

FELICIDAD CASTRO, COMPLAINANT, VS. JUDGE ARTURO MALAZO, RESPONDENT.

A.M. No. 1237-CAR. August 21, 1980

Ponente: GUERRERO, J.

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GUERRERO, J.:

This is an administrative complaint filed by Felicidad Castro against respondent Arturo Malazo, Presiding Judge of the Court of Agrarian Relations, Tayug, Pangasinan, for undue delay in deciding CAR Case No. 1794-TP'72, entitled "Bonifacio Castro and Felicidad Torio-Castro vs. Alfonso Cruz, Enriqueta Salcedo Cruz and Romeo Tibay."

Briefly, the facts are:

On July 11, 1972, Romeo Tibay filed a complaint for reliquidation, leasehold, and fixing of rental with damages with the Court of Agrarian Relations, Tayug, Pangasinan, docketed as CAR Case No. 1822-TP'72 (hereinafter referred to as the Tibay case) against Felicidad Castro, (the complainant herein), and Enriqueta Salcedo-Cruz, the owner of the piece of land situated in Pozzorubio, Pangasinan. Alleging that he was a tenant or agricultural lessee of the said landholding, Tibay prayed that Castro be restrained from dispossessing him of his tenancy.

On August 14, 1972, the spouses Felicidad Torio-Castro and Bonifacio Castro instituted CAR Case No. 1794-TP'72 (hereinafter called the Castro case) against Romeo Tibay, Alfonso Cruz and Enriqueta Salcedo Cruz also before the Court of Agrarian Relations, alleging that they were the lessees of Francisca Quinto, the deceased mother of Enriqueta Salcedo Cruz, and that Tibay had forcibly entered the premises. They prayed for reinstatement as tenants or lessees of the landholding, and for fixing of rental and damages.

On January 31, 1975, the parties in both Tibay and Castro cases were given fifteen days from receipt of the transcript of stenographic notes within which to file their respective memoranda.

On August 25, 1975, the Castros filed their memoranda in the two cases. Tibay failed to submit his memorandum and the cases were deemed submitted for decision on September 9, 1975.

On January 29, 1976, complainant herein addressed a letter to this Court complaining and charging respondent with delay in deciding CAR Case No. 1794-TP'72 (the Castro case). The said letter was referred to the respondent on February 12, 1976, for comment and in the latter's 2nd Indorsement dated February 26, 1976, he submits "the information that CAR Case No. 1794-TP '72 entitled "Bonifacio Castro, et al., versus Alfonso Cruz, et al." had been decided on September 15, 1975, but the decision was not immediately released because I wanted the same be released simultaneously with the decision, promulgated today, in CAR Case No. 1822-TP'72, entitled "Romeo Tibay versus Felicidad Castro and Enriqueta Salcedo Cruz," a case closely interrelated with the subject case." (p. 4, Records)

Replying to the explanation and/or comment of respondent Judge, complainant filed the following letter:

"Santuejan, Pozzorrubio
Pangasinan
March 24, 1976

The Executive Officer
Administrative Supervision of Courts
Supreme Court of the Philippines
Manila

Sir:

I have read the explanation of the Honorable Judge Arturo Malazo but I am afraid that he is not telling the truth. According to Judge Malazo he did not release immediately the decision because he likes to release the decision in the other case at the same time. Although I am not intelligent and almost cannot read and write, his reason for not releasing immediately the decision is not good.

I want that Justice be done to tenant like us who were removed by the landowner of the land which we are working. Judge Malazo only made the decision in our case after reporting him to the Supreme Court. This is the one true. Sir, I reported him sir because he did not decide our case for more than one year after our case is finished in the trial. We suffered damage. After reporting he made a decision against us and our landowner of the land are now laughing at us. So, please help us, Sir. Thank you respectfully.

(SGD.) FELICIDAD T. CASTRO"

In Our Resolution of October 7, 1977, this case was referred to Justice Corazon Agrava of the Court of Appeals, for investigation, report and recommendation. On August 9, 1978, Justice Agrava submitted to the Court her Report and Recommendation, the gist of which is as follows:

"Complainant has claimed that the decision in the Castro case was prepared after, but antedated to, September 15, 1975. The undersigned is finding that said decision was in fact prepared and signed on September 15, 1975. It was so stipulated in the agreed statement of facts. The transcript of stenographic notes taken at the hearing of March 15, 1978 read as follows:

"Investigator:

Anything else. We will summarize the stipulation of facts:

(1)

That the parties agreed that a joint hearing be held in both Castro and Tibay cases;

(2)

That in the Castro case a decision was rendered on September 15, 1975;

(3)

That the decision in Castro case was released on February 26, 1976 at 3:00 o'clock in the afternoon;

(4)

That on February 26, 1976 a separate decision was rendered in the Tibay case;

(5)

That this decision in the Tibay case was released also on February 26, 1976;

(6)

That in the Tibay case, on January 31, 1975 an order was issued, the paragraph of which reads as follows:

'Upon joint motion of counsel of the parties, you are also given 15 days from receipt of the transcript of the proceedings within which to file their respective memorandum.'

(7)

That on August 25, 1975, a lawyer for Castro filed a memorandum in both cases, the original copy being attached to the Castro case and a carbon copy attached to the Tibay case.

Atty. Artiaga:

Yes, your Honor.

Judge Malazo:

Yes, your Honor.

Investigator:

That terminates stipulation of facts."

(TSN, 3/15/78, pp. 14-16).

The fact that the decision in the Castro case was prepared on September 15, 1975 finds corroboration in the report for September, 1975 submitted by respondent to the Court of Agrarian Relations Executive Judge. That report has the nature of *res gestae*.

The facts are as above stated. In the light of the entirety thereof, it is believed that respondent need not be found culpable for not definitely resolving the Castro case within thirty (30) days after its submission for decision on September 9, 1975. The considerations in support of that conclusion may be stated as follows:

- The complaint in this case is on the allegation that the Castro case was not decided within the time provided for in Section 151 of RA 3844. The complaint does not charge respondent with not having decided the Tibay case within the statutory-indicated period of time. The complaint, in a way, is penal in nature; and all presumptions should be in favor of respondent.

- In the purely technical sense, the Castro case was decided on September 15, 1975.

- There was justification for respondent's desire to release the decision in the Castro case simultaneously with the decision in the Tibay case. There was close relationship between the two cases. There could have been a finding in the Tibay case which could call for a modification in the decision in the Castro case.

If respondent had issued an order in the Castro case, stating that it would be decided simultaneously with the Tibay case, the present charge against him would be plainly without basis; that is unless it was specifically pleaded that respondent had unjustifiably delayed the resolution of the Tibay case.

- While it is true that the decision in the Tibay case was promulgated tardily, the fact should be considered that respondent had been made to bear an overload of cases.

Further, there was the complication of third parties filing a motion to intervene in the Castro case on November 25, 1974. Resolution of that motion was deferred by respondent until after the two cases were decided. The thought was that the rights, if any, of the intervenors could be assessed only after the two pending cases were decided. The Castro and Tibay cases may not have been easy cases.

In view of the foregoing, and based mainly on the appreciation of the situation, it is respectfully recommended that respondent be exonerated."

We do not agree with the recommendation that the respondent Judge be exonerated. While the records support the claim of respondent that he signed the decision on September 15, 1975 and that consequently, the charge of ante-dating the questioned decision in CAR Case No. 1794-TP'72 (Castro case) is devoid of merit, nevertheless, by respondent's own admission he deliberately deferred the promulgation of the same. Respondent did not file the decision with the Clerk of Court, which filing is the essential act that constitutes rendition of the decision and gives it validity and binding effect, for otherwise, the Judge can readily change, alter, revise, or modify his decision while the same is under his personal control and custody. The rule is well established that the filing of the decision, judgment or order with the Clerk of Court, not the date of the writing of the decision or judgment, nor the signing thereof or even the promulgation thereof, that constitutes rendition thereof. (*Ago vs. Court of Appeals, et al.*, L-17898, October 31, 1962, 6 SCRA 530; *People vs. Soria*, L-25175, March 1, 1968, 22 SCRA 948; *Comia, et al. vs. Nicolas, et al.*, L-26079, September 30, 1969, 20 SCRA 492).

Since there is no dispute that the Castro case was declared submitted for decision together with the Tibay case on September 9, 1975, and the decisions in both cases were rendered only on February 26, 1976, a clear violation of Section 151, Republic Act No. 3844, The Agricultural Land Reform Code, has been committed by respondent Judge, which section provides as follows:

"Sec. 151. Judge's Certification as to Work Completed. - The judges of the Courts of Agrarian Relations shall certify at the end of each month that all petitions and motions in all cases pending decision or resolution for a period of thirty days from submission by the parties have been determined and decided before the date of the making of the certificate. No leave shall be granted and no salary shall be paid without such certificate."

We must once more impress upon the members of the Judiciary their sworn duty of administering justice without undue delay under the time-honored precept that justice delayed, is justice denied. The present clogged condition of the courts' docket in all levels of our judicial system cannot be cleared unless each and every judge earnestly and painstakingly takes it upon himself to comply faithfully with the mandate of the law. No less important than the speedy termination of hearings and trials of cases is the promptness and dispatch in the making of decisions and judgment, the signing thereof and filing the same with the Clerk of Court. The Judiciary Act of 1948 explicitly commands in Section 5 thereof the following duty as follows:

"Sec. 5. Judge's certificate as to work completed. - District judges, judges of city courts, and municipal judges shall certify on their applications for leave, and upon salary vouchers presented by them for payment, or upon the payrolls upon which their salaries are paid, that all special proceedings, applications, petitions, motions, and all civil and criminal cases which have been under submission for decision or determination for a period of ninety days or more have been determined and decided on or before the date of making the certificate, and no leave shall be granted and no salary shall be paid without such certificate.

In case any special proceeding, application, petition, motion, civil or criminal case is resubmitted upon the voluntary application or consent in writing of all the parties to the case, cause, or proceeding, and not otherwise, the ninety days herein prescribed within which a decision should be made shall begin to run from the date of such resubmission."

It may be true that respondent had an overload of cases in Branch II-A in Urdaneta, Pangasinan and Branch I in Lingayen, aside from his regular duties as Presiding Judge in Branch III, Tayug, Pangasinan, but this is no valid reason for him to defer and delay the filing of the questioned decision with the Clerk of Court after said decision had been signed by him on September 15, 1975, for the act of filing is merely a ministerial act of delivering the signed decision with the Clerk of Court. Neither can We excuse the respondent by reason of the claim that the two

cases were closely interrelated with each other, and that respondent suspended the release of the decision in the Castro case because there were common issues in both cases where the resolution in one case will in effect divulge the resolution of the same issues existing in the other case. Respondent's contention is belied by his own admission that although the two cases were closely interrelated with each other (2nd Indorsement, February 26, 1976) the cause of action in one case is different from the other (TSN, March 15, 1978, p. 23; see Report and Recommendation, p. 144, Records). It matters not whether the resolution of any issue common to both cases may be divulged to either party, for after all, the decision may be appealed by the losing party.

At any rate, it is apparent that from the time the Castro case was submitted for decision on September 9, 1975 up to September 15, 1975 when respondent signed the decision, the interval was 6 days and up to February 26, 1976 when respondent actually filed with the Clerk of Court the said decision, the interval was 170 days, which is obviously beyond the 30-day period required by the statute. (Sec. 151, Republic Act 3844). To absolve the respondent because he actually decided the Castro case within the 30-day period from September 9, 1975 by making the decision and signing the same on September 15, 1975, although he filed the same with the Clerk of Court only on February 26, 1976, would render useless and impotent the injunction of the statute and allow Ourselves to place obstacles to the speedy pace of justice which this Court has always exhorted. More than that, We have always taken to task respondent judges for failure to act with dispatch on the cases assigned to their respective salas. (The Secretary of Justice vs. Bullecer, Administrative Case No. 190-J, March 21, 1974, 56 SCRA 24; Raval vs. Romero, Adm. Case No. 129-J, July 30, 1976, 72 SCRA 172; Escabillas vs. Martinez, Adm. Matter No. 127-MJ, August 31, 1977, 78 SCRA 367).

IN VIEW OF THE FOREGOING, respondent is hereby reprimanded for having failed to comply with the provisions of Section 151, Republic Act No. 3844, the Agricultural Land Reform Code. He is admonished and enjoined to comply strictly with the law and a repetition of the offense may be dealt with more severely. Let a copy of this Resolution be spread in his record.

SO ORDERED.

Teehankee, (Chairman), Makasiar, and De Castro, JJ., concur.

Fernandez, J., on leave.

Melencio-Herrera, J., In the result. What respondent Judge should have done was to issue an Order stating that the Castro case would be decided simultaneously with the Tibay case because of the inter-relation between the two cases. But it was error and poor judgment on his part to have held release of the Decision in the Castro case beyond the statutory period. That gave the Castros valid reason to complain.

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