

DOLORES IMBANG, COMPLAINANT, VS. JUDGE DEOGRACIAS K. DEL ROSARIO, MCTC, BRANCH 3 PATNONGON, ANTIQUE, RESPONDENT.

A.M. No. MTJ-03-1515 (formerly A.M. No. OCA IPI-98-591-MTJ). February 03, 2004

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

The instant administrative case arose when Dolores Imbang filed a sworn Letter-Complaint dated July 31, 1998[1] charging Judge Deogracias K. Del Rosario, Municipal Circuit Trial Court, Patnongan-Bugasong-Valderama, Patnongan, Antique with failure to decide a case within the 90-day reglementary period relative to Civil Case No. 318 entitled Dolores Imbang v. Alice Guerra for collection of sum of money with damages.

The complainant alleged that she is the plaintiff in Civil Case No. 318 pending before the sala of the respondent judge. During the hearing of September 22, 1997, the complainant, through counsel, presented her evidence ex-parte and the case was submitted for decision. According to the complainant:

My counsel filed several motions for the court to resolve the case on the following dates: December 1, 1997; January 19, 1998; March 19, 1998, and lastly on April 13, 1998. A copy of the last Motion is hereto attached.

However, until this date, or after a lapse of ten (10) months from the date the case was submitted for decision, the trial judge failed to resolve the case.[2]

The complaint was docketed as OCA IPI NO. 98-591-MTJ. In a 1st Indorsement[3] dated February 9, 1991, the Office of the Court Administrator referred the matter to the respondent and required the latter to comment within ten days from receipt thereof. The OCA thereafter issued a 1st Tracer on February 3, 2000 reiterating its order requiring the respondent to submit his comment. The respondent failed to comply. In a Letter[4] dated August 10, 2001, then Acting Court Administrator Zenaida N. Elepaño reiterated the previous orders, otherwise, the OCA would recommend to the Court that the respondent judge be cited for contempt.

In a Letter[5] dated September 6, 2001, the respondent judge requested that he be given an extension of ten days within which to file his comment. The OCA granted the request, and advised the respondent that no further extension would be given.[6] The respondent judge failed to file his comment within the period given.

In a Report dated May 9, 2003, the OCA opined that the respondent judge has clearly chosen to disregard the directives of the office. The OCA made the following recommendations:

RECOMMENDATION: Respectfully recommended that the above entitled case be REDOCKETED as a regular administrative matter and that:

1. Respondent be FINED in the amount of P5,000.00 for his obdurate defiance of the several directives of the Office of the Court Administrator;
2. Respondent be considered as having waived his right to defend himself in the said administrative case; and
3. Respondent be FINED P2,000.00 for delaying the administration of justice by failing to decide Civil Case No. 318 entitled "Dolores Imbang v. Alice Guerra." [7]

The Respondent's Failure To
Comply With The Lawful
Directives Of The Court
Constitutes Gross Misconduct
And Insubordination

The respondent's failure to comply with the Court's directive to file his comment to the letter-complaint against him constitutes a blatant display of his indifference to the lawful directives of the Court. As we held in *Martinez v. Zoleta*:^[8]

. . . [T]he resolution of the Supreme Court requiring comment on an administrative complaint against officials and employees of the judiciary should not be construed as a mere request from the Court. Nor should it be complied with partially, inadequately or selectively. Respondents in administrative complaints should comment on all accusations or allegations against them in the administrative complaints because it is their duty to preserve the integrity of the judiciary. Moreover, the Court should not and will not tolerate future indifference of respondents to administrative complaints and to resolutions requiring comment on such administrative complaints.^[9]

Five years has passed since the respondent was first directed to file his comment on the complaint against him. He has thus waived his right to defend himself against the complainant's accusations. Furthermore, his repeated failure to comply with the Court's directives constitutes gross misconduct and insubordination.^[10] This, the Court cannot countenance. As a magistrate, the respondent should have known that he is the visible representation of the law, and more importantly, of justice. It is from him that the people draw their will and awareness to obey the law. For the judge to return that regard, he must be the first to abide by the law and weave an example for others to follow.^[11] Consequently, the last person to refuse to adhere to the directives of the Court, or, in its stead, the Office of the Court Administrator, is the judge himself. No position is more demanding as regards moral righteousness and uprightness of any individual than a seat on the bench.^[12]

By his actuations, the respondent violated Rule 1.01^[13] of Canon 1,^[14] as well as Rule 2.01^[15] of Canon 2^[16] of the Code of Judicial Conduct. The respondent also violated Canon 11 of the Code of Professional Responsibility, which requires a member of the bar to observe and maintain the respect due to the courts and to judicial officers and insist on similar conduct by others.

The Failure Of A Judge To
Immediately Resolve Pending
Motions and to Decide Cases
Within the 90-Day
Reglementary Period
Constitutes Gross Inefficiency

Rule 3.05 of The Code of Judicial Conduct requires judges to dispose of the court's business promptly and to act, one way or the other, on cases pending before him within the prescribed period therefore.^[17] Civil Case No. 318 had already been submitted for decision. Even as the complainant's counsel filed four different motions to resolve the case, the respondent consistently failed to act on them. Undue delay in resolving a pending motion constitutes gross inefficiency.^[18] Delay results in undermining the people's faith in the judiciary and from whom the prompt hearing of their supplications is anticipated and expected, and reinforces in the mind of the litigants the impression that the wheels of justice grind ever so slowly.^[19] Certainly, undue delay cannot be countenanced at a time when the clogging of the court dockets is still the bane of the judiciary. Judges are expected to observe utmost diligence and dedication in the performance of their judicial functions and the discharge of their

duties.[20]

The Court notes that this is not the first time that a case was filed against the respondent judge. He was found guilty of negligence and misconduct for acts done while he was a clerk of court, and was ordered to pay a fine of P5,000.00.[21] In another case,[22] the respondent was directed to show cause why he should not be disciplinarily dealt with for gross ignorance of the law. When the respondent finally submitted his comment, the Court found his explanations unsatisfactory and found him guilty of ignorance of procedural laws resulting in abuse of authority and oppression, for which he was also fined P5,000.00.[23]

In a recent case[24] strikingly similar to the case at bar, we dismissed an executive judge who failed to file his comment and repeatedly ignored Court resolutions requiring him to show cause why he should not be disciplinarily dealt with or held in contempt for failure to comply with other previous resolutions. In that case, we declared that the failure of a judge to comply with such show-cause orders issued by the Court constitutes grave and serious misconduct affecting his fitness and worthiness of the honor and integrity attached to his office.[25]

Respondent's continued refusal to comply with the lawful orders underscores his lack of respect for authority and a defiance for law and order which is at the very core of his position. This is anathema to those who seek a career in the judiciary because obedience to the dictates of the law and justice is demanded of every judge. How else would respondent judge endeavor to serve justice and uphold the law, let alone lead his peers, when he disdains to follow even simple directives?

In the Judiciary, moral integrity is more than a cardinal virtue, it is a necessity. The exacting standards of conduct demanded from judges are designed to promote public confidence in the integrity and impartiality of the judiciary. When the judge himself becomes the transgressor of the law which he is sworn to apply, he places his office in disrepute, encourages disrespect for the law and impairs public confidence in the integrity of the judiciary itself.²⁶

WHEREFORE, for failing to file his Comment on a complaint against him despite the Court's directives, respondent judge Deogracias K. Del Rosario is meted a FINE in the amount of Ten Thousand Pesos (P10,000.00).

The respondent is further DIRECTED to SHOW CAUSE within ten (10) days from receipt hereof why he should not be dismissed from the service for his refusal to file his Comment as directed by the Court.

SO ORDERED.

Davide, Jr., C.J., Puno, Vitug, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio Morales, and Tinga, JJ., concur.

Azcuna, J., on official leave.

[1] Rollo, p. 1.

[2] Id.

[3] Id. at 4.

[4] Id. at 6.

[5] Rollo, p. 7.

[6] Letter dated October 8, 2001, Rollo, p. 8.

[7] Rollo, p. 10.

[8] 315 SCRA 438 (1999).

[9] Id. at 448-449.

[10] Martinez v. Zoleta, supra; Tabao v. Espina, 257 SCRA 298 (1996); Pasane v. Reloza, 235 SCRA 1 (1994).

[11] Impao v. Makilala, 178 SCRA 541 (1989).

[12] Santos v. Buenaventura, 367 SCRA 83 (2001).

[13] Rule 1.01. – A judge should be the embodiment of competence, integrity and independence.

[14] CANON 1- A JUDGE SHOULD UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY.

[15] Rule 2.01. – A judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary.

[16]16 CANON 2 – A JUDGE SHOULD AVOID IMPROPRIETY AND APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES.

[17] Edgardo D. Balsamo v. Judge Pedro L. Suan, A.M. No. RTJ-016156, September 17, 2003, citing Millare v. Valera, 325 SCRA 434 (2000).

[18] Macachor v. Beldia, Jr., A. M. No. RTJ-02-1724, June 12, 2003.

[19] Casia v. Gestopa, Jr., 312 SCRA 204 (1999).

[20] Saylo v. Rojo, 330 SCRA 243 (2000).

[21] Office of the Court Administrator v. Del Rosario, 239 SCRA 135 (1994).

[22] Bayog v. Natino, 258 SCRA 378 (1996).

[23] Bayog v. Natino, 271 SCRA 268 (1997).

[24] Pablito R. Soria and Teodulo R. Soria vs. Judge Franklyn A. Villegas, A.M. No. RTJ-03-1812, November 19, 2003.

[25] Citing Davila v. Generoso, 336 SCRA 576 (2000).

[26] Supra, p. 5.

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