

**VICENTE A. PICHON, COMPLAINANT, VS. JUDGE LUCILO C. RALLOS,  
FORMER PRESIDING JUDGE OF THE REGIONAL TRIAL COURT OF  
TAGUM CITY, BRANCH 1, RESPONDENT.**

*A.M. No. RTJ-02-1680 (Formerly OCA-IPI No. 00-999-RTJ). January 28, 2003*

Ponente: QUISUMBING, J.

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**QUISUMBING, J.:**

This administrative matter stems from the letter-complaint dated June 24, 1999, of Vicente A. Pichon charging Judge Lucilo Rallos of the Regional Trial Court (RTC) of Tagum City, Branch 1, with incompetence for his failure to promptly decide Criminal Cases Nos. 7840-41, both entitled “People of the Philippines v. Narciso Labasano, et al.,” and Criminal Case No. 7842, entitled “People of the Philippines v. Pureza Labasano.” All these cases are for Estafa. Pichon, who is the private complainant in the aforesaid cases, averred that they were submitted for decision way back in October 1995 but remained unacted upon by respondent judge despite repeated follow-ups.

In his comment, respondent judge states that he has neither the power nor authority to decide Criminal Cases Nos. 7840-42. He alleges that he did not preside over any stage of the trial of said criminal cases. Relying on Administrative Circular No. 3-94,[1] he submits these criminal cases should be decided by Judge Agnes Reyes-Carpio, the former presiding judge of the RTC of Tagum City, Branch 1, because it was to her that said cases were submitted for decision. Respondent also cites Adm. Order No. 49-99 dated June 7, 1999, which revoked Judge Reyes-Carpio’s designation as Acting Presiding Judge, RTC of Manila, Branch 17, and directed her to return to her official station at RTC of Tagum City, Branch 1, not later than June 15, 1999, to resume there her regular duties.

As found by the Office of the Court Administrator (OCA), Criminal Cases Nos. 7840-42 were originally heard by Judge Marcial L. Fernandez (now retired) who presided over the reception of the prosecution’s evidence. Said cases were then heard by Judge Bernardo V. Saldares, who granted the prosecution fifteen (15) days within which to formally offer its evidence and who scheduled the reception of the evidence for the defense.

On December 1, 1993, Judge Saldares ordered the admission in evidence of the prosecution’s documentary exhibits.

When Judge Reyes-Carpio assumed office as Presiding Judge, RTC, Tagum, Branch 1, she presided over the reception of evidence for the defense.

In an order dated April 19, 1995, Judge Reyes-Carpio directed the admission in evidence of the documentary exhibits for the defense and scheduled the reception of rebuttal evidence for the prosecution for May 25, 1995. The prosecution, however, did not present rebuttal evidence in Criminal Cases Nos. 7840-42.

In an order dated August 25, 1995, respondent judge directed the prosecution and defense to simultaneously submit their respective memoranda within thirty (30) days. The parties complied with the directive.

On December 18, 1998, complainant requested for a certification regarding the status of Criminal Cases Nos. 7840-42 from the Officer-in-Charge (OIC), RTC, Tagum City, Branch 1.

Mrs. Virginia R. Coloma-Rafael, Legal Researcher and OIC of RTC, Tagum City, Branch 1, replied to said query, thus: “The cases are now submitted for decision and the records are already given to Judge Rallos for the preparation of the decision and that the transcript of stenographic notes during the proceedings has already been submitted therewith for his further perusal.”

In its resolution dated August 16, 2000, the Third Division of this Court in A.M. No. 00-7-322-RTC (Report on the Judicial Audit Conducted in the Regional Trial Court, Tagum City, Davao del Norte, Branches 1 and 2) required respondent judge to decide the cases which were submitted to him for decision/resolution when he was acting presiding judge of RTC, Tagum City, Branch 1, including Criminal Cases Nos. 7840-42.

In his supplemental letter-complaint dated October 20, 2000, complainant Pichon averred that Criminal Cases Nos. 7840-42 were decided by respondent judge on September 25, 2000, in compliance with this Court’s resolution of August 16, 2000 in A.M. No. 00-7-322-RTC. Complainant declared that from aforesaid resolution it was clear that Criminal Cases Nos. 7840-42, among others, were submitted for decision to respondent judge as early as 1995. However, if not for the judicial audit conducted, respondent would have unduly taken time in resolving those cases. Complainant then prayed that respondent judge be administratively sanctioned for the inordinate delay.

The sole issue before us is whether respondent judge should be held administratively liable for delay in deciding Criminal Cases Nos. 7840-42.

Under the Code of Judicial Conduct, specifically Canon 1, Rule 1.02[2] in relation to Canon 3, Rule 3.05[3], judges are required to decide cases and pending incidents with reasonable dispatch. A judge should be prompt in the performance of his judicial duties for delay in the administration of justice is a popular complaint by our countrymen. Delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards, and brings it into disrepute.[4] Hence, magistrates are enjoined to decide cases within the periods prescribed therefor.[5] Failure to do so constitutes gross inefficiency. The *raison d’etre* of courts lies not only in properly dispensing justice, but also in being able to do so seasonably.[6]

Respondent feebly attempts to disown responsibility by pointing to Adm. Circular No. 3-94 to justify passing the buck to Judge Agnes Reyes-Carpio. His efforts are futile. His claim that he did not preside at any stage of the trial is not supported by the record. It does not relieve him of his own responsibility. Recall that on August 25, 1995, respondent issued an order directing the parties to submit in Criminal Cases Nos. 7840-42 their respective memoranda. Recall further that as per the certification of Mrs. Coloma-Rafael, the OIC of RTC, Tagum City, Branch 1, the records and transcripts of the stenographic notes in said cases were submitted to respondent for the preparation of the decision. Note that as per our resolution of August 16, 2000 in A.M. No. 00-7-322-RTC, we ruled that Criminal Cases Nos. 7840-42 were submitted to Judge Rallos as then Presiding Judge of RTC, Tagum City, Branch 1 and that, therefore, he should decide said cases. As the OCA points out, if respondent judge honestly believed that the cases should be decided by a judge other than himself, it was incumbent upon him to immediately refer the matter to this Court, through the Court Administrator, instead of leaving the cases undecided. By his failure to resort to such a simple step or to act expeditiously on said criminal cases, respondent judge has been remiss in the performance of his duty.

Considering however that respondent judge has no record of previous administrative sanctions, the Court’s attention has been drawn, in applying the corresponding penalty, to the recommendation of the OCA that respondent be reprimanded only for his failure to seasonably decide Criminal Cases Nos. 7840-42. Given the facts

of this matter, the Court concedes that the OCA's recommended penalty is in order.

WHEREFORE, JUDGE LUCILO C. RALLOS is found **LIABLE** for undue delay in the conduct of judicial proceedings by his failure to decide Criminal Cases Nos. 7840-42 within the prescribed period therefor, and he is hereby **REPRIMANDED** with a warning that a repetition of the same or a similar offense shall warrant a more severe penalty.

**SO ORDERED.**

Bellosillo, (Chairman), Mendoza, Austria-Martinez, and Callejo, Sr., JJ., concur.

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[1] The Circular is entitled: "Guidelines in the Distribution of Cases Among Reassigned Judges and Those of Newly Created Branches" and amends Adm. Circular No. 1-94. Respondent relies on the following provision:

2. Cases submitted for decision at the time of the appointment of a new judge shall be decided by the judge to whom they were submitted for decision, including motions for reconsideration and motions for new trial thereafter filed. However, if a new trial is granted, the new judge shall preside over the new trial until terminated.

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

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

[4] Ang v. Judge Enrique B. Asis, A.M. No. RTJ-00-1590, January 15, 2002, p. 9.

[5] CONST., Art. VIII, Sec. 15 (1). All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty-four months from date of submission for the Supreme Court, and unless reduced by the Supreme Court, twelve months for all lower collegiate courts, and three months for all other lower courts.

[6] Cañada, Jr., v. Judge Victorino Montecillo, A.M. No. RTJ-01-1664, November 22, 2001, p. 6.

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