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FIRST DIVISION

[A.M. No. RTJ-00-1596. February 19, 2002]

ATTY. JOSE B. ECHAVES, *complainant, vs.* **JUDGE RUMOLDO R. FERNANDEZ, Presiding Judge, Regional Trial Court, 7th Judicial Region, Branch 54, Lapulapu City, Clerk of Court DANTE P. MANREAL and ATTY. VERONICO R. SARDONCILLO,** *respondents.*

SYNOPSIS

Respondents were charged with neglect of duty, incompetence, bias and violation of the Constitution and Supreme Court Circulars, in relation to a civil case filed before respondent Judge's court. Complainant questioned, among others, respondent Judge's delay in resolving the motion to dismiss in the said civil case.

For his part, respondent Manreal adopted the averments of respondent Judge and stressed that his functions were ministerial in nature. The charges against respondent Atty. Sardoncillo were referred to the Cebu IBP Chapter for verification, report and recommendation.

Upon referral of respondent Judge's explanation to the Office of the Court Administrator, the latter recommended that respondent Judge be meted a fine of ₱1,000.00.

The Supreme Court adopted the recommendation of the OCA and held that a Judge's designation as acting presiding judge in other branches in addition to his original station is sufficient reason to justify delay in deciding a case promptly. The fact that respondent judge had to attend to some other courts will not absolve him from administrative liability. Judges are enjoined to decide cases with dispatch. Their failure to do so constitutes gross inefficiency and warrants the imposition of administrative sanctions against them.

Respondent Judge was fined in the amount of ₱1,000.00 and admonished to act with more dispatch in the performance of his judicial fundtions.

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SYLLABUS

1. **LEGAL AND JUDICIAL ETHICS; JUDGES; DESIGNATION OF JUDGE AS ACTING PRESIDING JUDGE IN OTHER BRANCHES IN ADDITION TO ORIGINAL STATION, INSUFFICIENT TO JUSTIFY DELAY IN DECIDING A CASE PROMPTLY; CASE AT BAR.**— A judge's being designated as acting presiding judge in other branches in addition to his original station is insufficient reason to justify delay in deciding a case promptly. The fact that respondent judge had to attend to some other courts will not absolve him from administrative liability. If respondent judge felt that he could not decide the case within the reglementary period, all he had to do was to ask for an extension of time to dispose of the case.

2. **ID.; ID.; FAILURE TO DECIDE CASES WITH DISPATCH CONSTITUTES GROSS INEFFICIENCY AND WARRANTS THE IMPOSITION OF ADMINISTRATIVE SANCTIONS.**— Time and again the Court has stated that members of the judiciary have the sworn duty to administer justice without undue delay. For failure 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. Hence, judges are enjoined to decide cases with dispatch. Their failure to do so constitutes gross inefficiency and warrants the imposition of administrative sanctions against them.

RESOLUTION

YNARES-SANTIAGO, *J.*:

This is a petition filed by Atty. Jose B. Echaves charging respondents Judge Rumoldo R. Fernandez, Clerk of Court Dante P. Manreal, and Atty. Veronico R. Sardoncillo with neglect of duty, incompetence, bias, and violation of the Constitution and Supreme Court Circulars.[1]

Complainant is the counsel for plaintiffs in Civil Case No. 5146-L,[2] entitled "*Heirs of Spouses Iñigo Potot & Candida*

[1] *Rollo*, pp. 6-13.

[2] *Ibid.*, pp. 14-19.

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Ompad v. Spouses Federico & Carmen Cañas, et al.," filed before Branch 54 of the Regional Trial Court of Lapulapu City. Judge Fernandez is the presiding judge of said court while Manreal is the clerk of court thereat.

On February 26, 1999, Judge Fernandez issued an Order[3] directing that all matters pertaining to the case be sent to Atty. Veronico R. Sardocillo, counsel for defendants, at his given address. The Order also granted defendants' motion for extension within which to file a responsive pleading, despite complainant's failure to receive a copy of the motion.

Subsequently, complainant filed a motion to declare defendant in default.[4] On April 7, 1999, respondent judge denied the motion to declare in default[5] and granted defendants an extension of 30 days within which to file a responsive pleading.[6] Complainant argues that the motion for extension of 30 days to file responsive pleading did not contain any proof of service, and he did not receive a copy of the same.

Meanwhile, defendants filed a motion to dismiss.[7] Complainant filed an opposition on April 19, 1999. The motions were heard on April 30, 1999. The motion to dismiss was later denied. However, defendants had not yet filed a responsive pleading up to the time the administrative complaint was filed on November 4, 1999.

With regard to the charge against Atty. Sardoncillo, complainant alleged that his copy of the motion to dismiss was sent through the mails by a certain "Velasquez, Soniel, Sardoncillo and Davide."[8] He asserts that Atty. Sardoncillo deliberately included the family name of Chief Justice Hilario G. Davide, Jr. therein in order to influence the resolution of his motion.

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[3] *Rollo*, p. 20.

[4] *Ibid.*, p. 21.

[5] *Id.*, p. 24.

[6] *Id.*, p. 23.

[7] *Rollo*, pp. 26-28.

[8] *Ibid.*, p. 25.

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In his comment,[9] respondent judge asserted that complainant was not given copies of the pleadings filed by counsel for defendants because he failed to state his mailing address in the complaint; and that his Order granting defendants' motion for extension was an exercise of his sound discretion pursuant to Rule 15, Section 6 of the Rules of Court. Further, he contended that defendants' motion for extension of time and motion for additional time to file responsive pleadings were non-litigious motions, for which a notice of hearing was not required.[10] With regard to the delay in the resolution of the motion to dismiss, respondent Judge alleged that he presides over two courts, RTC Branches 27 and 54. Moreover, the motion had been denied long before the filing of the instant complaint.

For his part, respondent Clerk of Court Dante P. Manreal adopted the averments of respondent Judge and stressed that his functions were ministerial in nature.[11]

On June 26, 2000,[12] the charges relative to the motions which were not served on complainant were dismissed for lack of merit, upon a finding that complainant indeed failed to indicate his mailing address and the counsel for defendant was at a loss as to where he should send copies thereof. Respondent Judge was required to explain the circumstances which caused the delay in the resolution of the motion to dismiss. The charges against respondent Atty. Veronico P. Sardoncillo were referred to the Cebu IBP Chapter for verification, report and recommendation.

In compliance with the directive of the Court, respondent Judge filed his Explanation.[13] Upon referral of the same to the Office of the Court Administrator,[14] the latter recommended

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[9] *Id.*, pp. 33-41.

[10] Respondent Judge's Comment, p. 6; *Rollo*, p. 32.

[11] Respondent Manreal's Comment, p. 7.

[12] *Rollo*, p. 47.

[13] *Ibid.*, pp. 51-53.

[14] *Id.*, p. 54.

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that respondent Judge be meted a fine of One Thousand Pesos (₱1,000.00) with a warning that a repetition of the same or similar acts will be dealt with more severely.

The Court agrees.

The reasons proffered by respondent for his tardiness in acting on the motion for dismiss are untenable. A judge's being designated as acting presiding judge in other branches in addition to his original station is insufficient reason to justify delay in deciding a case promptly.[15] The fact that respondent judge had to attend to some other courts will not absolve him from administrative liability.[16] If respondent judge felt that he could not decide the case within the reglementary period, all he had to do was to ask for an extension of time to dispose of the case.[17]

Rules 1.02 of Canon 1 and 3.05 of Canon 3 of the Code of Judicial Conduct clearly state:

Rule 1.02. — A judge should administer justice impartially and *without delay.* (italics ours)

Rule 3.05. — A judge shall dispose of the court's business *promptly* and decide cases *within the required periods.* (italics ours)

Likewise, SC Administrative Circular No. 13-87 states, in pertinent part:

The reorganized judiciary is tasked with the tremendous responsibility of assisting parties litigants in obtaining just, speedy and inexpensive determination of their cases and proceedings as directed in Rule 1, Section 2 of the Rules of Court.[18] Delay is a recurring complaint of every litigant. *The main objective of every judge, particularly trial judges, should be to avoid delays*, or if it cannot

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[15] *Gallego v. Doronila,* 334 SCRA 339, 345 [2000]; *Re: Report on the Judicial Audit of Cases in the RTC, Br. 35, Iriga City*, 299 SCRA 382 [1998].

[16] *Casia v. Gestopa*, 312 SCRA 204 [1999].

[17] *OCA v. Aquino*, A.M. No. RTJ-00-1555, 22 June 2000.

[18] Now Rule 1, Section 6 of the 1997 Rules of Civil Procedure.

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be totally avoided, to hold them to the minimum and to repudiate manifestly dilatory tactics. (italics ours)

Along the same vein, SC Administrative Circular No. 1-88 states:

Pursuant to Sec. 12, Art. XVIII of the 1987 Constitution mandating the adoption of a systematic plan to expedite the decision or resolution of cases or matters pending in the Supreme Court and the lower courts prior to the effectivity of the Constitution on February 2, 1987, the following directives must be complied with strictly by all concerned.

x x x x x x x x x

6. *Motions and Other Interlocutory Matters.*

x x x x x x x x x

6.1 *All Presiding Judges must endeavor to act promptly on all motions and interlocutory matters pending before their courts.* xxx. (italics ours).

Time and again the Court has stated that members of the judiciary have the sworn duty to administer justice without undue delay. For failure 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. Hence, judges are enjoined to decide cases with dispatch. Their failure to do so constitutes gross inefficiency and warrants the imposition of administrative sanctions against them.[19]

Given the prevailing facts of the case, the Court finds the recommended fine commensurate to respondent Judge's misdeed.

ACCORDINGLY, based on the foregoing, respondent Judge Rumoldo R. Fernandez is ordered to pay a *FINE* in the amount of One Thousand Pesos (₱1,000.00) for his incompetence and delay in resolving the Motion to Dismiss in Civil Case No. 5146-L. Further, respondent judge is *ADMONISHED* to

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[19] *Re: Report on the Judicial Audit of Cases in the RTC, Br. 35, Iriga City, supra; Sanchez v. Vestil,* 298 SCRA 1 [1998]; *Ng v. Judge Leticia Ulibari*, 293 SCRA 342 [1998]; *Grefaldeo v. Lacson*, 293 SCRA 524 [1998].

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act with more dispatch in the performance of his judicial functions. The commission of similar acts in the future shall be dealt with more severely by this Court.

SO ORDERED.

Puno, and *Kapunan, JJ.,* concur.

Davide, Jr., C.J. (Chairman), no part as his name is mentioned by complainants

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THIRD DIVISION

[G.R. No. 127536. February 19, 2002]

CESAR JARO, *petitioner, vs.* **HON. COURT OF APPEALS, THE DEPARTMENT OF AGRARIAN REFORM ADJUDICATION BOARD (DARAB), and ROSARIO VDA. DE PELAEZ,** *respondents.*

SYNOPSIS

Respondent filed a complaint for prohibition against petitioner before the Department of Agrarian Reform Adjudication Board, Provincial Adjudicator Board, Lucena City, Quezon, alleging that the land in question was originally owned by Rosenda and that the latter instituted her and her husband as tenants of the land. Ricardo, the heir of Rosenda, sold the land to petitioner who now wants to eject respondent from the land. The Provincial Adjudicator ruled in favor of petitioner declaring that respondent was not a tenant. On appeal to the DARAB, the latter reversed the decision of the Provincial Adjudicator. Aggrieved, petitioner filed an appeal by *certiorari* with the Court of Appeals, but the court dismissed the petition because the appeal was not in the form of a petition for review and the annexes attached to the petition were neither duplicate originals nor were they certified true copies. Before receipt of the said resolution of the Court of Appeals, petitioner filed