

MIGUELA BONTUYAN, COMPLAINANT, VS. JUDGE GAUDIOSO D. VILLARIN, RTC BRANCH 59, TOLEDO CITY (THEN JUDGE DESIGNATE, MTCC-BRANCH 5, CEBU CITY), RESPONDENT.

A.M. No. RTJ-02-1718. August 26, 2002

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

When there are cogent reasons why a case cannot be decided within the period prescribed by law, the judge concerned should file an application for extension, stating therein why it should be granted. Otherwise, once the period lapses, the magistrate becomes administratively liable for delay in the rendition of judgments and for violation of the Code of Judicial Conduct.

The Case and the Facts

Miguela Bontuyan charges Judge Gaudioso D. Villarin with undue delay in rendering a decision relative to a case for theft, Criminal Case No. 34668-R entitled “People of the Philippines v. Antonio Belandres.” The factual antecedents, as culled from the records, are as follows.

On September 8, 1998, the Court received complainant’s June 16, 1998 letter,[1] which had been forwarded by the Office of the Ombudsman for the Visayas. We reproduce it as follows:

“June 16, 1998

HON. ARTURO C. MOJICA

Deputy Ombudsman

Office of the Ombudsman for the Visayas

Capitol, Cebu City

Dear Deputy Ombudsman Mojica:

I am Mrs. Miguela Bontuyan of Sitio Ipil-Ipil, Capitol [S]ite, Cebu City requesting the assistance of your office for a speedy action of the case which I filed against Mr. Antonio Belandres. This case has been filed in court at Branch 5 – MTCC, Cebu City since September 1993 and the Honorable Judge in this court has always been postponing the scheduled hearings. Hereto attached are copies of the said schedule of hearings.

Hoping for your kind assistance you could help on this matter.

Respectfully yours,
(illegible)

MIGUELA BONTUYAN”[2]

On February 15, 1999, the Office of the Court Administrator (OCA) required respondent to submit his

Comment.[3] Because the latter failed to comply, Deputy Court Administrator Bernardo T. Ponferrada issued a “1st Tracer” directing him, within five (5) days from receipt thereof, to submit the required Comment. The Tracer reads as follows:

“29 May 2001

JUDGE GAUDIOSO D. VILLARIN

RTC, Branch 59

Toledo City, Cebu

1st Tracer

Dear Judge Villarin:

This refers to the administrative complaint filed against you by Mrs. Miguela Bontuyan.

Our records show that you have not yet complied with our 1st Indorsement dated 15 February 1999 requiring you to file Comment on the attached Letter dated 16 June 1998 within ten (10) days from notice, a copy of which is hereto attached.

In view thereof, you are hereby directed to submit the required COMMENT within a non-extendible period of five (5) days from receipt hereof, otherwise, this Office shall be constrained to submit the case for the consideration of the Honorable Court without your Comment.

Very truly yours,
(illegible)

BERNARDO T. PONFERRADA

Deputy Court Administrator”[4]

In his belatedly filed Comment dated June 18, 2001, respondent said that complainant’s case “has long been decided.” He curtly added that the delay in the submission of his Comment was “due to the distance from Toledo City to Cebu City,” a distance that had prevented him from getting “a machine copy of the said decision.”[5]

Report and Recommendation of the Court Administrator

In its Report to the Court dated April 9, 2002, the OCA informed us that herein complainant is the offended party in Criminal Case No. 34668-R. Instead of explaining the cause of the delay in the disposition of the case and thereby refuting the charge of making undue postponements that eventually led to a protracted trial and much delayed justice, respondent merely transmitted his June 18, 2001 letter. To that letter, which he considered his Answer, he attached a copy of his January 19, 1999 Decision in the said criminal case. The OCA Report reads in part:

“An examination of the record shows that respondent was remiss in the performance of his duties when he failed to decide the case in accordance with Section 10 of the Rule on Summary Procedure which provides:

‘Sec. 10. Rendition of judgment. – Within thirty (30) days after receipt of the last affidavits and position papers, or the expiration of the period for filing the same, the court shall render judgment.

‘However, should the court find it necessary to clarify certain material facts, it may, during the said period, issue an order specifying the matters to be clarified, and require the parties to submit affidavits or other evidence on the said matters within ten (10) days from receipt of said order. Judgment shall be rendered within fifteen (15) days after the receipt of the last clarificatory affidavits, or the expiration of the period for filing the

same.

'The court shall not resort to the clarificatory procedure to gain time for the rendition of the judgment.'

"The Rule on Summary Procedure was promulgated by the Supreme Court to achieve an expeditious and inexpensive disposition of cases. Hence, Sec. 10 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. Failure to decide a case within the required period is not excusable and constitutes gross inefficiency (*Longboan v. Polig*, 186 SCRA 557; *De Leon vs. Castro*, 104 SCRA 241).

"The Code of Judicial Conduct also enjoins a judge to be faithful to the law and maintain professional competence (Canon 3, rule 3.01) and to dispose of the court's business promptly and decide cases within the period fixed by law (Rule 3.05)."[6]

The OCA recommended that respondent be fined in the amount of P2,000 with a warning that a repetition of the same or a similar act in the future should be dealt with more severely.

This Court's Ruling

We agree with the findings of the Office of the Court Administrator, but increase the penalty consistent with the Rules.

Administrative Liability of Respondent

At the outset, it must be pointed out that Criminal Case No. 34668-R, the subject of the present administrative case, does not fall under the Rule on Summary Procedure. That Rule requires the rendition of judgment within 30 days after receipt of the last affidavits and position papers or after the expiration of the period for filing them.[7] A review of the records reveals that the subject criminal case involved the alleged theft of P500 from complainant. Section 1(B) of the 1991 Rules on Summary Procedure governs the following criminal cases:

- "1. Violations of traffic laws, rules and regulations;
2. Violations of the rental law;
3. Violations of municipal or city ordinances; [and]
4. All other criminal cases where the penalty prescribed by law for the offense charged is imprisonment not exceeding six months, or a fine not exceeding one thousand pesos (P1,000.00), or both, irrespective of other imposable penalties, accessory or otherwise, or of the civil liability arising therefrom. xxx."

Clearly, the above-cited criminal case is not governed by summary procedure. Nonetheless, we hold that respondent is still liable for undue delay in rendering a decision.

The Constitution requires a trial judge to render a decision within three months from the date of submission of the case.[8] In addition to this constitutional provision, Canon 3, Rule 3.05 of the Code of Judicial Conduct, states that "[a] judge shall dispose of the court's business promptly and decide cases within the required periods."

In his Comment, respondent does not deny the charge of delay. Neither does he justify it. He merely transmits a copy of his decision to this Court, with the nebulous remark that the case "has long been decided."

We have consistently ruled that the inexcusable failure of a judge to decide a case within the required period constitutes gross inefficiency,[9] which is a ground for the imposition of administrative sanctions against the judge.[10]

This Court is not unmindful of the heavy dockets of lower courts. Thus, upon their proper application for extension, especially in meritorious case involving difficult questions of law or complex issues, it grants them additional time to decide beyond the reglementary period.[11]

In the instant case, however, no such application was filed by respondent. Had he done so and indicated the reason therefor, he would not have been subjected to disciplinary action.

“Judges are expected to observe utmost diligence and dedication in the performance of their judicial functions and the discharge of their duties. The failure or inability of a judge to decide a case within the period fixed by law subjects him to administrative sanctions.”[12] This is because undue delay in the disposition of cases contributes to the people’s loss of faith and confidence in the judiciary and brings it into disrepute.[13] As we have explained in the past:

“xxx [T]his Court cannot countenance such undue delay of a judge especially now when there is an all-out effort to minimize, if not totally eradicate, the problems of congestion and delay long plaguing our courts. Moreover, ‘the requirement that cases be decided within ninety (90) days from their submission for decision is designed to prevent delay in the administration of justice, for obviously justice delayed is justice denied, and 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.’”[14]

As to the penalty, undue delay in rendering a decision constitutes a less serious charge under Section 9, Rule 140 of the Rules of Court, and a finding of guilt results in either suspension from office without salary and other benefits for not less than one (1) month or more than three (3) months, or a fine of more than P10,000 but not exceeding P20,000.

WHEREFORE, Judge Gaudioso D. Villarín is found **LIABLE** for undue delay in rendering a decision and for violation of Canon 3, Rule 3.05 of the Code of Judicial Conduct. He is ordered to pay a **FINE** of twelve thousand pesos (P12,000) and **WARNED** that future similar acts will be dealt with more severely.

SO ORDERED.

Puno, (Chairman), and Carpio, JJ., concur. Sandoval-Gutierrez, J., on leave.

[1] This letter, dated June 22, 1998, was signed by Director G. Canton for Deputy Ombudsman for the Visayas Arturo C. Mojica; rollo, p. 8.

[2] Rollo, p. 9.

[3] Id., p. 7.

[4] Id., p. 6.

[5] Id., p. 1.

[6] Report of the Court Administrator submitted to the Court on April 9, 2002, p. 2; rollo, p. 23.

[7] §10 of the 1991 Revised Rule on Summary Procedure provides:

“Sec. 10. Rendition of judgment. – Within thirty (30) days after receipt of the last affidavits and position papers, or the expiration of the period for filing the same, the court shall render judgment.

“However, should the court find it necessary to clarify certain material facts, it may, during the said period, issue an order specifying the matters to be clarified, and require the parties to submit affidavits or other evidence on the said matters within ten (10) days from receipt of said order. Judgment shall be rendered within fifteen (15) days after the receipt of the last clarificatory affidavits, or the expiration of the period for filing the same.

“The court shall not resort to the clarificatory procedure to gain time for the rendition of the judgment.”

[8] §15, Article VIII of the Constitution, reads: “Sec. 15 (1) All cases or matters filed after the effectivity of this Constitution must be decided or resolved xxx three months for all lower courts.”

[9] *Lambino v. De Vera*, 275 SCRA 60, July 7, 1997; *In re: Judge Jose F. Madara*, 104 SCRA 245, April 27, 1981; *Longboan v. Polig*, 186 SCRA 557, June 14, 1990; *Sabado v. Cajigal*, 219 SCRA 800, March 12, 1993.

[10] *Re: Report on the Judicial Audit and Physical Inventory of Pending Cases in MTCC, Br. 1 and RTC, Br. 57, Lucena City*, 319 SCRA 507, December 2, 1999; *Lambino v. De Vera*, supra; *Alfonso-Cortes v. Maglalang*, 227 SCRA 482, November 8, 1993.

[11] *Sanchez v. Eduardo*, AM No. MTJ-00-1322, July 17, 2001; *Cases Submitted for Decision Before Retired Judge Maximo A. Savellano Jr.*, RTC-Br. 53, Manila, 329 SCRA 637, April 5, 2000; *Lambino v. De Vera*, supra.

[12] *Saylo v. Rojo*, 330 SCRA 243, 248-249, April 12, 2000, per Quisumbing, J.

[13] *Echaves v. Fernandez*, AM No. RTJ-00-1596, February 19, 2002; *Guillas v. Muñoz*, AM No. RTJ-00-1571, August 28, 2001; *Saylo v. Rojo*, supra; *Office of the Court Administrator v. Panganiban*, 277 SCRA 499, 504, August 18, 1997; *Re: Judge Luis B. Bello Jr.*, 247 SCRA 519, 524, August 23, 1995; *Re: Report on the Judicial Audit Conducted in the Regional Trial Court Branches 61, 134 and 147, Makati, Metro Manila*, 248 SCRA 5, 22, September 5, 1995.

[14] *Re: Judge Danilo M. Tenerife*, 255 SCRA 184, 188, March 20, 1996, per Francisco, J.; cited in *Re: Report on the Judicial Audit Conducted in RTC, Branches 29 and 59, Toledo City*, 292 SCRA 8, 22, July 8, 1998, per Puno, J.

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