EUGENIO JUAN R. GONZALEZ, COMPLAINANT, VS. JUDGE LIZABETH G. TORRES, METROPOLITAN TRIAL COURT, BRANCH 60, MANDALUYONG CITY, RESPONDENT.

A.M. NO. MTJ-06-1653 (FORMERLY OCA IPI NO. 03-1498-MTJ). July 30, 2007

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

This is an Administrative Complaint[1] filed by Eugenio Juan R. Gonzalez (Gonzalez) against Judge Lizabeth G. Torres (Judge Torres), Presiding Judge of the Metropolitan Trial Court (MeTC), Branch 60, Mandaluyong City, for the Violations of Section 15, Article 7 of the 1987 Constitution and Rules 3.08 and 3.09, Canon 3 of the Code of Judicial Conduct, relative to Criminal Case No. 71984 entitled, "People of the Philippines v. Revelina R. Limson" pending before said court.

It stemmed from an earlier complaint for perjury filed by Gonzalez against Revelina R. Limson (Limson) with the Mandaluyong Prosecutor's Office. After the submission of the necessary pleadings by the respective parties, the Mandaluyong Prosecutor's Office recommended the filing of an information for perjury against Limson. Accordingly, the appropriate information was filed with the MeTC of Mandaluyong City and was raffled to Branch 60, where it was docketed as Criminal Case No. 71984. Thereafter, trial ensued.

After Gonzalez rested his case, the defendant Limson, instead of presenting evidence, filed a Manifestation/Motion to Admit Attached Demurrer to Evidence, which was granted by the court in an Order dated 18 May 2002. The order also gave Gonzalez ten days within which to file his comment, which the latter submitted on 14 June 2002. Gonzalez averred that the "Demurrer to Evidence" was first considered submitted for resolution on 20 June 2002. However, on 26 August 2002, a hearing was set but the said issue was not resolved. Judge Torres again considered the said matter submitted for resolution.

In his complaint dated 23 October 2003, Gonzalez charged Judge Torres with delay in resolving Limson's Demurrer to Evidence. Gonzalez called the attention of the Office of the Court Administrator (OCA) to the fact that, per the certification dated 21 October 2003 of the Branch Clerk of Court of MeTC, Branch 60, the issue relating to the "Demurrer to Prosecution Evidence" in Criminal Case No. 71984 remains unresolved. He prayed that Judge Torres be ordered to inhibit herself from further taking cognizance of the pending issue and of other matters in connection with Criminal Case No. 71984.

Through an Indorsement dated 7 November 2003, OCA required Judge Torres to submit her comment on Gonzalez's complaint within ten days from receipt of said indorsement. On 3 December 2003, Judge Torres requested for an extension of 20 days within which to file the required comment which the OCA granted on 15 January 2004.

On 11 March 2004, the OCA sent a 1st Tracer to Judge Torres reminding her of its directive for her to comment on the allegations in Gonzalez's administrative complaint. Judge Torres was also warned that, should she fail to comply within five days from receipt of the 1[st] Tracer, the matter shall be submitted to the Court without her

comment.

Subsequently, the OCA received a letter dated 5 April 2004 from Judge Torres wherein she requested a further extension of 20 days from 5 April 2004 to submit her comment, which the OCA again granted on 21 April 2004. Judge Torres was thus given until 26 April 2004 within which to submit her comment.

However, on 21 January 2005, the OCA once more received a letter from Judge Torres, requesting for another extension of 20 days within which to submit her comment on Gonzalez's administrative complaint against her. Her request for extension was granted for the third time by the OCA on 26 January 2005.

Judge Torres finally submitted her Comment dated 20 February 2006. In her Comment, she averred that the record of Criminal Case No. 71984 was rigged and that Gonzalez cited orders that she did not issue. The hearing dates Gonzalez referred to were without minutes; and those with minutes, were not signed by legal stenographers, or if they were signed, the signatures were unidentifiable or were not of the legal stenographers' signatures on record. Proof of service of the alleged orders she issued to the adversarial parties was either missing or dubious.

Judge Torres added that the pleadings in Criminal Case No. 71984 were being filed inconsistently. Some were filed directly at Branch 60, while others were filed at the Office of the Clerk of Court without record of when the same were purportedly forwarded to her branch. She could not review the records of Criminal Case No. 71984 as fast as she wanted to because said records were merely fastened, and the pleadings were not filed chronologically.

She further countered that since 18 May 2002, she had no official intervention in Criminal Case No. 71984. She was constrained to inhibit herself from acting on Limson's Demurrer to Evidence to protect the MeTC of Mandaluyong City from being drawn into the real controversy between the Gonzalezes and their adversaries over the Wack-Wack Apartments.

She expressed offense that the acts alleged by Gonzalez in his administrative complaint made her appear remiss in her duties. Respondent reasoned that she was acting on inherited cases as inventoried by the court staff and the records were disorganized. In fact, she claimed that she had already personally gone to the OCA Legal Staff to explain her predicament.

While admitting that she was not able to quickly comment on the present administrative case, she invoked her case load and added duties as Executive Judge of MeTC Mandaluyong City, as well as the four vacancies in her branch (i.e., branch clerk of court, sheriff, legal researcher and stenographer) as her reasons for the delay.

On 6 July 2006, the OCA submitted its report[2] on Gonzalez's administrative complaint against Judge Torres, with the following recommendation –

> Respectfully submitted for the consideration of the Honorable Court are our recommendations that the instant case be RE-DOCKETED as a regular administrative matter and respondent Judge Torres be FINED Twenty Thousand Pesos (P20,000.00) and WARNED that further infraction of the Rules of Court shall be dealt with more severely.

On 23 August 2006, we required[3] the parties to manifest within 10 days from notice if they were willing to submit the matter for resolution based on the pleadings filed. On 26 October 2006, Gonzalez submitted his Manifestation[4] stating that he was submitting the case for resolution based on the pleadings filed. Judge Torres, on the other hand, asked for an extension[5] of 20 days from 30 October 2006 within which to submit her manifestation, which we granted on 22 November 2006.[6] Judge Torres, however, still failed to file her manifestation within the extended period despite the notice sent to and received by her. Thus, we deemed that Judge Torres had already waived[7] her right to submit supplemental comment/pleadings herein.

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Resultantly, the case is submitted for decision based on the pleadings filed, after a review of which, we find ourselves agreeing in the recommendation of the OCA.

As a general principle, rules prescribing the time within which certain acts must be done, or certain proceedings taken, are considered absolutely indispensable to the prevention of needless delays and to the orderly and speedy discharge of judicial business. By their very nature, these rules are regarded as mandatory.[8]

The office of the judge exacts nothing less than faithful observance of the Constitution and the law in the discharge of official duties.[9] Section 15(1), Article VIII of the Constitution, mandates that cases or matters filed with the lower courts must be decided or resolved within three months from the date they are submitted for decision or resolution. Moreover, Rule 3.05, Canon 3 of the Code of Judicial Conduct, directs judges to "dispose of the court's business promptly and decide cases within the required periods." Judges must closely adhere to the Code of Judicial Conduct in order to preserve the integrity, competence and independence of the judiciary and make the administration of justice more efficient.[10] Time and again, we have stressed the need to strictly observe this duty so as not to negate our efforts to minimize, if not totally eradicate, the twin problems of congestion and delay that have long plagued our courts. Finally, Canons 6 and 7 of the Canons of Judicial Ethics exhort judges to be prompt and punctual in the disposition and resolution of cases and matters pending before their courts, to wit:

> - PROMPTNESS
>
> He should be prompt in disposing of all matters submitted to him, remembering that justice delayed is often justice denied.
>
> - PUNCTUALITY
>
> He should be punctual in the performance of his judicial duties, recognizing that the time of litigants, witnesses, and attorneys is of value and that if the judge is unpunctual in his habits, he sets a bad example to the bar and tends to create dissatisfaction with the administration of justice.[11]

Also relevant herein is Administrative Circular No. 1, dated 28 January 1988, which requires all magistrates to observe scrupulously the periods prescribed in Article VIII, Section 15 of the Constitution, and to act promptly on all motions and interlocutory matters pending before their courts.

In the case at bar, Limson's Demurrer to Evidence in Criminal Case No. 71984 was submitted for resolution on 20 June 2002. The same was still pending even after Gonzales had filed this administrative case on 23 October 2003.

Respondent Judge Torres presented several excuses for her delay in resolving the Demurrer to Evidence in Criminal Case No. 71984 and in filing her comment to the present administrative case, among which were her heavy case load, additional duties as Executive Judge of the MeTC of Mandaluyong City, the vacancies in her branch, and the disorganized record-keeping. These will not exonerate her.

Prompt disposition of cases is attained basically through the efficiency and dedication to duty of judges. If they do not possess those traits, delay in the disposition of cases is inevitable, to the prejudice of litigants. Accordingly, judges should be imbued with a high sense of duty and responsibility in the discharge of their obligation to promptly administer justice.[12]

The administrative responsibility for the prompt and speedy disposition of cases rests on the judge's shoulders. The Code of Judicial Conduct requires judges to organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity. The same Code charges him with the duty of diligently discharging administrative responsibilities,

maintaining professional competence in court management, and facilitating the performance of the administrative functions of other judges and court personnel.[13]

The absence of an efficient record system in her court may not be used by Judge Torres in failing to resolve the Demurrer to Evidence in Criminal Case No. 71984. It is incumbent upon her to devise an efficient recording and filing system in her court so that no disorderliness can affect the flow of cases and their speedy disposition. A judge cannot take refuge behind the inefficiency or mismanagement of his court personnel since proper and efficient court management is her responsibility. Court personnel are not the guardians of a judge's responsibilities. The efficient administration of justice cannot accept as an excuse the shifting of the blame from one court personnel to another. A judge should be the master of his own domain and take responsibility for the mistakes of his subjects.[14] He is the one directly responsible for the proper discharge of his official functions. Judges cannot escape administrative liability by pointing to lapses, absences or negligence of court personnel under them.[15]

It must be stressed that the primordial and most important duty of every member of the bench is decision-making. Furthermore, as administrators of their respective courts, judges have the primary responsibility of maintaining the professional competences of their staff. Prompt disposition of the court's business is attained through proper and efficient court management, and a judge is remiss in his duty and responsibility as court manager if he fails to adopt a system of record management.[16]

As frontline officials of the judiciary, judges should, at all times, act with efficiency and with probity. They are duty-bound not only to be faithful to the law, but likewise to maintain professional competence. The pursuit of excellence must be their guiding principle. This is the least that judges can do to sustain the trust and confidence which the public reposed in them and the institution they represent.[17]

Her failure to decide the case on time cannot be ignored. As we ruled in Española v. Panay,[18] if the case load of the judge prevents the disposition of cases within the reglementary period, again, he should ask this Court for a reasonable extension of time to dispose of the cases involved. This is to avoid or dispel any suspicion that something sinister or corrupt is going on. The Court, cognizant of the heavy case load of some judges and mindful of the difficulties encountered by them in the disposition thereof, is almost always disposed to grant such requests on meritorious grounds.[19]

If it was indeed true that Judge Torres was prevented from the timely disposition of her pending cases, including Criminal Case No. 71984, by her case load, additional assignments or designations, lack of personnel, and any other reason, all she had to do was to simply ask this Court for a reasonable extension of time to dispose of her cases. The records of this administrative matter do not show that Judge Torres made any attempt to report and request extension of time to resolve the cases pending before her court. Instead, she preferred to remain silent, kept the cases pending, and thus clothed the same with suspicion. Obviously, she forgot the character of her office as a public trust, imposing upon her the highest degree of responsibility, efficiency, as well as transparency.

Judge Torres even stated that she was constrained to inhibit herself from acting on Limson's Demurrer to Evidence to protect the MeTC of Mandaluyong City from being drawn into the controversy between the Gonzalezes and their adversaries over the Wack-Wack Apartments. Such an excuse is feeble and unacceptable, hardly expected from a judge. First and foremost, it is precisely Judge Torres' duty to settle controversies between adversarial parties. Judge Torres cannot shirk from the responsibility of resolving a case pending before her court because she is afraid that her court will be dragged into a "controversy." Second, her fear that her court will be dragged into an even bigger controversy between Gonzalez and other parties involving the Wack-Wack Apartments is unfounded considering that the MeTC can only take cognizance of the issues pending before it and

over which it has jurisdiction. Third, Judge Torres' course of action is totally baseless and irrational. She cannot keep Criminal Case No. 71984 pending before her court, neither proceeding with it nor dismissing it, for an undetermined period of time or hopefully, perhaps, until the Wack-Wack Apartments controversy has blown over. And fourth, Judge Torres' actions, instead of protecting her court, has actually done more damage to it, raising doubts and suspicions as to its credibility, impartiality, and independence.

We note that the case left unresolved by Judge Torres is a criminal case. As we previously stressed, the unjustified delay in the dispensation of justice cuts both ways. On the part of the accused, since his liberty is at stake, his suffering is unduly prolonged on account of the judge's failure to promptly render the judgment of acquittal. On the part of the offended party, the excruciating pain of waiting for the sentencing of the accused gives the offended party the impression of impropriety that could diminish his trust in the judicial system.[20]

Indeed, we have consistently impressed upon judges the need to decide cases promptly and expeditiously on the principle that justice delayed is justice denied. This oft-repeated adage requires the expeditious resolution of disputes, much more so in criminal cases where an accused is constitutionally guaranteed the right to a speedy trial, which, as defined, is one "[c]onducted according to the law of criminal procedure and the rules and regulations, free from vexatious, capricious and oppressive delays." The primordial purpose of this constitutional right is to prevent the oppression of the accused by delaying criminal prosecution for an indefinite period of time. It is likewise intended to prevent delays in the administration of justice by requiring judicial tribunals to proceed with reasonable dispatch in the trial of criminal prosecutions.[21]

Failure to resolve cases submitted for decision within the period fixed by law constitutes a serious violation of the constitutional right of the parties to a speedy disposition of their cases.[22]

We cannot overstress this policy on prompt disposition or resolution of cases. Delay in case disposition is a major culprit in the erosion of public faith and confidence in the judiciary and the lowering of its standards.[23] Failure to decide cases within the reglementary period, without strong and justifiable reason, constitutes gross inefficiency warranting the imposition of administrative sanction on the defaulting judge.[24]

Finally, this Court takes notice of the fact that respondent judge filed her comment on the present complaint more than one year from the time the OCA issued a directive[25] for her to do so. As a judge, Judge Torres ought to know that all directives coming from the Court Administrator and his deputies are issued in the exercise of this Court's administrative supervision of trial courts and their personnel, hence, said directives should be respected. Directives issued by the OCA should not be construed as mere requests, and should be complied with promptly and completely. Failure to comply accordingly betrays not only a recalcitrant streak in character, but also disrespect for a lawful order and directive. Judge Torres' reasoning that she needed more time to be able to make a detailed comment is not sufficient for her to just ignore the deadline set by OCA. It took resolutions issued by this Court for Judge Torres to finally file her comment. Even then, Judge Torres had asked for several more extensions (on 3 December 2003, 5 April 2004 and on 21 January 2005) before actually filing her comment on 20 February 2005.

On the matter of Gonzalez's prayer that Judge Torres be ordered to inhibit herself from Criminal Case No. 719841 on grounds of bias and partiality, be it noted that Associate Justice Presbitero J. Velasco, Jr. (then Court Administrator) already issued an Order[26] that the motion for inhibition should be filed with the judge sought to be inhibited. Pertinent portions of said Order read:

> Please be advised that under Administrative Circular No. 1 dated 28 January 1998, inhibitions are ":judicial actions which do not require prior administrative approval." Under Circular No. 7 dated 10 November 1980, "orders arising from motions for inhibitions should not be treated as administrative in character but should be

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> considered as judicial. The party who alleges to be aggrieved may apply for the appropriate legal remedy."
>
> In the situation at hand, a motion for inhibition should be filed with the judge involved. And, pursuant to the aforecited provisions, should the party who seeks the inhibition of the judge feel aggrieved by the action taken by the judge involved, then he should take the appropriate legal remedies.

All told, we find Judge Torres guilty of undue delay in resolving Limson's Demurrer to Evidence in Criminal Case No. 71984 which, under Section 9(1), Rule 140 of the Revised Rules of Court, is classified as a less serious charge. Under Section 11(B) of the same Rule, the penalty for such charge is suspension from office without salary and other benefits for not less than one nor more than three months, or a fine of more than P10,000.00 but not exceeding P20,000.00.

It must be noted also that Judge Torres was already penalized and was fined P20,000.00 for her inefficiency and Violation of Judicial Conduct in A.M. No. MTJ-05-1611 entitled, "Antonio del Mundo v. Judge Lilibeth G. Torres." She should have known better than to simply let the reglementary period pass by again in another case.

There are also pending cases against Judge Torres in which she is charged with the following: (1) Inefficiency, Gross Negligence, Grave Abuse of Discretion and Violation of Code of Judicial Conduct, docketed as OCA IPI No. 03-1464-MTJ, in which she was ordered to pay a fine of P1,000.00 for failure to file her comment therein; (2) Violation of Section 15, Article 7 of the 1987 Constitution, and Rules 3.08 and 3.09, Canon 3 of the Code of Judicial Conduct and Grave Prejudice, docketed as OCA IPI No. 03-1496-MTJ; (3) Culpable violation of the Constitution, Gross Ignorance of the law and Violation of the New Code of Judicial Conduct, docketed as OCA-IPI-1806-MTJ; and (4) Unreasonable Delay in Resolving Criminal Case and Gross Inefficiency, docketed as OCA IPI No. 04-1606-MTJ.

Given the foregoing premises, we find that the imposition of the maximum amount of fine, P20,000.00, reasonable.

WHEREFORE, Judge Lizabeth G. Torres, Presiding Judge of the Metropolitan Trial Court, Branch 60, Mandaluyong City, is found guilty of undue delay in resolving the Demurrer to Evidence in Criminal Case No. 71984 and is hereby ordered to pay a fine of Twenty Thousand (P20,000.00) Pesos. She is warned that a repetition of the same or similar act shall be dealt with more severely. Let a copy of this decision be attached to her personal records. The Court Administrator is directed to furnish all concerned copies of this Resolution.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, and Nachura, JJ., concur.

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[1] Rollo, pp. 1-6.

[2] Id. at 53-56.

[3] Id. at 57-58.

[4] Id. at 61-62.

[5] Id. at 59.

[6] Id. at 63.

[7] Id. at 65.

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[8] Gachon v. Devera, Jr., G.R. No. 116695, 20 June 1997, 274 SCRA 540, 548-549, citing Valdez v. Ocumen, 106 Phil. 929, 933 (1960) and Alvero v. De la Rosa, 76 Phil. 428, 434 (1946).

[9] Re: Report of Deputy Court Administrator Bernardo T. Ponferada Re: Judicial Audit Conducted in the RTC, Branch 26, Argao, Cebu, A.M. No. 00-4-09-SC, 23 February 2005, 452 SCRA 125, 132.

[10] Office of the Court Administrator v. Javellana, A.M. No. RTJ-02-1737, 9 September 2004, 438 SCRA 1, 14.

[11] Office of the Court Administrator v. Alumbres, A.M. No. RTJ-05-1965, 23 January 2006, 479 SCRA 375, 386.

[12] Re: Report on the Judicial Audit and Physical Inventory of Cases in the Regional Trial Court, Br. 54, Bacolod City, A.M. No. 06-4-219-RTC, 2 November 2006, 506 SCRA 505, 520.

[13] Bajet v. Baclig, 434 Phil. 564, 574 (2002).

[14] Re: Cases Left Undecided by Retired Judge Antonio E. Arbis, Regional Trial Court, Branch 48, Bacolod City, 443 Phil. 496, 502 (2003).

[15] Office of the Court Administrator v. Alumbres, supra note 11 at 388.

[16] Re: Report on the Judicial Audit Conducted in the Regional Trial Court, Branch 22, Manila, A.M. No. 00-1-10-RTC, 10 September 2004, 438 SCRA 111, 125.

[17] Id. at 125-126.

[18] A.M. No. RTJ-95-1325, 4 October 1995, 248 SCRA 684, 687, citing Cruz v. Basa, A.M. No. MTJ-91- 598, 9 February 1993, 218 SCRA 551, 557.

[19] Judge Gonzales-Decano v. Judge Siapno, 405 Phil. 752, 763 (2001).

[20] Report on Judicial Audit conducted in Regional Trial Court, Branches 29 and 59, Toledo City, 354 Phil. 8, 21 (1998).

[21] Guerrero v. Judge Deray, 442 Phil. 85, 91-92 (2002).

[22] Re: Judicial Audit of the Regional Trial Court, Br. 14, Zamboanga City, Presided over by Hon. Ernesto R. Gutierrez, 482 Phil. 310, 320 (2006).

[23] Re: Report of Deputy Court Administrator Bernardo T. Ponferada, Re: Judicial Audit Conducted in the RTC, Branch 26, Argao, Cebu, A.M. No. 00-4-09-SC, 23 February 2005, 452 SCRA 125, 133.

[24] Celino v. Judge Abrogar, 315 Phil. 305, 312 (1995).

[25] Issued on 7 November 2003; rollo, p. 13.

[26] Id. at 35.

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