

MANOLO D. ADRIANO, COMPLAINANT, VS. JUDGE EUSTAQUIO P. STO. DOMINGO, RESPONDENT.

A.M. No. RTJ-90-583. October 04, 1991

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PER CURIAM:

For the delay in deciding Civil Case No. 581-83-C entitled Luciano Adriano vs. Ester Sumadsad, et al., which was submitted for decision as early as November 23, 1987, but subsequently promulgated only on November 26, 1990, Judge Eustaquio P. Sto. Domingo of the Regional Trial Court (RTC), Branch 35, Calamba, Laguna is charged with gross negligence and inefficiency in the performance of judicial duties.

The verified complaint had been filed by Manolo D. Adriano, one of the plaintiffs, in case filed on November 5, 1979 with the RTC, Branch 35, Calamba, Laguna, presided over by the respondent judge. Manolo had substituted Luciano Adriano, his father, who had passed away during the pendency of the case.

After a protracted trial, the case was submitted for decision on November 23, 1987. Almost two (2) years elapsed, but no decision had been forthcoming. Consequently, on March 17, 1989, Manolo D. Adriano, brought this matter to the attention of the Court by a letter addressed to the Court Administrator.

Accordingly, the Court Administrator sent three (3) successive indorsement letters directing the respondent judge to resolve the case at once. The first was dated March 21, 1989, the second, October 24, 1989, and the third, January 19, 1990. All these proddings of the Court Administrator were unheeded by the respondent judge who simply ignored them.

Changing tack, on March 23, 1990, the plaintiffs in the main case, through Atty. Gilbert Camaligan, filed a Motion to Render Decision. Still this did not merit the attention of the respondent judge, as he rendered no decision on the case. Now losing patience, Manolo D. Adriano on September 25, 1990, filed the present complaint charging the respondent judge as stated at the outset for gross negligence and inefficiency in the performance of judicial duties.

Finally, the judge took action. In an attempt to exculpate himself, Judge Eustaquio P. Sto. Domingo in his answer dated November 15, 1990, recounted thus:

At the outset, it must be explained that the subject Civil Case is one [sic] among the two hundred fifty (250) cases which your respondent inherited from former presiding judges of Branch 35, RTC, Calamba, Laguna, which he took over on January 16, 1987. In fact the case was tried by Judges Restituto Q. Luz and Joselito P. Dela Rosa who both presided (over) the Court before your respondent.

When your respondent took over Branch 35 on January 16, 1987, the case was already undergoing trial. There were several transcript of records however [sic] which were not appended to the records that must be considered before your respondent can ably try the case. Needless to explain, there was already delay in the trial of the case. As early as December 1989, your respondent had already drafted a decision in this case. The drafting of this decision coincided with his preparation of three (3) other decisions for three (3) other cases. Your respondent handed this draft decision for typing to his stenographer together with the semi-final drafts of

the decision in the three (3) other cases. For some unaccountable reasons, the stenographer who typed the clean draft of the decision in this case, appended the draft to the record.

Branch 35 relocated from the court site at Canlubang, Calamba, Laguna to the town proper of Calamba on December 27, 1989 when the present Bulwagan ng Katarungan was constructed. It was not until your respondent received your letter on November 5, 1990 that your respondent's attention was called to the case. He looked for the record and discovered the same in the inactive file of the court. The records when located disclosed the typewritten draft which was given the typist for typing.

It would thus appear that the decision in this subject case was completely forgotten until your letter came. For this reason, your respondent pleads for understanding and since age is probably catching up with him. In any event, should your respondent be granted a period up to the end of this month to promulgate his decisions, he would, with assurance be able to decide the case.

Eventually, but belatedly, on November 26, 1990, the respondent judge promulgated the decision in the said case.

Evidently, the promulgation of the decision in Civil Case No. 581-83-C from the time of its submission took three years. Such a delay is inexcusably long, and shows that the respondent judge was not performing his duties properly.[1] We held:

x x x (The) unexplained and prolonged inaction, encompassing three lengthy years to dispose said case cannot be ignored or countenanced. These habits of indecision must be sedulously curtailed.[2] x x x [And] is proof of gross negligence, incompetence and inefficiency in the performance of judicial duties.[3]

The respondent judge can not take refuge behind the excuse that his age has "probably" taken a toll on his efficiency. Nor can he blame his court personnel for his own incompetence or negligence. Nor can he justify his dilly-dallying by saying he was in the thick of preparations for deciding three other cases. It was his duty to take note of the cases submitted for decision and see to it that the same are decided within the ninety-day period fixed by law.

PREMISES CONSIDERED, respondent Judge Eustaquio P. Sto. Domingo is hereby found guilty of the administrative charge against him for failure to decide Civil Case No. 581-83-C within the prescribed period of ninety days. He is hereby ordered to pay a fine of ten thousand (P10,000) pesos, with a warning that a repetition of this offense will be dealt with more severely.

Let a copy of this resolution be attached to respondent's records.

SO ORDERED.

Fernan, C.J., Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Padilla, Bidin, Sarmiento, Griño-Aquino, Medialdea, Regalado, and Davide, Jr., JJ., concur.

[1] See Sec. 15, Art. VIII, 1987 Constitution and Sec. 5, R.A. 296.

[2] Adm. Matter No. 2113-MJ, April 22, 1981, Penera vs. Judge Dalocanog, 104 SCRA 193, 195.

[3] In re Judge Jose F. Madara, Adm. Matter No. 2351, CFI, April 24, 1981, 104 SCRA 245, 250.

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