

EMETERIO L. ASINAS, JR. COMPLAINANT, VS. JUDGE ERNESTO T. TRINIDAD, METROPOLITAN TRIAL COURT, BRANCH 63, MAKATI, RESPONDENT.

A.M. No. MTJ-94-902. March 27, 1995

Ponente: BIDIN, J.

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BIDIN, J.:

In a sworn letter-complaint dated October 1, 1993, Emeterio L. Asinas, Jr. charged respondent Judge Ernesto T. Trinidad of the Metropolitan Trial Court of Makati, Branch 63 with (1) inefficiency and neglect in the performance of duties and (2) knowingly rendering an unjust and unfounded judgment in Criminal Cases Nos. 130338 and 130339 entitled "People of the Philippines vs. Rodolfo Paglinawan, et al.," for unjust vexation and malicious mischief.

Complainant is the complaining witness in the aforestated criminal cases. He alleges that although the cases were tried under the Rules on Summary Procedure, it took respondent judge 5 1/2 years to dispose of the said cases. Despite repeated follow-ups on complainant's part, the judgment of acquittal was rendered by respondent judge only on July 22, 1993 or 1 year and 7 months from the time the cases were submitted for decision on October 19, 1991.

On the charge of knowingly rendering an unjust and unfounded judgment, complainant assails the portion of respondent judge's decision which declares:

"The court also doubts his (complainant's) testimony that his camera was destroyed by Paglinawan as there was no witness to collaborate (sic) his statement or allegation."

Complainant alleges that contrary to the trial court's finding as abovequoted, his testimony on the destruction of his camera by the accused was corroborated in all respects by prosecution witness Rene Villanueva whose affidavit dated October 20, 1987 was presented in court as evidence. Villanueva also testified before the court and was duly cross-examined by the defense.

In his Comment, respondent judge alleges that the delays in the proceedings of the criminal cases in question were attributable to the parties themselves. According to respondent judge, soon after the cases were filed on December 24, 1987, he directed the accused to file their counter-affidavits in an Order dated January 5, 1988. However, on January 27, 1988, the accused filed a motion to suspend proceedings and to refer the case to the Department of Labor. The denial of the motion by respondent judge prompted the filing by the accused of a petition for certiorari with the Supreme Court which thereafter referred the same to the Court of Appeals. As a result of the pendency of the petition with the Court of Appeals, and also upon agreement of the parties who were in the process of settling their labor dispute with the Department of Labor, respondent judge had no other alternative but to suspend the proceedings of the criminal cases before his court.

After waiting for two years for the outcome of the labor controversy, respondent judge decided that the court

could not wait any longer and commenced hearing the criminal cases on the merits from February 7, 1990 up to December 4, 1991.

Respondent judge further alleged that after the parties had rested their respective cases, complainant requested him to defer the resolution of the criminal cases, alleging that the negotiations in connection with the labor dispute are still ongoing and that any decision that may be rendered in the criminal cases may deter the resolution thereof.

In July 1993, complainant together with the private prosecutor once again approached respondent judge and informed him that the labor dispute has finally been settled and that both complainant and the accused, as officers and members respectively of Nestle Philippines, Inc., have mutually agreed to withdraw the cases they have filed against each other. At this point, complainant and counsel allegedly intimated their intention, if feasible, to withdraw the criminal cases filed against the accused. However, inasmuch as both parties had already rested their cases, respondent judge nevertheless promulgated the decision on August 2, 1993.

Anent the statement in the decision to the effect that the court doubts the testimony of complainant about the destruction of his camera assailed by complainant, respondent judge contends that the same was not intended to create the impression that complainant lied about the destruction of his camera. Rather, the accused were acquitted for failure of the prosecution to prove their guilt beyond reasonable doubt.

By way of reply to respondent judge's comment, complainant in a letter dated December 10, 1993, vehemently denied the former's allegation that complainant requested deferment of the resolution of the criminal cases. Complainant maintains that as early as December 19, 1990, the Supreme Court, in G.R. Nos. 88710-13, had already ruled that the accused in the aforesaid criminal cases have lost their employee status for having engaged in an illegal strike, and the outcome of the decision in the criminal cases would not have any bearing on the labor dispute.

In a resolution dated February 23, 1994, this Court referred the instant case to Executive Judge Salvador S. Abad Santos of the Regional Trial Court of Makati for investigation, report and recommendation.

In a Report dated April 22, 1994, the Investigating Judge found that there was unjustifiable delay on the part of respondent judge in the resolution of Criminal Cases Nos. 130338 and 130339. Even assuming that the delay in the proceedings was attributable to the parties themselves, Judge Santos took note of the fact that the trial was terminated on December 4, 1991 but the decision was promulgated only on August 2, 1993 evidently showing that respondent judge is culpable for unjustifiable delay.

As for the charge of knowingly rendering an unjust and unfounded judgment, the Investigating Judge stated that the present case is not one where respondent judge failed to consider the facts of the case or even misappreciated the facts. Rather, it is one where the question of credibility of witnesses rests largely upon the appreciation of the evidence by the respondent judge who was in the best position to render judgment thereon.

Thus, the Investigating Judge recommended that respondent judge be reprimanded for unjustifiable delay in rendering judgment, his culpability to be mitigated by the fact that judgment had been rendered albeit delayed.

In the resolution of this Court dated May 23, 1994, this case was referred to the Office of the Court Administrator for evaluation, report and recommendation.

In a Memorandum dated July 8, 1994 Deputy Court Administrator Juanito A. Bernad emphasized that Criminal Cases Nos. 130338 and 130339 both fall and were tried under the Rules on Summary Procedure, to wit:

"(4) All other criminal cases where the penalty prescribed by law for the offense charged is imprisonment not exceeding six months, or a fine not exceeding One Thousand Pesos (P1,000.00), or both, irrespective of other

imposable penalties arising therefrom. Provided, however, that in offenses involving damage to property through criminal negligence, this Rule shall govern where the imposable fine does not exceed Ten Thousand Pesos (P10,000.00)." (Section 1, B (4), Revised Rule on Summary Procedure)

In Criminal Case No. 130338, the accused were charged with unjust vexation punishable with arresto menor or a fine ranging from P5.00 to P200.00 or both, under the second paragraph of Article 287 of the Revised Penal Code. In Criminal Case No. 130339, the accused were charged with malicious mischief for the destruction of a Kodak instamatic camera causing damage thereto in the amount of P649.95, punishable with arresto mayor in its minimum and medium periods, if the value of the damage covered is over P200.00 but does not exceed P1,000.00, under paragraph 2 of Article 329 of the Revised Penal Code.

Despite the applicability of the Rule on Summary Procedure to the subject criminal cases, it still took respondent judge almost four years to terminate the proceedings of these cases. The Deputy Court Administrator, distinguished between the two types of delay which occurred in this case. He opined that the delay in the proceedings cannot be attributed to respondent judge but mainly to the several petitions filed by the parties with the Supreme Court, the Court of Appeals and the Department of Labor.

However, the delay in the resolution of the case is another matter altogether. Under Section 17 of the Rule on Summary Procedure:

"Section 17. Judgment. Where a trial has been conducted, the court shall promulgate the judgment not later than thirty (30) days after the termination of trial."

Under the aforequoted provision, judgment in the criminal cases should have been promulgated not later than thirty (30) days after the termination of the trial on December 4, 1991, or on January 3, 1992. Instead, respondent judge promulgated the decision on August 2, 1993, or after a delay of one (1) year and seven (7) months. Clearly, this delay is attributable to respondent judge for which he should accordingly be held liable. Failure to decide a case within the required period is not excusable and constitutes gross inefficiency (Longboan vs. Polig, 186 SCRA 557 [1990], citing the cases of Ubarra vs. Tecson, 134 SCRA 4 [1985]; De Leon vs. Castro, 104 SCRA 241 [1981]; and In re: Judge Jose F. Madara, 104 SCRA 245 [1981]).

With respect to the charge of rendering an unjust and unfounded judgment, the Deputy Court Administrator is in agreement with the Investigating Judge that the charge is unsubstantiated by evidence, as there is nothing in the complaint to show that the assailed judgment was unreasonable, capricious or indicative of bad faith or malice.

ACCORDINGLY, this Court finds respondent Judge Emerito T. Trinidad of the Metropolitan Trial Court of Makati, Branch 63 guilty of unjustifiable delay in the resolution of Criminal Cases Nos. 130338 and 130119 and hereby imposes upon him a FINE in the sum of FIVE THOUSAND (P5,000.00) PESOS, with a warning that a repetition of the same or similar offenses will be dealt with more severely. The charge of knowingly rendering an unjust and unfounded judgment is hereby DISMISSED for lack of merit.

SO ORDERED.

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

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