

DOLORES IMBANG, COMPLAINANT, VS. JUDGE DEOGRACIAS K. DEL ROSARIO, MUNICIPAL CIRCUIT TRIAL COURT, PATNONGON, ANTIQUE, RESPONDENT.*A.M. No. 03-1515-MTJ (formerly A.M. OCA IPI No. 98-591-MTJ). November 19, 2004*

Ponente: CALLEJO, SR., J.

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The instant administrative matter arose when Dolores Imbang charged Judge Deogracias K. del Rosario, Municipal Circuit Trial Court, Patnongon, Bugasong, Valderama, Antique, with failure to decide Civil Case No. 318 for collection of sum of money in a sworn Letter-Complaint dated July 31, 1998. The complaint was docketed as OCA IPI No. 98-591-MTJ. In a 1st Indorsement dated February 9, 1999, the Office of the Court Administrator (OCA) referred the matter to the respondent and required the latter to comment within ten (10) days from receipt thereof. The OCA thereafter issued a 1st Tracer on February 3, 2000 reiterating its order requiring the respondent to submit his comment. The respondent failed to comply. The Court Administrator reiterated the previous orders in a Letter dated August 10, 2001, and warned the respondent that the OCA would recommend to the Court that he be cited for contempt in case of failure to comply therewith.

In a Letter dated September 6, 2001, the respondent judge requested for an extension of ten (10) days within which to file his comment. The OCA granted the request, and advised the respondent that no further extension would be given. The respondent judge failed to file his comment within the period given.

In a Decision dated February 3, 2004, this Court resolved to impose a fine on Judge Deogracias K. del Rosario in the amount of Ten Thousand Pesos (P10,000) for failing to comment on a complaint against him despite repeated directives to do so. He was, likewise, directed to show cause within ten (10) days from receipt of such decision why he should not be dismissed from the service for his refusal to file his Comment as directed by the Court.

The respondent judge complied with the Court's directive and paid the required fine on April 30, 2004.

In his Manifestation with Show Cause Explanation dated March 24, 2004, the respondent averred that he had no intention to defy the orders/directives of the Court, thus:

... [B]ecause of his poor time management, said orders/directives were overlooked by him and during this period respondent has been suffering from several ailments, as shown in the medical certificates issued to him by his attending physicians which were attached to his sick leave applications, to wit: (1) Medical Certificate dated October 10, 1998 issued by Dr. Rene Juaneza for his confinement at the Iloilo Doctors' Hospital from August 26, 1998 to August 30, 1998 for gastritis, diabetis mellitus II and Koch's IV, a machine copy is attached hereto as Annex "A" hereof; (2) Medical Certificate dated February 26, 1999 issued by Dr. Gregorio P. Tirador for his confinement at the same hospital from February 7, 1999 to February 9, 1999 for Diabetis Mellitus II, Degenerative Osteoarthritis with Cervical Spasm and Hypertensive Cardiovascular Disease, a machine copy is attached hereto as Annex "B" hereof; (3) Medical Certificate dated April 17, 1999 issued by Dr. Jose Y. Soriano when respondent was under his medical care from February 22, 1999 to March 6, 1999 for

cervical spondylosis etc., a machine copy is attached hereto as Annex “C” hereof, and for the year 2001 respondent was also hospitalized for which he filed his sick leave application from June 29 to July 27, 2001, as shown in his application for leave, a machine copy is hereto attached as Annex “D” hereof;

- That, indeed, said ailments have greatly affected respondent’s efficiency and competence, and he is no longer fit to continue in the judiciary for his inefficiency;

- That furthermore, Dr. Louie S. Tirador, his attending cardiologist, issued the Cardiological Evaluation dated March 23, 2004 certifying that respondent is a “diagnose[d] case of Diabetis Mellitus Type II, Coronary artery disease, s/p non-q wave myocardial infarction, and hypertensive cardiovascular disease” and that he “still experienced chest pains on ordinary activity associated with shortness of breath despite taking medications religiously” for which Dr. Tirador recommends “that he takes early retirement to avoid stress,” which evaluation is attached hereto as Annex “E” hereof.

The respondent alleged that his poor health condition affected his competency and efficiency, and that he found it difficult to travel three (3) times a week from San Jose, Antique, to his regular station in Patnongon, Antique, a distance of 25 kilometers, and two (2) times a week to the 4th Municipal Circuit Trial Court of Barbaza, Antique, of which he has been Judge Designate since 1997. The respondent judge humbly pleaded to the Court that he be allowed to retire from the service, as he is now sixty (60) years old and has been with the government service since July 1984.

In compliance with the Resolution of the Court dated July 20, 2004 directing it to make an evaluation, report, and recommendation on the instant administrative matter, the OCA opined, thus:

We find the explanation of Judge Del Rosario to be unsatisfactory. His excuses, viz, poor time management and poor health conditions – are not sufficient justifications for his failure to comply with the directives of this Court. Assuming that he was burdened with heavy workload and is suffering from numerous health problems, we find it wrong that such lawful orders of this Court could have been ignored by him.

Clearly, Judge Del Rosario’s contumacious conduct and blatant disregard of the Court’s mandate for more than five (5) years amounts to defiance and insubordination.

...

IN VIEW OF THE FOREGOING, we respectfully submit for the consideration of the Honorable Court our recommendation that Judge Deogracias K. del Rosario be FINED in the amount of ELEVEN THOUSAND PESOS (P11,000.00) for violation of Supreme Court directives and be STERNLY WARNED that a repetition of the same act shall be dealt with more severely.[1]

We find the respondent’s explanation unacceptable. While he may have been suffering from serious ailments, as evidenced by the medical certificates he attached to his Manifestation, it does not serve as a valid excuse for not commenting on an administrative complaint against him.

We agree with the OCA that the respondent must be held administratively liable for his unjustified failure to comment on an administrative complaint against him. In failing to comment on the letter-complaint against him despite repeated directives from the Court, the respondent is guilty of his duty, as a member of the Court, to defend himself against the complainant’s charge.[2] The office of the judge requires him to obey all the lawful orders of his superiors.[3] It is gross misconduct,[4] even outright disrespect for the Court, for respondent judge to exhibit indifference to the resolution requiring him to comment on the accusations in the complaint thoroughly and substantially.[5] After all, a resolution of the Supreme Court should not be construed as a mere request, and should be complied with promptly and completely. Such failure to comply accordingly betrays not only a recalcitrant streak in character, but also disrespect for the Court’s lawful order and directive.[6] Furthermore, this

contumacious conduct of refusing to abide by the lawful directives issued by the Court has, likewise, been considered as an utter lack of interest to remain with, if not contempt of, the system.[7] We are wont to reiterate our pronouncement in our Decision of February 3, 2004:

The respondent's failure to comply with the Court's directive to file his comment to the letter-complaint against him constitutes a blatant display of his indifference to the lawful directives of the Court. As we held in *Martinez v. Zoleta*:

... [T]he resolution of the Supreme Court requiring comment on an administrative complaint against officials and employees of the judiciary should not be construed as a mere request from the Court. Nor should it be complied with partially, inadequately or selectively. Respondents in administrative complaints should comment on all accusations or allegations against them in the administrative complaints because it is their duty to preserve the integrity of the judiciary. Moreover, the Court should not and will not tolerate future indifference of respondents to administrative complaints and to resolutions requiring comment on such administrative complaints.

Five years has passed since the respondent was first directed to file his comment on the complaint against him. He has, thus, waived his right to defend himself against the complainant's accusations. Furthermore, his repeated failure to comply with the Court's directive constitutes gross misconduct and insubordination. This, the Court cannot countenance. As a magistrate, the respondent should have known that he is the visible representation of the law, and more importantly, of justice. It is from him that the people draw their will and awareness to obey the law. For the judge to return that regard, he must be the first to abide by the law and weave an example for others to follow. Consequently, the last person to refuse to adhere to the directives of the Court, or, in its stead, the Office of the Court Administrator, is the judge himself. No position is more demanding as regards moral righteousness and uprightness of any individual than a seat on the bench.

By his actuations, the respondent violated Rule 1.01 of Canon 1, as well as Rule 2.01 of Canon 2 of the Code of Judicial Conduct. The respondent also violated Canon 11 of the Code of Professional Responsibility, which requires a member of the bar to observe and maintain the respect due to the courts and to judicial officers and insist on similar conduct by others.

It is not lost upon this Court that the respondent suffered from serious ailments and was hospitalized therefor. While his poor health will not exculpate him from administrative liability, it may be considered as a mitigating circumstance.[8] Thus, considering the respondent's actuations and his failing health, we find that a fine of twenty-one thousand pesos (P21,000) is appropriate in this case, conformably to Section 11(A) of Rule 140[9] of the Revised Rules of Court.

Respondent Judge Deogracias K. del Rosario is hereby FINED an amount of Twenty-One Thousand Pesos (P21,000).

SO ORDERED.

Davide, Jr., C.J., Puno, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Carpio-Morales, Azcuna, Tinga, Chico-Nazario, and Garcia, JJ., concur.
Corona, J., on leave.

[1] Report and Recommendation dated September 15, 2004, pp. 2-3.

[2] See *Sabado v. Cajigal*, 219 SCRA 800 (1993).

[3] *Davila v. Generoso*, 336 SCRA 576 (2000).

[4] Longboan v. Polig, 186 SCRA 557 (1990).

[5] Tabao v. Espina, 257 SCRA 298 (1996).

[6] Rodrigo Q. Tugot v. Judge Mamerto Y. Coliflores, MTCC-Br. 1, Cebu City, A.M. No. MTJ-00-1332, February 16, 2004.

[7] Parane v. Reloza, 238 SCRA 1 (1994).

[8] Re: Judicial Audit Report Conducted in the RTC, Br. 17, Kidapawan City, 399 SCRA 55 (2003); Re: Report on the Monitoring of Cases in the RTC, Br. 64, Labo, Camarines Norte, 396 SCRA 4 (2003); Office of the Court Administrator v. Quizon, 376 SCRA 579 (2002); Re: Report on the Judicial Audit Conducted in the RTC-Br. 220, QC, 360 SCRA 242 (2001); Raboca v. Velez, 341 SCRA 543 (2000); Report on the Judicial Audit Conducted in the RTC, Brs. 87 and 98, Quezon City, 338 SCRA 141 (2000); Report on the Judicial Audit Conducted in Branch 34, RTC, Iriga City, 324 SCRA 397 (2000); Office of the Court Administrator v. Quiñanola, 317 SCRA 37 (1999); Re: Judge Fernando P. Agdamag, 254 SCRA 644 (1996); Re: Report on the Judicial Audit Conducted in RTC-Br. 24, Ipil, Zamboanga del Sur; Br. 2, Isabela, Basilan; and MCTC, Labason, Zamboanga del Norte, 303 SCRA 208 (1999); Report on the Judicial Audit Conducted in the RTC, Br. 27, Lapu-Lapu City, 289 SCRA 398 (1998).

[9] Sec. 11. Sanctions. – A. If the respondent is guilty of a serious charge, any of the following sanctions may be penalized as follows:

- Dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. Provided, however, that the forfeiture of all benefits shall in no case include accrued leave credits;
- Suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or
- A fine of more than P20,000 but not exceeding P40,000.

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