

ESTERLINA ACUZAR, COMPLAINANT, VS. JUDGE GAYDIFREDO T. OCAMPO, MUNICIPAL TRIAL COURT, TUPI, SOUTH COTABATO, RESPONDENT.

A.M. No. MTJ-02-1396. March 15, 2004

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

The administrative case at bar arose from a sworn letter-complaint^[1] dated May 31, 2001 filed with the Office of the Chief Justice (OCJ) by Esterlina Acuzar, complainant, charging Judge Gaydifredo T. Ocampo of the Municipal Trial Court, Tupi, South Cotabato, with gross misconduct, bias and partiality.

Complainant Esterlina Acuzar, in her letter complaint, alleged that she is the plaintiff in Civil Case No. 412 for sum of money and damages against Rodrigo Cruz filed with the Municipal Trial Court of Tupi, South Cotabato presided by respondent. Since November 4, 1998, when Civil Case No. 412 was filed, up to the filing of this administrative complaint on May 31, 2001, respondent has not taken any action on the case because his wife is the relative of defendant Cruz. In fact, the latter told her (complainant) that he would just give the amount involved to respondent judge in order to obtain a favorable judgment.

In his comment^[2] dated July 26, 2001, respondent denied the charges. He explained that the trial of Civil Case No. 412 had long begun and it is now the turn of the defendant to present his evidence. Although there was delay, it was due to the motions for postponement of either or both opposing counsel. He granted those motions in order to avoid any possible “charge of denial of due process.” He further alleged that defendant Cruz is a very distant relative of his deceased first wife, not even within the sixth civil degree.

Respondent judge also denied complainant’s allegation that defendant Cruz bribed him in order to obtain a favorable judgment in Civil Case No. 412; and that complainant’s charges against him are fabricated and are “acts of harassment.”

In his Report and Recommendation, Court Administrator Presbitero Velasco made the following evaluation:

“Respondent is charged with failure to dispose of a simple case for collection of a sum of money within a reasonable period. According to complainant, she filed the case as early as November 4, 1998 and until the filing of her complaint on June 13, 2001, the same is still pending. The reason for the delay was the numerous postponements, several of which were for more than one month, which the parties sought and were granted by respondent Judge. That respondent Judge does not deny. He argues that the trial has gone far enough and he is now in the process of receiving the defendant’s evidence.

Verily, a judge should not be punished for granting postponements when it is shown that these are inevitable. However, for a simple case of collection where no serious factual issue such as an extensive accounting is involved, to last a little less than three years in the docket is indicative of inefficiency. Respondent Judge cannot put up the excuse that the parties and/or their counsel were the ones responsible for the delay in the disposition of their case. It is his duty to see to it that all cases he is handling be terminated with dispatch. It is

in the interest of speedy disposition of cases that the Rules of Court sought to provide in Section 2, Rule 30 that '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 by the Court Administrator, Supreme Court.' Even on this charge alone respondent Judge must be sanctioned.

As regards the charge that respondent Judge is partial in defendant's favor because the latter had given money to him (respondent Judge), in the absence of a specific averment or offer of evidence to show this fact, he should be exonerated. . ."[3]

and recommended that (1) the instant case be re-docketed as a regular administrative matter; (2) respondent judge be fined in the amount of P2,000.00 for the inordinate delay in the disposition of a simple case for collection of sum of money, with the stern warning that a repetition of the same offense in the future will be dealt with more severely, and ; (3) the charge of partiality and corruption be dismissed for lack of merit.

In our Resolution[4] dated January 28, 2002, we required the parties to manifest whether they are submitting the case for resolution on the basis of the pleadings and records filed.

Respondent judge submitted a letter[5] dated February 19, 2002 stating that he has decided Civil Case No. 412 in favor of the complainant.

Complainant, in her letter-compliance[6] dated April 8, 2003, stated that she is withdrawing her complaint against respondent judge because she realized that defendant Cruz merely used his (respondent's) name to threaten her and that Civil Case No. 412 has been decided.

In his Report and Recommendation dated July 7, 2003,[7] Court Administrator Velasco made the following findings:

"In the instant case, it appears that complainant is withdrawing her complaint against the respondent because judgment was already rendered in the subject case, and that the same was in her favor. For which reason, we deem it necessary to disregard complainant's withdrawal of the complaint, and to proceed in evaluating the instant case on the basis of the parties' respective positions and arguments, and the evidence on record.

In our report dated 29 November 2001, we recommended that the charge of partiality and corruption against Judge Ocampo be dismissed for lack of merit. The fact that the defendant in the subject case is a relative of the respondent's deceased first wife is of no moment because said relationship is already within the sixth degree, and there was no showing that such relationship affected respondent's conduct. Moreover, as to the charge of corruption, complainant claims that it was the defendant in the subject case who told her that he would not pay her, but would instead give the money to the judge. There was no clear and convincing proof offered by the complainant showing that the respondent indeed received money from the defendant in exchange for a favorable judgment. In fact, as pointed out by the complainant herself in her letter dated 08 April 2003, the decision in the subject case was based on the evidence thus proffered. Complainant likewise admitted in the same letter that she realized that the defendant in the subject case merely used the name of the respondent to threaten her.

In so far as the alleged delay in the disposition of the subject case is concerned, it is the duty of the respondent to see to it that all cases he is handling be terminated with dispatch. Although the respondent should not be punished for granting postponements when it is shown that they are inevitable, he nevertheless, cannot attribute the inordinate delay to the parties and/or their counsel. A period of a little less than three (3) years to dispose a simple case of collection of money is indicative of inefficiency. While the judge may grant postponements, it should not be for a period of more than one month for each adjournment nor more than three months in all. As pointed in our report dated 29 November 2001, it is in the interest of speedy disposition of

cases that the Rules of Court sought to provide in Section 2, Rule 30 that ‘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 by the Court Administrator, Supreme Court.’”[8]

This time Court Administrator Velasco recommended that respondent be sternly warned for his infraction.

For our resolution is the issue of whether or not respondent judge is guilty of undue delay in rendering a decision punishable under Section 9 (1) and Section 11 (B), Rule 140 of the Revised Rules of Court, as amended, on Discipline of Judges of Regular and Special Courts and Justices of the Court of Appeals and the Sandiganbayan.

In *Office of the Court Administrator vs. Judge Reinato G. Quilala, et al.*, [9] we held that the noble office of a judge is to render justice not only impartially, but expeditiously as well, for delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards, and brings it into disrepute. Thus, Rule 3.05, Canon 3 of the Code of Judicial Conduct admonishes all judges to dispose of the court’s business promptly and decide cases within the period specified in Section 15 (1) (2), Article VIII of the Constitution, that is, three months from the filing of the last pleading, brief or memorandum. This requirement of the fundamental law is designed to prevent delay in the administration of justice for obviously, justice delayed is justice denied.

Prompt disposition of cases is attained basically through the efficiency and dedication to duty of judges. If they do not possess these traits, delay in the disposition of cases is inevitable to the prejudice of litigants. Accordingly, judges should be imbued with a high sense of duty and responsibility in the discharge of their obligation to promptly administer justice.

We agree with the Court Administrator in holding that a period of a little less than three years to dispose of a simple case for a sum of money (P20,000.00) is an inordinate delay “indicative of inefficiency.” However, we cannot go along with his recommendation that respondent be merely warned sternly for his administrative offense. Under Sections 9 and 11 (B) of Rule 140 of the same Rules, undue delay in rendering a decision is a less serious charge punishable by (1) suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or (2) a fine of more than P10,000.00 but not exceeding P20,000.00.

Accordingly and in line with our Decisions in similar cases, [10] the imposition of P11,000.00 fine upon respondent is in order.

WHEREFORE, respondent judge is found guilty of undue delay in rendering a decision and is hereby ordered to pay a fine of P11,000.00 and warned that a repetition of the same offense will be dealt with more severely.

SO ORDERED.

Vitug, (Chairman), Corona, and Carpio-Morales, JJ., concur.

[1] Rollo at 2.

[2] Id. at 8-11.

[3] Id. at 59-61.

[4] Id. at 62.

[5] Id. at 63.

[6] Id. at 74-75.

[7] Id. at 82-84.

[8] Rollo at 83-84.

[9] A.M. No. MTJ-01-1341, February 15, 2001, 351 SCRA 597, citing *Ruperto vs. Banquerigo*, 293 SCRA 704 (1998); *Abarquez vs. Rebosura*, 285 SCRA 109 (1998).

[10] *Prosecutor Robert M. Visbal vs. Judge Rogelio C. Sescon*, RTC, Branch 9, Tacloban City, A.M. No. RTJ-03-1744, August 18, 2003; *Trinidad Cabahug vs. Judge Jasper Jesse G. Dacanay*, MTC, Consolacion, Cebu, A.M. No. MTJ-03-1480, September 10, 2003.

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