

SERAFIN B. CASTILLO, COMPLAINANT, VS. JUDGE LIBERATO C. CORTES, RESPONDENT.*A.M. No. RTJ-93-1082. July 25, 1994*

Ponente: PADILLA, J.

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Before the Court is a complaint dated 15 September 1993 filed by complainant Serafin B. Castillo against respondent Judge Liberato C. Cortes of the Regional Trial Court, Branch 8, Batangas City, for failure to render decision within the required period of ninety (90) days^[1] in Criminal Case No. 3246 entitled "People of the Philippines vs. Serafin Castillo."

The present complaint stemmed from a criminal case for illegal possession of firearms filed against herein complainant with the Regional Trial Court, Branch 8, Batangas City presided over by respondent Judge Cortes. After trial on the merits, the case was submitted for decision on 29 January 1991.^[2] The decision, however, was rendered only on 16 August 1993, or two (2) years and seven (7) months after the case had been submitted for decision. Complainant now comes before this Court to seek redress alleging that the delay in the promulgation of the decision by respondent judge caused him unnecessary stress and prevented him from immediately filing his appeal therefrom.

In response, respondent judge in his Comment admits that there was indeed a delay in rendering his decision. He reasons out, however, that such delay was not attributable to him but mainly to the court stenographer, Mrs. Catalina Mindanao, who failed to transcribe and submit stenographic notes relative to the case. Respondent judge avers that Mrs. Mindanao was granted early retirement because of an arthritic right elbow, subject to her commitment to complete all her stenographic backlog with priority to cases involving detention prisoners; that in view of Mrs. Mindanao's unsatisfactory compliance with her said commitment, a series of orders were issued directing her to submit her transcripts within a specified period, with respondent judge coming close to ordering her arrest and confinement in the Batangas City Jail if only to expedite the transcription of her notes, but consideration for her sex and the hard conditions prevailing in the city jail stayed the preparation of the order; that early last year, respondent judge came up with a plan (made known to Mrs. Mindanao) whereby the Branch Clerk of Court was instructed to coordinate with the PNP Station Commander in Lipa City to fetch Mrs. Mindanao and confine her everyday in the PNP Station where she would be made to transcribe her stenographic notes under the supervision of the Station Commander; that the mere mention of the plan had a persuasive effect on Mrs. Mindanao, who then reported regularly to the court thereafter to submit or type her transcripts.

In addition, respondent judge ascribes as another cause for the delay the legal research that had to be done, most of the pertinent research materials being available only in Metro Manila. He further alleges that in view of the critical issue involved in the case (i.e. the validity of "mission orders" for civilians), he had to research in numerous places such as the Legal Service Office of the Department of National Defense, the Constabulary Judge Advocate's Office, the Firearms and Explosives Unit in Camp Crame, Quezon City, and the Court of Appeals Library.

Parenthetically, respondent judge claims that complainant, for his part, likewise contributed to the delay by repeatedly postponing his arraignment by invoking the pendency of his petition for review before the Department of Justice.

Lastly, respondent judge emphasizes that the delay in the disposition of the case was neither intentional nor due to malice or ill-will, but rather brought about by the circumstances as above narrated.

We find merit in the complaint and find respondent judge guilty of delay in the promulgation of the decision. We are convinced that his failure to render the decision in the above-captioned case, far beyond the prescribed period of ninety (90) days from its submission for decision, constitutes serious misconduct to the detriment of the honor and integrity of his office and in derogation of a speedy administration of justice.

Rule 3.01 and Rule 3.05 of Canon 3 of the Code of Judicial Conduct provide:

"Rule 3.01. A judge shall be faithful to the law and maintain professional competence.

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

A judge is mandated to render a decision not more than ninety (90) days from the time a case is submitted for decision. In the present case, we note that the court stenographer, Mrs. Mindanao, was remiss in the performance of her duties. This notwithstanding, it still remained incumbent upon respondent judge to have devised an efficient recording and filing system in his court so that no disorderliness could affect the flow of cases and their speedy disposition, particularly those submitted for decision. A judge cannot take refuge behind the inefficiency of, or mismanagement by court personnel. Proper and efficient court management is as much his responsibility. He is directly responsible for the proper discharge of his official functions. "Court personnel are not the guardians of a Judge's responsibilities." (Secretary of Justice vs. Legaspi, A.C. No. 269-J, September 10, 1981, 107 SCRA 233).[3] Respondent was bound to take notes of proceedings before him and not rely on stenographic notes.[4]

Accordingly, this Court will not tolerate the serious misconduct of respondent judge nor will it absolve him on account of the excuses he has advanced. In accepting his office, he took in the responsibilities that necessarily attach to such exalted position. He is mandated to abide by the rules without condition and must, at all times, exercise extreme caution so as not to commit an injustice to those who seek refuge under the very law he has sworn to uphold.

"Members of the judiciary should display not only the highest integrity but must at all times conduct themselves in such manner as to be beyond reproach and suspicion. (Quiz vs. Cantano, 107 SCRA 196; Montemayor vs. Collado, 107 SCRA 258) The Court had likewise stressed in De la Paz vs. Inutan (64 SCRA 540) that 'the judge is the visible representation of the law and, more importantly of justice. From him, the people draw their will and awareness to obey the law. They see in him an intermediary of justice between two conflicting interests, xxx. Thus, for the judge to return that regard, he must be the first to abide by the law and weave an example for the others to follow. He should be studiously careful to avoid even the slightest infraction of the law.' (See also Fonacier-Abano v. Ancheta, 107 SCRA 538)."[5]

WHEREFORE, in view of respondent judge's gross neglect of duty in having failed to promulgate the decision in Criminal Case No. 3246 within the prescribed period of ninety (90) days from its submission for decision, respondent Judge Liberato C. Cortes is hereby ORDERED to pay a fine of FIVE THOUSAND PESOS (P5,000.00) with a stern warning that a repetition of the same or any similar act shall be more severely dealt with by the Court.

Let a copy of this Resolution be entered in respondent judge's records.

SO ORDERED.

Narvasa, C.J., (Chairman), Regalado, Puno, and Mendoza, JJ., concur.

[1] Constitution, Art. VIII, Sec. 15(1).

[2] Rollo, p. 6.

[3] Nidua vs. Lazaro, AM-No. R-465 MTJ, June 29, 1989, 174 SCRA 581.

[4] Lawan vs. Moleta, AM-1696-MJ, June 19, 1979, 90 SCRA 579.

[5] Ompoc vs. Torres, 178 SCRA 14 (1989).

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