FIRST DIVISION

[A.M. No. RTJ-26-119 (formerly JIB FPI No. 21-076-RTJ). November 05, 2025]

ATTY. PABLO B. FRANCISCO, COMPLAINANT, VS. HON. MIGUEL S. ASUNCION, PRESIDING JUDGE, BRANCH 99, REGIONAL TRIAL COURT, ANTIPOLO CITY, RIZAL, RESPONDENT.

D E C I S I O N

ROSARIO, J.:

Before Us is a Complaint[1] dated August 20, 2021 filed by complainant Atty. Pablo B. Francisco (Atty. Francisco) against respondent Presiding Judge Miguel S. Asuncion (Judge Asuncion), Regional Trial Court (RTC) Branch 99, Antipolo City, Rizal for neglect of duty in rendering a decision in Civil Case No. 12-9697, titled "*Pablo B. Francisco v. Ariel A. Medina, et al*." for annulment of Transfer Certificate of Title (TCT) No. 068-2011000953.

The Antecedents

Atty. Francisco is the plaintiff in Civil Case No. 12-9697 filed before RTC Branch 99, Antipolo City, Rizal, where Judge Asuncion is the Presiding Judge. Civil Case No. 12-9697[2] involved an action for the annulment of TCT No. 068-2011000953 and was filed before the RTC on June 14, 2012.[3] On August 2, 2012, the defendant therein, Ariel Medina et al. (Medina et al.), filed their Answer.[4] The case underwent mediation, judicial dispute resolution, pre-marking of exhibits, and pre-trial, which segments of the proceedings Medina et al. and their counsel failed to attend. Pursuant to such failure, in the Pre-Trial Order[5] dated June 21, 2018, Judge Asuncion deemed Medina et al.'s right to participate in the proceedings as waived and permitted Atty. Francisco to present his evidence *ex parte* on August 23, 2018.[6]

Atty. Francisco completed his presentation of evidence *ex parte* on November 8, 2018. On November 19, 2018, he submitted his Written Offer of exhibits. On December 10, 2018, Atty. Francisco submitted his Memorandum.[7]

In an Order[8] dated April 11, 2019, Judge Asuncion admitted all the documentary evidence submitted by Atty. Francisco except for Exhibit "G," on the ground that the

original copy thereof was not submitted to the court. Atty. Francisco assailed the Order, claiming it was issued beyond the reglementary period of three months. Aggrieved, Atty. Francisco filed on January 7, 2020 a Motion for a Decision,[9] but Judge Asuncion failed to act on the same.[10]

On February 21, 2020, Atty. Francisco filed a Motion to Transfer Case to Another *Sala*[11] because Civil Case No. 12-9697 has been gathering dust in Judge Asuncion's court. When the motion fell on deaf ears, he filed a Motion for Inhibition[12] dated August 19, 2020. At the time of the filing of the Complaint, Judge Asuncion had not issued any decision on Civil Case No. 12-9697 or any resolution on the motions filed by Atty. Francisco.[13]

In an Indorsement[14] dated November 16, 2021, the Judicial Integrity Board (JIB) directed Judge Asuncion to comment on the Complaint. In a 2nd Indorsement[15] dated April 20, 2023, the JlB reiterated its prior directive and directed Judge Asuncion to show cause why he should not be disciplined as a member of the Philippine Bar.

In his Comment[16] dated April 20, 2023, Judge Asuncion apologized for the delay in his compliance. He attributed the delay in the resolution of Civil Case No. 12-9697 to the "influx of equally important matters that demanded immediate attention." He claimed that he was designated as executive judge of the RTC Antipolo, Rizal, from October 16, 2020 until November 3, 2022 at the height of the COVID-19 pandemic. As executive judge, he had to conduct hearings and promptly act on applications for search warrants by various law enforcement agencies. He also had to act on applications for bail. In between, he attended meetings with local government offices that requested a courtesy call or academic discussion with him. He was likewise assigned as an assisting judge in a branch in January 2021 to help in the decongestion of heavy caseloads.[17]

Judge Asuncion added that during the pendency of the proceedings in Civil Case No. 12-9697, the RTC underwent some adjustments with the appointment of a new branch clerk of court and his designation as assisting judge of RTC Branch 139, a newly created court. He also had to attend to health-related matters involving his family.[18]

Lastly, Judge Asuncion provided an update on Civil Case No. 12-9697, claiming that he issued a Decision dated March 24, 2023, dismissing the case for lack of cause of action. He argued that the filing of the present Complaint is not the proper remedy to assail the legal propriety of an adverse decision.[19]

Report and Recommendation of the JIB

In their Report and Recommendation,[20] the Office of the Executive Director of the JIB (OED-JIB) found Judge Asuncion guilty of simple neglect of duty, as well as guilty of violation of the provisions of the Code of Professional Responsibility and Accountability, and made the following recommendation:

IN VIEW OF THE FOREGOING, it is respectfully submitted for the consideration of the Honorable Board that the instant administrative matter be **RE-DOCKETED** as a regular administrative matter and **DOCKETED** as an administrative case and the following recommendations be made to the Supreme Court:

1) respondent Presiding Judge Miguel S. Asuncion, Branch 99, Regional Trial Court, Antipolo City, Rizal, be found **GUILTY** of simple neglect of duty and **FINED** in the amount of [PHP 50,000.00], payable within [three] months from receipt of the decision or resolution;

2) respondent Judge Asuncion, as a member of the Philippine Bar, be found **GUILTY** of violation of Section 2, Canon III and Sections 3 and 4, Canon IV of the Code of Professional Responsibility and Accountability and **FINED** in the amount of [PHP 18,000.00], payable within [three] months from the time of his receipt of the decision or resolution; and

3) respondent Judge Asuncion be **STERNLY WARNED** that a repetition of the same or similar offense shall be dealt with more severely by the Supreme Court.[21] (Emphasis in the original)

In its Report,[22] the JIB partially adopted the Report and Recommendation of the OED. It recommended the dismissal of the Complaint against Judge Asuncion as a member of the Philippine Bar due to lack of merit. The JIB's recommendation reads as follows:

ACCORDINGLY, the Judicial Integrity Board respectfully **RECOMMENDS** to the Honorable Supreme Court that:

1. the administrative complaint against respondent Presiding Judge Miguel S. Asuncion, Branch 99, Regional Trial Court, Antipolo City, Rizal, be **RE-DOCKETED** as a regular administrative matter;

2. respondent be found **GUILTY** of simple neglect of duty in the performance of official functions and be **FINED** in the total amount of [PHP 50,000.00], payable within a period not exceeding [three] months from the time the decision or resolution is promulgated; and be **STERNLY WARNED** that a repetition of the same offense shall be dealt with more severely and

3. the complaint against respondent as a member of the Philippine Bar be **DISMISSED** for lack of merit.[23] (Emphasis in the original)

The Court's Ruling

We adopt the recommendation of the JIB, finding the respondent guilty of simple neglect of duty.

In administrative cases, the complainant bears the onus of proving the averments of the complaint by substantial evidence.[24] Only substantial evidence is required to warrant disciplinary sanctions in administrative proceedings.[25] It is defined as that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.[26] The standard of substantial evidence is satisfied when there is reasonable ground to believe that a person is responsible for the misconduct complained of, even if such evidence might not be overwhelming or even preponderant.[27] The rationale for the requirement that complaints against judges and justices of the judiciary must be accompanied by supporting evidence is to protect magistrates from the filing of flimsy and virtually unsubstantiated charges against them.[28]

Pursuant to A.M. No. 21-08-09-SC,[29] undue delay in rendering a decision is a form of negligence which may be subsumed as either gross neglect of duty, classified as a serious charge, or simple neglect of duty, classified as a less serious charge.

Simple neglect of duty means the failure of an employee or official to give proper attention to a task expected of them, signifying a disregard of a duty resulting from carelessness or indifference.[30]

As will be shown below, the complainant was able to prove, through substantial evidence, that the respondent is guilty of simple neglect of duty.

Article VIII, Section 15(1) of the 1987 Constitution provides:

> SECTION 15. (1) All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty-four months from date of submission for the Supreme Court, and, unless reduced by the Supreme Court, twelve months for all lower collegiate courts, and *three months for all other lower courts*. (Emphasis supplied)

A perusal of the records shows that in Civil Case No. 12-9697, the respondent issued an Order dated June 21, 2018, which allowed the complainant to present his evidence *ex parte* on August 23, 2018. He completed his presentation of evidence and submitted his Written Offer of exhibits on November 19, 2018. Then, on December 10, 2018, he submitted his Memorandum.

Thereafter, in an Order dated April 11, 2019, the respondent admitted all the exhibits formally offered except Exhibit "G." Complainant then filed a Motion for a Decision dated January 7, 2020, a Motion to Transfer Case to Another *Sala* dated February 21, 2020, and lastly, a Motion for Inhibition dated August 19, 2020.

Respondent claimed that on March 24, 2023, he had already rendered a Decision on the case. The Decision came *three years and two months* after the complainant filed the Motion for a Decision. Even if a period of one year is removed in due consideration of

the pandemic, the Decision was rendered beyond the reglementary period. It cannot be denied that inordinate delay still attended the issuance of the Decision. As aptly noted by the JIB, the respondent did not deny the allegation of undue delay and merely claimed that he had other equally important matters to attend to.

Canon 6, Section 5 of the New Code of Judicial Conduct enjoins all judges to perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly, and with reasonable promptness.

Moreover, Office of the Court Administrator (OCA) Circular No. 243-2022[31] reminded all judges to strictly observe the reglementary or prescribed periods to decide pending cases and/or resolve incidents, and if in the mind of the judge they could not comply with the aforementioned prescribed period/s, they may ask the Court, through the OCA, for an extension of time to do so. OCA Circular No. 243-2022 also states that failure to decide cases within the reglementary period shall constitute a ground for administrative liability except when there are valid reasons for the delay.

In this case, the respondent did not present any proof that he sought an extension of time from this Court to decide the case in Civil Case No. 12-9697. Instead, he gave the following excuses: heavy caseload, the COVID-19 pandemic, courtesy calls to local government officials, duties as executive judge and assisting judge, and health-related issues involving his family members. While these may be considered as valid reasons, by the time the respondent decided the case on March 24, 2023, regular operations of the courts had long resumed. He should have sought an extension of time to decide the case, but clearly, this he did not do.

Respondent's argument that the complainant should have availed of the judicial remedies if he was not in favor of the decision deserves scant consideration. The crux of the controversy is not the merits of the case but the inordinate delay in the respondent's resolution of the case, which delay was sufficiently established.

Pursuant to Rule 140, Section 15(b), in relation to Section 17(2) of the Rules of Court, as amended,[32] simple neglect of duty is a less serious offense punishable by suspension from office without salary and other benefits for not less than one month nor more than six months; or a fine of more than PHP 35,000.00 but not exceeding PHP 100,000.00.

We likewise note that per the records from the Complaint and Docket Services, this Court has already reprimanded the respondent in RTJ-20-2592 (*Atty. Cornelio Pelaez v. Hon. Asuncion*), also for undue delay in rendering a decision or order. The JIB likewise noted that four more complaints for undue delay involving the respondent are currently pending before it.[33]

Under Rule 140, Section 19, Rules of Court, as amended, a finding of previous administrative liability where a penalty is imposed, regardless of nature and/or gravity, is considered an aggravating circumstance. Section 20 of the same Rule provides that if one or more aggravating circumstances are present, this Court may impose the penalties

of suspension or fine for a period not exceeding double of the maximum prescribed under the Rule. There being an aggravating circumstance in this case, We find the imposition of the penalty of fine in the amount of PHP 50,000.00 to be appropriate.

Anent respondent's liability as a member of the Philippine Bar, We agree with the JIB's observation that the OED failed to find any evidence of corruption, clear intent to violate the law, or flagrant disregard of established rule, which would make respondent liable for a violation of the Code of Professional Responsibility and Accountability or the Lawyer's Oath.

ACCORDINGLY, the June 8, 2023 Report and Recommendation of the Judicial Integrity Board is **ADOPTED in full**. Respondent Presiding Judge Miguel S. Asuncion of Branch 99, Regional Trial Court, Antipolo City, Rizal, is found **GUILTY** of simple neglect of duty in the performance of his official functions. He is **FINED** in the total amount of PHP 50,000.00, payable within a period not exceeding three months from the time this Decision is promulgated.

Respondent is **STERNLY WARNED** that a repetition of the same offense shall be dealt with more severely.

The Complaint against the respondent as a member of the Philippine Bar is **DISMISSED** for lack of merit.

SO ORDERED.

Gesmundo, C.J., Hernando, Zalameda, and *Marquez, JJ.*, concur.

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[1] *Rollo*, pp. 3-7.

[2] *Id.* at 15-23.

[3] *Id.* at 3.

[4] *Id.* at 24-30.

[5] *Id.* at 31.

[6] *Id.* at 73.

[7] *Id.*

[8] *Id.* at 43.

[9] *Id.* at 44-45.

[10] *Id.* at 73-74.

[11] *Id.* at 46-48.

[12] *Id.* at 49-50.

[13] *Id.* at 74.

[14] *Id.* at 79. The November 16, 2021 1st Indorsement in JIB FPI No. 21-076-RTJ was penned by Acting Executive Director James D.V. Navarrete, of the Judicial Integrity Board, Manila.

[15] *Id.* at 51-52. The April 20, 2023 2nd Indorsement in JIB FPI No. 21-076-RTJ was penned by Acting Executive Director James D.V. Navarrete, of the Judicial Integrity Board, Manila.

[16] *Id.* at 57-61.

[17] *Id.* at 57.

[18] *Id.* at 58.

[19] *Id.*

[20] *Id.* at 73-78. The May 29, 2023 Report and Recommendation in JIB FPI No. 21-076-RTJ was penned by Acting Executive Director James D.V. Navarrete, of the Judicial Integrity Board, Manila.

[21] *Id.* at 78.

[22] *Id.* at 86-94. The June 8, 2023 Report in JIB FPI No. 21-076-RTJ was penned by Third Regular Member Justice Cielito N. Mindaro-Grulla (Ret.), and concurred in by Chairperson Justice Romeo J. Callejo, Sr. (Ret.), Vice Chairperson Justice Angelina Sandoval-Gutierrez (Ret.), First Regular Member Justice Sesinando E. Villon (Ret.) and Second Regular Member Justice Rodolfo A. Ponferrada (Ret.), of the Judicial Integrity Board, Manila.

[23] *Id.* at 92-93.

[24] **Lorenzana v. Judge Austria**, 731 Phil. 82, 96 (2014) [Per J. Brion, Second Division].

[25] *See* **Reyes v. Atty. Nieva**, 794 Phil. 360, 378-379 (2016) [Per J. Perlas-Bernabe, *En Banc*].

[26] RULES OF COURT, Rule 133, sec. 5.

[27] **Office of the Court Administrator v. Sidro et al.**, 860 Phil. 256, 264 (2019) [*Per Curiam, En Banc*].

[28] **Re: Normandie B. Pizarro**, 827 Phil. 645, 650-651 (2018) [Per J. Martires, *En Banc*].

[29] Further Amendments to Rule 140 of the Rules of Court, February 22, 2022.

[30] *Id.*

[31] Issued on September 19, 2022.

[32] A.M. No. 21-08-09-SC, February 22, 2022, Further Amendments to Rule 140 of the Rules of Court.

[33] *Rollo*, p. 91.

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