

NIEVES D. IGNACIO, COMPLAINANT, VS. JUDGE WILHELMINA T. MELANIO-ARCEGA, RESPONDENT.

Adm. Matter No. MTJ-93-762. July 25, 1994

Ponente: QUIASON, J.

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QUIASON, J.:

A verified complaint of Nieves Ignacio charges respondent with Falsification and Delay in the Administration of Justice relative to Criminal Case No. 151-92 for Robbery. Complainant is a sister of Avelino Ignacio, who is the complaining witness in said criminal case.

Judge Demetrio B. Macapagal, who was directed by this Court to conduct an investigation on the matter, submitted his report and recommendation.

Complainant alleged that a preliminary investigation was conducted and terminated on October 5, 1992. Since the accused admitted their participation in the robbery, respondent told Avelino Ignacio that she would resolve the case within ten (10) days and transmit the resolution to the Office of the Provincial Prosecutor.

On December 1, 1992, complainant went to the Office of the Provincial Prosecutor to follow-up the status of the case. She was informed that ??? it had not received respondent's resolution. That same day, she went to the court to inquire about the failure to transmit the court's resolution to the Provincial Prosecutor. It was only when she arrived at the court that respondent started preparing the draft of the resolution. Complainant was told by one of the court employees that the resolution would be transmitted to the Office of the Provincial Prosecutor the following day. On December 9, 1992, she obtained a copy of the resolution and noticed that it was dated October 20, 1992, instead of December 1, 1992. She went back to respondent to question the date affixed to the resolution but she was told that respondent was on vacation leave. Thereafter, she decided to file an administrative complaint with this Court.

In her comment, respondent stated: (1) that she met complainant for the first time on December 1, 1992, when the latter saw her regarding Criminal Case No. 151-92; (2) that she prepared the resolution of the case on October 20, 1992 and ordered its transmittal, but upon inquiry she found out that her staff had misplaced the records; and (3) that upon learning of such negligence, she immediately prepared another resolution, which was transmitted to the Office of the Provincial Prosecutor.

In his report and recommendation, Judge Macapagal stated that what mattered was the date of transmittal of the resolution (December 2, 1992) and not the date appearing thereon (October 20, 1992). He recommended that the charges against respondent be dismissed for lack of merit.

We disagree with the Investigating Judge.

It should be noted that the complaint against respondent is not only for Falsification but also for Undue Delay in the Administration of Justice. Regardless of whether or not there was an ante-dating of the resolution, respondent has to answer for the late transmittal thereof to the Office of the Provincial Prosecutor.

Under Section 5, Rule 112 of the 1989 Rules on Criminal Procedure, it is required that:

"Within ten (10) days after the conclusion of the preliminary investigation, the investigating judge shall transmit to the Provincial or City fiscal, for appropriate action, the resolution of the case, stating briefly the findings of fact and the law supporting his action, together with the entire records of the case."

Judges should dispose of the court's business promptly and within the required periods (*Aquino v. Luntok*, 184 SCRA 177 [1990]).

Respondent conducted a preliminary investigation of the subject criminal case on October 5, 1992 which was terminated also on said date. She issued her resolution of the case on October 20, 1992 or after the lapse of the ten-day reglementary period. Worse, the resolution was transmitted to the Office of the Provincial Prosecutor only on December 2, 1992.

Even if it was inadvertence on the part of the court employees which caused the delayed transmittal of the resolution, the burden of responsibility rests on the shoulders of respondent. She cannot take refuge behind the inefficiency or negligence of the court personnel (*Nidua v. Lazaro*, 174 SCRA 581 [1989]).

WHEREFORE, respondent is FINED in the amount of P1,000.00, and is WARNED that a repetition of the same or similar offense will be dealt with more severely.

SO ORDERED.

Cruz, (Chairman), Davide, Jr., and Kapunan, JJ., concur.
Bellosillo, J., on leave.

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