

DALMACIO CELINO, COMPLAINANT, VS. JUDGE ZEUS C. ABROGAR, REGIONAL TRIAL COURT, OF MAKATI (BRANCH 150), RESPONDENT.

A.M. No. RTJ-95-1317. June 27, 1995

Ponente: PUNO, J.

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PUNO, J.:

Complainant Dalmacio Celino, plaintiff in Civil Case No. 88-2042,[1] filed an administrative complaint against Judge Zeus C. Abrogar, presiding judge, Regional Trial Court of Makati, Branch 150, for respondent judge's failure to render his decision in Civil Case No. 88-2042 within the ninety-day period prescribed by the Constitution.[2] In his letter-complaint, dated April 7, 1994,[3] complainant also alleged that the decision in the said case was contrary to the evidence adduced at the trial.

The background of Civil Case No. 88-2042.

Complainant mortgaged real properties — lot and building— situated at 4654 Arellano Avenue, Makati, Metro Manila, in favor of Prudential Bank to secure a loan in the amount of P150,000.00. Apparently, complainant defaulted in the payment of his loan and foreclosure proceedings were initiated by Prudential Bank. The subject properties were later sold at public auction to Prudential Bank, the only bidder during the auction sale.

Allegedly, the bank's demand letters, including its last letter of demand prior to the institution of the foreclosure proceedings, were not delivered to "4654 Arellano Avenue, Makati, Metro Manila," the given address of complainant which also serves as his residence. Instead, the letters were sent to "other addresses."

It was further alleged by complainant that the notice of the foreclosure proceedings, or the notice of sale, was published in a newspaper (known as Times Record) which is hardly known in Makati. Furthermore, complainant was not furnished with the copy of the certificate of sale by the sheriff, thus, keeping him ignorant of the consolidation of the ownership of property in favor of Prudential Bank.

According to complainant, he was completely unaware of the foreclosure proceedings which deprived him of his properties now worth, more or less, P5,000,000.00. Hence, complainant filed an action for reconveyance and damages against Prudential Bank. The case, docketed as Civil Case No. 88-2042, was raffled to Branch 150 of the Regional Trial Court of Makati and heard on the merits by respondent judge.

The records disclose that on May 14, 1990, defendant Prudential Bank presented its last witness, defense counsel Atty. Pablo Magno. That same day, the defense was directed to submit its formal offer of evidence within seven (7) days from the last date of hearing. On the other hand, plaintiff's counsel was given ten (10) days from receipt of defendant's formal offer of evidence within which to make his comment or objections thereto.

On June 19, 1990, defendant's formal offer of evidence was admitted by the trial court. On July 17, 1990, the trial court issued this order:

"Defendant's formal offer of evidence having been admitted, this case is now deemed submitted for decision upon submission of the complete transcript of stenographic notes."

The case was decided only on March 18, 1992, in favor of Prudential Bank.

Complainant contends that disciplinary sanctions should be imposed against respondent judge for delaying the disposition of the case for an unreasonable length of time, or for almost one year and eight months, only to come up with a four-page decision which is contrary to the evidence adduced at the trial. He laments that, despite the admission by Prudential Bank's counsel that complainant's address, in a letter duly received by the bank, is 4654 Arellano Avenue, Makati, Metro Manila, respondent judge still rendered judgment against him.

In his Comment,[4] dated August 29, 1994, respondent judge admits the delay in the disposition of the case but alleges that the same was not intentional. Respondent judge explained the delay, thus:

"After the cases calendared for July 17, 1990 were heard, the undersigned, as his usual practice, called on branch clerk, then Atty. Carlos N. Aguillon, Jr., and told him to make ready with the complete record of this case preparatory to his acting on it. At that time, the transcripts which were somewhat lengthy had yet to be completed. Time and again, after that, I reminded my branch clerk and the stenographers about the case but was always told that they were still transcribing their notes. Due to the volume of work in the Court and as one case after the other was submitted, either for decision or resolution, the undersigned lost track of this particular case, and considering further that I have acted on other cases which were submitted later than the case of Mr. Celino, the undersigned mistakenly assumed that Mr. Celino's case was one among those he had decided. Moreover, he has explicit standing instruction to his branch clerk to place all records on his table for action as soon as they are submitted.

"It was sometime in early 1991, while reviewing his pending cases that the undersigned came across this case which to his surprise was still included in the still unresolved cases. He at once called on his branch clerk but the record could not be found. The stenographers who borrowed the same when they transcribed their notes claimed they have already returned the record. Our exhaustive search proved fruitless until Atty. Aguillon was appointed as State Prosecutor sometime in 1991. The search for the missing record did not stop even after Atty. Clemente Boley, the new branch clerk of court, took over but to no avail.

"In this connection, let it be mentioned in passing that the sala of Branch 150, being so small, the space allotted for the staff and the records is so crowded that the risk of misfiling or misplacing records is always feared. In fact, it was only in March, 1992, while looking for another misplaced/misfiled record, that my staff accidentally tumbled upon the record of the above-entitled case inadvertently mixed with those already decided and kept inside our steel cabinet. Knowing the delay, the case was given top priority but nevertheless, the decision was given fairly and justly.

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"As to the other issues raised by the plaintiff, considering that the case is now pending review by the Honorable Court of Appeals, the same are better left to the Honorable appellate court to pass upon."

(emphasis ours)

In his reply[5] to the comment of respondent judge, complainant refutes the allegation that the delay was due to the fault of the stenographers since the transcript of stenographic notes of the proceedings had been in the possession of his lawyer as of May, 1990. Complainant points out that, in a "Reply to Opposition to Motion for Issuance of Preliminary Prohibitory Injunction (Etc.)"[6] filed by his counsel on May 30, 1990, a portion of the transcript of stenographic notes taken during the May 14, 1990 hearing was quoted.

In his supplemental reply,[7] complainant seeks further investigation of respondent judge's case to determine the true reasons for the delay in the disposition of Civil Case No. 88-2042.

At the outset, it is not meet to delve on the issue on the validity of the foreclosure proceedings since the assailed

March 18, 1992 Decision in Civil Case No. 88-2042 has been appealed to the Court of Appeals.

Be that as it may, we will resolve whether or not the delay in rendering the impugned decision is excusable under the circumstances in field.

Section 15, Article VIII of the Constitution provides that all cases filed before the lower courts must be decided or resolved within three (3) months from the date of submission.

Respondent judge ought to know that a case is deemed submitted for resolution or decision, not from the time of the completion of the transcript of stenographic notes, but upon the filing of the last pleading, brief, or memorandum required by the Rules of Court or by the Court itself.[8] Delay in the transcription of the stenographic notes cannot be considered as a valid reason for delay in rendering judgment in a case. It is settled that, with or without the transcribed stenographic notes, the 90-day period for deciding cases must be adhered to.[9] Otherwise, the public's trust on our judicial system would be jeopardized.

True, upon proper application and in meritorious cases, especially those involving difficult questions of law or complex issues, we allow lower court judges additional time to decide beyond the ninety-day period.[10] However, no such application was made by respondent judge in the case at bench. Nor was it shown that respondent judge encountered difficult issues in resolving Civil Case No. 88-2042 to justify the delay.

To stress, judges are enjoined to decide cases pending before their salas within the required period. Non-observance of this requirement constitutes a ground for administrative sanction against the defaulting judge.[11]

It is disheartening to note that respondent judge casts the blame on his staff for his own inefficiency. He claimed that there was a delay in the submission of the transcript of stenographic notes of the proceedings. This is false. As pointed out by the complainant, the transcript of stenographic notes of the last hearing on May 14, 1990, was already available more or less a week after the said hearing. At any rate, judges should not just rely on the availability of the transcript of stenographic notes. They are directed to take down notes on crucial points to aid them in rendering their decisions.

Moreover, even if the alleged delay in the submission of the transcript of stenographic notes is true, still, that circumstance will not exculpate respondent judge. The delay demonstrates in bold letter the lack of control of respondent Judge over his staff in the orderly management of his court docket.

Also, the excuses advanced by respondent judge, particularly, on the sorry state of his sala and the vulnerability of the records to being misplaced or misfiled, do not inspire our compassion. On the contrary, they underscore his inefficiency in securing the records of the cases assigned to him. By his own admission, the records of the case at bar had been lost for more than a year from the time the same was submitted for decision, yet, respondent judge simply remained nonchalant. Assuming that the records of the case were, indeed, lost or misplaced, he should have taken stringent measures to ensure that the incident would not be repeated. He did not. In fact, he acknowledged that "it was only in March, 1992, while looking for another misplaced/misfiled record, that (his) staff accidentally tumbled upon the record(s) of the above-entitled case inadvertently mixed with those already decided."

A judge faces enormous responsibilities as soon as he steps into office. However, he is mandated to dispose the court's business promptly and decide cases within the required period.[12] He could not take refuge behind the alleged inefficiency of his staff. Proper and efficient court management is as much as a judge's responsibility.[13]

IN VIEW WHEREOF, we hold respondent Judge Zeus C. Abrogar administratively liable for his failure to render

the decision in Civil Case No. 88-2042 within the prescribed period of ninety (90) days from the time the same was submitted for decision. Accordingly, respondent judge is ordered to pay a FINE of Ten Thousand Pesos (P10,000.00),^[14] with stern warning that a repetition of the same or similar acts in the future shall be dealt with more severely by this Court. Let a copy of this decision be attached to respondent judge's personal records.

SO ORDERED.

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

[1] Entitled, "Dalmacio Celino vs. Prudential Bank."

[2] Section 15 (1), Article VIII.

[3] Rollo, pp. 8-12.

[4] Rollo, p. 19.

[5] Rollo, pp. 22-24.

[6] Ibid, pp. 25-31.

[7] Ibid, p. 35.

[8] See Section 15 (2), Article VIII of the Constitution.

[9] Balagot vs. Opinion, A.M. MTJ-90-439, March 20, 1991, 195 SCRA 429., citing Lawan vs. Moleta, 90 SCRA 579.

[10] Marcelino vs. Cruz, Jr., No. L-42428, March 18, 1983, 121 SCRA 51, 58.

[11] Ibid, p. 58.

[12] Rule 3.05, Canon 3, Code of Judicial Conduct.

[13] Castillo vs. Cortes, A.M. RTJ-93-1082, July 25, 1994, 234 SCRA 398.

[14] Balagot vs. Opinion, supra.

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