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period. The minimum of the sentence must be within the range of *prision correccional.* For lack of basis, we delete the award of ₱20,000.00 indemnity to the victim.[43]

WHEREFORE, the decision of the Court of Appeals finding petitioner guilty beyond reasonable doubt of attempted rape and sentencing him to pay the costs is *AFFIRMED*, with the *MODIFICATION* that he is sentenced to an indeterminate prison term of six (6) months and one (1) day of *prision correccional*, as minimum, to eight (8) years and one (1) day of *prision mayor*, as maximum, and that the award of ₱20,000.00 as indemnity is deleted.

SO ORDERED.

Bellosillo (Chairman), Quisumbing, Buena, and *De Leon, Jr., JJ.,* concur.

THIRD DIVISION

[A.M. No. RTJ-01-1627. April 17, 2001]

Atty. VICENTE B. MONTES, *complainant, vs.* **Judge ARNULFO O. BUGTAS, Regional Trial Court of Borongan, Eastern Samar (Branch 2),** *respondent.*

SYNOPSIS

Respondent was charged and herein found guilty of failure to decide within the prescribed period Civil Case No. 3427, an Eminent Domain case. It appeared that the commissioners to whom the case was referred for the determination of just compensation in said case submitted their report to the court

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[43] *Id.*; *People v. Gonzales,* G.R. No. 129894, April 11, 2000.

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on August 25, 1999. On that date, the case should have been deemed submitted for decision, considering that there was no other procedural matter to be undertaken or any other pleading to be filed as required by the Rules or by the court itself. Thus, it was incumbent upon respondent judge to render a decision within three months from the said date, as mandated by the Constitution. The decision of respondent, was rendered on January 28, 2000, but it was mailed to the parties only on May3, 2000.

SYLLABUS

1. **POLITICAL LAW; ADMINISTRATIVE LAW; JUDGES; OBLIGATION TO RENDER DECISION WITHIN THREE MONTHS FROM DATE CASE WAS SUBMITTED FOR DECISION; VIOLATED.** — As established by the evidence on record, the commissioner's Report on the Eminent Domain case was submitted on August 25, 1999. On that date, the case should have been deemed submitted for decision, considering that there was no other procedural matter to be undertaken or any other pleading to be filed as required by the Rules or by the court itself. Thus, it was incumbent upon respondent judge to render a decision within three (3) months from the said date, as mandated by Section 15 (1) and (2), Article VII of the 1987 Constitution. Clearly then the Decision dated January 28, 2000, was rendered beyond the reglementary three-month period.

2. **ID.; ID.; ID.; ID.; VIOLATION CONSTITUTES GROSS INEFFICIENCY.** — Being designated as acting presiding judge in other salas is not a valid reason for delay in deciding cases. Respondent could have asked for an extension of the period within which to decide the case. Indeed, it is not enough that judges competently write their decisions; they must also promulgate them within the reglementary period and *make them known to all parties.* This Court has repeatedly reminded judges that they must resolve matters pending before them promptly and expeditiously within the constitutionally mandated three-month period. If they cannot comply with the same, they should ask for an extension from the Supreme Court upon meritorious grounds. The rule is that the reglementary period for deciding cases should be observed by all judges, unless they have been granted additional time. Judges must dispose of the court's

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business promptly. Delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards, and brings it to disrepute. Hence, judges are enjoined to decide cases with dispatch. Their failure to do so constitutes gross inefficiency and warrants the imposition of administrative sanctions on them.

DECISION

PANGANIBAN, *J.*:

Time and time again, this Court has reminded judges to decide cases within three months from the receipt of the last pleading. If they cannot do so, they must, prior to the expiration of reglementary period, ask the Supreme Court for an extension. Their failure to do so constitutes gross inefficiency and warrants the imposition of administrative sanctions.

The Case

In a letter-complaint dated March 23, 2000[1] addressed to the Office of the Court Administrator (OCA), Atty. Vicente B. Montes charged Judge Arnulfo O. Bugtas of the Regional Trial Court (RTC) of Borongan, Eastern Samar (Branch 2), with failure to decide within the prescribed period Civil Case No. 3427 entitled "*Municipality of Hernani, Eastern Samar vs. Joyce Baquilod Montes*." Atty. Montes likewise alleged that respondent judge had appropriated for his personal use the ambulance of the Municipality of Hernani, Eastern Samar; and that the latter had a special relationship with the mayor of the municipality.

On April 12, 2000, the OCA required respondent to comment on the administrative Complaint.[2]

In his Comment dated May 15, 2000,[3] respondent explained that he had already rendered a Decision in the civil case on

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[1] *Rollo*, pp. 3-4.

[2] *Rollo*, p. 14.

[3] *Rollo*, p. 15.

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January 23, 2000. He also denied using the municipal ambulance of Hernani, Eastern Samar; and stated that for both official and personal purposes, he used his own car

In its August 30, 2000 Resolution,[4] this Court referred the case to Court of Appeals Justice Josefina G. Salonga for investigation, report and recommendation. After conducting a hearing, Justice Salonga required the parties to file their respective Memoranda.

The Facts

In her Report submitted to this Court on December 11, 2000,[5] the investigating justice summarized the facts in this wise:

"It appears that an Eminent Domain case was filed by the Municipality of Hernani, Eastern Samar against Joyce Baquilod and Jerry Montes before the sala of the respondent judge. Accordingly, the case was referred to commissioners for the determination of just compensation. On August 25, 1999, the commissioners submitted their report to the Court. Thereafter, three (3) motions dated September 15, 1999, October 11, 1999 and December 23, 1999 were filed by the complainant for the early resolution of the case. The respondent judge having failed to decide the case within the reglementary period, the complainant filed an administrative complaint before the Office of the Court Administrator (OCA). In addition, he was also accused of using the municipality's ambulance for personal purposes.

"When asked to comment, the respondent judge informed the OCA that he had already rendered the decision in the subject case on January 23, 2000 and likewise denied using the municipality's ambulance.

"A perusal of the records shows that although the decision is dated January 28, 2000, the same was mailed to the parties thru counsel, only on May 3, 2000."[6]

Recommendation of Investigating Justice

The investigating justice found that respondent had failed to resolve the subject civil case within the three-month reglementary

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[4] *Rollo*, p. 28.

[5] *Rollo*, pp. 169-173.

[6] *Ibid.*, pp. 169-170

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period. However, for lack of evidence, she did not give credence to the accusation that he had been using the ambulance of the Municipality of Hernani, Eastern Samar. Hence, she recommended that he be fined in the amount of ₱5,000, chargeable to his retirement benefits.

The Court's Ruling

We agree with the findings of the investigating justice.

Administrative Liability of Respondent Judge

As established by the evidence on record, the commissioner's Report was submitted on August 25, 1999. On that date, the case should have been deemed submitted for decision, considering that there was no other procedural matter to be undertaken or any other pleading to be filed as required by the Rules or by the court itself. Thus, it was incumbent upon respondent judge to render a decision within three (3) months from the said date, as mandated by Section 15 (1) and (2), Article VII of the 1987 Constitution, which provides:

"Sec. 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*** to 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.***

(2) *A case or matter shall be deemed submitted for decision or resolution upon the filing of the last pleading, brief or memorandum* ***required by the Rules of Court or by the court itself.***" (emphasis supplied)

Clearly then, the Decision in Civil Case No. 3427 dated January 28, 2000, was rendered beyond the reglementary three-month period. Even assuming that the last pleading filed was the September 23, 1999 Manifestation/Objection to the commissioner's Report, respondent had only until December 23, 1999 or three months from that date to decide the case.

It also bears noting that when the administrative Complaint was filed on March 23, 2000, complainant could not have yet received a copy of the Decision, because it was mailed to the parties only on May 3, 2000.

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To this delay, respondent proffers the explanation that he inadvertently left his Decision in his chamber and forgot to indorse it to the branch clerk of court for docketing and transmission to the parties. He attributes the inadvertence to the heavy workload in his sala, as well as in other courts where he has been designated as acting presiding judge. Additionally, he has been attending to administrative matters as executive judge of the Regional Trial Court of Borongan, Eastern Samar.

Respondent's inadvertence is inexcusable. Being designated as acting presiding judge in other salas is not a valid reason, since he could have asked for an extension of the period within which to decide the case.[7] Indeed, it is not enough that judges competently write their decisions; they must also promulgate them within the reglementary period and *make them known to all parties*.[8]

This Court has repeatedly reminded judges that they must resolve matters pending before them promptly and expeditiously within the constitutionally mandated three-month period. If they cannot comply with the same, they should ask for an extension from the Supreme Court upon meritorious grounds. The rule is that the reglementary period for deciding cases should be observed by all judges, unless they have been granted additional time.[9]

Judges must dispose of the court's business promptly. Delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards, and brings it to disrepute.[10] Hence; judges are enjoined to decide cases with dispatch. Their failure to do so constitutes gross inefficiency

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[7] *Re: Report on the Judicial audit of cases in the Regional Trial Court, Branch 35, Iriga City*, 299 SCRA 382, November 27, 1998; *Re: Report on the Judicial Audit, RTC Br.4 and Br.23, Manila*, 291 SCRA 10, June 18, 1998.

[8] *Re: Report on the Judicial audit of cases in the Regional Trial Court, Branch 35, Iriga City, supra.*

[9] *Sanchez v. Vestil*, 298 SCRA 1, October 13, 1998.

[10] *Abarquez v. Rebosura*, 285 SCRA 109, January 28, 1998.

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and warrants the imposition of administrative sanctions on them.[11]

The Use of the Municipal Ambulance

We agree with the investigating justice that there is no sufficient evidence to substantiate complainant's allegation of improper use of the municipal ambulance. In an administrative proceeding, the complainant has the burden of proving the allegations in the complaint by substantial evidence.[12]

WHEREFORE, we find Judge Arnulfo O. Bugtas *GUILTY* of gross inefficiency and hereby order him to *PAY* a fine of five thousand pesos (~~P5~~,000). He is *WARNED* that a repetition of the same or similar infraction shall be dealt with more severely. Let a copy of this Decision be attached to his personal records.

SO ORDERED.

Melo (Chairman), Vitug, Gonzaga-Reyes, and *Sandoval-Gutierrez, JJ.,* concur.

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[11] *Office of the Court Administartor v. Batulid,* 293 SCRA 589, August 5, 1998.

[12] *Re: Suspension of Clerk of Court Rogelio Joboco, RTC, Br. 16, Naval, Biliran,* 294 SCRA 119, August 12, 1998.