

BERNARDO O. LAMBOLOTO, COMPLAINANT, VS. HON. ZACARIAS Y. GARCIA, RESPONDENT.

A.M. No. P-2234-MJ. September 25, 1981

Ponente: FERNANDEZ, J.

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FERNANDEZ, J.:

In an affidavit complaint dated July 23, 1979 Felipa O. Lamboloto charged Municipal Judge Zacarias Y. Garcia of Pinamalayan, Oriental Mindoro with failure to decide for about three years Registration Case, LRC No. 30428, LRC No. P-7, which was assigned to the respondent for trial and decision in view of the inhibition of the incumbent judge, despite the fact that the said case was submitted since August 27, 1976.[1]

In his comment submitted on September 12, 1979, the respondent Municipal Judge Zacarias Y. Garcia explained that he was designated to try and decide two land registration cases, namely, LRC No. 30428 LRC No. P-7 and LRC No. P-6, GLRO No. 30449, Martina Ornedo, applicant when the Municipal Judge of Pinamalayan, Oriental Mindoro inhibited himself from acting on the said cases; that until the receipt of the letter of Arturo M. Manalo, Clerk of Court of the Court of First Instance of Oriental Mindoro, the respondent was under the impression that the two (2) cases were related and since LRC No. 30449, LRC No. P-6 was still pending trial, LRC No. 30428, LRC No. P-7 should be held in abeyance; and that due to many cases filed and pending in his court, in addition to cases which were delegated to him for trial and for the reception of evidence, the respondent inadvertently failed to concentrate on LRC No. 30428, LRC No. P-7.[2]

It appears that LRC No. 30428, LRC No. P-7 was decided only on July 14, 1981, almost five (5) years after it was submitted for decision. The office of the Court Administrator has verified that the respondent judge had collected his salaries and filed falsified certification of disposition of cases during the entire period that he had not decided LRC No. 30428, LRC No. P-7.[3]

There is no justification for the delay.

Under the established facts of the case, the respondent judge should be imposed the penalty of a fine equivalent to his salary for three (3) months with the warning that a repetition of the same or a similar offense will be dealt with more severely.

WHEREFORE, the respondent, Municipal Judge Zacarias Y. Garcia, is hereby found guilty of undue delay in deciding Land Registration Case, LRC No. 30428, LRC No. P-7 and of submitting a falsified certification of disposition of cases and is imposed a fine equivalent to his salary for three (3) months with the warning that a repetition of the same or a similar offense will be dealt with more severely.

Let this decision be made of record in the personal record of the respondent in this Court.

SO ORDERED.

Makasiar, (Acting Chairman), Guerrero, De Castro, and Melencio-Herrera, JJ., concur.

[1] Rollo, p. 2.

[2] Rollo, pp. 22-23.

[3] Report of Deputy Court Administrator Arturo B. Buena, dated August 26, 1981.

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