

GREGORIA LAGARET, ET AL., COMPLAINANTS, VS. HON. TAGO M. BANTU AS, COURT OF FIRST INSTANCE OF MISAMIS ORIENTAL, RESPONDENT.

ADM. MAT. NO. 2729-CFI. June 29, 1982

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

On January 15, 1981, this Court received a petition for certiorari entitled "Preciosa Lagaret and Gregoria Lagaret vs. Court of Appeals." It was subsequently docketed as G.R. No. 56324. It prayed that We reverse a resolution of the Court of Appeals in CA-G.R. No. 11069-SP, Gregoria Lagaret, et al. vs. Hon. Tago Bantuas, as Judge CFI of Misamis Oriental, Branch II, et al., which reads as follows:

"In the instant ex-parte Petition, Petitioners allege inter alia, that on June 23, 1971, they, as plaintiffs, filed a complaint for ownership and annulment of titles/documents against private respondents, as defendants, docketed as Civil Case No. 3692 of the Court of First Instance of Misamis Oriental; that towards the end of 1978, trial was terminated and per order of respondent Judge Tago Bantuas, petitioners submitted their memorandum on January 30, 1979; that on June 27, 1979 petitioners filed a motion for the court to render its decision but respondent Judge refused despite the lapse of over fifteen (15) months from January 30, 1979; that a certain Mrs. Sabuero of Cagayan de Oro City and Alma Lumantas, daughter of herein petitioner Gloria Lagaret, respectively sent letters to the Honorable Chief Justice of the Supreme Court requesting that the respondent judge be required to render his decision in the aforementioned Civil Case No. 3692; that the Supreme Court, through its Administrator, endorsed both letters to respondent Judge (Annexes "E" and "F"); that on April 15, 1980, the third lawyer of petitioners also filed with respondent Judge a motion to render his final written verdict in the said civil case; and that all these moves were of no avail because the respondent Judge had ignored the same.

"Petitioners prayed this appellate Court to render 'a decision in subrogation of respondent Judge for his utter failure to mete out a written decision on the merits' or that We issue 'a full-dress order directing respondent judge to deliver his written judgment on the merits.'

"Directing a trial court to render a decision or a judgment in a case pending before it is an administrative matter over which this Appellate Tribunal has palpably no jurisdiction because the administrative supervision over all courts and their personnel is vested in the Supreme Court which has the exclusive power to discipline judges of inferior courts (Article X, Sections 6 and 7, Philippine Constitution) including the respondent judge. A becoming modesty demands a conscious realization of the position We occupy in the interrelation and operation of the integrated judicial system (People v. Vera, 65 Phil. 56, 82) and for this reason, We have to decline the exercise of jurisdiction over the instant petition.

"WHEREFORE, for patent lack of jurisdiction, the instant petition is DENIED due course and out rightly DISMISSED. No costs."

On February 24, 1982, We issued the following resolution in G.R. No. 56324:

"Considering the allegations, issues and arguments adduced in the petition for review on certiorari, respondents' comment thereon as well as petitioners' reply thereto, the Court Resolved to DENY the petition for having become moot and academic, respondent Judge having already rendered a decision on November 12, 1981. However, on the administrative level the Office of the Court Administrator is DIRECTED to docket this case as an Administrative Complaint against Judge Tago M. Bantuas of the Court of First Instance of Misamis Oriental and require him to EXPLAIN why it took him two (2) years to render the decision in Civil Case No. 3692 of his court." (Italics supplied for the purpose of this decision.)

Judge Bantuas gave the following explanation:

"Sir, it is true that Civil Case No. 3692, entitled Gregoria Lagaret, et al. vs. Casimero Tamparong et al., for 'ownership and annulment of certificates of title' has not been decided for some two years, but the latter part of that time ensued when I was privately informed that the plaintiffs in the case filed an action before the Honorable Court of Appeals to have the case decided by that Court. So I waited for the result of that action before the Honorable Court of Appeals. I am handling more than 1,000 cases for Branches II and I (acting) of this Court and just reading the daily calendars for the two salas almost consumes the morning session of the Court. There are many motions and special proceedings also that need immediate action, and I have also an election case and three administrative investigations. I am only human, and so sometimes I cannot decide cases on time, like the subject case."

It can thus be seen that Judge Bantuas has violated Sec. 5 of the Judiciary Act of 1948, as amended. This is not the first time that respondent has been charged administratively for failure to decide a case within ninety (90) days from the date it was submitted for decision. The records show that in Administrative Matter No. 1638-CFI, "Martino Guitante vs. Hon. Tago Bantuas," decided by the Second Division of this Court on January 28, 1980, respondent was found guilty of failure to decide Civil Case No. 4018 on time and was reprimanded and admonished that a repetition of the same offense shall be dealt with more severely.

WHEREFORE, respondent is found culpable as charged and is hereby ordered to pay a fine equivalent to his salary for thirty (30) days, not to be charged against his leave, and warned that further misconduct on his part will have graver consequences.

SO ORDERED.

Fernando C.J., Teehankee, Makasiar, Aquino, Concepcion Jr., Guerrero, De Castro, Melencio-Herrera, Plana, Escolin, Vasquez, Relova and Gutierrez, JJ., concur.

Barredo, J.: I concur in the finding that respondent judge has failed to render decisions within 90 days, hence I vote that he should also be made responsible for falsifying his certification for purposes of receiving his salary.

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