

YOLANDA CRUZ, COMPLAINANT, VS. JUDGE FILOMENO S. PASCUAL, MUNICIPAL TRIAL COURT, ANGAT, BULACAN, RESPONDENT.

Adm. Matter No. MTJ-93-782. May 12, 1995

Ponente: BELLOSILLO, J.

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BELLOSILLO, J.:

Yolanda Cruz, in a letter-complaint dated 8 March 1993, charged Judge Filomeno S. Pascual, Municipal Trial Court, Angat, Bulacan, with abuse of authority, incompetence, partiality and lack of professionalism, as well as ignorance of the law, relative to Crim. Case No. 2139, "People v. Armando Faustino, et. al.," for trespass to dwelling.

Complainant, the offended party in the aforesaid criminal case, avers that trial of the case was completed on 23 October 1992. Subsequently, on 21 December 1992 a notice was issued by respondent Judge setting the promulgation of judgment on 6 January 1993. On the date set for promulgation, both the accused and his counsel failed to appear. Nonetheless, the dispositive portion of the judgment acquitting the accused was read.

Complainant asserts that respondent Judge violated Sec. 17 of the Revised Rule on Summary Procedure when he failed to decide the issue within thirty (30) days from 23 October 1992. She likewise submits that respondent deprived her of the right to know the legal basis for the judgment of acquittal since during promulgation only the dispositive portion of the decision was read. Complainant further questions the procedure taken by respondent Judge in promulgating the decision without the presence of accused. Finally, complainant maintains that the prosecution had strong and meritorious evidence which were discredited or suppressed by respondent Judge, leading her to conclude that the judgment was tainted with partiality and lack of professionalism.[1]

In his comment, respondent Judge pleads good faith in belatedly promulgating the judgment. He claims that on 20 November 1993 counsel for accused filed an Ex-Parte Motion to submit a paper labeled as Guide-Note containing legal citations and rulings within twenty (20) days. While he already reached a verdict of acquittal, he however granted the motion so as not to prematurely disclose his judgment. Besides, he believes that the provision of Sec. 17 of the Revised Rule on Summary Procedure is directory in nature.

Additionally, respondent claims that the presence of the accused during promulgation was not required in a judgment of acquittal; that the mere reading of the dispositive portion of the judgment was sufficient; that complainant was not deprived of the opportunity to know the legal basis of the judgment because the Public Prosecutor was immediately furnished a copy of the decision in open court; and, that the judgment he rendered was dictated solely by his conscience and knowledge of the law.[2]

On 23 June 1993 we resolved to refer the administrative case against respondent Judge to the Office of the Court Administrator (OCA) for evaluation, report and recommendation.[3]

In compliance therewith, the OCA submitted a Memorandum dated 5 August 1993 finding the charges of complainant unmeritorious, except the alleged delay committed by respondent Judge in deciding the case, and

recommending that a fine of P3,000.00 be imposed upon respondent for the delay in deciding Crim. Case No. 2139 and that he be warned that "a repetition of the same or similar omission will be dealt with more severely." [4]

The aforesaid recommendation is well taken. The Rule on Summary Procedure was precisely enacted to achieve an expeditious and inexpensive determination of cases. Hence, Sec. 17 requires that judgment in the case must be rendered within thirty (30) days from termination of the trial. While the procedural requirement is directory it subjects the defaulting judge to administrative sanction for his failure to observe the rule. But the decision rendered beyond the period is valid.

Admittedly, respondent judge was delayed in deciding Crim. Case No. 2139. The excuses he proffered to justify his inaction, i.e., the motion of accused and the permissive provision of Sec. 17, are flimsy. As aptly observed by the OCA, respondent Judge allowed the accused to file the motion only to gain time to decide the criminal case. Indeed, he could have just simply denied the motion on the basis of the applicability of the Rule on Summary Procedure, thus avoiding unnecessary delay in the resolution of the case. In fact, the Guide-Note submitted by the accused was not an indispensable pleading. The notes of respondent Judge, his knowledge of the applicable laws and authoritative doctrines, as well as the records on file, are sufficient bases to decide the case.

Although respondent Judge is administratively liable, his culpability nonetheless does not appear so grave as to warrant a severe penalty. There is no evidence of malice or improper motive behind his delay. His anxiety over a premature disclosure of his verdict as well as his light treatment of Sec. 17 of the Rule have misled him into inaction.

Respondent Judge is admonished to be more conscientious in the discharge of his duties, particularly the prompt resolution of cases covered by the Rule on Summary Procedure, lest the rationale for its enactment will be rendered meaningless and inutile.

With regard to the absence of the accused during the promulgation of the judgment, we hold that respondent Judge did not administratively err in proceeding with the promulgation. In a verdict of acquittal, the presence of the accused is not indispensable since no appeal is necessary and the judgment becomes final and executory immediately after promulgation. [5] The reading of the sentence in open court to counsel for the accused or giving a copy of the decision to the accused or his counsel is sufficient promulgation. It must be recalled that the parties in this case were duly notified of the date of promulgation of the judgment. The failure of the accused to attend the reading of the judgment is therefore of no moment. It must also be pointed out that even in the promulgation of the judgment of conviction, the presence of the accused is not necessary if the conviction is for a light offense inasmuch as the judgment may be read to his counsel or representative, or if the accused is tried in absentia or fails to appear and the promulgation is done in absentia, the promulgation shall consist in the recording of the judgment in the criminal docket and a copy thereof served upon the accused or his counsel. [6] In the latter case, if the accused did not have a justifiable cause for his non-appearance, he may be ordered arrested by the court. But he may appeal within fifteen (15) days from notice of the decision to him or his counsel.

Lastly, complainant's allegation that she was not afforded due process has no basis. We find that immediately after promulgation a copy of the decision was given to the Public Prosecutor representing the government.

WHEREFORE, as recommended, respondent Judge Filomeno S. Pascual, MTC, Angat, Bulacan, is FINED P3,000.00 for his delay in the rendition of the judgment in Crim. Case No. 2139 which he is directed to pay within thirty (30) days from service hereof, and ADMONISHED to be more conscientious and prompt in the performance of his duties. He is further WARNED that a repetition of the same or similar act in the future will be dealt with more severely.

Let copies of this decision be attached to the personal record of respondent Judge.

SO ORDERED.

Padilla, (Chairman), Davide, Jr., and Quiason, JJ., concur.
Kapunan, J., on official leave.

[1] Rollo, pp. 2-6.

[2] Id., pp. 33-39.

[3] Id., p. 43.

[4] Id., p. 44.

[5] Cea v. Cinco, L-7075, 18 November 1954.

[6] Sec. 6, Rule 120, Rules of Court.

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