

JEFFREY D. BONGCARON, COMPLAINANT, VS. JUDGE CARLITO A. EISMA, RESPONDENT.

A.M. No. 94-1216. October 27, 1994

Ponente: MELO, J.

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MELO, J.:

Complainant Bongcaron filed two letters dated April 7 and May 2, 1994, charging Judge Carlito A. Eisma with violation of Section 15, Article VIII of the 1987 Constitution, relative to the delay in the disposition of Criminal Cases No. 1790 to 1795 and the related civil cases, Civil Cases No. 335-336, respectively.

Complainant avers that the criminal cases were ready for decision as early as February, 1988, but that respondent judge scheduled the promulgation of the decision thereon only on May 16, 1994. The civil cases on the other hand, were ready for resolution as early as 1987 when the trial ended, but were decided only on February 16, 1994, or seven years thereafter. Worse, the cases ended up being dismissed. Moreover, it was alleged that complainant's mother was not remiss in following up these cases since 1987 but all she got were empty assurances of early resolution. Thus, complainant claims to have suffered anxiety and injustice on account of the delay.

For his part, respondent judge avers that the delay is attributable to the fact that the cases were inherited cases, apart from the fact that his court stenographer, Rosario Evangelista, left for abroad without prior notice nor clearance and without transcribing her notes. Moreover, respondent alleges that on account of his additional assignments as Acting Presiding Judge of Branches 3, 4, and 5, (all of the Regional Trial Court of the 9th Judicial Region), stationed, respectively, at Jolo, Parang, and Bongao, he became pre-occupied with the current cases assigned to him. Lastly, respondent judge avers that it was only in the latter part of 1989 that he became aware of the cases, subject matter of the case now before us, and soon thereafter, he exerted efforts to locate the missing notes of his stenographer, even to the extent of asking the help of other stenographers in transcribing the available notes.

In its Memorandum dated July 21, 1994, the Office of the Court Administrator recommends the imposition of a fine in the sum of Five Thousand (P5,000.00) Pesos as penalty, with the caveat that repetition of the same offense will merit a stiffer penalty in the future.

That the administrative charges against respondent judge warrant disciplinary sanction for his inexcusable procrastination, nay, stoic demeanor are more than apparent. To begin with, the 1987 Constitution mandates that all lower courts should dispose of all cases within three months, not to mention the Code of Judicial Conduct which requires judges to be prompt and impartial in the disposition of all matters submitted to them, remembering that the sluggish attitude of a magistrate is incongruent with, and antithetical to, the speedy dispensation of justice.

In the present case, well taken is the observation of the Office of the Court Administrator that the lapse of six years from the time the cases were submitted for decision until they were actually resolved and promulgated is too long to be ignored. Respondent's proffered excuse that these cases were inherited ones barely scratches the

surface, so to speak, inasmuch as the task before him necessitated incremental zealousness. especially so because complainant's mother had been constantly inquiring in regard to the status of the cases. The delay of six long years is inexcusable.

Neither can the additional assignments given to respondent save the day for him since these assignments were given to him only in December, 1988 while the cases at hand were submitted for decision in February, 1988. Obviously, ten months lapsed before respondent became "pre-occupied" with his additional assignments.

Lastly, it is apt to recall at this juncture that although "blame can also be conveniently laid on the court personnel's mismanagement of the records of the cases, proper and efficient court management is as much the judge's responsibility for the Court personnel are not the guardians of a Judge's responsibility" (Longboan vs. Judge Polig, 186 SCRA 557;562 [1990]). Nonetheless, the fine of P5,000.00 seems to be a bit heavy under the circumstances. A fine in the amount of P2,000.00 is more appropriate.

WHEREFORE, the penalty of Two Thousand (P2,000.00) Pesos as fine is hereby imposed on Judge Carlito A. Eisma for his delay in resolving the subject cases, with a stern warning that repetition of the same or similar offenses in the future will be dealt with more severely.

SO ORDERED.

Bidin, Romero, and Vitug, JJ., concur.

Feliciano, J., (Chairman), on leave.

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