

PASTOR SALUD, COMPLAINANT, VS. JUDGE FLORENTINO M. ALUMBRES, PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH 255, LAS PIÑAS CITY, RESPONDENT.

A.M. No. RTJ-00-1594 (Formerly OCA IPI No. 99-650-RTJ). June 20, 2003

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

This is an administrative case filed by Pastor Salud[1] against the Hon. Florentino M. Alumbres, then presiding judge of the Regional Trial Court (RTC) of Las Piñas City, Metro Manila, Branch 255, for undue delay in the resolution of Civil Case No. LP-96-300, entitled Sps. Eduardo and Josefina Laurito v. Sps. Pastor and Marcosa Salud.

As found by the Office of the Court Administrator (OCA),[2] the instant matter originated from the double sale of a parcel of land. It appears that a certain Ricardo Forneza, Jr., and Cynthia S. Forneza were the original owners of a house and lot covered by Transfer Certificate of Title (TCT) No. (106597) T-5251-A. In a brief span of four (4) days, the Fornezas managed to sell the same property twice. The first sale took place on February 8, 1990 to one Ferdinand Jimenez as evidenced by a Deed of Sale. Then on February 12, 1990, the Fornezas executed in favor of Maria Belen Salud and Laurina Salud, a Contract to Sell[3] over the same house and lot.

The first buyer (Jimenez) successfully caused the transfer of the title of the subject property in his name, as a result of which TCT No. (106597) T-5251-A was cancelled and TCT No. T-14065 issued in his name. On June 27, 1991, Jimenez sold the property to the spouses Eduardo and Josefina Laurito. The Laurito spouses then secured a new title, TCT No. T-24778, in their names.[4]

When the Laurito spouses visited the subject property, they discovered that the spouses Pastor and Marcosa Salud were occupying the house and lot. Notwithstanding the demand made by the Lauritos, the Salud couple refused to vacate the property. Hence, the Lauritos filed a suit for unlawful detainer against them before the Metropolitan Trial Court (MeTC) of Las Piñas City.[5]

Despite the defense of the Salud spouses that they were buyers in good faith, the MeTC rendered a Decision,[6] dated December 9, 1996, against them. The MeTC held that the Saluds failed to present any document to show that they were the owners of the property.

On April 17, 1997, the Salud spouses appealed and filed a memorandum pursuant to Section 7, Rule 40[7] of the Revised Rules of Civil Procedure. The case, docketed as Civil Case No. LP-96-300, was raffled to Branch 255 of the RTC of Las Piñas City, presided over by herein respondent. Notwithstanding the pendency of said appeal, on April 1, 1997,[8] Judge Alumbres issued an Alias Writ of Execution, stating that "judgment [is] now final and executory." [9] Thus, the Salud spouses filed a petition for certiorari before the Court of Appeals on April 23, 1997, with a prayer to temporarily restrain the RTC from implementing, enforcing or otherwise executing its orders dated February 17, 1997 and April 1, 1997, or otherwise disturbing the status quo.[10]

The Laurito spouses then filed with the Court of Appeals a Motion to Declare Temporary Restraining Order Vacated and for the early resolution of the case. On October 8, 1998, they also filed a Motion for Issuance of an Alias Writ of Execution Pending Appeal.[11]

On October 19, 1998,[12] Pastor Salud filed a Letter Complaint[13] with the OCA praying that the respondent judge be found administratively liable for delay in rendering judgment in Civil Case No. LP-96-300. The Salud spouses claimed that the RTC had the period from May 1997 to August 1997 to decide Civil Case No. LP-96-300, but had not resolved the matter. They likewise pointed to another case pending before the respondent, where the litigants had been waiting at least six (6) months for the court's judgment. The complainants herein asked the OCA to look closely at the docket of respondent judge's sala, as they were of the belief that several cases ripe for decision remained unacted upon.[14]

On October 19, 1998, despite Salud's opposition, the respondent judge issued an Alias Writ of Execution. Salud questioned the issuance of the alias writ on the ground that said order was contrary to the respondent judge's earlier statement that he would not act upon or issue any writ out of respect for the order of the Court of Appeals to maintain the status quo. The respondent judge made the statement, according to Salud despite the prayer of the Saluds that a decision be rendered on their unlawful detainer case.[15]

On November 20, 1998, or after more than fifteen (15) months from submission, the RTC handed down its judgment in Civil Case No. LP-96-300. It affirmed in toto the decision of the MeTC, which found the Saluds have failed to present a better title to the subject property.[16]

In his Comment[17] on the instant Complaint, respondent judge does not deny that there was a delay in the rendition of judgment. However, he sought to put the blame for the delay squarely on the complainant herein. According to respondent, after he decreed the issuance of a Writ of Execution Pending Appeal, complainant herein filed numerous pleadings not only before the RTC but also with the Court of Appeals, which sought to thwart the implementation of the writ issued and, obviously, to harass him. Complainant likewise sought to inhibit him from proceeding with the hearing of Civil Case No. LP-96-300. Respondent avers that complainant even went to the extent of charging him with contempt of court before the Court of Appeals. As a result, respondent said his time was virtually used up by answering baseless and unwarranted pleadings filed by the complainant.[18]

Respondent points out that despite the pendency of the administrative case against him, he was nevertheless able to render a decision, albeit delayed by 16 months. He now submits that given this development, he should be exempted from and relieved of any liability. In addition, Judge Alumbres submits that more than one (1) year has lapsed since the case was decided and he no longer has any jurisdiction over Civil Case No. LP-96-300. Hence, he should not be ordered to explain matters no longer within his jurisdiction and competence.[19] Lastly, Judge Alumbres attributes the filing of the administrative case against him to the unfavorable decision he rendered against complainant in the unlawful detainer case. He cites complainant as "a classic example" of a disgruntled litigant.[20]

On August 29, 2000, the Court Administrator recommended that the respondent judge be suspended without pay and benefits for a period of two (2) months[21] for delay in the disposition of a case.[22] Said recommendation took into consideration the fact that respondent had previously been admonished for having decided a case beyond the reglementary period.

It is not disputed that it took respondent judge over 16 months to render his decision in Civil Case No. LP-96-300 after it was submitted for decision. The Constitution[23] mandates lower court judges to decide a case within ninety (90) days from its submission. Likewise, the Code of Judicial Conduct[24] mandates judges to administer

justice without delay and directs every judge to dispose of the court's business promptly within the period prescribed by the law and the rules. We have emphasized strict observance of this duty in order to minimize, if not totally eradicate, the twin problems of congestion and delay that have long plagued our courts. It is an oft-repeated maxim that justice delayed is often justice denied. Thus, any delay in the administration of justice, no matter how brief, may result in depriving the litigant of his right to a speedy disposition of his case. Delay ultimately affects the image of the judiciary.[25] Failure to comply with the mandate of the Constitution and of the Code of Judicial Conduct constitutes serious misconduct, which is detrimental to the honor and integrity of a judicial office. Inability to decide a case despite the ample time prescribed is inexcusable, constitutes gross inefficiency,[26] and warrants administrative sanction of the defaulting judge.[27]

Delay in the rendition of judgments diminishes the people's faith in our judicial system,[28] and lowers its standards and brings it into disrepute.[29] In the event that judges cannot comply with the deadlines prescribed by law, they should apply for extensions of time to avoid administrative sanctions.[30] The Court allows a certain degree of latitude to judges and grants them reasonable extensions of time to resolve cases upon proper application by the judges concerned and on meritorious grounds.[31] At the very least, respondent judge should have requested for an extension of time to render judgment once he knew that he could not comply with the prescribed 90-day period to render a judgment. In so doing, he would have been able to apprise litigants as to the status of the case and the reason for the delay, if any. It would have shown his mindfulness of the deadlines.

Undue delay in rendering a decision constitutes a less serious charge under Section 4, Rule 140[32] of the Rules of Court, as amended. If found guilty thereof, the judge shall be suspended from office without salary and other benefits for not less than one (1) month or more than three (3) months; or imposed a fine of more than P10,000, but not exceeding P20,000, pursuant to Section 10,[33] Rule 140.

In this instance, however, we also have to recognize certain contributing factors for the delay. Among them are the observed tendencies of the litigants to resort to harassment tactics against the judge, as well as to overburden the court with multiple but unnecessary motions and related paperwork. These negative tactics are to be deplored. Although they do not excuse undue delay, they certainly should mitigate the impossible penalty on the erring judge.

Except for the mitigating circumstance, we are in agreement with the OCA recommendations in this case. The record shows that this is not the first time that respondent has been called to account by this Court. In 1992, he was fined for gross partiality to a party. In 1996, he was admonished for delay in the disposition of a case. In 1999, he was reprimanded. Although respondent has retired on June 3, 2001, the recommendation of the OCA that a fine be imposed on him is still in order.

Worth stressing, even after a judge has retired from the service, he may still be held administratively accountable for lapses and offenses committed during his incumbency. Although he may no longer be dismissed or suspended, fines may still be meted out to be deducted from his retirement benefits.[34]

ACCORDINGLY, considering all the circumstances in this case, Hon. Florentino M. Alumbres, former presiding judge of the Regional Trial Court of Las Piñas, Branch 255, is FINED FIVE THOUSAND PESOS (P5,000.00) for undue delay in rendering a decision in Civil Case No. LP-96-300. Said amount is hereby ORDERED deducted from retirement benefits of respondent.

SO ORDERED.

Bellosillo, (Chairman), and Callejo, Sr., JJ., concur.

Austria-Martinez, J., on official leave.

[1] The name of the complainant is written interchangeably as Salud Pastor and Pastor Salud in the records of the case.

[2] Rollo, pp. 22-24.

[3] Id. at 17.

[4] Ibid.

[5] Id. at 17-18.

[6] Id. at 16-20.

[7] SEC. 7. Procedure in the Regional Trial Court. —

(a) Upon receipt of the complete record or the record on appeal, the clerk of court of the Regional Trial Court shall notify the parties of such fact.

(b) Within fifteen (15) days from such notice, it shall be the duty of the appellant to submit a memorandum which shall briefly discuss the errors imputed to the lower court, a copy of which shall be furnished by him to the adverse party. Within fifteen (15) days from receipt of the appellant's memorandum, the appellee may file his memorandum. Failure of the appellant to file a memorandum shall be a ground for dismissal of the appeal.

(c) Upon the filing of the memorandum of the appellee, or the expiration of the period to do so, the case shall be considered submitted for decision. The Regional Trial Court shall decide the case on the basis of the entire record of the proceedings had in the court of origin and such memoranda as are filed.

[8] Rollo, p. 2.

[9] Ibid.

[10] Ibid.

[11] Id. at 22-23.

[12] The typed date, 19 October 1998, was changed to 21 October 1998; See Rollo, p.4.

[13] Id. at 1-4.

[14] Id. at 2.

[15] Id. at 23.

[16] Ibid.

[17] Rollo, p.12.

[18] Id. at 13.

[19] Rollo, p. 14.

[20] Ibid.

[21] Id. at 24.

[22] Ibid.

[23] 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 of the Supreme Court, and, unless

reduced by the Supreme Court, twelve months for all lower collegiate courts, and three months for all lower courts.

[24] CODE OF JUDICIAL ETHICS, Canon 3, Rule 3.05.

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

[25] *Dela Cruz v. Serrano*, A.M. No. RTJ-00-1582 (Formerly OCA IPI No. 98-487-RTJ), 4 September 2000, 339 SCRA 558, 561.

[26] *Office of the Court Administrator v. Noynay*, A.M. No. RTJ-02-1704 (Formerly A.M. No. 01-10-569-RTC), 18 March 2003, p. 7 citing *Re: Report on the Judicial Audit Conducted in the RTC, Branch 68, Camiling, Tarlac*, A.M. No. 97-6-182-RTC, 19 March 1999, 305 SCRA 61, 68 and *Lambino v. De Vera*, A.M. No. MTJ-94-1017, 7 July 1997, 275 SCRA 60, 64.

[27] *Ibid*, citing *Bonifacio Law Office v. Bellosillo*, A.M. No. MTJ-00-1308, 16 December 2002, p. 1; *Reaport v. Mariano*, A.M. No. MTJ-00-1253, 11 July 2001, 361 SCRA 1; *Report on the Judicial Audit Conducted in RTC, Branches 29, 59 & 57, Libmanan, Camarines Sur*, A.M. No. 98-1-11-RTC, 7 October 1999, 316 SCRA 272.

[28] *Id.* at 1.

[29] *Office of the Court Administrator v. Joven*, A.M. No. RTJ-01-1646 (Formerly A.M. No. 00-7-321-RTC), 11 March 2003, pp. 9-10 citing *Ang v. Asis*, A.M. No. RTJ-00-1590, 15 January 2002, p. 9.

[30] *Office of the Court Administrator v. Noynay*, *supra*, note 28.

[31] *Office of the Court Administrator v. Joven*, *supra*, note 20 at 10 citing *Floro v. Pagio*, A.M. No. MTJ-00-1335, 27 November 2000, 346 SCRA 1, 5 and *Gil v. Janolo, Jr.*, A.M. No. RTJ-00-1602, 5 December 2000, 347 SCRA 6,9.

[32] SEC. 4. Less Serious Charges. — Less serious charges include:

- (1)Undue delay in rendering a decision or order, or in transmitting the records of a case;
- (2)Frequent unjustified absence without leave, and habitual tardiness;
- (2)Unauthorized practice of law;
- (4)Violation of Supreme Court rules, directives, and circulars;
- (5)Receiving additional or double compensation unless specifically authorized by law; and
- (6)Untruthful statements in the certificate of service.

[33] SEC. 10. Sanctions. —A.If the respondent is found culpable of a serious charge, any of the following sanctions may be imposed:

- (1)Dismissal from the service with forfeiture of benefits (except accrued leaves) and disqualification from reinstatement or appointment to any public office including a government-owned or controlled corporation
- (2)Suspension for three (3) months without salary and benefits; or
- (3)A fine not less than P20,000.00 but not more than P40,000.00.

B. If the respondent is found culpable of having committed a less serious charge, any of the following sanctions shall be imposed:

- (1)Suspension from office without salary and other benefits for one (1) to two (2) months and twenty-nine (29) days; or
- (2)A fine of not less than P10,000.00 but, not more than P19,999.00

C. If the respondent is culpable of having committed a light charge, any of the following sanctions shall be

imposed:

- (1)A fine of not less than P1,000.00 but not more than P9,999.00, and/or
- (2)Censure;
- (3)Reprimand;
- (4)Admonition with warning.

[34] Adriano v. Villanueva, A.M. No. MTJ-99-1232, 19 February 2003, p. 1.

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