ISAGANI RIZON, COMPLAINANT, VS. JUDGE OSCAR E. ZERNA, RESPONDENT.

A.M. No. RTJ-00-1575. September 17, 2001

Ponente: KAPUNAN, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/f6c88ad65dce/

KAPUNAN, J.:

The delay in the resolution of an election protest by respondent Judge prompted the protestant to institute these administrative proceedings.

Complainant Isagani B. Rizon filed an election protest before the Regional Trial Court of Tubod, Lanao del Norte, Branch VII, presided by respondent Judge Oscar Zerna. Complainant contested the election of protestee William P. Ong for the position of Mayor of the Municiplaity of Baroy, Lanao del Norte, the latter having been proclaimed as winner in the May 11, 1998 elections. On November 22, 1998, the parties submitted the case for decision but the case had remained undecided within three (3) months after its submission. On February 26, 1998 complainant filed a "Motion to Render Early Decision," which according to complainant, fell on "deaf ears." Complainant thus filed an affidavit-complaint before this Court charging respondent with "willful, deliberate, and malicious delay in rendering the decision."

Responding to these charges, respondent judge attributes the delay to the time consumed in going over the questioned ballots one by one, the appreciation of the ballots being the grounds for the protest. Thereafter, he had to draft a decision, which was subsequently rendered a week or two after the complaint before this Court was filed. Respondent judge asserts that complainant is merely looking for a scapegoat for his loss in the elections, judgment in the election protest having been rendered against him.

Upon evaluation of the complaint and respondent Judge's comment thereto, the OCA submitted a report to this Court finding the judge guilty of gross inefficiency, the delay in the disposition of the case being inexcusable. The report stated, among other things, that:

> xxx
>
> Judge Zema has a history of delay in deciding cases. In a Resolution dated November 25, 1977, the Court en banc, acting on a report of the Judicial Audit Team that conducted judicial audit on Judge Zema's court, directed the said judge to explain why he failed to render decision within the ninety (90) day period and to accordingly render decision in twenty two (22) criminal cases, seventeen (17) civil cases, five (5) criminal and nine (9) civil cases appealed from the lower courts, and other pending matters in four (4) cases; to take appropriate action for the early resolution of twenty eight (28) other cases; to take further action on thirty two (32) others which he failed to act on or set in the court calendar after the lapse of considerable length of time; and to act on twenty three (23) other cases that could already be archived.
>
> Moreover, in respondent judge's 201 Personnel File are copies of twelve (12) various indorsements from the Office of the Court Administrator, referring to him letters and complaints of party-litigants asking for the early disposition of their cases pending before him. The indorsements involve at least twenty (20) cases.

> xxx
>
> The Court agrees with this finding.
>
> Section 258 of the Omnibus Election Code provides:
>
> Sec. 258. Preferential disposition of contests in courts. - The courts, in their respective cases, shall give preference to election contests over all other cases, except those of habeas corpus, and shall without delay, hear and, within thirty days from the date of their submission for decision, but in every case within six months after filing, decide the same.

The Court notes that respondent Judge did not deny in his comment that there was delay in the disposition of the election protest. Indeed, he implicitly admitted the delay when he stated that the decision was rendered "one or two weeks after [complainant] filed his complaint" with this Court on March 29, 1999. (Upon further query by the OCA, respondent judge failed to inform it of the exact date of the rendition of judgment.) In other words, the judge came out with the decision at least three and a half months beyond the 30-day period prescribed by Section 258 of the Omnibus Election Code. That there was delay, therefore, is beyond dispute.

Whether the delay was justified is the next question. The OCA found it was not, and the Court quotes with favor the OCA's reasoning:

> Judge Zerna did not contest the allegation of delay. He however ascribed it to the process of going over each of the questioned ballot. This is a flimsy excuse considering that the thirty-day period provided him under Sec. 258 of the Omnibus Election Code is more than sufficient to examine a little over a hundred questioned ballots, and that he could have asked the Court for an extension of time to render decision if he was having problems with the "examination" of the contested ballots such that he could not be able to decide the case on time. As the Court have held in Española vs. Panay (248 SCRA 684) cited in Bolalin vs. Occiano (266 SCRA 203), asking for an extension of time to dispose a case is to avoid or dispel any suspicion that something sinister or corrupt is going on.

The OCA recommends that the Court impose upon respondent a fine of Five Thousand Pesos (P5,000) with a warning that future similar acts shall be dealt with more severely. While ordinarily a fine of Three Thousand Pesos (P3,000) is imposed in a single case involving delay, the OCA submits that election cases involve public interest and delay in the disposition thereof should warrant a higher fine. In Bolalin vs. Occiano,[1] it was held that:

> xxx. The period provided by [election] law[s] [in the disposition of cases] must be observed faithfully because an election case, unlike ordinary actions, involves public interest. Time is of the essence in its disposition since the uncertainty as to who is the real choice of the people for the position must soonest be dispelled. It is neither fair nor just that one whose right to the office is in doubt should remain in that office for an uncertain period. x x x.

Moreover, records of the OCA disclose that respondent had a "propensity [for] delay in the disposition of his cases."

The Court also concurs with this rationalization, and metes upon respondent a fine of P5,000, with a warning that similar acts shall be dealt with more severely.

One final matter. Pending resolution of this case, complainant filed before this Court an Affidavit of Desistance, stating that "after careful deliberation," he found that the case "does not merit further prosecution." Complainant informed the Court that he is "no longer interested in pursuing the complaint."

Complainant's desistance cannot absolve respondent from liability. In Enojas, Jr. vs. Gacott, Jr.,[2] we said:

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

> To begin with, withdrawal of a complaint or subsequent desistance by the complainant in an administrative case does not necessarily warrant its dismissal. Administrative actions cannot depend on the will or pleasure of the complainant who may, for reasons of his own, condone what may be detestable. Neither can the Court be bound by the unilateral act of the complainant in a matter relating to its disciplinary power. The Court does not dismiss administrative cases against members of the Bench merely on the basis of withdrawal of the charges. Desistance cannot divest the Court of its jurisdiction to investigate and decide the complaint against the respondent. To be sure, public interest is at stake in the conduct and actuations of officials and employees of the judiciary. And the program and efforts of this Court in improving the delivery of justice to the people should not be frustrated and put to naught by private arrangements between the parties.

WHEREFORE, for gross inefficiency, the Court hereby imposes a FINE of Five Thousand Pesos (P5,000) upon respondent Judge Oscar Zerna with a warning that future similar acts will be dealt with more severely.

SO ORDERED.

Davide, Jr., CJ., (Chairman), Pardo, and Ynares-Santiago, JJ., concur.
Puno, J., on leave.

---

[1] 266 SCRA 203 (1997).

[2] 322 SCRA 272 (2000). See also Young vs. Mapayo, 332 SCRA 289 (2000); Farrales vs. Camarista, 327 SCRA 84 (2000); Caseñares vs. Almeida, Jr., 291 SCRA 474 (1999); Dagsa-an vs. Conag, 290 SCRA 12 (1999).

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.