

PATROCINIA F. MAGDAMO, COMPLAINANT, VS. JUDGE TEODORO O. PAHIMULIN, RESPONDENT.

A.M. No. 662-MJ. September 30, 1976

Ponente: ANTONIO, J.

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ANTONIO, J.:

In a verified complaint dated October 19, 1972, filed with the Department of Justice, complainant charges Municipal Judge Teodoro O. Pahimulin of the Municipal Court of Binangonan, Rizal with:

- (a) Malicious delay in the administration of justice (under Article 207, Revised Penal Code) in connection with the resolution of the preliminary investigation of Criminal Case No. 3797, for frustrated homicide, against accused Lourdes Garcia in that although the investigation was terminated on April 17, 1971, Judge Pahimulin did not resolve it until October 17, 1972, or eighteen (18) months later; and
- (b) Violation of Section 129 of the Revised Administrative Code (actually Section 5, Judiciary Act of 1948, as amended) in that during the period of eighteen months that aforesaid criminal case remained unresolved, Judge Pahimulin continued to collect his salaries as municipal judge, falsely certifying that all civil and criminal cases which had been submitted to him for decision or determination for a period of ninety (90) days had been decided by him.

According to the complainant, on March 13, 1970, she filed with respondent's court a criminal complaint for frustrated homicide against Lourdes Garcia^[1] which, after several postponements of the hearing, was finally heard and submitted for decision sometime in April, 1971. She alleged that respondent unduly delayed the resolution of the preliminary investigation of her criminal complaint, so much so that although the investigation was terminated on April 17, 1971, respondent did not resolve it until October 17, 1972, or eighteen (18) months later. She further averred that during the period of eighteen months that the case remained unresolved, Judge Pahimulin continued to collect his salaries as municipal judge, falsely certifying that all civil and criminal cases which had been submitted to him for decision or determination for a period of ninety (90) days had been decided by him.

Respondent, in his answer, denied that he unduly delayed the resolution of Criminal Case No. 3797, explaining that the parties themselves, including the complainant, were responsible for the delay in the disposition of the case, in view of their repeated motions for postponement of the investigation and after the termination of the hearing, their delay in submitting their respective memoranda.

This case was thereafter referred to the Executive Judge of the Court of First Instance of Rizal for investigation, report and recommendation.

On February 21, 1974, the Investigating Judge, Hon. Carolina C. Griño-Aquino, submitted her report and recommendation. According to her report, the complaint for frustrated homicide against Lourdes Garcia was filed by complainant on March 13, 1970 and docketed as Criminal Case No. 3797. Respondent immediately issued a warrant for Lourdes Garcia's arrest, and fixed her bond at P15,000.00. The warrant was served on the

accused on March 23, 1970 and, thereafter, the latter filed a motion to reduce her bail bond to P6,000.00 on April 1, 1970, which was granted by the respondent Judge. The preliminary investigation was first scheduled on April 14, 1970, and from that date up to March 27, 1971, the case was scheduled for hearing twenty-one (21) times. Nine (9) of the scheduled hearings were postponed at the instance of the complainant, one (1) post-poned at the instance of the accused, while four (4) of the hearings were cancelled by the court due to its crowded calendar, hence, only seven (7) out of the scheduled hearings were held. The parties asked for fifteen (15) days from March 27, 1971 to file their memoranda simultaneously. On April 17, 1971, the accused asked for extension of ten (10) days within which to file her memoranda which was grant-ed, but eventually she did not file any memorandum, neither did the complainant. On April 27, 1971, the case was submitted for resolution and the ninety-day period for resolving it expired on July 27, 1971. It was only on October 17, 1972 when the respondent remanded the case to the Court of First Instance of Rizal for further proceedings. During the fifteen-month period from July 26, 1971 to October 17, 1972, the respondent collected his salaries as municipal judge upon his certification that all civil and criminal cases that had been submitted to him for decision or determination for a period of ninety (90) days had been deter-mined or decided on or before the date of making the certificate x x x (Exhibits "A-2" to "A-17").

We find that, on the basis of the afore-cited facts, the observation of the Investigating Judge --- that the delay in the completion of the investigation was due partly to the complainant herself and to the desire of the parties to settle the case amicably -- is correct. This finding, therefore, precludes any conclusion that the respondent maliciously delayed the termination of the preliminary investigation of Criminal Case No. 3797. Rather, it was due to the liberality of respondent in acceding to the motions of the parties for postponement. In order that a judge could be held criminally responsible for violation of Arti-cle 207 of the Revised Penal Code, the delay must have been done maliciously, that is, the delay is caused by the judge with deliberate intent to inflict damage on either party in the case.

On the matter of respondent's having falsely prepared his Certificates of Service during the period from July 26, 1971 to October 17, 1972, We find that the observation of the Investigating Judge that the afore-mentioned falsifica-tion "might not have been intentional", but rather due to his "inefficiency and negligence", is clearly supported by the afore-cited facts.

For respondent's negligence in not resolving with promptness and dispatch the preliminary investigation of Criminal Case No. 3797, and for his false Certificates of Service in violation of Section 5, Judiciary Act of 1948, as amended, he should be subject to administrative sanctions.

There is no question that respondent should have exerted greater care in the scrutiny of his docket and in the preparation of his monthly Certificates of Service. This is a duty which he should have performed with due care and diligence. As observed by Justice Fernando in a previous case:[2]

"* * * It is desirable that a judge should at all times manifest fidelity to the trust reposed in him. Neces-sarily, an adequate grasp of the codal and statutory provi-sions, not to mention the Constitution, as well as of legal doctrines is of the essence. That he should be impartial is likewise a truism. Of equal importance, however, is the promptness with which cases in his sala are disposed of. The people's faith in the administration of justice, espe-cially those who belong to the low-income group, would be greatly impaired if decisions are long in coming, more so from trial courts, which unlike collegiate tribunals where there is a need for extended deliberation, could be expected to act with dispatch. Unfortunately, it cannot be denied that delay still attends the performance of the judicial task. It could amount to serious inefficiency, arising either from lack of skill in the handling of authoritative legal materials or the lack of a proper system in the handling of court business. For that matter negligence, if reckless in character, could amount to serious inefficiency. * * *"

In the more recent case of *Castor Raval v. Hon. Guillermo Romero* and *Rufino S. Cortes v. Hon. Guillermo*

Romero,[3] wherein the respondent Judge was found guilty of falsification of his Certificate of Service, this Court held that "while it may be true that respondent did not act in bad faith in making his reports, nonetheless there can be no doubt that he has shown lack of due diligence in the performance of his judicial functions, resulting in the un-due delay in the administration of justice. In the public interest, such official dereliction, even if not malicious, deserves proper sanction." As a result, this Court ordered forfeited in favor of the Government the sum equivalent to three (3) months of Judge Romero's salary from the amount due him as retirement pay.

WHEREFORE , this Court finds respondent guilty of neg-ligence for his failure to terminate and remand with dis-patch the preliminary investigation of Criminal Case No. 3797 and for his lack of due care in the preparation of his Certificates of Service, and, therefore, orders him to pay a fine equivalent to his salary for three (3) months. He is further warned that a repetition of the same acts of negligence in the future would merit a more severe penalty.

Fernando, (Chairman), Concepcion, Jr., and Martin, JJ., concur.

Barredo, J., concurs because there is evidence indicating that even after the case had been submitted for resolution on April 17, 1971, the offended party made representations that the case would be settled amicably.

Aquino, J., did not take part.

[1] Criminal Case No. 3797, entitled "People of the Philippines, Plaintiff, versus Lourdes Garcia, Accused, for Frustrated Homicide."

[2] The Secretary of Justice v. Bullecer, Administrative Case No. 190-J, 56 SCRA 24, 29.

[3] Administrative Matter Nos. 129-J and 243-J, respectively, promulgat-ed on July 30, 1976.

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