

MARISSA R. MONDALA, LEGAL RESEARCHER, REGIONAL TRIAL COURT, BRANCH 136, MAKATI CITY, COMPLAINANT, VS. PRESIDING JUDGE REBECCA R. MARIANO, REGIONAL TRIAL COURT, BRANCH 136, MAKAT...

A.M. No. RTJ-06-2010. January 30, 2008

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.:

In the Decision dated January 25, 2007, respondent Judge Rebecca R. Mariano of the Regional Trial Court (RTC) of Makati City, Branch 136, was found guilty of misrepresenting that she had decided the case of "Amanet, Inc. v. Eastern Telecommunication" as of January 2005 and of making inaccurate entries in the monthly reports. Respondent judge was meted the penalty of fine of P40,000.00, with warning that commission of the same or similar offense will be dealt with more severely. Respondent judge moved for reconsideration but was denied with finality on February 27, 2007.

In the meantime, or on January 31, 2007, the Office of the Court Administrator (OCA) submitted a Memorandum for the Court's consideration which contained the report of the team which conducted the judicial audit and physical inventory of pending cases at the RTC, Branch 136, Makati City, presided by respondent judge. The OCA recommended that respondent judge be directed to:

- TAKE APPROPRIATE ACTION on the following cases:

A.1. Cases without initial action since the time of filing:

CASE NUMBER

TITLE

NATURE OF CASE

SP M-6253

In the Matter of Guardianship of Minor Kenneth Frank A. Tumanar, et al.

Petition for Guardianship

A.2. Cases which have not been set for hearing for a considerable length of time:

CASE NUMBER

TITLE

NATURE OF CASE

1. 04-606

M. Mitra vs. B. Mitra

Declaration of Nullity of Marriage

2. 05-1080 C. Arinto vs. M. Arinto Declaration of Nullity of Marriage

A.3. Cases without further action for a considerable length of time due to the non-compliance by public prosecutors/parties concerned with the Court's directive:

CASE NUMBER

TITLE

NATURE OF CASE

1. 04-764

N. Galisim vs. G. Galisim

Declaration of Nullity of Marriage

2. 04-815

R. Villanueva vs. C. Villanueva

Declaration of Nullity of Marriage

3. 04-844

P. Salem vs. V. Reyes-Alonzo

Declaration of Nullity of Marriage

4. 04-910

M. Medina vs. R. Medina

Declaration of Nullity of Marriage

5. 04-1145

R. Perez vs. E. Mendoza

Declaration of Nullity of Marriage

6. 04-1159

V. Beltran vs. J. Beltran

Declaration of Nullity of Marriage

7. 04-1240

D. dela Cruz vs. J. dela Cruz

Declaration of Nullity of Marriage

8. 03-702

E. Cayco vs. A. Cayco

Declaration of Nullity of Marriage

9. 03-385

J. Garcia vs. J. Garcia

Declaration of Nullity of Marriage

10. 05-1080

C. Arinto vs. M. Arinto

Declaration of Nullity of Marriage

11. 01-665

Equitable PCI Bank vs. Phil. Wireless, Inc.

Collection of Sum of Money with Prelim. Attachment

12. 06-047

F. Dumlao vs. J. Dumlao

Declaration of Nullity of Marriage

13. 06-212

E. Ferrer vs. R. Ferrer

Declaration of Nullity of Marriage

14. 06-468

M. Macatubal vs. S. Macatubal

Declaration of Nullity of Marriage

15. 06-371

V. Alap vs. Z. Alap

Declaration of Nullity of Marriage

16. 05-976

D. Felix vs. P. Felix, Jr.

Declaration of Nullity of Marriage

17. 06-1094

G. Wessels vs. H. Wessels

Declaration of Nullity of Marriage

18. 04-050

A. Ramirez vs. N. Ramirez

Declaration of Nullity of Marriage

19. SP-M-6127

H. Bayudan, DSWD-Petitioner

Petition for Involuntary Commitment to DSWD of Stephanie H. RApeda

20. SP-M-6158

Sps. C and E Payumo-Petitioner

In the Matter of Adoption of Minor Von Alvaro Payumo

- RESOLVE the pending motions/incidents submitted for resolution in these cases and FURNISH this Office copy of the resolution/order within ten (10) days from their resolution:

CRIMINAL CASES

CASE NUMBER

TITLE

NATURE OF CASE

1. 06-1140
2. 06-1141
3. 06-1142 E. Gipan, et al. Violation of R.A. 8049

CIVIL CASES

CASE NUMBER

TITLE

NATURE OF CASE

1. 99-1463

Lucena Industrial Corp. vs. Phil. Banking Corp., et al.

Annulment of Mortgage and Foreclosure

2. 00-318

Iba Finance vs. Wijds Food Manufacturing, et al.

Collection of Sum of Money

3. 01-071

Actron Industries vs. B. Perez

Damages

4. 01-1506

Sun Life Canada vs. Ma. D. Sibya

Rescission of Contract

5. 01-1656

Shorr Marketing vs. Manila Mining

Collection of Sum of Money

6. 01-1665

ATR Professional Life vs. Loyola Life Plans

Declaration of Nullity of Individual Insurance Coverage

7. 04-1031

E. Ariola vs. E. Azucena

Declaration of Nullity of Marriage

8. 03-660

V. Cruz vs. C. Cruz

Declaration of Nullity of Marriage

9. 97-3020

D. Padilla vs. China Banking

Collection of Sum of Money

10. M-5413

PDIC vs. DCB

Judicial Liquidation of Davao Cooperative Bank

11. 97-1035

Union Bank vs. Terra Marine Multi Ventures

Collection of Sum of Money

- DECIDE with DISPATCH the criminal and civil cases below and FURNISH this Office copy of the decisions/orders within ten (10) days from their promulgation/rendition:

CRIMINAL CASES

CASE NUMBER

TITLE

NATURE OF CASE

1. 02-1877 J. Beltran, et al. Estafa

2. 04-2319 M. Nicos, et al. Grave Coercion

3. 05-1113 J. Payaon, et al. Theft

CIVIL CASES

CASE NUMBER

TITLE

NATURE OF CASE

1. 98-2433

Rotary Textiles vs. Sps. F. Ty

Collection of Sum of Money

2. 99-1276

Allied Banking vs. MBL Factors and Traders, Inc., et al.

Collection of Sum of Money

3. 02-1524

Subic Bay Distribution vs. Western Guaranty Corp.

Collection of Sum of Money

4. 03-264

Protemps, Inc. vs. Ram Leasing

Collection of Sum of Money

5. 05-835

H. Herrera vs. G. Herrera

Declaration of Nullity of Marriage

6. 03-298

R. Gonzales vs. M. Devett

Declaration of Nullity of Marriage

7. 01-1546

Metrobank vs. Ma. Batenga

Collection of Sum of Money

8. 06-160

R. Vicente vs. R. Vicente

Declaration of Nullity of Marriage

9. 02-102

BPI vs. Sps. B. Ong

Collection of Sum of Money

10. 02-1018

Tokio Marine vs. KLM Royal Dutch Airlines

Collection of Sum of Money

11. 97-2840

M. Reyes vs. Bank of Southeast Asia

Damages

12. 99-284

J. Sanatayana vs. Motivation Motors

Collection of Sum of Money

13. 97-084

Prudential Guarantee and Assurance vs. Unknown Owner of Vessels M/V Hanjin

Collection of Sum of Money

14. 92-2012

R. Tandoc vs. Pepsi-Cola

Collection of Sum of Money

15. 95-1516

A. Capitan vs. Pepsi Cola

Collection of Sum of Money

16. 02-057

N. Construction vs. Sps. H. Rivera, et al.

Collection of Sum of Money

17. 95-408

Masaganang Sakahan vs. L. Po

Collection of Sum of Money

18. 94-1292

Sps. E. Cruzado vs. Sps. B. Biluan

Specific Performance

19. Spec. Pro. M-60-51

Sps. M. Konishi, petitioners

Petition for Adoption of Minor and Change of Name

20. Spec. Pro. M-5987

I.G. Barona, petitioner

Petition for Adoption

- EXPLAIN within fifteen (15) days from receipt why she should not be held administratively liable for not resolving/deciding the following criminal and civil cases submitted for resolution/decision, within the reglementary period, to wit:

D.1. Cases Submitted for Resolution which are already beyond the reglementary period to resolve:

CRIMINAL CASES

CASE NUMBER

TITLE

NATURE OF CASE

1. 01-071

Actron Industries vs. B. Perez

Damages

2. 01-1506

Sun Life Canada vs. Ma. D. Sibya

Rescission

3. 01-1665

ATR Professional Life vs. Loyola Life Plans

Nullity of Individual Insurance Coverage

4. 04-1031

E. Ariola vs. E. Azucena

Declaration of Nullity of Marriage

5. 03-660

V. Cruz vs. C. Cruz

Declaration of Nullity of Marriage

6. 97-3020

D. Padilla vs. China Banking

Collection of Sum of Money

7. 97-1035

Union Bank v. Terra Marine Multi Ventures

Collection of Sum of Money

D.2. Cases submitted for decision which are already beyond the reglementary period to decide:

CRIMINAL CASES

CASE NUMBER

TITLE

NATURE OF CASE

1. 02-1877

J. Beltran, et al.

Estafa

CIVIL CASES

CASE NUMBER

TITLE

NATURE OF CASE

1. 98-2433

Rotary Textiles vs. Sps. F. Ty

Collection of Sum of Money

2. 99-1276

Allied Banking vs. MBL Factors and Traders, Inc., et al.

Collection of Sum of Money

3. 02-1524

Subic Bay Distribution vs. Western Guaranty Corp.

Collection of Sum of Money

4. 01-1546

Metrobank vs. Ma. Batenga

Collection of Sum of Money

5. 02-102

BPI vs. Sps. B. Ong

Collection of Sum of Money

6. 97-2840

M. Reyes vs. Bank of Southeast Asia

Damages

7. 97-084

Prudential Guarantee and Assurance vs. Unknown Owner of Vessels M/V Hanjin

Collection of Sum of Money

8. 92-2012

R. Tandoc vs. Pepsi-Cola

Collection of Sum of Money

9. 95-1516

A. Capitan vs. Pepsi Cola

Collection of Sum of Money

10. 02-057

N. Construction vs. Sps. H. Rivera, et al.

Collection of Sum of Money

11. 95-408

Masaganang Sakahan vs. L. Po

Collection of Sum of Money

12. 94-1292

Sps. E. Cruzado vs. Sps. B. Biluan

Specific Performance

On February 20, 2007, the Court noted OCA's Memorandum and adopted its recommendations. On March 15, 2007, respondent judge submitted her Compliance with the February 20, 2007 Resolution which was referred by the Court to the OCA for evaluation, report and recommendation.

In a Memorandum dated June 8, 2007, the OCA recommended that: a) respondent judge be adjudged administratively liable for undue delay in rendering decisions and be fined in the amount of P20,000.00; and b) she be directed to decide with dispatch the cases covered by this administrative matter and furnish the OCA with copies of the decision within 10 days from its rendition.

In the herein assailed Resolution dated July 3, 2007, the Court adopted the OCA's recommendations and resolved to:

- (a) ADJUDGE Judge Rebecca B. Mariano administratively liable for undue delay in rendering decisions and orders;
- (b) FINE Judge Mariano in the amount of Twenty Thousand Pesos (P20,000);
- (c) DIRECT Judge Mariano to DECIDE WITH DISPATCH the cases covered by this administrative matter;
- (d) FURNISH the Office of the Court Administrator with copies of the decision within ten (10) days from their rendition; and
- (e) NOTE the Letter dated June 19, 2007 of respondent Judge Rebecca R. Mariano, in compliance with the resolution of February 20, 2007 furnishing the Court with copy of the decision in SP Proc. Case No. M-6158, Civil Case No. 00-318 and Civil Case No. 03-264.

On November 14, 2007, respondent judge filed the instant Motion for Reconsideration with Motion for Leave to Admit Motion for Reconsideration. Respondent judge alleges that the infractions for which she was being fined in the amount of P20,000.00 were the same infractions for which she was previously fined P40,000.00. She thus prays that the Resolution dated July 3, 2007 imposing a fine of P20,000.00 be reversed and set aside.

Moreover, she prays that the Decision dated July 25, 2007 imposing on her a fine of P40,000.00 be reconsidered in light of her admission of her oversight vis-a-vis the case of Amanet, Inc. v. Eastern Telecommunications, Inc.

and her lack of malicious intent to deliberately misrepresent the status of said case and other undecided cases. She also prays that her 43 years of public service; the fact that this is her first infraction; her failing health and her impending compulsory retirement in October 2008; be considered as mitigating circumstances.

The motion for reconsideration is partly granted.

It appears from the records that the infractions mentioned in the Resolution of July 3, 2007 and for which a fine of P20,000.00 is being imposed, were the same infractions for which respondent judge was previously fined P40,000.00, pursuant to the Decision dated January 25, 2007. Accordingly, the July 3, 2007 Resolution is hereby set aside.

Anent the fine of P40,000.00 earlier imposed upon respondent judge, records show that a motion for reconsideration was filed but it was denied with finality on February 27, 2007. In fact, respondent judge has paid the amount of P40,000.00 to the Court's Cash Collection and Disbursement Division on April 11, 2007 per O.R. No. 7402054.

ACCORDINGLY, the Motion for Reconsideration of Judge Rebecca R. Mariano, Regional Trial Court, Makati City, Branch 136, is PARTLY GRANTED. The Resolution dated July 3, 2007 imposing on her a fine of P20,000.00 is REVERSED and SET ASIDE.

SO ORDERED.

Puno, C.J., Quisumbing, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Azcuna, Tinga, Velasco, Jr., Nachura, Reyes, and Leonardo-De Castro, JJ., concur.
Chico-Nazario, J., on official leave.

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