FLAVIANO G. ARQUERO, COMPLAINANT VS. ACTING PRESIDING JUDGE TERTULO A. MENDOZA, MUNICIPAL TRIAL COURT, GUIMBA, NUEVA ECIJA, RESPONDENT.

A.M. No. MTJ-99-1209. September 30, 1999

Ponente: MENDOZA, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/a6260494f921/

MENDOZA, J.:

This is a complaint filed by the Sta. Ana Primary Multi-Purpose Cooperative, Inc. (SAPMPCI), through its president, Flaviano G. Arquero, against Judge Tertulo A. Mendoza of the Municipal Trial Court, Guimba, Nueva Ecija, for Neglect of Duty, Inefficiency, Incompetence, Abuse of Authority, and Conduct Prejudicial to the Best Interest of the Service in connection with his handling of Criminal Cases Nos. 12652, 12653, and 12654, entitled "People of the Philippines v. Solita C. Santos," for violation of B.P. Blg. 22.

The complaint alleges that Solita C. Santos, the accused in the criminal cases before Judge Mendoza, thrice purchased from SAPMPCI palay worth a total of P273, 896.00 in November and December 1994. Santos failed to pay the said amount but, because of demands of SAPMPCI for payment, she issued in June 1995 Metro Bank Check No. 025261, postdated July 20, 1995, which was drawn against her checking account. However, when presented for payment, the check was dishonored on the ground that Santos' account in the bank had already been closed. As subsequent demands of SAPMPCI went unheeded by Santos, SAPMPCI filed a complaint for estafa and violation of B.P. Blg. 22 in the Office of the Provincial Prosecutor of Guimba, Nueva Ecija, which eventually filed an information for violation of B.P. Blg. 22 against Santos. The case was subsequently raffled to respondent judge, who ordered the arrest of the accused and set her arraignment.

The arraignment was originally set for August 15, 1996, but it was postponed nine times before it was finally held. Six of the postponements were for reasons attributable to Santos. She failed to appear on August 15, September 20, and October 11, 1996 without notifying the trial court. On November 8 and December 13, 1996, she appeared with new lawyers who both asked for postponement on the ground that their services had just been engaged and they needed time to study the case. She failed to appear on January 24, 1997 allegedly because she was ill.

SAPMPCI claims that "accused is a member of the Sangguniang Panlalawigan of Nueva Ecija and members of our cooperative are strongly suspecting that accused is using her said position and the influence inherent in said position, to . . . . prolong the proceedings . . . . We are wondering why . . . . the Honorable Judge has liberally tolerated the series of postponements of the arraignment of the accused."

In his answer, dated September 1, 1997, Judge Mendoza denied the allegations against him and stated:

> While the complainant wants and invokes the right to speedy trial, the accused also has an equal and countervailing right to due process, to avail of all possible legal remedies or options grantable to her by law among these is the basic right to request for postponement under a valid and just reason.

> Opposing counsels too normally avail or resort to this legal remedy under the principle of due process to protect and advance the interest of their clients also for a just and valid reason.
>
> The undersigned on the other hand carefully evaluates such requests for postponement and if so found meritorious grants the same. It is asserted here that in all the motions for postponement by the counsel for the accused the Court found merit in them (motions) and so were granted. There was no undue favor accorded to either side.
>
> If there was delay, as indeed there was, it should be clear that it was not due to arbitrary or malicious tolerance, let alone connivance with the public prosecutor assigned in this case as implied in the letter-complaint.
>
> The series of postponement as motioned to by counsel of the accused were carefully and judiciously evaluated by the Court and finding the reasons therefor valid and just, the Court as a matter of course has to grant the same.
>
> This matter was referred to the Office of the Court Administrator, which, in its report, dated May 26, 1999, recommended that respondent judge be fined in the amount of P5,000.00 for the unreasonable delay in the arraignment of the accused in Criminal Cases Nos. 12652, 12653, and 12654.

The recommendation is well taken. Administrative Circular No. 1, dated January 28, 1988, paragraph 2.2 states that "a strict policy on postponements should be observed to avoid unnecessary delays in court proceedings." In Hernandez v. De Guzman (252 SCRA 64 (1996)), this Court held that a judge should, at all times, remain in full control of the proceedings in his sala and should adopt a firm policy against improvident postponements.

In the instant case, respondent judge failed to take the proper measures when Santos on three occasions did not appear for arraignment without notifying the trial court. As she was out on bail, she was bound to appear before the trial court whenever so required.[1] Her failure to do so justified the forfeiture of her bond.[2] However, respondent judge tolerated the unexplained absences of Santos.

Furthermore, the fact that Santos hired new lawyers to represent her does not justify the postponement of the arraignment scheduled for November 5 and December 13, 1996 over the strong objection of the private prosecutor. Rule 116, §8 of the Rules of Court provides that "whenever a counsel de oficio is assigned by the Court to defend the accused at the arraignment, he shall be given at least one hour to consult with the accused as to his plea before proceeding with the arraignment." There is no reason why a different rule should be applied to a counsel de parte whose services have just been engaged by the accused. There was absolutely no reason why counsel could not have been required to confer with the accused within a shorter period to prepare her for the arraignment.

Finally, it seems that no documentary evidence such as a medical certificate was presented to support Santos' claim that she was too ill to attend the arraignment on January 24, 1997. We hold that respondent judge granted the postponement of the arraignment without sufficient basis.

In Hernandez v. De Guzman, supra, this Court imposed a fine of P5,000.00 on the respondent judge for allowing frequent and groundless postponements of the hearings in a criminal case. Hence, the imposition of a fine of P5,000.00 on Judge Mendoza is reasonable.

WHEREFORE, judgment is hereby rendered imposing a FINE of P5,000.00 on Judge Tertulo A. Mendoza for the unreasonable delay in the arraignment of the accused in Criminal Cases Nos. 12652, 12653, and 12654, with the stern WARNING that a repetition of the same or similar acts in the future will be dealt with more severely.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

SO ORDERED.

Bellosillo (Chairman), Quisumbing, and Buena, JJ., concur.

---

[1] Rules on Criminal Procedure, Rule 114, §2.

[2] Id., §21.

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.