

**BASA AIR BASE SAVINGS & LOAN ASSOCIATION, INC.,
COMPLAINANT, VS. REGIONAL TRIAL COURT JUDGE GREGORIO G.
PIMENTEL, JR., GUAGUA, PAMPANGA, BRANCH 50, RESPONDENT.**

A.M. No. RTJ-01-1648. August 22, 2002

Ponente: PUNO, J.

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PUNO, J.:

On February 1, 2001, the Office of the Court Administrator received a verified administrative complaint from Col. Romeo T. Romero, President of Basa Air Base Savings and Loan Association, Inc. charging respondent Judge Gregorio G. Pimentel, Jr. of RTC Branch 50, Guagua, Pampanga, with gross ignorance of the law, grave partiality and/or knowingly rendering an unjust judgment and unreasonable delay in rendering judgment in Criminal Case Nos. G-2768 and G-2772.

The facts: In 1990, the complainant, a non-stock savings and loan association in the Philippine Air Force charged its teller Asuncion Roque with twenty (20) counts of qualified theft for mishandling its funds. Some of the cases against the accused were raffled to Branch 50 presided by respondent RTC Judge Gregorio Pimentel, Jr.

The administrative charges against respondent arose from two (2) of these qualified theft cases, Criminal Case Nos. G-2768 and G-2772. The first charge is unreasonable delay in rendering a judgment. Complainant alleged that although the prosecution filed its last Memorandum in Criminal Case No. G-2768 on August 2, 1999 and in Criminal Case No. G-2772 on July 25, 2000, respondent took almost eighteen (18) months to decide the case. Section 15 (1) of the Constitution mandates lower courts to decide cases within three (3) months.

The second charge is for grave partiality and/or knowingly rendering an unjust judgment in the same two cases. Complainant alleges that one Conrado Baluyut, accused's common-law spouse and a former member of the complainant's Board of Trustees, was reportedly seen frequenting the chambers of respondent judge during the pendency of the criminal cases before his sala. Complainant likewise gripes that the accused and her counsel had advance information on the favorable result of the decision in the two (2) criminal cases against her as they were already rejoicing when they arrived in court for the promulgation of the judgment. This suspicion was bolstered when the representative of complainant's counsel observed that the defense became restless when they learned that the assistant provincial prosecutor assigned to both cases could not appear for the promulgation. The defense allegedly exerted every effort to find an available prosecutor so the promulgation could proceed as scheduled. True enough, when the judgment was promulgated, the accused was acquitted in both case. After the promulgation, the representative of complainant's counsel heard respondent judge make the parting statement to the defense counsel: "O, may masasabi ka pa ba?" to which defense counsel replied: "Wala na, sir. Thank you."

On the charge of gross ignorance of the law and knowingly rendering an unjust judgment, complainant cites in part the judgment of acquittal, thus:

"Moreover, the prosecution was not able to present any direct evidence which proves the fact in issue that indeed the accused took, stole and carried away the amount of P5,500.00 not anyone of the witnesses presented

by the prosecution testified that he has seen the accused commit the crime charged, they merely identified said documents which were allegedly prepared on December 15, 1989 but were however discovered and unveiled only in July, 1990.” (Decision, Crim. Case No. G-2768)

“No direct evidence proves the fact in issue that the accused indeed took, stole and carried away with intent to gain the amount of P9,000.00 as presented by the prosecution. Prosecution only relied on some documents allegedly bearing the initials of the accused.” (Decision, Crim. Case No. G-2772)

Complainant alleges that their cases were for qualified theft committed by the accused who, as teller, already had physical possession of the money, hence, there was no need of direct proof to establish the fact of stealing. Allegedly, it can be established by documentary evidence and witnesses who knew the transactions.

On the charge of delay, respondent alleges that he merely “inherited” the two (2) qualified theft cases. He did not hear the testimony of the witnesses and was unfamiliar with the facts of the case when they were reassigned to him. He further claims that it had been barely two (2) years when he was appointed as judge and, in that period of time, he inventoried all the cases re-assigned to him and tried his best to apprise himself with their status. Hence, respondent urges that the delay in the disposition of the two cases was beyond his control and was not done with bad faith or malice. Respondent appeals to this Court for leniency and understanding of the situation.

On the charges of gross ignorance of the law, grave partiality and knowingly rendering an unjust judgment, respondent claims that the same are blatant lies, conjectures and suspicions. He adds that he cannot be liable for every erroneous decision he renders for the duty to deliberate does not impose the duty to decide right.

Thereafter, the parties exchanged reply, rejoinder and other pleadings buttressing their positions.

After evaluating the case, the Office of the Court Administrator recommended that respondent be held administratively liable for his failure to decide the subject criminal cases within the prescribed period and that he be fined one thousand pesos (P1,000.00). However, it recommended that the charges of partiality, gross ignorance of the law and knowingly rendering an unjust judgment be dismissed for lack of merit.

We agree with the recommendation.

On the charge of delay in the rendition of judgment, the Court has always considered a judge’s failure to decide a case within the prescribed period of three (3) months as gross inefficiency for which the imposition of a penalty of fine or suspension is proper.[1] In the case at bar, respondent failed to observe Canon 3, Rule 3.05 of the Code of Judicial Conduct which mandates that a judge shall dispose of the court’s business promptly and resolve cases within ninety (90) days from the submission of the last pleading required. Respondent admitted his failure but pleads for compassion on the ground that he was a newly-appointed judge and he merely “inherited” most of the cases pending before him. We cannot consider the excuse as valid. Judges burdened with heavy caseloads should request the Court for an extension of the reglementary period within which to decide their cases if they think that they cannot comply with their judicial duty. This Court, aware of the predicament of most judges, invariably grants said request for good reasons and upon proper application.[2] Respondent judge failed to discharge his basic duty of asking for an extension of time to decide the subject cases and the omission is without any reason.

On the charges of gross ignorance of the law, grave partiality and/or knowingly rendering an unjust judgment, the evidence must show that the respondent judge committed an error that was deliberate, malicious, gross and patent.[3] A charge knowingly rendering an unjust judgment constitutes a criminal offense. The keyword in said offense is “knowingly.” Thus, the complainant must not only prove beyond reasonable doubt that the judgment is patently contrary to law or not supported by the evidence but that it was also made with deliberate intent to perpetrate an injustice.[4] A judge’s mere error in the interpretation or application of the law per se will not warrant the imposition of an administrative sanction against him for no one is infallible. Good faith and absence

of malice, corrupt motives or improper consideration are sufficient defenses that will protect a judicial officer from the charge of rendering an unjust decision.[5] In the case at bar, the mere fact that the respondent found that the prosecution failed to establish accused's guilt beyond moral certainty is not an indicium of his bias. Complainant has not shown by clear and competent evidence that respondent was moved by bad faith, corruption, vengeance or some other ill-motive in acquitting the accused.[6] We reiterate that not every error of judgment renders a judge liable for no judge is beyond error.

IN VIEW WHEREOF, the Court finds respondent Judge Gregorio G. Pimentel, Jr. guilty of failing to render judgment in criminal Case Nos. G-2768 and G-2772 within the prescribed period and a FINE of one thousand pesos (P1,000.00) is imposed on him. He is ADMONISHED to be more circumspect in the performance of his judicial functions as a repetition of the same or similar acts in the future will be dealt with more severely. The charge of gross ignorance of the law, grave partiality and/or knowingly rendering an unjust judgment against respondent is dismissed.

SO ORDERED.

Panganiban, and Carpio, JJ., concur. Sandoval-Gutierrez, J., on leave.

[1] Saylo vs. Rojo, 330 SCRA 243 (2000); Re: Report on the Judicial Audit Conducted in RTC, Branches 29 and 59, Toledo City, 292 SCRA 8 (1998).

[2] Report on the Judicial Audit Conducted in RTC-Brs. 61 & 63, Quezon; MTC-Calauag, Quezon & Tagkawayan, Quezon, 328 SCRA 543 (2000).

[3] Zarate vs. Balderian, 329 SCRA 558 (2000).

[4] Lumapas vs. Tamin, 334 SCRA 391 (2000); Naval vs. Panday, 275 SCRA 654 (1997).

[5] Tolentino vs. Malanyaon, 337 SCRA 162 (2000).

[6] Daracan vs. Natividad, 341 SCRA 161 (2000).

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