

ATTY. CORNELIO C. CRUZ, COMPLAINANT, VS. JUDGE ROMULO C. BASA, RESPONDENT.*A.M. No. MTJ-91-598. February 09, 1993*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/9f46153c1881/>**PER CURIAM:**

Before this Court is a verified administrative complaint, dated September 19, 1991, filed by complainant Atty. Cornelio C. Cruz charging respondent Judge Romulo C. Basa of the Municipal Trial Court ("MTC") of Norzagaray, Bulacan, with serious misconduct in office. Complainant was the private prosecutor in twenty (20) estafa cases (Crim. Cases Nos. 4194 to 4204-b, 4205 to 4208, 4216, 4219 and 4226) against one Rodolfo Cruz, filed before the MTC of Norzagaray, Bulacan, which was presided over by respondent judge. Complainant claimed that respondent judge had delayed the resolution of his motion to dismiss the criminal cases against therein accused Rodolfo Cruz. Complainant further charged that respondent judge had caused to be submitted to the Statistics Division of this Court a false Monthly Report dated 30 April 1991 by reporting that the above criminal cases had already been disposed of.

In all of these criminal cases, the complainant alleged that the accused Rodolfo Cruz had misappropriated separate amounts ranging from over P200.00 but not more than P6,000.00. The accused, in turn, filed counter-affidavits and moved for the dismissal of all the cases on the ground that they should be prosecuted in accordance with the Rule on Summary Procedure. Complainant opposed the motion arguing that under Article 315 of the Revised Penal Code, the penalty imposable upon the accused was arresto mayor in its maximum period for every count of estafa. Hence, these cases were beyond the ambit of the Rule on Summary Procedure and should be tried under the regular Rules.

Respondent judge did not rule on the motion to dismiss: instead, he set the matter for oral argument on 18 February 1991. On said date, complainant argued and moved that the accused be arraigned and that the case be tried in accordance with the ordinary Rules of Court.

From 18 February 1991 until 3 June 1991, respondent judge failed to resolve the issue raised in the motion to dismiss. This inaction prompted complainant to file a motion on 4 June 1991 seeking to inhibit respondent Judge from trying the criminal cases on the ground that his failure to resolve such motion went against therein private complainant's interest thereby giving the impression that respondent judge was partial to the accused by unreasonably delaying the disposition of the criminal cases.

Meantime, in May 1991, complainant learned from the Statistics Division of the Supreme Court that respondent judge had caused to be reflected in the Monthly Report of Cases submitted on 30 April 1991 that the criminal cases herein involved had already been disposed of or dismissed. The truth, however, according to complainant, was that these criminal cases were then still pending resolution as evidenced by respondent judge's Orders dated 19 June 1991 and 5 August 1991.

In his Comment, respondent judge admitted that the resolution of the issue of which rule should govern the trial of the criminal cases had indeed been "a little bit delayed". He justified this delay by stating that he had seasonably

prepared a resolution disposing of the pending incidents in the case but had not signed it because of the barrage of motions filed by complainant and, that upon the advice of the Executive Judge of Malolos, Bulacan, he had opted to inhibit himself from the criminal cases to avoid any suspicion of partiality.

In a resolution dated 4 June 1992, the Court referred this case to the Office of the Court Administrator for evaluation, report and recommendation. No formal trial-type hearing was held by the Office of the Court Administrator. The facts in this case, however, are simple and may be resolved by documentary evidence which already form part of the records.

In compliance with the resolution of 4 June 1992, the Office of the Court Administrator filed a Report, dated 31 August 1992, finding respondent judge guilty of the acts charged in the administrative complaint.

After examining the records of this case, we agree with the findings of the Office of the Court Administrator that respondent judge had indeed delayed resolution of the matter before him.

The 31 August 1992 Report of the Office of the Court Administrator held that:

"From the facts on record augmented by the respondent's incriminatory admission, it is crystal clear that respondent failed to resolve a pending incident which involve a simple issue. We do not believe as what respondent claims that there was prepared a final draft resolution for his signature but the same was not released because he opted to inhibit from the cases. The truth is there exists no final draft. If really there was such a resolution prior to the submission of the monthly report as of April 30, 1991, respondent could have easily released the same for at that time there was yet no impediment. The extant record readily discloses that the motion for inhibition which allegedly prevented the release of the resolution was filed only on June 3, 1991 or two months after the supposed resolution was drafted in final form. Whereas the subject issue and all other pending incidents were deemed submitted for resolution on February 18, 1991. This leads us to the inevitable conclusion that from February 18, 1991 to June 3, 1991 when the inhibition motion was filed respondent never resolved the issue. xxx" (Underscoring supplied)

The conduct of respondent judge in delaying the disposition of cases cannot be countenanced. We held in *Ubarra v. Tecson*, 134 SCRA 4 (1985), that:

"His Honor therefore should have acted with greater dispatch in resolving those pending incidents, which undoubtedly are part and parcel of a scheme to frustrate and delay satisfaction of the judgment in favor of Guballa. No doubt, his inaction or procrastinating to act one way or another gives room to suspicion that he was partial in favor of Mozar. As a dispenser of justice, he should have acted in such a manner as to avoid suspicion in order to preserve faith in the administration of justice. Delay in resolving motions and incidents pending before a judge's sala within the reglementary period of 90 days fixed by the constitution and the law is not excusable and should not be condoned." (Underscoring supplied)

Moreover, the failure of respondent judge to act with dispatch on the motion to dismiss is a violation of Canon 3, Rule 3.05 of the Code of Judicial Conduct which states:

"Rule 3.05. -- A judge shall dispose of the court's business promptly and decide cases within the required periods."

In *Aquino v. Luntok*, 184 SCRA 177 (1990), the Court reprimanded Judge Luntok for delaying the grant of the writ of preliminary injunction. There the Court declared, thus:

"Consequently, there being no other sufficient ground to dissolve the injunction in controversy, the grant of the writ must be upheld but without prejudice to the consequences of the conduct of respondent judge. The circumstances under which the writ was granted after a protracted delay, punctuated by dubious orders issued in the interim, certainly cannot be countenanced lest such conduct be replicated in circumvention of the rules.

Specifically, respondent judge failed to observe Rule 3.01 of Canon 3 of the Code of Judicial Conduct, which calls for a judge to be faithful to the law and maintain professional competence, and Rule 3.05 which admonishes all judges to dispose of the court's business promptly and decide cases within the required periods. Definitely, this Court cannot gloss over the challenged actuations of respondent judge which are amply reflected in the records of this case."

We believe that the explanation proffered by respondent judge in justifying the delay of more than three (3) months in resolving a simple issue as the one pending before him will not suffice to exculpate him. The fact that a motion to inhibit respondent judge from trying the criminal cases had been filed could not have effectively prevented him from releasing the alleged draft resolution disposing of the matter before him. Records show that the motion for inhibition was filed only on 3 June 1991, long after complainant's motion to dismiss had been submitted for resolution. Although it is true that he had subsequently inhibited himself from trying the cases, as evidenced by his Order dated 19 June 1991, nevertheless, he had had more than enough time to resolve the issue raised in the motion to dismiss before he inhibited himself.

We also find that respondent judge is at fault in submitting or causing the submission of a false Monthly Report to the Statistics Division of the Supreme Court. On this point, the Report of the Office of the Court Administrator concluded, and we quote:

"Respondent Judge not only failed to act on the motion and incidents before him, worse he submitted or caused to be submitted to this Court a false monthly report by reporting the subject incidents as "disposed" when in truth and in fact they were not yet resolved. From all indications, his explanation on the alleged draft resolution was but a vain attempt to cover up the false monthly report which makes him liable for serious misconduct."

Respondent judge himself admitted in his Comment that he had caused the criminal cases to be reported as disposed in the 30 April 1991 Monthly Report submitted to the Statistics Division of this Court because he had already prepared a final draft resolution disposing of complainant's motion to dismiss when said Report was filed but had not yet signed it. In his Comment, he averred that:

"5. x x x Despite strong oppositions by the opposing counsels (sic) of Atty. Cornelio Cruz to his 'Motions for Inhibition' in the two criminal and civil cases, the undersigned thought it more prudent despite finding both motions for inhibition as groundless and based on imagined bias, to go to the Honorable Executive Judge Natividad Dizon, Regional Trial Court, Malolos, Bulacan, to further seek her advise as what properly should be done in the premises, telling her in passing that in the case of 'People of the Philippines versus Rodolfo Cruz', my order/resolution on the incidents, while admittedly a little bit delayed because of pressure of everyday's (sic) work but already in final draft for my signature, was allowed by respondent to be reported as 'Disposed' in its April 30, 1991 Monthly Report x x x, but was nevertheless advised by the Honorable Executive Judge that it would be better if I will inhibit myself. x x x (Underscoring supplied)

The Court is not impressed with respondent judge's explanation. We cannot accept his reasoning that a criminal case may be reported as already disposed of because an unsigned resolution disposing of the same had already been drafted in its final form. The Court is aware that many trial courts are burdened with large caseloads. At the same time, submission of a false report to this Court cannot be casually disregarded. Respondent judge knew or should have known that if his caseload absolutely prevented the disposition of a case or cases within the reglementary period, all he had to do was to request from this Court a reasonable extension of time to dispose of the cases involved.

ACCORDINGLY, in respect of the charge that respondent judge had delayed the resolution of the motion to dismiss the criminal cases here involved, the Court Resolved to REPRIMAND respondent judge Romulo C. Hasa and to WARN him that the same or similar offense in the future will be more severely dealt with.

In respect of the charge that respondent judge had submitted or caused the submission of a false monthly report to the Statistics Division of the Supreme Court, the Court, having in mind all the circumstances of this case, Resolved to IMPOSE upon respondent judge Romulo C. Basa a fine in the amount of P5,000.00, with a WARNING that the same or similar offense in the future will be more severely dealt with.

Let a copy of this resolution be attached to respondent judge's personal record.

Narvasa, C.J., (Chairman), Feliciano, Regalado, Nocon, and Campos Jr., concur.

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