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FIRST DIVISION

[A.M. No. MTJ-01-1347. September 18, 2003]

BENJAMIN TUDTUD, *complainant, vs.* **JUDGE MAMERTO Y. COLIFLORES,** *respondent.*

SYNOPSIS

Complainant herein filed a complaint before the Supreme Court charging herein respondent judge with delay in the disposition of a civil case wherein he was the plaintiff. The respondent judge dismissed the said civil case for lack of jurisdiction, but on appeal the case was remanded to him. The case was set for preliminary conference with only the complainant and his counsel appearing thereto. Thereafter, an order was issued directing the parties to file their position papers. After several months after filing his position paper, the complainant filed the abovementioned complaint since he felt that the judge did not act upon the case. In his explanation to the Office of the Court Administrator, the respondent judge said that the civil case was not yet submitted for decision because the defendants therein had not yet received his order to file their position papers.

The investigating judge recommended that the case be terminated and closed because there was no falsification made on the monthly report as there was no pending case for decision as reflected in the monthly report of the respondent. Moreover, the complainant already died. The court did not agree with the recommendation. According to the Court, the death of the complainant herein does not warrant the non-pursuance of the charges against the respondent judge. In administrative cases against public officers and employees, the complainants were only witnesses in the real sense. Hence, the unilateral decision of a complainant to withdraw from an administrative complaint, or even his death, does not prevent the Court from imposing sanctions upon the parties subject to its administrative supervision. The Court ruled that the respondent judge manifested inefficiency in the conduct of his court's business and cannot, therefore, be excused from his responsibility. The

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respondent judge was found guilty of gross inefficiency and was imposed a fine of ₱1,000.00 with stern warning that a repetition of the same or similar acts will be dealt with more severely.

SYLLABUS

1. **POLITICAL LAW; ADMINISTRATIVE LAW; DEATH OF COMPLAINANT DOES NOT WARRANT THE NON-PURSUANCE OF AN ADMINISTRATIVE CASE AGAINST A JUDGE; RATIONALE.** — The death of the complainant herein does not warrant the non-pursuance of the charges against respondent Judge. In administrative cases against public officers and employees, the complainants are, in a real sense, only witnesses. Hence, the unilateral decision of a complainant to withdraw from an administrative complaint, or even his death, as in the case at bar, does not prevent the Court from imposing sanctions upon the parties subject to its administrative supervision.

2. **ID.; LAW ON PUBLIC OFFICERS; JUDGES; DUTIES AND RESPONSIBILITIES; INCLUDES FUNCTIONS AS ADMINISTRATOR OF THE COURT; CASE AT BAR.** — Respondent Judge is reminded that the duties and responsibilities of a judge are not strictly confined to judicial functions. He is also an administrator who must organize his court with a view to prompt and convenient dispatch of its business. Respondent Judge should not have tolerated the neglect of his process server who, for one year, failed to serve upon the defendants the said Order directing them to submit their position paper. A judge is bound by duty to motivate his subordinates for the effective performance of the functions and duties of his office.

R E S O L U T I O N

AZCUNA, *J.*:

Benjamin Tudtud filed before this Court a complaint dated July 11, 1999 charging respondent Judge Mamerto Y. Coliflores, of the Municipal Trial Court in Cities, Cebu City, Branch 1, with delay in the disposition of Civil Case No. R-34915, entitled

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"*Benjamin Tudtud and Albertina Tudtud v. Spouses Benjamin and Leonidesa Suan.*"

It was alleged therein that on December 26, 1995, an Order was issued by respondent Judge dismissing the aforesaid case on the ground of lack of jurisdiction. This was reversed on appeal and the records were remanded to respondent on January 14, 1998. Hence, complainant filed a Motion to Set the Case for Hearing on February 27, 1998. Despite the said motion, however, the case was set for preliminary conference on August 11, 1998, a good five months after the date requested in the motion. On the day of the said preliminary conference, only the complainant and his counsel appeared. An Order was, thereafter, issued directing the parties to file their respective position papers within ten days from receipt of the Order. The Order was dated August 11, 1998. Complainant submitted his position paper on August 27, 1998, without waiting for the service of the Order upon his counsel. The said Order was only served upon his counsel on November 16, 1998.

Despite complainant's submission of his position paper as early as August 27, 1998, respondent Judge did not act upon the case. Hence, this administrative complaint was filed.

On August 27, 1999, the Office of the Court Administrator (OCA) referred the complaint to respondent Judge for his comment.

In a letter dated September 14, 1999, respondent Judge wrote that Civil Case No. R-34915 was not yet submitted for decision. He reasoned that although complainant had already submitted his position paper, the Order of the court dated August 11, 1998, directing the parties to file their position papers, had not yet been received by the defendants in that case. He further alleged therein that the said Order of the court was finally served upon the defendants together with a new Order dated September 14, 1999, giving the defendants a period of ten days within which to file their position paper.[1]

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[1] Letter of Judge Mamerto Y. Coliflores; *Rollo*, p. 25.

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On February 19, 2001, this Court issued a Resolution referring this case to the Executive Judge of the Regional Trial Court of Cebu City for investigation, report, and recommendation, within ninety days from notice thereof.

On March 13, 2003, this Court received the following letter from Judge Galicano C. Arriesgado, Executive Judge of the Regional Trial Court of Cebu City:

Sir:

This has reference to the directive to conduct an investigation in this case and to make a report and recommendation thereafter. However, there was no more investigation conducted because in the Return of Service of Notice prepared by the Process Server hereto attached [it is stated] that an information was given by Mr. Gomersindo Nuñiza, Jr., a family driver, that Mr. Benjamin Tudtud died on March 23, 2000 and his only surviving daughter Mrs. Lea Tudtud Hans is now residing at 1144 Hustad Drive, Lumalinda, California, USA.

Respondent Judge Coliflores nevertheless had his explanation contained in his letter to Atty. Virginia Ancheta-Soriano, Clerk of Court, First Division, Supreme Court of the Philippines, stating that the respondent had not falsified his monthly report as there was then no pending case to be resolved. The case was not yet submitted for decision due to the non-receipt of the defendant's counsel of the copy of the Order of Preliminary Conference. Consequently, there was no falsification made on the monthly report as there was no pending case for decision as reflected in the monthly report.

In this connection, it is respectfully recommended that this case be considered closed and terminated.

Please find enclosed herewith the complete records of this case and kindly acknowledge receipt hereof.

Very truly yours,

(Sgd) GALICANO C. ARRIESGADO
Executive Judge
RTC, Cebu City[2]

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[2] Letter of Judge Galicano C. Arriesgado; *Rollo*, p. 37.

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We do not agree with the recommendation. The death of the complainant herein does not warrant the non-pursuance of the charges against respondent Judge. In administrative cases against public officers and employees, the complainants are, in a real sense, only witnesses[3] Hence, the unilateral decision of a complainant to withdraw from an administrative complaint, or even his death, as in the case at bar, does not prevent the Court from imposing sanctions upon the parties subject to its administrative supervision.

The reason is given that the case cannot be deemed submitted for decision since the Order directing the parties to submit their respective position papers was not yet served upon the defendants. Respondent Judge is reminded that the duties and responsibilities of a judge are not strictly confined to judicial functions. He is also an administrator who must organize his court with a view to prompt and convenient dispatch of its business. Respondent Judge should not have tolerated the neglect of his process server who, for one year, failed to serve upon the defendants the said Order directing them to submit their position paper. A judge is bound by duty to motivate his subordinates for the effective performance of the functions and duties of his office.[4]

Respondent Judge manifested inefficiency in the conduct of his court's business and cannot, therefore, be excused from his responsibility by laying the blame on his court personnel.

WHEREFORE, respondent Judge Mamerto Y. Coliflores is found *GUILTY* of gross inefficiency and imposed a *FINE* of One Thousand Pesos (₱1,000), with a warning that a repetition of the same or similar acts will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., Vitug, Ynares-Santiago, and *Carpio, JJ.*, concur.

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[3] *Lapeña v. Pamarang*, 325 SCRA 440, 444 (2000).

[4] *Estoya v. Abrahan-Singson*, 237 SCRA 1 (1994).