano and Unique Star Agri-business Corporation*. The Complaint was docketed as Civil Case No. 2000-611-MK before the RTC of Marikina City, Branch 272 on January 29, 2001. It was dismissed by Judge Beldia because, allegedly, no substantial breach had been committed by defendant to warrant the rescission of the agreement. Respondent likewise held that Defendant Libella Dimaano, as corporate officer, could not be held personally liable, because, in issuing the check that was subsequently dishonored, she had not exceeded her authority. Moreover, in accordance with Section 5 of PD No. 902-A, jurisdiction over the case rested with the Securities and Exchange Commission (SEC), not the regular courts.

Thereafter, plaintiffs appealed to the Court of Appeals (CA) by filing a Notice of Appeal^[2] with the RTC on February 28, 2001. They paid the appellate fees on the same day.

However, after more than three months, the Notice of Appeal remained unresolved and the case records were not elevated to the CA. On May 22, 2001, complainant filed with the RTC an Urgent Ex Parte Motion to Transmit Original Records to the Court of Appeals.^[3] Respondent again failed to act upon this Motion. His intransigence impelled complainant to file this administrative case.

Complainant contends that respondent was grossly ignorant of the law, because Section 5 of PD No. 902-A had already been repealed by RA No. 8799 (the Securities Regulation Code on July 19, 2000). His Honor allegedly erred in dismissing the case, because RA No. 8799 had in fact conferred jurisdiction to the RTC over cases listed under Section 5 of PD No. 902-A. He likewise disregarded evidence attesting to a substantial breach of the agreement. Furthermore, by his failure to act upon the Notice of Appeal and the subsequent Motion, he violated

complainant's right to due process.

In his Comment[4] dated July 31, 2001, respondent maintained that complainant's allegations were the proper subjects of an appeal. According to him, he should not be administratively sanctioned for whatever errors in judgment he may have committed. The proper remedy was an appeal of the case. However, he was silent on the charge regarding his inaction on the Notice of Appeal and the Urgent Motion.

Report and Recommendation of the OCA

In its August 28, 2002 Report,[5] the OCA argued that respondent could not be held administratively liable for his alleged errors of judgment. Because a judicial remedy was available, the filing of an administrative complaint was not the appropriate action to correct his Decision. It also noted that complainant, as the appellant in the appealed case, had not even filed his brief before the CA.

The OCA, however, faulted respondent with undue delay in the issuance of the Order approving the Notice of Appeal and directing the transmittal of the case records to the CA. He issued the Order only after the lapse of 106 days from the day the appeal had been perfected.

Accordingly, the OCA recommended that respondent be admonished to be more circumspect in the performance of his duties and sternly warned that a repetition of the same or a similar act in the future would be dealt with more severely.[6]

This Court's Ruling

We agree with the OCA that respondent is guilty of gross inefficiency. However, the recommended penalty should be modified pursuant to the Rules on the matter.

Administrative Liability of Respondent

Not every error or mistake of judges can be sanctioned unless it is soiled with fraud, dishonesty, corruption or malice. They may not be subjected to disciplinary action for errors of judgment unless these are shown to have been done with deliberate intent to cause an injustice.[7]

In the same vein, disciplinary proceedings against judges do not complement, supplement or substitute judicial remedies. Their civil, criminal and administrative liability arising from alleged gross errors of judgment may be ascertained only after the available judicial remedies have been exhausted and decided with finality.[8]

Respondent's alleged errors of judgment are proper subjects of an appeal. Evidently, no final ruling on the case of complainant has been reached, because his appeal is still pending before the CA. Thus, his contention that respondent was grossly ignorant of the law is premature.

Nevertheless, respondent cannot totally escape administrative liability. The unexplained delay in his action on the Notice of Appeal and Urgent Motion constitutes gross inefficiency.

When cases decided by the RTC in the exercise of its original jurisdiction are appealed to the CA, the Rules of Court require the transmittal of the case records within 30 days from the day the appeal is perfected.[9] Clearly, respondent failed to comply with this Rule. His failure to offer any explanation for the delay is an admission of the negligence charge. Moreover, we have carefully reviewed the records, and found no satisfactory reason for the delay.

In *Seña v. Villarin*,[10] we held that a judge's undue failure for four months to resolve a notice of appeal and a motion to execute was sanctionable. Verily, the failure of a judge to act upon a motion with reasonable dispatch constitutes gross inefficiency.[11]

We have often reminded members of the judiciary that undue delays erode the people's faith and confidence in our

justice system and bring it into disrepute.[12] The failure to resolve pending motions and incidents within the prescribed period constitutes a violation of Rule 3.05 of the Code of Judicial Conduct, which requires judges to dispose of court business promptly.[13]

Respondent's negligence constitutes a less serious charge that is punishable under Section 9 of Rule 140[14] of the Rules of Court, which reads as follows:

"SEC. 9. Less Serious Charges. — Less serious charges include:

1. Undue delay in rendering a decision or order, or in transmitting the records of a case;

x x x x x x x x."

Section 11 (B) of the same Rule provides the penalty as follows:

"B. If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:

1. Suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or

2. A fine of more than P10,000.00 but not exceeding P20,000.00."

WHEREFORE, this Court finds Judge Rolindo D. Beldia Jr. of the Regional Trial Court of Marikina City, Branch 272, guilty of gross inefficiency and imposes upon him a FINE of P11,000, with a STERN WARNING that a repetition of the same or a similar act shall be dealt with more severely.

SO ORDERED.

Puno, (Chairman), Sandoval-Gutierrez, Corona, and Carpio-Morales, JJ., concur.

[1] Rollo, pp. 1-3.

[2] Id., p. 18.

[3] Id., pp. 20-21.

[4] Id., pp. 47-48.

[5] Id., pp. 49-51.

[6] Id., p. 51.

[7] Rallos v. Gako Jr., 328 SCRA 324, March 17, 2000; Tolentino v. Camano Jr., 322 SCRA 559, January 20, 2000; Enojas Jr., v. Gacott Jr., 322 SCRA 272, January 19, 2000.

[8] Caguioa v. Laviña, 345 SCRA 49, November 20, 2000.

[9] Section 12 of Rule 41 of the Rules of Court reads:

"SECTION 12. Transmittal. — The clerk of the trial court shall transmit to the appellate court the original record or the approved record on appeal within thirty (30) days from the perfection of the appeal, together with the proof of payment of the appellate court docket and other lawful fees, a certified true copy of the minutes of the proceedings, the order of approval, the certificate of correctness, the original documentary evidence referred to therein, and the original and three (3) copies of the transcripts. Copies of the transcripts and certified true copies of the documentary evidence shall remain in the lower court for the examination of the parties."

[10] 328 SCRA 644, March 22, 2000.

[11] Bascug v. Judge Arinday Jr., RTJ-00-1591, April 11, 2002; Martin v. Guerrero, 317 SCRA 166, October 22, 1999.

[12] Bascug v. Judge Arinday Jr., supra; Sanchez v. Eduardo, 361 SCRA 233, July 17, 2001; Atty. Ng v. Judge Ulibari, 355 Phil 76, July 30, 1998.

[13] Floro v. Paguio, 346 SCRA 1, November 27, 2000; Heirs of Crisostomo Sucaldito v. Cruz, 336 SCRA 469, July 27, 2000; Office of the Court Administrator v. Salva, 336 SCRA 133, July 19, 2000; Martin v. Guerrero, supra; Atty. Ng v. Judge Ulibari, supra.

[14] In AM No. 01-8-10-SC dated September 11, 2001, the Court resolved to approve the amendment of Rule 140 of the Rules of Court regarding the discipline of Justices and Judges.

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