

LUZ CADAUAN AND CLARO CADAUAN, COMPLAINANTS, VS. JUDGE ARTEMIO R. ALIVIA, REGIONAL TRIAL COURT OF CAUAYAN, ISABELA, BRANCH 19, RESPONDENT.

A.M. No. RTJ-00-1595 (Formerly A.M. OCA IPI No. 00-881-RTJ). October 24, 2000

Ponente: GONZAGA-REYES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/fb16725f1907/>

GONZAGA-REYES, J.:

Herein complainants Luz Cadauan and Claro Cadauan are the plaintiff and defendant, respectively, in Special Civil Action No. Br. 19-83 for Partition with Liquidation entitled "Luz Cadauan vs. Angel Cadauan, Jesus Cadauan, Julian Cadauan, Cely Cadauan and Claro Cadauan" which was assigned to respondent Judge Artemio Alivia of the Regional Trial Court of Cauayan, Isabela, Branch 19. The aforesaid case was submitted for decision per respondent's Order dated October 21, 1998.

In their Complaint dated June 30, 1999, complainants charge respondent Judge with "Dishonesty, amounting to grave misconduct in office" for certifying that he had "disposed (the) case submitted for decision within 90 days" when in fact, the aforesaid civil case was not yet decided when the instant complaint was lodged. The delay in deciding the case allegedly deprived complainants of their possession of the properties subject of the case.

In his Comment, respondent Judge avers that the subject civil case was already decided on September 9, 1999. He admits the delay in rendering judgment thereon but justifies it by reason of the "voluminous and taxing work as a presiding judge of a Special Crimes Court." In October 1996, he was designated to hear cases involving heinous crimes and conducted continuous trial thereon. He further alleges that he gave priority to cases involving heinous crimes, and which involved detention prisoners and begs leniency in the disposition of civil cases assigned to him. With respect to the charge of dishonesty, respondent Judge alleges that the certificate of service attached to the complaint was not signed by him.

In Reply to respondent's comment, complainants aver that although the aforesaid case was already decided, they are not abandoning the complaint since the act committed by respondent Judge was already consummated. Anent the claim that the certificate of service was not signed, complainants aver that such a certificate is a requirement for all judges to accomplish monthly before their paychecks are released and that such a certificate was filed with this Court.

The Court Administrator submitted a Memorandum recommending that respondent Judge be meted a fine in the amount of Five Thousand Pesos (P5,000.00) as the admitted delay by respondent Judge in the disposition of complainants' case constitutes gross inefficiency.

In the Resolution dated March 1, 2000, the parties were required to manifest whether they are willing to submit the case on the basis of the pleadings/records already filed and submitted. Complainants filed a letter-manifestation submitting the case for resolution/decision. Respondent Judge, however, failed to submit his manifestation despite receipt of the notice on April 3, 2000 per certification by the Postmaster of Cauayan, Isabela. He is deemed to have been served with the notice to file a manifestation. Moreover, the admission of

respondent Judge in his Comment to the complaint is sufficient basis for rendering a judgment in this case.

The subject civil case was submitted for decision on October 21, 1998 and respondent Judge rendered judgment thereon only on September 9, 1999 or after almost eleven (11) months from the time the case was submitted for decision.

In his Comment, respondent Judge admitted his failure to decide the aforesaid civil case within the mandatory ninety-day period. We note further that respondent Judge retired from the judiciary on November 14, 1999. His retirement, however, will not absolve him from any liability.

Rule 3.05 of Canon 3 of the Code of Judicial Conduct admonishes all judges to dispose of the court's business promptly and decide cases within the required periods. All judges must be reminded that a case should be decided within ninety (90) days from its submission, otherwise, the judge would be guilty of gross inefficiency and neglect of duty. Failure to render a decision beyond the ninety (90) day period from the submission of the case for decision is detrimental to the honor and integrity of his office and in derogation of a speedy administration of justice.[1]

The members of the judiciary have the sworn duty to administer justice without undue delay. For failing to do so, respondent Judge has to suffer the consequences of his omission. Any delay in the disposition of cases undermines the people's faith in the judiciary. The Court has consistently impressed upon members of the judiciary the need to decide cases promptly and expeditiously under the time-honored precept that justice delayed is justice denied. It is the duty of every judge to resolve cases filed before him with good dispatch. Failure to decide the case within the reglementary period is not excusable and constitutes inefficiency warranting the imposition of administrative sanctions on the defaulting judge.[2]

Decision-making, among other duties, is the primordial duty of a member of the bench. The speedy disposition of cases in our courts is a primary aim of the judiciary so the ends of justice may not be compromised and the judiciary will be true to its commitment of providing all persons the right to a speedy, impartial and public trial[3] and to a speedy disposition of cases[4].

Anent the charge of dishonesty, we adopt the findings of the Court Administrator that complainants failed to prove by substantial evidence their allegations. WHEREFORE, as recommended by the Court Administrator, respondent Judge is hereby held administratively liable for his failure to decide the civil case in question within the reglementary period, before he retired from the judiciary, and is FINED in the amount of Five Thousand Pesos (P5,000.00), which amount shall be deducted from the retirement benefits due him.

SO ORDERED.

Melo, (Chairman), Vitug, Panganiban, and Purisima, JJ., concur.

[1] Saylo vs. Rojo, A.M. No. MTJ-9-1225, April 12, 2000; Alonto-Frayna vs. Astih, 300 SCRA 1999.

[2] Office of the Court Administrator vs. Judge Lyliha A. Aquino, A.M. No. 00-934-RTJ, June 22, 2000.

[3] Section 14 (2), Article III, 1987 Constitution.

[4] Section 16, Article III, 1987 Constitution.

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.