

LETICIA G. MATIAS, COMPLAINANT, VS. JUDGE SERGIO A. PLAN, MUNICIPAL TRIAL COURT, CAUAYAN, ISABELA, RESPONDENT.

A.M. No. MTJ-98-1159. August 03, 1998

Ponente: PUNO, J.

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PUNO, J.:

Leticia G. Matias filed this complaint against respondent Judge Sergion A. Plan of the Municipal Trial Court of Cauayan, Isabela for undue delay in the resolution of Criminal Case No. 95-2424 where she is the complaining witness.

The facts show that on March 25, 1995, complainant's van was sideswiped by a jitney driven by Salvador Fabia, damaging the van's side mirror and automatic mechanism.

On April 31, 1995, complainant filed with the Metropolitan Trial Court of Cauayan, Isabela a complaint for Damage to Property Through Reckless Imprudence against Salvador Fabia. The case was docketed as Criminal Case No. 95-2424 and raffled to respondent judge.

Respondent conducted a preliminary investigation on May 16, 1995.

The arraignment was set for June 8, 1995 but it was postponed to June 29, 1995.

The first hearing was held on July 31, 1995, where the prosecution presented its evidence.

The second hearing was scheduled for September 5, 1995, but it was reset to October 24, 1995 upon motion of the prosecution. However, this was again moved to November 21, 1995, also upon motion of the prosecution.

The prosecution concluded its presentation of evidence on November 21, 1995.

The next hearing was scheduled for January 16, 1996, but it was postponed to February 15, 1996 because the accused failed to appear before the court.

The accused took the witness stand on February 15, 1996. Continuance was set for March 28, 1996 upon joint motion of the prosecution and the defense. This was, however, reset to May 7, 1996, as prayed for by both parties.

On April 24, 1996, complainant filed an affidavit stating that she was no longer interested in prosecuting the civil aspect of the case.

On May 6, 1996, the defense moved for a postponement of the May 7 hearing. Respondent did not immediately act on the motion, but on May 15, 1996, the Clerk of Court issued a notice resetting the hearing to June 18, 1996.

The June 18 hearing was moved to August 5, 1996 upon motion of the prosecution.

On August 5, 1996 respondent judge ordered complainant to present the damaged vehicle to the court for ocular inspection on September 5, 1996.

On September 5, 1996, the court reset the hearing to October 14, 1996 because the prosecutor was absent. However, the October 14 hearing was again moved to November 12, 1996 because complainant failed to appear on said date.

On November 12, 1996, an ocular inspection of the damaged vehicle was conducted, after which the defense rested its case and the case was submitted for decision.

Meanwhile, on November 4, 1996, complainant filed with this Court an administrative complaint against respondent for excessive delay in the resolution of Criminal Case No. 95-2424.

On February 10, 1997, respondent judge rendered a decision, which was promulgated on March 5, 1997.

We referred the complaint at bar to Executive Judge Artemio R. Alivia of the Regional Trial Court of Cauayan, Isabela for investigation, report and recommendation.[1]

After hearing, Judge Alivia submitted his report[2] finding that respondent judge has been very lax in granting postponements, thus allowing a simple case of Damage to Property Thru Reckless Imprudence involving the sum of P18,970.00 to drag for one and a half years. Judge Alivia, however, found no evidence of bad faith on the part of respondent in allowing the postponements, most of which were sought by the prosecution. Judge Alivia also held that respondent violated Section 2 Rule 119[3] of the Revised Rules of Court when he twice allowed the postponement of the hearing beyond thirty days: first, the hearing on November 21, 1995 was postponed to January 16, 1996 or after 56 days, and second, the hearing on March 28, 1996 was reset to May 7, 1996 or after 40 days. Judge Alivia recommended that respondent be reprimanded "for repeatedly postponing the trial of Criminal Case No. 95-2424 for unreasonable lengths of time and for his laxity in granting postponements." [4]

The Office of the Court Administrator adopted the factual findings of the investigating judge but recommended that the penalty of be lowered, considering that respondent has been previously cited by this Court for good performance.[5]

We hold that respondent should be penalized for neglecting his duty to hear and resolve cases expeditiously.

The Court, in Administrative Circular No. 3-90 dated January 31, 1990, ordered all trial courts to adopt the mandatory continuous trial system in accordance with Administrative Circular No. 4 dated September 22, 1988 and Circular No. 1-89 dated January 19, 1989. Administrative Circular No. 4 required that trial courts should, after arraignment, fix the specific dates needed to complete the presentation of evidence by all parties. All cases should be tried continuously, without unnecessary postponements, until they are finally decided. The entire trial period should not exceed three months from the first day of trial unless other wise authorized by the Chief Justice pursuant to Section 3 Rule 22 of the Rules of Court[6] (now Section 2 Rule 30 of the 1997 Rules of Civil Procedure[7]). Circular No. 1-89 established the guidelines to be observed by trial courts in the conduct of mandatory continuous trial, thus:

I. Pre-trial

A. Civil Cases

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B. Criminal Cases

1. The private offended party shall be required to appear at the arraignment for the purpose of plea-bargaining, determination of civil liability or other matters requiring his presence.
2. Where the accused and counsel agree to pre-trial, the pre-trial shall proceed in accordance with Rule 118.

3. If the Accused does not agree to a pre-trial, the Court shall fix the trial dates for the presentation of evidence by the parties. The trial fiscal, the accused, and counsel shall affix their signatures in the minutes to signify their availability on the scheduled dates set for reception of evidence.

II. Trial (Civil, Criminal)

1. Not more than three (3) cases shall be scheduled for daily trial.
2. The Presiding Judge shall make arrangements with the prosecutor and the CLAO attorney so that a relief prosecutor and CLAO attorney are always available in case the regular prosecutor and CLAO attorney are absent/
3. Likewise, contingency measures must be taken for any unexpected absence of the stenographer and other support staff assisting in the trial.
4. The issuance and service of subpoena shall be done in accordance with Administrative Circular No. 4 dated September 22, 1988.
5. A strict policy on postponements shall be observed.
6. The judge shall conduct the trial with utmost dispatch, with judicious exercise of the court's power to control the trial to avoid delay.
7. The trial shall be terminated within ninety (90) days from initial hearing. Appropriate disciplinary sanctions may be imposed on the judge and the lawyers for failure to comply with this requirement de to causes attributable to them.
8. Each party is bound to complete the presentation of his evidence within the trial dates assigned to him. After the lapse of said dates, the party is deemed to have completed his evidence presentation. However, upon verified motion based on serious reasons, the judge may allow a party additional trial dates in the afternoon; provided that said extension will not go beyond the three-month limit computed from the first trial date.
9. Copies of all judgments rendered by the designated courts shall be furnished by the Office of the Court Administrator within five (5) days from rendition. (emphasis supplied)

The records show that the trial in Criminal Case No. 95-2424 went way beyond the three-month period allowed in the mandatory continuous trial system and it does not appear that respondent judge sought the permission of the Chief Justice to extend such period. Neither was it shown that there were serious grounds to prolong the trial. We also observe that contrary to our directive in Circular No. 1-89, respondent judge has been very lenient in granting postponements. Some of these postponements even exceeded the thirty-day period allowed by the Rules. While there was no malice on the part of respondent judge in allowing the postponements, his leniency frustrates the efforts of the courts to speed up the administration of justice.

The Constitution guarantees the right of persons against reasonable delay in the disposition of cases before all judicial, quasi-judicial or administrative bodies.[8] Judges play an active role in ensuring that cases are resolved with speed and dispatch so as not to defeat the cause of the litigants.

The mandatory continuous trial system was adopted precisely to minimize delay in the processing of cases in the trial courts. This delay was attributed to the common practice of piecemeal trial of cases that sets cases for trial one day at a time and thereafter continued to postponed to another date until all the parties have finished their presentation of evidence.[9] The continuous trial system was designed to expedite the resolution of cases in the trial courts by holding trials on scheduled dates without needless postponements and terminating the entire proceedings within ninety days from the initial hearing.

The need for speedy administration of justice cannot be ignored. Excessive delay in the disposition of cases renders the rights of people guaranteed by various legislations inutile. All judges are therefore mandated to strictly adhere to the guidelines set in Administrative Circular No. 4 and Circular No. 1-89 for a more efficient and effective administration of justice.

IN VIEW WHEREOF, a FINE of P1,000.00 is imposed on respondent judge for failure to comply with the rule on mandatory continuous trial.

SO ORDERED.

Regalado, Melo, Mendoza, and Martinez, JJ., concur.

[1] Resolution of September 3, 1997, Rollo, p. 12.

[2] Rollo, pp. 17-19

[3] Sec. 2. Continuous trial until terminated; postponements. – Trial once commenced shall continue from day to day as far as practicable until terminated; but for good cause; it may be postponed for a reasonable period of time.

[4] Commissioner’s Report submitted by Executive Judge Artemio R. Alivia, p. 3, Rollo, p. 19.

[5] Memorandum submitted by Deputy Court Administrator Reynaldo L. Suarez and approved by Court Administrator Alfredo L. Benipayo, p. 5, Rollo, p. 31.

[6] Section 3 Rule 22 of the Revised Rules of Court provides:

Sec. 3. Adjournments and postponements. - A court may adjourn a trial from day to day, and to any stated time, as the expeditious and convenient transaction of business may require, but shall have no power to adjourn a trial for a longer period than one month for each adjournment, nor more than three months in all, except when authorized in writing by the Chief Justice of the Supreme Court. (emphasis supplied)

[7] Section 2 Rule 30 for the 1997 Rules of Civil Procedure has amended the former rule. Under the new rule, permission should be obtained not from the Chief Justice but from the Court Administrator. Section 2 Rule 30 of the 1997 Rules of Civil Procedure states:

Sec. 2 Adjournments and postponements. - A court may adjourn a trial from day to day, and to any stated time, as the expeditious and convenient transaction of business may require, but shall have no power to adjourn a trial for a longer period than one month for each adjournment, nor more than three months in all, except when authorized in writing by the Court Administrator, Supreme Court.

[8] Section 16 Article III of the 1987 Constitution states:

Sec. 16. All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.

[9] Administrative Circular No. 4 dated September 22, 1988.

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