Supreme Court E-Library

SECOND DIVISION

[A.M. No. MTJ-03-1502. August 6, 2003]
(Formerly OCA IPI No. 01-1121-MTJ)

ANASTACIO E. GAUDENCIO, *complainant, vs.* **Judge EDWARD D. PACIS, MTC, Branch 3, Marilao, Bulacan,** *respondent.*

SYNOPSIS

Complainant filed charges against respondent judge for inefficiency, absenteeism and incompetence. He claimed that he had a case dragging on for years before the sala of the respondent judge and attributed the delay to the judge's alleged constant resetting of hearings, inefficiency, absenteeism and inexpertise in the field of law. As a result, it was recommended that a team from the Office of the Court Administrator should conduct an audit of cases pending before the respondent judge's court. The audit team found irregularities in the respondent's sala that required explanation from respondent. The OCA, however, recommended that respondent's explanations be deemed satisfactory. He was, however, advised to observe strict adherence set forth under paragraphs I and IV of Administrative Circular 3-99 and refrain from frequently granting motions for postponement. He was also advised to regularly conduct hearings to avoid a public impression that he is remiss in the performance of his judicial functions.

The Supreme Court, therefore, advised and admonished the respondent judge to be more prompt and conscientious in the performance of his duties, with stern warning that any repetition of similar acts will be dealt with more severely.

SYLLABUS

JUDICIAL ETHICS; JUDGES; ENJOINED TO BE PUNCTUAL IN THE PERFORMANCE OF THEIR JUDICIAL DUTIES; JUSTIFIED. — Circular No. 13 issued on July 1, 1987, has set the Guidelines in the Administration of Justice. In particular, Section 1 of the guidelines for trial courts states: 1. *Punctuality*

Supreme Court E-Library

and strict observance of office hours. — Punctuality in the holding of scheduled hearings is an imperative. Trial judges should strictly observe the requirement of *at least eight hours of service a day*, five hours of which should be devoted to trial, specifically from 8:30 a.m. to 12:00 noon and from 2:00 to 4:30 p.m. as required by par. 5 of the *Interim Rules* issued by the Supreme Court on January 11, 1983, pursuant to Sec. 16 of B.P. 129. Early on, Section 5 of Supervisory Circular No. 14, issued October 22, 1985, similarly provides: 5. *Session Hours.* — Regional Trial Courts, Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts shall hold daily sessions from Monday to Friday, from 8:30 a.m. to 12:00 noon and from 2:00 to 4:30 p.m. assisted by a skeletal force, also on rotation, primarily to act on petitions for bail and other urgent matters. Further, Administrative Circular No. 3-99 dated January 15, 1999 mandates the "Strict Observance Of Session Hours Of Trial Courts And Effective Management Of Cases To Ensure Their Speedy Disposition." Thus — To insure speedy disposition of cases, the following guidelines must be faithfully observed: I. The session hours of all Regional Trial Courts, Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts, and Municipal Circuit Trial Courts shall be from 8:30 A.M. to noon and from 2:00 P.M. to 4:30 P.M., from Monday to Friday. The hours in the morning shall be devoted to the conduct of trial, while the hours in the afternoon shall be utilized for (1) the conduct of pre-trial conferences; (2) writing of decisions, resolutions or orders; or (3) the continuation of trial on the merits, whenever rendered necessary, as may be required by the Rules of Court, statutes, or circulars in specified cases. x x x II. Judges must be punctual at all times. x x x IV. There should be strict adherence to the policy on avoiding postponements and needless delay. x x x VI. All trial judges must strictly comply with Circular No. 38-98, entitled "Implementing the Provisions of Republic Act No. 8493" ("An Act to Ensure a Speedy Trial of All Cases Before the Sandiganbayan, Regional Trial Court, Metropolitan Trial Court, Municipal Trial Court in Cities, Municipal Trial Court and Municipal Circuit Trial Court, Appropriating Funds Therefor, and for Other Purposes") issued by the Honorable Chief Justice Andres R. Narvasa on 11 August 1998 and which took effect on 15 September 1998. These cited circulars are restatements

Supreme Court E-Library

of fundamentals in the Canons of Judicial Ethics which enjoin judges to be punctual in the performance of their judicial duties, recognizing that the time of litigants, witnesses, and attorneys are of value, and that if the judge is not punctual in the performance of his functions, he sets a bad example to the bar and tends to create public dissatisfaction in the administration of justice.

RESOLUTION

QUISUMBING, *J.*:

Complainant Anastacio E. Gaudencio filed charges against respondent Judge Edward D. Pacis of the Municipal Trial Court of Marilao, Bulacan, Branch 3, for inefficiency, absenteeism and incompetence.

In a letter-complaint[1] dated June 30, 1999 addressed to the Office of the Chief Justice, complainant states that he has a case dragging on for years before the sala of respondent. Complainant attributes the delay to respondent's "constant resetting of hearings, inefficiency, absenteeism and inexpertise in the field of law."

In his comment[2] dated October 4, 1999, respondent characterizes the complaint to be a mere demolition job against him. Respondent avers that the alleged complainant is a fictitious person; he is neither a party nor a witness in any of the cases pending in his sala. Respondent denies having been absent, except when he attended a monthly meeting conducted by the Executive Judge of Malolos, Bulacan. He disclaims re-setting an arraignment, except when an accused has no lawyer and asks for one of his own choice. Respondent adds that the only instances when pre-trial and trial of cases are reset are when witnesses are absent, or when the public prosecutor is absent. In both cases the re-setting is always with the acquiescence of the parties, respondent states.

---

[1] *Rollo*, A.M. OCA IPI No. 01-1121-MTJ, pp. 2–3.

[2] *Id.* at 6–7.

Supreme Court E-Library

On the matter of his caseload, respondent explains that he has inherited 766 cases from his predecessor and that about 40 to 100 cases are added monthly. He explains that as of October 4, 1999, he had 593 pending cases, which he avers to be "very low compared to [those in] other first class municipalities."[3] As to his schedule, he says he conducts preliminary investigations daily from Monday to Friday, subject to the availability of witnesses. For civil cases, he holds hearings on Mondays, Tuesdays and Wednesdays, or any day except Thursday, subject to the availability of the parties and counsels, or as agreed upon by both parties.

Then Court Administrator, Alfredo Benipayo, referred the complaint and respondent's comment to Executive Judge Danilo Manalastas of the RTC, Malolos, Bulacan, for investigation, report and recommendation. For the investigation, Judge Manalastas sought the assistance of Mario F. Fumera, Jr., Court Interpreter of the RTC, Branch 7, Bulacan, who posed as a representative of a litigant. The staff of respondent informed Mr. Fumera that respondent conducts preliminary investigations every Monday, Tuesday and Wednesday, hears civil and criminal cases every Thursday, while Friday is a "free day."[4]

In a follow-up report dated October 11, 1999, the investigating judge confirmed his initial report that respondent is usually absent on Friday; he holds hearings of civil and criminal case only every Thursday, conducts preliminary investigations only in the morning of Monday, Tuesday and Wednesday, and leaves his office afterwards. Further, the investigating judge found that respondent regularly sets more than thirty cases for the once a week hearing on Thursday mornings, but only two or three of these cases are actually heard for each sitting due to time constraints. The investigating judge reported he interviewed law practitioners in Bulacan, they characterized respondent as indifferent in regard to disposing speedily cases pending before his sala. Finally, Judge Manalastas recommended an audit of cases pending before the MTC of Marilao, Bulacan, to be

[3] *Id.* at 7.

[4] *Id.* at 11.

Supreme Court E-Library

conducted by a team from the Office of the Court Administrator to find out the actual number of the backlog of cases in respondent's court.[5]

Deputy Court Administrator Jose Perez seconded Judge Manalastas' recommendation for the conduct of judicial audit. According to DCA Perez, said audit will lay the basis as to whether or not Judge Pacis should be held administratively liable.[6] He adds that in respondent's six years as a judge, this is not respondent's first brush with an administrative complaint. In OCA IPI No. 01-1092-MTJ entitled *Abelardo S.M. Rosales vs. Judge Edward D. Pacis*, still pending investigation, the latter was charged with Gross Ignorance of Procedure.

By order of this Court, Court Administrator Alfredo Benipayo organized an audit team to conduct a judicial audit and physical inventory of cases pending before respondent's sala. In his report dated March 10, 2000, the Court Administrator enumerates the irregularities found in respondent's sala:

(a.1) failure to decide Civil Cases Nos. 814 to 816 within the reglementary period to decide;

(a.2) failure to set in the court calendar or take further action after lapse of considerable period of time the following Civil Cases Nos.: 831, 811, 875, 918, 872, and 914;

(a.3) failure to resolve the following criminal cases after the conclusion of the preliminary investigation, to wit: 99-520, 99-521, 99-558, 99-388, 99-532, 99-526, 99-529, 99-501, 99-502, 99-547, 99-548, 99-482, and 99-465 to 99-475;

(a.4) failure to observe the guidelines set forth under paragraph no[s]. I and IV, Administrative Circular No. 3-99 dated January 15, 1999 specifically on the observance of session hours and adherence to the policy on avoiding postponements;

(a.5) not holding court session [o]n the following dates: October 1, 8, 14, 15, 22, November 5, 12, 16, 19, 26 and December 3, 16, 17, 21, 22, 23, 27, 28, 29, all in the year 1999;

x x x x x x x x x

---

[5] *Id.* at 12–13.

[6] *Id.* at 23.

Supreme Court E-Library

The Court Administrator also reported that respondent failed to:

x x x x x x x x x

(b) Undertake the appropriate action, pursuant to Administrative Circular No. 7-A-92 dated June 21, 1993, re: Guidelines in the Archiving of Cases, on the following criminal cases with pending warrant of arrest, to wit: 99-268 to 99-270, 99-091, 99-104, 99-054, 99-082, 99-017 to 99-033, 99-258, 9983, 9534, 9964, 10005 to 10008, 99-050, 99-088; 99-218 and 99-080.[7]

As summarized by the Court Administrator, hereunder is the corresponding explanation of the respondent:

a. Failure to decide Civil Case Nos. 814 and 815 to 816 within the reglementary period — he stated that Civil Case No. 814 was decided on July 24, 1997 and Civil Case Nos. 815 and 816 were decided on 21 July 1997 by the then Acting Judge Amante Bandayrel.

b. Failure to set in the court calendar or take further action after lapse of considerable period of time Civil Case Nos. 831, 811, 875, 918, 872 and 914 — Judge Pacis gave the following explanations to wit:

(b.1) In Civil Case Nos. 831, 811 and 872 which involves collection cases, the plaintiff corporation was given authority to serve the corresponding summons to the defendants.

(b.2) Anent Civil Case Nos. 875 and 918 plaintiff's representatives were given authority to cause the service of summons to the defendants.

In all the above-mentioned cases Judge Pacis reasoned out that during the time of the judicial audit and physical inventory of cases conducted, no returns have yet been made by the plaintiffs' representatives so he could not act on these cases yet.

(b.3) With regard to Civil Case No. 914 according to Judge Pacis, the same has been decided on 26 June 2000.

c. Failure to resolve the following Criminal Cases after the conclusion of the preliminary investigation to wit: 99-520, 99-521,

[7] *Rollo*, A.M. No. 00-4-65-MTC, pp. 5–6.

Supreme Court E-Library

99-558, 99-388, 99-532, 99-526, 99-529, 99-501, 99-502, 99-547, 99-548, 99-482 and 99-465 to 99-475 — these cases were still under preliminary investigation during the months of November and December 1999 and the accused on these cases were given ample time within which to file their respective counter-affidavits and supporting documents, accordingly, the court has to wait or defer further action on the cases before concluding the preliminary investigation.

d. Failure to observe guidelines set forth under paragraph Nos. I and IV, Administrative Circular No. 3-99 dated 15 January 1999 specifically on the observance of session hours and adherence to the policy on avoiding postponements and for unduly granting motion for postponements or repeated resetting in court calendar — these alleged infractions should not be taken against him due to the following:

(d.1) The Assistant Prosecutor assigned in his sala is available only for one-half (1/2) a day a week and only in the afternoon, and the worst part of it is that most of the time she fails to appear during the scheduled trial/hearing, thus, reducing the number of sessions in a month from two (2) days to one and one-half (1½) days a month.

(d.2) There are only few practicing lawyers who appear in his court and the public attorney assigned to his court usually moves for a resetting of the trial.

(d.3) The trial/hearing were also reset by mutual agreement of the parties.

(d.4) A case has to be postponed also because the parties have not received their respective notices on time, most especially when notices were sent thru the post office.

(d.5) The Police Officers who were tasked to cause the services of the notices, subpoenas/summons are no longer given the privilege to use the free postage mailing thus the court encounters the difficulty of waiting for the return of service.

(d.6) There are also instances when court processes were served by the Process Server and returned with a notation that the addresses cannot be found at the given address or unknown within the community.

Supreme Court E-Library

e. Relative to not holding court sessions on the following dates: October 1, 8, 14, 15, 22, November 5, 12, 16, 19, 26 and December 3, 16, 17, 21, 22, 23, 27, 28, 29 all in the year 1999, he stated that:

> (e.1) October 1, 8 and 22; November 5, 12, 19 and 26 and December 17, 1999, these dates fell on a Friday and were supposed to be motion day but lawyers still prefer to appear in the Regional Trial Court. Counsels of litigants, particularly in civil cases prefer Monday to Wednesday and refuse to set any hearing on these dates.

The court accordingly cannot set any hearing/trial or motions on the criminal cases because of the unavailability of an Assistant Provincial Prosecutor, who is available on a Thursday afternoon.

> (e.2) On October 14 and 15, he attended the Philippine Trial Judges League Convention held in Bacolod City where he is the Public Relations Officer and convention coordinator.
>
> (e.3) On November 16, the court held a hearing regarding Civil Case No. 810 entitled "*Teodorico Rivera vs. Pedro Manalang*".
>
> (e.4) December 3 this was the date set for the Oath Taking of the Officers of the Philippine Trial Judges League where he is a coordinator and the Public Relations Officer.
>
> (e.5) December 16, was the date set for the Christmas Party of the Municipal Trial Court Judges of the Province of Bulacan.
>
> (e.6) December 21, 22, 27 and 29, the lawyers refused to set their cases for hearing/trial however according to Judge Pacis the court set a pre-trial in December 23 but the parties failed to appear. He added that on December 28, a B.P. 22 case was set for clarificatory hearing.

f. Relative to the directive to Judge Pacis to undertake the appropriate action, pursuant to Administrative Circular 7-A-92 dated 21 June, 1993 re: Guidelines in Archiving of Cases with pending warrant of arrest to wit: 99-268 to 99-270, 99-091, 99-104, 99-054, 99-082, 99-017 to 99-033, 99-258, 9983, 9534, 9964, 10005 to 10008, 99-050, 99-088, 99-218 and 99-080 he informed the Court of the following action he had taken:

Supreme Court E-Library

(f.1) Criminal Cases Nos. 99-091, 99-104, 99-054, 99-218, 9983 and 9534 were archived on February 4, 2000;

(f.2) Criminal Cases Nos. 99-082, 99-258, 99-080, 99-050, 9964, 10005 to 10008 were archived on April 4, 2000;

(f.3) Criminal Cases Nos. 99-268 to 99-270 were not archived because after the judicial audit conducted on 6 January, 2000, a motion for issuance of an *alias* warrant was filed by the Private Prosecutor and the accused was arraigned and the case is still active;

(f.4) Criminal Case No. 99-017 and 99-033 were not also archived because after judicial audit, accused posted bail bond on 9 February 2000 and the pre-trial was terminated on 5 October 2000. The case is still active.

(f.5) Criminal Case No. 99-088 was not archived but forwarded to RTC, Malolos, Bulacan on 12 January 2000.[8]

On September 3, 2001, considering the abovecited explanations of Judge Pacis and Ms. Esguerra, the OCA recommended that the explanations be deemed satisfactory. Judge Edward D. Pacis was, however, advised to: (a) observe strict adherence to the guidelines set forth under paragraphs I and IV of Administrative Circular 3-99, dated January 15, 1999, and refrain from frequent granting of motions for postponement; and (b) regularly conduct hearings to avoid giving the public the impression that the Hon. Judge is remiss in the performance of his judicial functions.[9]

It must be stressed in this regard that guidelines for trial courts have been repeatedly circularized, precisely to obviate possible public misimpression concerning the prompt conduct of judicial business.

Circular No. 13 issued on July 1, 1987, has set the Guidelines in the Administration of Justice. In particular, Section 1 of the guidelines for trial courts states:

1. *Punctuality and strict observance of office hours.* — Punctuality in the holding of scheduled hearings is an imperative.

---

[8] *Id.* at 123–126.

[9] *Id.* at 128.

Supreme Court E-Library

Trial judges should strictly observe the requirement of *at least eight hours of service a day*, five hours of which should be devoted to trial, specifically from 8:30 a.m. to 12:00 noon and from 2:00 to 4:30 p.m. as required by par. 5 of the *Interim Rules* issued by the Supreme Court on January 11, 1983, pursuant to Sec. 16 of B.P. 129.

Early on, Section 5 of Supervisory Circular No. 14, issued October 22, 1985, similarly provides:

5. *Session Hours.* — Regional Trial Courts, Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts shall hold daily sessions from Monday to Friday, from 8:30 a.m. to 12:00 noon and from 2:00 to 4:30 p.m. assisted by a skeletal force, also on rotation, primarily to act on petitions for bail and other urgent matters.

Further, Administrative Circular No. 3-99 dated January 15, 1999 mandates the "Strict Observance Of Session Hours Of Trial Courts And Effective Management Of Cases To Ensure Their Speedy Disposition." Thus —

To insure speedy disposition of cases, the following guidelines must be faithfully observed:

I. The session hours of all Regional Trial Courts. Metropolitan Trial Courts, Municipal Trial Courts in Cities, Municipal Trial Courts, and Municipal Circuit Trial Courts shall be from 8:30 A.M. to noon and from 2:00 P.M. to 4:30 P.M., from Monday to Friday. The hours in the morning shall be devoted to the conduct of trial, while the hours in the afternoon shall be utilized for (1) the conduct of pre-trial conferences; (2) writing of decisions, resolutions or orders; or (3) the continuation of trial on the merits, whenever rendered necessary, as may be required by the Rules of Court, statutes, or circulars in specified cases.

x x x x x x x x x

II. Judges must be punctual at all times.

x x x x x x x x x

IV. There should be strict adherence to the policy on avoiding postponements and needless delay.

Supreme Court E-Library

x x x x x x x x x

VI. All trial judges must strictly comply with Circular No. 38-98, entitled "Implementing the Provisions of Republic Act No. 8493" ("An Act to Ensure a Speedy Trial of All Cases Before the Sandiganbayan, Regional Trial Court, Metropolitan Trial Court, Municipal Trial Court in Cities, Municipal Trial Court and Municipal Circuit Trial Court, Appropriating Funds Therefor, and for Other Purposes") issued by the Honorable Chief Justice Andres R. Narvasa on 11 August 1998 and which took effect on 15 September 1998.

These cited circulars are restatements of fundamentals in the Canons of Judicial Ethics which enjoin judges to be punctual in the performance of their judicial duties, recognizing that the time of litigants, witnesses, and attorneys are of value, and that if the judge is not punctual in the performance of his functions, he sets a bad example to the bar and tends to create public dissatisfaction in the administration of justice.[10]

WHEREFORE, respondent Judge Edward D. Pacis of Municipal Trial Court of Marilao, Bulacan, Branch 3, is hereby *ADVISED AND ADMONISHED* to be more prompt and conscientious in the performance of his duties, with the stern warning that any repetition of similar acts will be dealt with more severely.

SO ORDERED.

Bellosillo (Chairman), Austria-Martinez, Callejo, Sr., and *Tinga, JJ.*, concur.

---

[10] *Yu-Asensi v. Villanueva*, A.M. No. MTJ-00-1245 (Formerly A.M. OCA IPI No. 97-239-MTJ), 19 January 2000, 322 SCRA 255, 263.