

AGATONA ALFONSO-CORTES AND LEONIDES CORTES, PETITIONERS, VS. JUDGE ROMEO MAGLALANG, RESPONDENT.

A.M. No. RTJ-88-170. November 08, 1993

Ponente: PUNO, J.

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PUNO, J.:

Respondent judge Romeo Maglalang[1] is charged with misconduct for failing to decide Civil Case No. 3810 within the reglementary period of ninety (90) days from date of submission.

The subject of Civil Case No. 3810 is a foreclosed fishpond located in Samal, Bataan and owned by herein complainants Agatona Alfonso-Cortes and Leonides Cortes. The Cortes spouses assailed the public auction sale of the subject fishpond on the grounds that the auction was publicized in the "Daily Record" which is not a newspaper of general circulation in Bataan, and that it was held on a day different from that so published.[2]

On April 10, 1986, after the parties in Civil Case No. 3810 had presented their respective evidence, the case was submitted for decision, as can be clearly seen from the stenographic notes taken during the hearing of even date, viz.:

"SESSION COMMENCED:

"ATTY. VIGO:

For the plaintiffs Your Honor.

"ATTY. ORTIGUERA:

For the defendants Your Honor, we are ready Your Honor.

"ATTY. VIGO:

Your Honor, after conferring with the plaintiff in this case Your Honor, I found out that we will present rebuttal evidence which will be only repeating his testimony, so we are foregoing his intention of a rebuttal evidence and we are submitting the case for decision.

"COURT:

The case is submitted for decision."

(Rollo, p. 90; Underscoring supplied.)

On March 5, 1987, the Cortes spouses filed their memorandum in Civil Case No. 3810, and four days later, they filed the instant Complaint. Civil Case No. 3810 was finally decided by the respondent judge on April 22, 1988. It was only on June 7, 1988 that the respondent judge filed his Answer to the charges against him.

Respondent judge's defense is three-pronged: that Civil Case No. 3810 was not submitted for decision on April

10, 1986; that he could not cope with his workload which was doubled starting from April 14, 1987, when he was designated to take cognizance of all cases pending in Branch I, RTC of Balanga, Bataan, in addition to those pending before his own sala; and that the civil case involved difficult questions of law which required extensive research on his part.

The defense of the respondent judge was brushed aside by Court of Appeals Justice Ricardo L. Pronove, Jr., now retired, who heard and investigated the instant complaint. We agree with Justice Pronove's findings and recommendation.

Judge Maglalang urges that the case was not submitted for decision on April 10, 1986. He contends that the starting point of the ninety-day reglementary period to decide Civil Case No. 3810 should be April, 1987.[3] He explains that he "gave the defendants a chance to submit their own (memorandum), even beyond the period granted in the spirit of liberality enjoined by Section 2 of Rule 1 of the Rules of Court and to be able to hear defendants' elucidation of the evidence adduced and the applicable law." [4]

We do not find merit in this posture. The earlier quoted stenographic notes of the April 10, 1986 hearing of Civil Case No. 3810 state clearly that the case was deemed submitted for decision on that date. There were no further proceedings, specifically, no motions for leave to file memoranda from the parties after April 10, 1986 which would indicate that the submission of the case for decision was moved from that date. The respondent judge's claim that he was "privately" requested by the parties for time to file their respective memoranda is, therefore, not established by independent evidence.

Even if we assume that the case was submitted for decision in April, 1987, the promulgation by the respondent judge of his Decision on April 22, 1988 was still nine months after the end of the three-month reglementary period.

We are not also impressed by respondent judge's claim that the magnitude of his workload as presiding judge of two branches of the Balanga RTC prevented him from timely deciding Civil Case No. 3810. In the first place, it is noted that the case was submitted for decision on April 10, 1986, a full year before the respondent judge was appointed as acting presiding judge of Branch 1 of RTC, Balanga, Bataan. Secondly, respondent judge testified that, from August, 1987 to March, 1988, he did not receive his salary for the sole reason that he failed to decide Civil Case No. 3810, thus:

"DIRECT EXAMINATION

"BY JUDGE MAGLALANG TO HIMSELF:

x x x

"Q - Why were you delayed in the submission of your certificates of service?

"A - Because of the provision in the certificate which in effect was that there was no special proceedings, application, motions, civil and criminal cases which have been under submission for decision or determination for a period of 90 days.

"Q - Before the submission of the 12 certificates of service, what happened with respect to your salary?

"A - My salary was withheld because of non-submission of the forms.

x x x

"JUSTICE PRONOVE:

You mean to say, you did not receive your salaries?

"JUDGE MAGLALANG:

My salaries were withheld.

x x x

"JUSTICE PRONOVE:

When did you get your salary then?

"JUDGE MAGLALANG:

Only after submission of the certificates of service, Your Honor, when I have (sic) already prepared the decision in Civil Case No. 3810.

"JUSTICE PRONOVE:

So, that's the only case pending in your sala that prevented you from receiving your salary during those months you mentioned.

"JUDGE MAGLALANG:

Yes, as far as I remember.

"JUSTICE PRONOVE:

That was the only one?

"JUDGE MAGLALANG:

Yes. x x x"

(T.S.N., August 2, 1990, pp. 6-7.)

Tacit in his testimony is the admission that, for more than half a year, Civil Case No. 3810 was the only case awaiting his decision for over ninety days. Clearly, therefore, his load during the period from April, 1987 to April, 1988 was not as heavy as he represented it to be. In fact, a scrutiny of the respondent judge's own evidence shows that from April, 1987 to April, 1988, he decided (on the merits) only a total of 57 cases -- including Civil Case No. 3810 -- for Branch 2 of the RTC of Balanga, Bataan. Certainly, the less than five decisions per month average for such period belies Judge Maglalang's claim of an overwhelming workload.

Finally, respondent judge's defense that Civil Case No. 3810 involves complicated questions of law is similarly meritless. As well pointed out by retired Justice Pronove in his Report and Recommendation, viz.:

"x x x. (T)he issue which the respondent Judge considered complicated and which took him a long time to resolve, was whether the 'Daily Record' should or should not be considered a newspaper of general circulation in the province. Contrary to respondent's contention, the issue is more factual than legal in nature and could have been easily resolved upon examination of the evidence. If there was proof that the 'Daily Record' was not being circulated in Bataan, then it could have been easily ruled that the requirements of the law were not met. It seem (sic) to be as simple as that.

"The second point that allegedly caused difficulties to the respondent was the question of whether or not the holding of a foreclosure proceeding on a date different from that published should be considered valid. Respondent contends that the matter was of first impression to him and required extensive research. As proof of the research work that he did, he mentioned ten (10) cases which he cited to support his decision.

"A reading of the judgment which the respondent Judge rendered will indeed disclose that he had cited

authorities in his decision. But We note that 2 or 3 of them were actually taken from the decision earlier rendered in the case by the Court of Appeals. In fact, a short paragraph from the decision of the appellate court was even paraphrased. x x x

"x x x

"With the foregoing, it is difficult to understand how the respondent Judge can claim having spent a year looking for authorities to support his decision.

"Regarding the contention that there were no law books in his court forcing him to research elsewhere, suffice it to say that his predicament is no different from the majority of trial judges throughout the Philippines. Similarly situated, other judges have been able to cope with the situation and were able to hand down their decisions within the reglementary period." (Report submitted by Justice Ricardo L. Pronove, pp. 8-10.)

We held in the case of Marcelino vs. Cruz, Jr., 121 SCRA 51 (1983), "We x x x emphasize the rule, for the guidance of the judges manning our courts, that cases pending before their salas must be decided within the aforementioned period (and that) (f)ailure to observe said rule constitutes a ground for administrative sanction against the defaulting judge."

Thus, the respondent judge, who unquestionably promulgated the decision in Civil Case No. 3810 long after the three-month period had elapsed, must be made administratively liable for the delay. As further elucidated by retired Justice Pronove:

"x x x. While it is true that the complainants failed to prove their charge that the respondent had profited materially from the delay, there is no question that the latter knew the consequences of his inaction in the case. Knowing from the record that the defendants were in possession of the fishpond while the case was pending, the respondent must have known that the longer he delayed in deciding the case, the longer defendants would profit to the damage and prejudice of the complainants. x x x" (Report of Justice Ricardo L. Pronove, p. 11.)

IN VIEW WHEREOF, We find respondent Judge Romeo Maglalang GUILTY of failing to decide Civil Case No. 3810 within the reglementary period of three (3) months from the date of its submission and he is hereby ordered to pay a fine of P5,000.00.

SO ORDERED.

Narvasa, C.J., Cruz, Feliciano, Padilla, Bidin, Regalado, Davide, Jr., Romero, Nocon, Bellosillo, Melo, Quiason, and Vitug, JJ., concur.
Griño-Aquino, J., retired.

[1] Regional Trial Court of Balanga, Bataan, Branch 2.

[2] At the time of the institution of Civil Case No. 3810 in 1974, respondent Judge Maglalang had not yet been appointed to the RTC of Balanga, Bataan. He was appointed to that post in 1983.

[3] Memorandum for Respondent, p. 6; Rollo, p. 197.

[4] Answer, p. 1; Rollo, p. 13.

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