

JOSE MANGULABNAN, COMPLAINANT, VS. JUDGE JOSE TECSON AND ATTY. RAYMUNDO MAGNO, RESPONDENTS.*A.M. No. 2112-CFI. December 29, 1980*

Ponente: MAKASIAR, J.

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These two complaints dated February 9 and 19, 1980, filed by Jose Mangulabnan and Dolores Bolilan, respectively (pp. 1-2, AM 2112, rec.; pp. 1-2, AM 2123, rec.), charge Honorable Jose Tecson, in his capacity as Presiding Judge of Branch V, Court of First Instance of Manila, and his Branch Clerk of Court, Atty. Raymundo Magno, with Non-Feasance in violation of Section 11 (1), Article X of the Constitution in relation to Article 27 of the New Civil Code and contrary to complainant's right as guaranteed by Section 16, Article IV of the Constitution. The two complainants are the complaining witnesses in Crim. Cases Nos. 22622 & 22623, both entitled "People vs. Jose Calderon & Josefa Calderon" for estafa, which were tried and decided jointly by respondent Judge on February 24, 1978 (pp. 15-30, AM 2112 rec.).

The complainants alleged in their sworn complaints that the said criminal cases were submitted for decision as early as August 16, 1977 (p. 1, AM 2112 rec. & p. 1, AM 2123 rec.). After that date, they had been inquiring from respondent Clerk of Court about the decision, but they were not answered. On January 17, 1978, they both wrote the same respondent (p. 3, AM 2112; p. 3, AM 2123 rec.) asking whether or not a decision had already been rendered and requesting copies of the decision, if any. Several follow-up letters (pp. 4 & 16, AM 2123 rec.) written by complainant Bolilan yielded no response.

It turned out that a joint decision was rendered by respondent Judge on February 24, 1978 in the two criminal cases, but a copy thereof was delivered to complainant Mangulabnan only on September 28, 1979, over 19 months later (pp. 30, AM 2112 rec.). The said cases were elevated to the Court of Appeals on appeal by the accused on August 7, 1979 (p. 18, AM 2123 rec.).

The respondent Judge gave his written explanations in his letters dated March 5 and 14, 1979 (pp. 4-5, AM 2112 rec.; pp. 6-7, AM 2123 rec.), pursuant to the 1st Indorsements of Deputy Court Administrator Arturo Buena dated February 20 and March 9, 1979. In his comments, respondent Judge confirmed that the above-mentioned criminal cases were disposed of on February 24, 1978. However, due to the honest mistake and excusable neglect of one of their filing clerks who had since resigned, the records of the said cases were inadvertently included among the finished cases kept in a separate cabinet. He overlooked the said cases in his efforts to duplicate his past records as one of the judges with the most number of disposed cases per year. He also vouched for the integrity and honesty of his clerk of court.

This Court's First Division, in its resolution of July 25, 1980 (p. 8, AM 2112), referred these cases to Associate Justice Rodolfo A. Nocon of the Court of Appeals for investigation, report and recommendation. After hearing, the said Justice submitted his report dated September 17, 1980 (pp. 73-86, AM 2112 rec.), recommending that both respondents be exonerated from the charges but they should be admonished to be more meticulous in seeing

to it that submitted cases are decided with dispatch and within the period ordained by the Constitution, with a warning that a repetition of the same will be dealt with drastically (p. 86, AM 2112 rec.).

It appears that the decision (joint) in the subject criminal cases was rendered on February 24, 1978, or six (6) months and eight (8) days from submission on August 16, 1977. The several letters written by the complainants inquiring about the cases and requesting copies of the decision were received by respondent clerk of court but not answered. It was only their letters written in late September, 1979, which were answered with the information that the cases had been elevated to the Court of Appeals on August 7, 1979. A copy of the decision was furnished complainant Mangulabnan on September 28, 1979, more than one year and seven months after rendition of the decision. The records do not show when the decision was actually promulgated.

During the investigation, both respondents denied malice or bad faith as a cause for the delay. In his testimony, respondent Judge attributed such delay to unavoidable circumstances, such as misfiling by their filing clerk, a certain Ricardo Norberte, now resigned (t.s.n., pp. 86-87), and the cramped space they temporarily occupied in 1978 (t.s.n., p. 89). He explained, however, that when the letter of complainant Mangulabnan dated January 17, 1978 was brought to his attention, he ordered his clerk of court to locate the records, then he immediately prepared the decision on February 24, 1978 (t.s.n., pp. 86-87). He also admitted that complainant Bolilan visited him in his office sometime in July 1978, inquiring about the decision; however, he inadvertently thought she was referring to another case so he told her that it was still under consideration (t.s.n., p. 88).

Respondent Magno justified the delay in furnishing a copy of the decision to the complainants by stating that it is only the defense counsel, private prosecutor and fiscal who are furnished copies of the decision. Parties-litigants are given only upon request, without discrimination (t.s.n., pp. 62-63). He denied ever ignoring the complainants. He also cited his achievements as a branch clerk of court as well as those of respondent Judge, being among the topnotchers for several years in number of yearly dispositions of cases (t.s.n., pp. 60 & 67).

In spite of all the glowing achievements cited by the respondents, it is obvious that they had been remiss in the performance of their official duties. This should not be countenanced, as it negates the principle of speedy dispensation of justice as ordained by the Constitution.

The respondent Judge, who is so interested in maintaining his record as among the topnotchers in the number of yearly disposition, should exercise more diligence and more vigilance in attending to cases submitted for decision. It would be well for him to institute some form of control not only over court records but also among his personnel, and not allow mere clerks to misplace or mishandle such valuable records. He should not entrust a decision to a subordinate until after its promulgation, in order to guard against the temptation to make money out of it. It is not enough that judges write their decisions; it is also important to promulgate and make it known to all concerned. Otherwise, what good would a favorable decision be if the interested party is kept in the dark about it? It could only be a tool for maneuvers on the part of the losing party, or a valuable commodity for sale by unscrupulous persons.

Respondent Magno could have abated the long delay had he exercised more diligence in attending to the several communications of the complainants. It is true that courts' standard operating procedures allow copies of decisions to be furnished only to the lawyers of parties-litigants. But it is equally true that court decisions are part of the public records. Interested parties may be given copies thereof upon payment of the necessary fees. To deny them such right breeds suspicion.

WHEREFORE, RESPONDENTS ARE HEREBY REPRIMANDED AND WARNED THAT A REPETITION OF THE SAME OR SIMILAR OFFENSE WILL BE DEALT WITH MORE SEVERELY.

LET COPIES OF THIS DECISION BE ATTACHED TO THE PERSONAL RECORDS OF EACH OF THE RESPONDENTS.

SO ORDERED.

Teehankee, (Chairman), Fernandez, Guerrero, and Melencio-Herrera, JJ., concur.

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