

JIMMY UY, COMPLAINANT, VS. JUDGE GREGORIO D. PANTANOSAS, JR., REGIONAL TRIAL COURT, BRANCH 20, CAGAYAN DE ORO CITY, RESPONDENT.

A.M.-RTJ-07-2094 (FORMERLY A.M. OCA IPI NO. 05-2392-RTJ). December 10, 2007

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

In a verified complaint dated October 17, 2005, Jimmy Uy, complainant, denounced Judge Gregorio D. Pantanosas, Jr. of the Regional Trial Court (RTC), Branch 20, Cagayan de Oro City for undue delay in the resolution of Civil Case No. 2002-241, entitled “Silver Swan Manufacturing Corporation v. Salvador Cuerquiz” for judicial abatement of nuisance with prayer for mandatory injunction and damages.

On December 12, 2005, then Court Administrator Presbitero J. Velasco, Jr. (now a member of this Court) required respondent judge to comment on the complaint.

In his comment dated February 6, 2006, respondent judge justified the delay, stating that he had no control over the events which caused the postponements of the proceedings. He also blamed the plaintiff for conforming to defendant’s motions to postpone.

On June 13, 2006, Court Administrator Christopher O. Lock submitted the complaint and respondent’s comment to the Court together with his Report and Recommendation.

In his Report and Recommendation, Court Administrator Lock stated:

A careful consideration of the issues herein raised disclosed that respondent Judge had been liberal in granting postponements requested by the parties, most of the time, by the defendant and even at the instance of the court itself. Despite the numerous delays encountered by the case, he was never decisive in warning the parties against unreasonable requests for continuance.

He could not hide behind the excuse that he has no control over the circumstances attendant to the case because “a judge should at all times remain in full control of the proceedings in his branch and should adopt a firm policy against improvident postponements. Lengthy postponements of court hearings create delay in the administration of justice, thus undermining the people’s faith in the judiciary from whom the prompt hearing of their supplications is anticipated and expected, and reinforcing in the mind of the litigants the impression that the wheels of justice grind ever so slowly. And they should always observe utmost diligence and dedication in the performance of their judicial functions and duties, dispose of the court’s business promptly and decide cases impartially with reasonable dispatch” (Jaime R. Sevilla v. Judge Edison F. Quintin, A.M. No. MTJ-05-1603, 25 October 2005). The pertinent rules in the Code of Judicial Conduct, read:

Rule 1.02 – A judge should administer justice impartially and without delay.

Rule 3.05 – A judge shall dispose of the court’s business promptly and decide cases within the required periods.

That complainant did not object to the continued postponement of the hearing of the cases for close o three (3) years does not, however, extenuate respondent Judge's administrative liability for gross inefficiency.

As a rule, the grant or denial of a motion for postponement is addressed to the sound discretion of the court which should always be predicated on the consideration that more than the mere convenience of the courts or of the parties, the ends of justice and fairness should be served thereby. However, this discretion must be exercised wisely.

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Court Administrator Lock then recommended that respondent judge be fined in the amount of Ten Thousand Pesos (P10,000.00) with a stern warning that commission of the same act would be dealt with more severely.

Acting on our Resolution dated August 16, 2006, the parties submitted their respective manifestations that they are submitting the case for decision on the basis of the pleadings filed.

After a close review of the records, we resolve to adopt the above Report and Recommendation.

Records from the Office of the Court Administrator, however, show that on March 29, 2007, respondent judge filed with the Commission on Elections a Certificate of Candidacy as Vice Governor of Misamis Oriental. Thus, as of that date, he was considered resigned from the judiciary.

ACCORDINGLY, and as recommended by Court Administrator Christopher O. Lock, respondent Judge Gregorio D. Pantanosas, Jr. is FINED in the sum of Ten Thousand Pesos (P10,000.00) and WARNED that a repetition of the same or similar act will be dealt with more severely.

SO ORDERED.

Puno, C.J. (Chairperson), Ynares-Santiago, Corona and Azcuna., JJ., concur.

* Designated to sit as additional Member of the First Division under Special Order No. 474 dated October 19, 2007 issued pursuant to Administrative Circular No. 84-2007.

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