

**HENRY D. ARLES, COMPLAINANT, VS. JUDGE ROLINDO D. BELDIA,
REGIONAL TRIAL COURT, BRANCH 41, BACOLOD CITY,
RESPONDENT.**

A.M. No. RTJ-05-1964 (OCA-IPi NO. 96-237-RTJ). November 29, 2005

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YNARES-SANTIAGO, J:

On September 27, 1996, an administrative complaint[1] for gross neglect of duty, arrogance and manifest partiality was filed by Atty. Henry D. Arles against respondent Judge Rolindo D. Beldia of the Regional Trial Court of Bacolod City, Negros Occidental, Branch 41, for unduly delaying the resolution of several motions filed relative to Spec. Proc. No. 94-8304, entitled "In the Matter of the Petition to Approve the Last Will and Testament of the Late Napoleon de la Rama Gonzaga, Elsie Gonzaga Salgado, Petitioner."

Complainant is the counsel of Ma. Ana Julie Gonzaga, one of the heir-oppositors in Spec. Proc. No. 94-8304. Complainant alleged that on November 24, 1994, he filed a Motion to Direct Elsie Gonzaga to Turn Over to the Special Administratrix the Properties of the Estate in her Possession which was submitted for resolution on December 5, 1994. However, until the filing of the instant complaint on September 27, 1996, the motion remained unresolved.

Moreover, complainant claimed that on December 15, 1994, he filed a Motion to Direct Pleasantville Development Corporation to Issue a Sworn Certification of the Shares of the late Napoleon de la Rama Gonzaga in said Corporation and to Place said Shares under the Administration of the Special Administratrix. However, despite the filing of the last responsive pleading on December 26, 1994 and subsequent motions to resolve, respondent judge failed to resolve the same until the filing of the instant complaint.

On February 20, 1995, complainant filed a Motion to Order the Special Administratrix to Take Charge of the Properties of the Estate and to Fix the Period within which she must Submit an Inventory. On March 3, 1995, complainant filed the same motion and a manifestation on March 8, 1995 submitting it for resolution. Complainant alleged that from the time the motion was submitted for resolution until the filing of the instant complaint, the same remained unresolved.

Thus, on March 16, 1995, complainant filed a Motion to Resolve Pending Incidents, however, until the date of the filing of the instant complaint, the same was not acted upon.

Subsequently, or on April 22, 1996, complainant filed a Motion to Direct Petitioner to Turn Over to the Special Administratrix the Land Titles, Stock Certificates and Bank Deposits of the Estate. Complainant averred that despite the filing of the last pleading until the filing of the instant complaint, respondent judge refused to act on the same.

On July 8, 1996, complainant filed a Motion to Resolve Pending Incidents but the respondent judge still failed to act on it.

In his Comment,[2] respondent judge claimed that contrary to the allegation of the complainant, the special

administratrix had submitted as early as November 14, 1994 an inventory of the estate. Respondent judge denied that complainant's motions remained unresolved for more than three months. Granting that there was delay in the prompt disposition of the motions, respondent judge alleged that the same was due to complainant's failure to attend the scheduled hearings.

Respondent judge also alleged that in several instances the parties would manifest that they were negotiating for the settlement of their claims. Thus, he tried to explore all possibilities of an amicable settlement. He argued that after each motion was filed, the adverse party would file an opposition, and other responsive pleadings. He claimed that all pending incidents were set for hearing on July 10, 1996 and were resolved on October 29, 1996.

Moreover, respondent judge alleged that it was complainant who repeatedly delayed the hearing by either filing motions for postponement or not appearing during the trial.

In the Report dated November 6, 1998, Investigating Justice B. A. Adefuin-De La Cruz of the Court of Appeals, found that respondent judge, by delaying the resolution of the aforesaid motions, was instrumental in delaying the appointment of the special administrator, the turnover of all the properties of the estate and, the conduct of physical inventory.

The investigating justice noted that respondent judge resolved the issue of the appointment of special administrator eight months after the filing of the petition to the prejudice of the other heir-oppositors. It was also noted that respondent judge granted, tolerated and allowed all the requests of petitioner Elsie Gonzaga Salgado to delay the conduct of the inventory of the properties of the estate. Records show that until the filing of the instant administrative complaint on September 27, 1996, the special administratrix was not able to prepare and submit an inventory of the estate properties despite her appointment on November 9, 1994.

According to the investigating justice, the defenses interposed by respondent judge were misleading, untrue, and belied by the records. Thus she recommended that respondent judge be meted the penalty of six months suspension without pay.

We agree with the findings of the investigating justice except for the penalty.

Regardless of whether the motions were frivolous or dilatory, and not germane to the petition for probate of the last will and testament, respondent judge should have resolved the same citing the facts and the law on which the order was based, within the time prescribed by law. Consequently, respondent judge unduly delayed the probate proceedings by not acting on the motions within the 90 day reglementary period.

Unreasonable delay in the disposition of cases and motions erodes the faith and confidence of the people in the judiciary and unnecessarily blemishes its stature.[3] No less than the Constitution mandates that lower courts must dispose of their cases promptly and decide them within three months from the filing of the last pleading, brief or memorandum required by the Rules of Court or by the court concerned. Failure to resolve a case or motion submitted for decision or resolution within the required period violates the constitutional right of the parties to a speedy disposition thereof. In addition, a judge's delay in resolving within the prescribed period, pending motions and incidents constitutes a violation of Rule 3.05 of the Code of Judicial Conduct requiring judges to dispose of court business promptly.[4]

In *Gonzales v. Judge Hidalgo*,[5] the failure of respondent judge to decide the motions was considered gross inefficiency warranting the imposition of administrative sanction. In the case at bar, respondent judge's failure to dispose of the motions promptly and expeditiously constitutes gross inefficiency, and renders him administratively liable for his inaction.

To avoid the sanction imposed by the Rules of Court for unreasonable delay in rendering a decision or order, respondent judge should have asked for an extension and give reason for the delay.[6]

The rationale for the 90-day reglementary period was clearly laid out in the case of *Sy Bang v. Judge Mendez*,[7] thus:

Delay in resolving motions is inexcusable and cannot be condoned. The trial court judge, being the paradigm of justice in the first instance, is exhorted to dispose of the court's business promptly and decide cases within the required periods. Delay results in undermining the people's faith in the judiciary from whom the prompt hearing of their supplications is anticipated and expected, and reinforces in the mind of litigants the impression that the wheels of justice grind ever so slowly.

Under Section 9, Rule 140 of the Rules of Court, undue delay in rendering a decision or order is considered a less serious offense, punishable under Section 11(b) of the same Rule, either by: (1) suspension from office without salary and other benefits for not less than one nor more than three months; or (2) a fine of more than P10,000.00 but not exceeding P20,000.00.

We note that respondent judge was previously subjected to disciplinary action in *Macachor v. Judge Beldia, Jr.*,[8] and was fined in the amount of P11,000.00 for gross inefficiency for undue delay in the issuance of an order approving the notice of appeal and directing the transmittal of the case records to the Court of Appeals.

In the case at bar, the penalty of P20,000.00 is deemed appropriate under the foregoing facts and circumstances.

WHEREFORE, respondent Judge Rolindo D. Beldia of the Regional Trial Court of Bacolod City, Negros Occidental, Branch 41 is found GUILTY of gross inefficiency for unduly delaying the resolution of several motions in Spec. Proc. No. 94-8304. He is FINED in the amount of P20,000.00 with a STERN WARNING that a repetition of the same or similar act will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., Quisumbing, Carpio, and Azcuna, JJ., concur.

[1] Rollo, pp. 1-10.

[2] Id. at 121-127.

[3] *Gonzales v. Judge Hidalgo*, 449 Phil. 336, 340 (2003).

[4] Rule 3.05. - A judge shall dispose of the court's business promptly and decide cases within the required periods.

[5] *Supra* at 341.

[6] *Maderada v. Mediodea*, A.M. No. MTJ-02-1459, October 14, 2003, 413 SCRA 313, 322.

[7] 350 Phil. 524, 530-531 (1998).

[8] 451 Phil. 849 (2003).

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