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WHEREFORE, the Court finds Judge Sylvia G. Jurao of the Regional Trial Court, Branch 10 (and Branch 12) San Jose, Antique *LIABLE* for *SERIOUS MISCONDUCT*. She is ordered to pay a *FINE* in the amount of Ten Thousand Pesos (₱10,000.00) and *WARNED* that a repetition of the same or similar acts or omissions will be dealt with more severely.

SO ORDERED.

Quisumbing, Callejo, Sr., and *Tinga, JJ.*, concur.

Bellosillo, J. (Chairman), took no part.

SECOND DIVISION

[A.M. No. RTJ-03-1747. July 31, 2003]

ATTY. PROCOPIO S. BELTRAN, JR., *complainant, vs.* **JUDGE MAXIMO G. PADERANGA, RTC-Br. 38, Cagayan de Oro City,** *respondent.*

SYNOPSIS

This is an administrative complaint filed by Atty. Procopio S. Beltran, Jr. charging Judge Maximo G. Paderanga with Undue Delay in Rendering an Order and Making Untruthful Statements in the Certificate of Service. It appeared that on 5 June 2001, respondent received from complainant in behalf of plaintiff an Amended Formal offer of Exhibits with Apology for his gaffe relative to Civil Case 98-381. However, respondent failed to rule on the said offer of exhibits within a reasonable time. It was only after complainant filed a Manifestation that respondent issued an Order dated 7 March 2002 admitting plaintiff's formal offer of exhibits. In his comment, respondent admitted his "actions and inactions" and apologized for his

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"shortcomings" and "inadequacies." He, however, proffered an excuse that he had misplaced the case folder of Civil Case No. 98-381 and believed in good faith that he had disposed of all pending incidents in that case, for which he certified, although inaccurately, that he had no backlog in his Certificate of Service.

The Court ruled that the delay of nine (9) months cannot be excused by respondent's allegation that he had misplaced the appropriate folders of the civil case. Incompetent court management does not help him explain and gloss over a serious violation of the constitutional right to speedy disposition of cases which was brought about by his failure to resolve incidents within the period fixed by law. However, this Court did not find any transgression of respondent's ethical obligations when he collected his salaries upon his certification that he had no pending cases or incidents submitted for decision. While indeed a Certificate of Service is not merely a means to a judge's paycheck but an instrument by which courts can safeguard the fundamental right of the people to a speedy disposition of their cases, it bears stressing that respondent executed this document before he was informed by complainant that his Amended Formal of Exhibits was still awaiting his action, and that the delay was caused by complainant himself. Hence, the charge of "Making Untruthful Statements in the Certificate of Service" must be dismissed.

Accordingly, respondent judge was held liable for the less serious charge of "Undue Delay in Rendering an Order" as a first offense and fined ₱1,000.00.

SYLLABUS

1. JUDICIAL ETHICS; ADMINISTRATIVE CHARGES AGAINST JUDGES; UNDUE DELAY IN RENDERING AN ORDER; INCLUDES FAILURE TO RULE ON THE OFFER OF EXHIBITS WITHIN THE 90-DAY REGLEMENTARY PERIOD; CASE AT BAR. — Actionable tardiness in resolving controversies and incidents therein violates Rule 3.05 of the *Code of Judicial Conduct* which requires a judge to "dispose of the court's business promptly and decide cases within the required periods." Under the *Rules of Court*, a judge is mandated to rule on every offer of testimonial and documentary evidence

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"immediately after the objection is made, unless the court desires to take a reasonable time to inform itself on the question presented," but the ruling "shall always be made during the trial and at such time as will give the party against whom it is made an opportunity to meet the situation presented by the ruling." In any event, a reasonable time must not extend beyond the ninety (90)-day reglementary period from the date of submission of the formal offer of evidence. In the instant case, observance of these deadlines is especially important since the presentation of defense evidence and other proceedings in Civil Case No. 98-381 was made by respondent Judge to depend upon his ruling on the *Amended Formal Offer of Exhibits*. The prolonged inaction in effect adversely impinged on the prompt termination of the civil case.

2. **ID.; ID.; ID.; INCOMPETENT COURT MANAGEMENT IS NOT A VALID EXCUSE.** — [T]he delay of nine (9) months cannot be excused by respondent's allegation that he had misplaced the appropriate folders of the civil case. Incompetent court management does not help him explain and gloss over a serious violation of the constitutional right to speedy disposition of cases which was brought about by his failure to resolve incidents within the period fixed by law. In fact, such respondent's inefficiency bolters the allegation of his culpable omission since it is his responsibility as well to "organize and supervise the court personnel to ensure the prompt and efficient dispatch of business and require at all times the observance of high standards of public service and fidelity." A well-organized court includes the proper physical inventory of cases which is as much Judge Paderanga's duty as his adjudicative functions, for which he is provided a court staff and a branch clerk of court who assist him in accomplishing these tasks.

3. **ID.; ID.; ID.; UNDUE INACTION ON JUDICIAL CONCERNS IS NOT JUST UNDESIRABLE BUT MORE SO DETESTABLE.** — There should be no more doubt that undue inaction on judicial concerns is not just undesirable but more so detestable especially now when our all-out effort is directed towards minimizing, if not totally eradicating the perennial problem of congestion and delay long plaguing our courts. The requirement that cases be decided within the reglementary period is designed to prevent delay in the administration of justice,

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for obviously, justice delayed is justice denied. An unwarranted slow down in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards and brings it into disrepute.

4. **ID.; ID.; IN CASE OF DOUBT, THE CASE MUST BE RESOLVED IN FAVOR OF THE JUDGE.** — We do not find however any transgression of respondent Judge's ethical obligations when he collected his salaries upon his certification that he had no pending cases or incidents submitted for decision. While indeed a *Certificate of Service* is not merely a means to a judge's paycheck but an instrument by which courts can safeguard the fundamental right of the people to a speedy disposition of their cases, it bears stressing that respondent Judge executed this document before he was informed by complainant that his *Amended Formal Offer of Exhibits* was still awaiting his action, and that the delay was caused by complainant himself. Clearly, in the absence of any evidence or circumstances *res ipsa loquitur* that he allowed himself to be an unwitting instrument of fraud, we have to give credit to his defense that his imprecise statements were done with "the honest belief that he has faithfully complied with his duties." The rule is that in case of doubt the case must be resolved in favor of the respondent. Hence, the charge of "Making Untruthful Statements in the Certificate of Service" must be dismissed.

5. **ID.; ID.; UNDUE DELAY IN RENDERING AN ORDER; PENALTY; STRICT IMPOSITION THEREOF IS UNWARRANTED SINCE THE COMPLAINANT HIMSELF WAS RESPONSIBLE FOR THE DELAY.** — [W]hile it is true that Sec. 4, Rule 140, of the *Rules of Court* punishes the less serious charges of "Undue Delay in Rendering an Order" with either suspension from office without salary and other benefits for one (1) to two (2) months and twenty-nine (29) days, or a fine of not less than ₱10,000.00 but not more than ₱19,999.00, nevertheless, the strict imposition of any of these penalties is unwarranted in the case at bar. As stated above, complainant himself was responsible for the delay for which he apologized as his own blunder. If complainant only complied faithfully and diligently with his part of dispensing justice in Civil Case No. 98-381 by marking his exhibits correctly and comprehensively, perhaps there would have been no occasion

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for respondent Judge to err in the performance of his task to decide efficiently the incidents of the civil case. x x x Verily, the fine of ₱1,000.00 suggested by the OCA for the administrative offense of "Undue Delay in Rendering an Order" is legally and justly commensurate with the ingenuous miscalculation committed by respondent. We adopt this recommendation and impose this penalty upon respondent Judge not so much to chastise him as to gently and sympathetically remind him to be more prudent and efficient henceforth in his difficult vocation as a magistrate of the law.

6. **ID.; ID.; ID.; ID.; MITIGATED BY JUDGE'S IMMEDIATE ACTION RECTIFYING HIS ERROR.** — [I]t is our view that respondent Judge did not act maliciously nor contumaciously when he was delayed in ruling upon complainant's *Amended Formal Offer of Exhibits* for respondent immediately rectified his innocent and innocuous mistake by issuing an *Order* admitting the formal offer of exhibits. Hence, out of respondent Judge's own volition and eagerness to do what was right, he averted any material injury to complainant or his client's case that could have been triggered by the tardiness other than the common and general concern for the speedy administration of justice.

D E C I S I O N

BELLOSILLO, *J.*:

ATTY. PROCOPIO S. BELTRAN JR. charges respondent Judge Maximo G. Paderanga, RTC-Br. 38, Cagayan de Oro City, with *"Undue Delay in Rendering an Order" and "Making Untruthful Statements in the Certificate of Service"* stemming from Civil Case No. 98-381, "*Ponce de Leon v. Orteza*" where respondent is the Presiding Judge and complainant is counsel of record for the plaintiff.

On 21 March 2001, after the presentation of plaintiff's evidence in Civil Case No. 98-381, respondent issued an *Order* granting plaintiff fifteen (15) days to offer her evidence. On 17 April 2001 plaintiff through counsel filed a *Motion to Admit Formal Offer of Exhibits*. On 23 April 2001, since the motion contained confusing references to the exhibits, respondent judge was

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constrained to give plaintiff another ten (10) days to make "an orderly and proper offer of exhibits" and another five (5) days from receipt of the motion for defendants therein to proffer their objections thereto.[1]

As a result of the errors of plaintiff's counsel, complainant herein, the presentation of the evidence for the defense was deferred from 23 April 2001 to a later date to be determined "[o]nly after the matter [*i.e.,* admission of plaintiff's offer of exhibits] shall [have] been resolved by the Court x x x"[2]

On 5 June 2001 respondent Judge received from complainant in behalf of plaintiff an *Amended Formal Offer of Exhibits with Apology* for his gaffe. Unfortunately, respondent Judge Maximo G. Paderanga failed to rule on the offer of exhibits within a reasonable time and to expedite the trial of Civil Case No. 98-381; his omission in fact delayed the progress of the case since the defense evidence was to be presented only after plaintiff's offer of exhibits was resolved. It was only on 6 March 2002 when complainant filed a *Manifestation* asking respondent to rule on plaintiff's *Amended Formal Offer of Exhibits* that respondent realized his "miscue" and issued his *Order* of 7 March 2002 admitting plaintiff's formal offer of exhibits after nine (9) long months.

Respondent admits his "actions and inactions" and apologizes for his "shortcomings" and "'inadequacies."[3] He however proffers an excuse: he had misplaced the case folder of Civil Case No. 98-381 and believed in good faith that he had disposed of all pending incidents in that case, for which he certified, although inaccurately, that he had no backlog in his *Certificate of Service*.[4] With respondent's admission, he and complainant submitted this administrative case for our resolution.[5]

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[1] See Order of 23 April 2001.

[2] *Ibid.*

[3] 2nd Indorsement dated 7 June 2002.

[4] *Ibid.*

[5] Complainant's Manifestation dated 5 March 2003; Respondent's Manifestation dated 13 March 2003.

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The Office of the Court Administrator recommends that respondent Judge be held accountable for *"Undue Delay in Rendering an Order"* and fined ₱1,000.00 with warning that a repetition of the same or similar act will be dealt with more severely. Significantly, the OCA notes that respondent has another administrative case, docketed as A.M. No. RTJ-01-1660 for "Serious Misconduct" and "Grave Abuse of Authority" pending before this Court.

We agree with the finding of the Office of the Court Administrator that respondent is administratively liable for the delay of nine (9) months in resolving a routine and perfunctory *Amended Formal Offer of Exhibits*, but we have serious reservations on penalizing him for the inclusion of inaccurate statements in his *Certificate of Service*.[6]

Actionable tardiness in resolving controversies and incidents therein violates Rule 3.05 of the *Code of Judicial Conduct* which requires a judge to "dispose of the court's business promptly and decide cases within the required periods." Under the *Rules of Court*, a judge is mandated to rule on every offer of testimonial and documentary evidence "immediately after the objection is made, unless the court desires to take a reasonable time to inform itself on the question presented," but the ruling "shall always be made during the trial and at such time as will give the party against whom it is made an opportunity to meet the situation presented by the ruling."[7] In any event, a reasonable time must not extend beyond the ninety (90)-day reglementary period from the date of submission of the formal offer of evidence.[8]

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[6] *Visbal v. Buban*, A.M. No. MTJ-03-1471, 22 January 2003; *In the Matter of the Alleged Improper Conduct of Sandiganbayan Associate Justice Anacleto D. Badoy, Jr., Taking an Ambulance But Proceeding to the GMA TV Station for an Interview Instead of Proceeding Forthwith to the Hospital*, A.M. No. 01-12-01-SC, 16 January 2003; *Visbal v. Ramos*, A.M. No. MTJ-00-1306, 20 March 2001, 354 SCRA 631.

[7] Rules of Court, Rule 132, Sec. 38.

[8] Constitution, Art. VIII, Sec. 15 (1); *Velez v. Flores*, A.M. No. MTJ-01-1366, 7 February 2003; *Bravo v. Merdegia*, A.M. No. RTJ-99-1430, 22 October 1999, 317 SCRA 160; *Martin v. Guerrero*, A.M. No. RTJ-99-1499, 22 October 1999, 317 SCRA 166.

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In the instant case, observance of these deadlines is especially important since the presentation of defense evidence and other proceedings in Civil Case No. 98-381 was made by respondent Judge to depend upon his ruling on the *Amended Formal Offer of Exhibits*. The prolonged inaction in effect adversely impinged on the prompt termination of the civil case.

Moreover, the delay of nine (9) months cannot be excused by respondent's allegation that he had misplaced the appropriate folders of the civil case. Incompetent court management does not help him explain and gloss over a serious violation of the constitutional right to speedy disposition of cases which was brought about by his failure to resolve incidents within the period fixed by law.[9] In fact, such respondent's inefficiency bolsters the allegation of his culpable omission since it is his responsibility as well to "organize and supervise the court personnel to ensure the prompt and efficient dispatch of business and require at all times the observance of high standards of public service and fidelity."[10] A well-organized court includes the proper physical inventory of cases which is as much Judge Paderanga's duty as his adjudicative functions, for which he is provided a court staff and a branch clerk of court who assist him in accomplishing these tasks.[11]

There should be no more doubt that undue inaction on judicial concerns is not just undesirable but more so detestable especially now when our all-out effort is directed towards minimizing, if not totally eradicating the perennial problem of congestion and delay long plaguing our courts. The requirement that cases be decided within the reglementary period is designed to prevent delay in the administration of justice, for obviously, justice delayed is justice denied. An unwarranted slow down in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards and brings it into disrepute.

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[9] *Raboca v. Velez*, A.M. No. RTJ-99-1469, 2 October 2000, 341 SCRA 543.

[10] Code of Judicial Conduct, Rule 3.09.

[11] *Sianghio v. Reyes*, A.M. No. RTJ-01-1645, 28 August 2001, 363 SCRA 716.

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We do not find however any transgression of respondent Judge's ethical obligations when he collected his salaries upon his certification that he had no pending cases or incidents submitted for decision. While indeed a *Certificate of Service* is not merely a means to a judge's paycheck but an instrument by which courts can safeguard the fundamental right of the people to a speedy disposition of their cases,[12] it bears stressing that respondent judge executed this document before he was informed by complainant that his *Amended Formal Offer of Exhibits* was still awaiting his action, and that the delay was caused by complainant himself. Clearly, in the absence of any evidence or circumstances *res ipsa loquitur* that he allowed himself to be an unwitting instrument of fraud, we have to give credit to his defense that his imprecise statements were done with "the honest belief that he has faithfully complied with his duties."[13] The rule is that in case of doubt the case must be resolved in favor of the respondent. Hence, the charge of "Making Untruthful Statements in the Certificate of Service" must be dismissed.

Moreover, while it is true that Sec. 4, Rule 140, of the *Rules of Court*[14] punishes the less serious charges of "Undue Delay in Rendering an Order" with either suspension from office without salary and other benefits for one (1) to two (2) months and twenty-nine (29) days, or a fine of not less than ₱10,000.00 but not more than ₱19,999.00, nevertheless, the strict imposition of any of these penalties is unwarranted in the case at bar. As stated above, complainant himself was responsible for the delay for which he apologized as his own blunder. If complainant only complied faithfully and diligently with his part of dispensing justice in Civil Case No. 98-381 by marking his exhibits correctly and comprehensively, perhaps there would have been no occasion

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[12] *Sucaldito v. Cruz*, A.M. No. RTJ-99-1456, 27 July 2000, 336 SCRA 469, citing *Sabitsana, Jr. v. Villamor*, 202 SCRA 435, 440.

[13] 2nd Indorsement dated 7 June 2002.

[14] The applicable rule in this case is Rule 140, Rules of Court prior to its revision by A.M. No. 01-810-SC since the material acts herein took place before the effectivity of the amendment on 1 October 2001.

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for respondent Judge to err in the performance of his task to decide efficiently the incidents of the civil case.

Besides, it is our view that respondent Judge did not act maliciously nor contumaciously when he was delayed in ruling upon complainant's *Amended Formal Offer of Exhibits* for respondent immediately rectified his innocent and innocuous mistake by issuing an *Order* admitting the formal offer of exhibits. Hence, out of respondent Judge's own volition and eagerness to do what was right, he averted any material injury to complainant or his client's case that could have been triggered by the tardiness other than the common and general concern for the speedy administration of justice.

Verily, the fine of ₱1,000.00 suggested by the OCA for the administrative offense of "Undue Delay in Rendering an Order" is legally and justly commensurate with the ingenuous miscalculation committed by respondent. We adopt this recommendation and impose this penalty upon respondent Judge not so much to chastise him as to gently and sympathetically remind him to be more prudent and efficient henceforth in his difficult vocation as a magistrate of the law.

WHEREFORE, respondent Judge Maximo G. Paderanga, RTC-Br. 38, Cagayan de Oro City, is held *LIABLE* for the less serious charge of "Undue Delay in Rendering an Order" as a first offense and fined ₱1,000.00, with a warning that repetition of the same or similar act will be dealt with more severely.

SO ORDERED.

Quisumbing, Austria-Martinez, Callejo, Sr., and *Tinga, JJ.*, concur.