

SPOUSES ANTONIO AND DONATA F. SABADO, PETITIONERS, VS. JUDGE NOVATO T. CAJIGAL, RESPONDENT.

A.M. No. RTJ-91-666. March 12, 1993

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PER CURIAM:

The letter-complaint of the Spouses Antonio and Donata Sabado charges respondent Judge Novato T. Cajigal, former Presiding Judge, Regional Trial Court, Branch 27 of Nueva Vizcaya (now assigned to Branch IX, RTC at Bacoor, Cavite), with gross neglect of duty, for failing to decide since 1984 Civil Case No. 2229 of the Regional Trial Court, Branch 27, Bayombong, Nueva Vizcaya, entitled, "Donata F. Sabado, et al. vs. Victorio Mejia, et al." for "Quieting of Title or Recovery of Possession with Damages," the trial of which was concluded in August 1984.

On December 5, 1991, the Court ordered respondent Judge to comment on the complaint but he neglected to do so despite due notice.

Consequently, the Court, in an en banc resolution dated March 31, 1992, directed him to show cause why disciplinary action should not be taken against him for ignoring the resolution of December 5, 1991, and to comply therewith within ten (10) days from notice. On August 27, 1992, this Court ordered respondent Judge to pay a fine of Five Hundred Pesos (P500.00) or suffer imprisonment for five (5) days, for his non-compliance with the resolutions of March 31, 1992. In the same resolution, we referred the administrative matter to Justice Eduardo G. Montenegro of the Court of Appeals for study, report, and recommendation within 90 days from receipt of the records.

The complainants are the plaintiffs in the aforementioned Civil Case No. 2229 of the RTC, Branch 27 of Nueva Vizcaya. On August 30, 1984, respondent Judge issued an Order in said case, requiring the parties to file simultaneous memoranda, after which the case would be considered submitted for decision with or without their memoranda. Despite the submission of the required memoranda, respondent Judge failed to render a decision.

On June 1, 1989, complainants-spouses personally went to see respondent Judge in Bacoor, Cavite (his new station), to inquire about the decision in their case, but were told by respondent Judge that he has to wait for an order from the Supreme court for him to release the decision. On July 20, 1989, they wrote him another letter requesting him to decide their case. On August 16, 1989, they filed with the RTC in Bayombong, Nueva Vizcaya, a motion for rendition of decision. On February 7, 1990, they wrote Judge Jose Rosales, the new presiding Judge in the RTC at Bayombong, appealing that he intercede with respondent Judge to render a decision. On the same date, the letter was referred by Judge Rosales to the respondent for appropriate action. On September 11, 1990, respondent Judge wrote Deputy Court Administrator Ranjo stating that he is requesting the stenographer to complete her transcription of certain proceedings and that he would render the corresponding decision at the earliest possible time.

Another letter-request for early decision sent to Deputy Court Administrator Ernani Cruz Paño was answered by furnishing the complainants with a copy of Judge Cajigal's reply-letter dated September 11, 1990.

On March 5, 1991, the complainants requested Judge Jose Rosales to require the stenographer mentioned by respondent Judge to complete the transcription of the stenographic notes so that the case can be decided. On March 7, 1991, complainants received from Alejandro Raneses, Jr., OIC Clerk of Court, RTC, Branch 27 Bayombong, Nueva Vizcaya, a letter informing that the records of Civil Case No. 2229 were complete, including the transcripts of stenographic notes, when forwarded to respondent Judge on August 20, 1988. Complainant alleged that respondent Judge gave them the "run-around," claiming that he did not have the transcripts of stenographic notes necessary to decide the case when, in truth and in fact, he has the transcripts of stenographic notes.

The records were received by Court of Appeals' Justice Eduardo Montenegro on October 19, 1992. On October 20, 1992, a notice was issued requiring the complainants and respondent to appear on November 9, 1992 at 9:00 o'clock in the morning for a preliminary conference and formal investigation to be held on November 10, 11, 12, 13, 16 and 17, 1992, also at 9:00 o'clock in the morning. Respondent Judge received copy of the notice on October 23, 1992, but he did not appear at the preliminary conference nor at any of the hearings.

In the order dated November 9, 1992, resetting the hearing to November 17, 1992, respondent Judge Cajigal was ordered to produce the record, including the evidence (testimonial and documentary), of Civil Case No. 2229 so that it may be determined whether or not there was undue delay in the administration of justice. Copies of this order were sent by special messenger to Judge Cajigal at Branch 9, RTC, Bacoor, Cavite, and to his residence at 63 Pall Mall Street, Fairview, Quezon, City. Despite due notice, respondent Judge Novato T. Cajigal failed to appear and produce the record requested by the investigating Justice.

At the hearing, complainants, through counsel submitted the following evidence in support of their complaint:

- (1) Order dated August 30, 1984, issued by respondent Judge in Civil Case No. 2229 admitting in evidence the exhibits for the plaintiffs and the defendants and giving the parties "30 days within which to simultaneously file their respective memorandum after which time, the case shall be considered submitted for decision with or without said memoranda" (Exh. A);
- (2) Plaintiffs' memorandum in Civil Case No. 2229, dated November 1, 1984 (Exh. B);
- (3) Letter dated June 1, 1989 of complainants to respondent Judge requesting information regarding Civil Case No. 2229 (Exh. C);
- (4) Follow-up letter dated July 20, 1989 addressed to respondent Judge Cajigal with submarking (Exh. D);
- (5) Motion for rendition of decision, dated August 16, 1989 (Exh. E) with submarking;
- (6) 2nd Indorsement dated June 8, 1990, signed by Judge Jose B. Rosales of Branch 27, RTC of Nueva Vizcaya, interceding in behalf of complainant Sabado regarding the early disposition of the Case (Exh. F);
- (7) Letter from respondent Judge Cajigal to Deputy Court Administrator Juanito Ranjo, dated September 11, 1990, informing that respondent is requesting the stenographer to complete her transcription of certain proceedings had on the case and that considering the present problem pertaining to the transportation of the record, it will take more time for him to completely go over the case "and will render the corresponding decision at the earliest possible time" (Exh. G);
- (8) Letter from Judge Ernani Cruz Paño addressed to complainant Antonio Sabado, dated September 26, 1990 (Exh. H);
- (9) Certification issued by Mr. Alejandro Raneses, OIC, RTC Nueva Vizcaya, dated July 16, 1990 certifying that the records of Civil Case No. 2229 (Exh. I) were sent to Judge Cajigal on August 20, 1988;

(10) Letter dated March 5, 1992 of respondent Judge Cajigal to Judge Ernani Cruz Paño, Deputy Court Administrator, stating that he will give preferential attention to the case "and will decide the same based on the pertinent record in his possession within thirty (30) days from today despite the very heavy load of cases in this branch" (Exh. J).

Upon the evidence, Justice Montenegro found that respondent Judge failed to decide Civil Case No. 2229 since it was submitted for decision in 1984.

Justice Montenegro further observed that respondent Judge's refusal and failure to comment on the letter-complaint against him, his refusal to attend, despite notice, the investigation to give his side or at least explain why he has failed to decide the case, evince a clear lack of desire to exculpate himself and remain in the service.

Failure to decide a case within the required period is not excusable and constitutes gross inefficiency (Longboan vs. Polig, 186 SCRA 557; citing the cases of Ubarra vs. Tecson, 134 SCRA 4; De Leon vs. Castro, 104 SCRA 241; and In re: Judge Jose F. Madara, 104 SCRA 245). Respondent Judge is presumably aware of this ruling of the Court and of Rule 3.01 of Canon 3 of the Code of Judicial Conduct which calls for a Judge to be faithful to the law and maintain professional competence. There is also Rule 3.05 which admonishes all judges to dispose of the court's business promptly and decide cases within the period fixed by law.

Justice Montenegro found respondent Judge guilty of gross inefficiency and grave and serious misconduct in the discharge of his functions.

We agree with those findings of Justice Montenegro. Respondent Judge is guilty of gross inefficiency and neglect of duty, even of his duty to defend himself against the complainants' charge and prove his fitness to remain on the Bench.

WHEREFORE, as recommended, respondent Judge Novato T. Cajigal is DISMISSED from the service, with forfeiture of his retirement benefits, except accrued leaves already earned, and with prejudice to re-employment in any branch, agency or instrumentality of the Government, including government-owned or controlled corporations. He is ordered to deliver to the Court Administrator the complete records of Civil Case No. 2229 so that the same may be delivered to the Regional Trial Court, Branch 27, at Bayombong, Nueva Vizcaya, for immediate decision.

SO ORDERED.

Narvasa, C.J., Cruz, Feliciano, Padilla, Bidin, Griño-Aquino, Regalado, Davide, Jr., Romero, Nocon, Melo, Campos, Jr., and Quason, JJ., concur.

Gutierrez, Jr., J., on leave.

Bellosillo, J., no part.

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