Supreme Court E-Library

Case No. 5945. This is gross misconduct which cannot be allowed to go unpunished. It is also a gross violation of Rule 3.01, Canon 3 of the Code of Judicial Conduct, which requires judges to "be faithful to the law and maintain professional competence."

In this case, respondent not only failed to live up to his duties under the law, he has acted in bad faith. Despite the fact that he had ordered the release of persons lawfully arrested even before they had posted bail, he tried to cover up for what he did. This is serious misconduct for which he should be disciplined. A fine of ₱10,000.00 would be appropriate under the circumstance.[12]

WHEREFORE, respondent is found *GUILTY* of gross misconduct and is hereby *ORDERED* to pay a *FINE* of ₱10,000.00 with a *WARNING* that repetition of the same will be dealt with more severely.

SO ORDERED.

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

FIRST DIVISION

[A.M. No. MTJ-98-1160. November 22, 2000]

DR. MA. CRISTINA B. SEARES, *complainant, vs.* **HON. ROSITA B. SALAZAR, Judge, Municipal Trial Court, Bangued, Abra,** *respondent.*

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[12] *Marzan-Gelacio v. Flores*, A.M. No. RTJ-99-1488, June 20, 2000; *De Austria v. Beltran*, 313 SCRA 443 (1999).

Supreme Court E-Library

SYNOPSIS

In a sworn letter complaint dated November 13, 1996, Dr. Maria Cristina B. Seares charged Judge Rosita B. Salazar with ignorance of the law for failure to decide criminal cases for violation of B.P. No. 22, wherein Dr. Seares was the complainant. The criminal cases were submitted for decision on February 14, 1996 and since then no decision had been rendered. Dr. Seares questioned the setting of the cases for further hearing in another complaint. The Supreme Court referred the case to the Office of the Court Administrator (OCA) for evaluation, report and recommendation. In the memorandum, the OCA found the respondent judge guilty of gross ignorance of the law and dereliction of duty and recommended that respondent judge be fined in the amount of ₱1,000.00 with a stern warning that future similar infraction on her part will be dealt with more severely. This case called upon the Supreme Court to determine whether or not the respondent has violated the rule that cases must be decided or resolved within three months from the date of submission pursuant to Section 15, Article VIII of the Constitution; and, whether or not the respondent has presented any sufficient explanation for the non-compliance considering that in certain meritorious cases a longer period to decide had been allowed.

As correctly observed by the OCA, the pendency of an amicable settlement is not a valid excuse because it is a settled rule that a criminal case once filed in court cannot be amicably settled. The non-compliance of the 90-day period in itself renders respondent judge subject to administrative liability. The 90-day period is intended to prevent delay in the administration of justice and non-compliance thereof constitutes a serious violation of the constitutional right of the parties to speedy disposition of their cases. The respondent judge was found guilty of gross ignorance of the law and dereliction of duty. She was fined one thousand pesos with stern warning that future similar infraction will be dealt with more severely.

SYLLABUS

1. JUDICIAL ETHICS; JUDGES; REQUIREMENT TO DECIDE OR RESOLVE CASES SUBMITTED FOR DECISION WITHIN 90

Supreme Court E-Library

DAYS, MANDATORY; EXCEPTION. — Under Rule 3.01 of Canon 3 of the Code of Judicial Conduct, a judge must be faithful to the law and maintain professional competence, and Rule 3.05 admonishes all judges to dispose of the court's business promptly and to decide the case within the period fixed by law. The 90-day period to decide or resolve the case submitted for decision, fixed no less by the Constitution, is a mandatory requirement. Hence, non-compliance thereof shall subject the erring judge to administrative sanction as this Court may deem appropriate. It is only in certain meritorious cases, *i.e.*, those involving difficult questions of law or complex issue or when the judge is burdened by heavy caseloads, that a longer period to decide may be allowed but only upon proper application made with the Supreme Court by the concerned judge.

2. **ID.; ID.; ID.; NON-COMPLIANCE THEREOF; CONSTITUTES GROSS INEFFICIENCY.** — The non-compliance of the 90-day period in itself renders the respondent judge subject to administrative liability. It is the duty of a judge to take note of the cases submitted for his (her) decision and see to it that the same are decided within the 90-day period fixed by law, and failure to decide a case within the required period constitutes gross inefficiency. The 90-day period is intended to prevent delay in the administration of justice and non-compliance thereof constitutes a serious violation of the constitutional right of the parties to speedy disposition of their cases. Delay of justice is injustice. It erodes the faith and confidence of the people in the judiciary, lowers its standard and brings it into disrepute.

3. **CRIMINAL LAW; CRIMINAL LIABILITY; NOT SUBJECT TO AMICABLE SETTLEMENT.** — As correctly observed by the OCA, the pendency of an amicable settlement is not a valid excuse because it is a settled rule that a criminal case once filed in court cannot be amicably settled. Under the Civil Code, there may be a compromise upon the civil liability arising from an offense; but such compromise shall not extinguish the public action for the imposition of the legal penalty. While a compromise in civil suits is expressly authorized by law, there is no similar general sanction as regards criminal liability. The authority must be specifically conferred. The OCA is likewise correct in stating that the cases before respondent judge involve violations of B.P. 22 or the "Bouncing Checks Law." The

Supreme Court E-Library

payment of the civil liability does not extinguish the criminal actions since what is being punished is not the accused's failure to pay his obligation but the issuance *per se* of the checks which subsequently bounced or were dishonored for insufficiency or lack of funds.

4. ID.; ID.; ID.; KNOWLEDGE THEREOF IS REQUIRED FROM A JUDGE; CASE AT BAR. — [I]n this jurisdiction a criminal act is a violation against the State. The conviction of the perpetrators thereof is a concern of the State. Judges, being part of the judiciary, are enjoined to comply with their obligation to resolve cases promptly. They are presumed to know the axiomatic rule that, save in cases expressly allowed by law, crimes are not subject to amicable settlement. This rule applies with greater force in this case where the criminal cases were already submitted for decision. Indubitably, the non-compliance of the 90-day period in this case on the ground of pending amicable settlement is unjustified. We are thus constrained to impose sanction upon respondent judge as recommended by the OCA.

RESOLUTION

KAPUNAN, *J.*:

On November 13, 1996, Dr. Maria Cristina B. Seares in a sworn letter complaint charged Judge Rosita B. Salazar of MTC, Bangued, Abra with ignorance of the law for failure to decide criminal cases for violation of B.P. No. 22.

The facts are aptly summarized by the Office of the Court Administrator (OCA), to wit:

Dr. Seares is the private complainant in Criminal Cases Nos. 5760 to 5763, for Violation of B.P. 22. Complainant alleges that these cases were submitted for decision on February 14, 1996. Since then no decision has yet been rendered. Furthermore, respondent disregarded the directive of Senior Deputy Court Administrator Reynaldo L. Suarez in a note dated August 8, 1996 that the criminal cases be decided soonest considering the lapse of the 90-day period within which to resolve the same (*rollo*, p. 1).

Another sworn letter complaint dated January 20, 1997 was filed by complainant questioning the propriety of the action taken by

Supreme Court E-Library

respondent when she set the hearing of the aforecited cases in December 30, 1996 and ordered the accused to present evidence despite the fact that this had long been submitted for decision. Complainant submits that when respondent ordered the resetting for further hearing of said cases, she displayed a blatant disregard of the law and the order of higher judicial authority (*rollo*, p. 3).

On March 12, 1997, the Court resolved to require respondent to comment within 10 days from notice. After a motion for extension to file comment which was granted by the Court in its resolution of July 2, 1997, the Court received the Comment of respondent dated June 7, 1997.

In her Comment (*rollo*, pp. 41-43), respondent vigorously denies the charges. She avers that Criminal Cases Nos. 5760 to 5763 were originally assigned to Judge Redentor Valera but upon the latter inhibition's, (sic) she was designated to try the aforecited cases by then Executive Judge Francisco Villarta; that the accused is the first degree cousin of complainant's husband and was a very good friend of complainant; that since both parties are known to her personally, she was first adamant to accept the cases, nevertheless she was prevailed upon by her Executive Judge.

Respondent further avers that the cases involve checks issued by the accused in favor of the complainant in the total sum of ₱162,000.00, which all bounced; that however, on February 19, 1996, or barely 5 days after he issued the order subject of this complaint, complainant accepted payment from the accused in the sum of ₱150,000.00; that respondent however was surprised when she learned that complainant went to the Supreme Court personally to complain of respondent's failure to decide the cases within the 90-day period; that respondent went directly to see Senior Deputy Court Administrator Reynaldo L. Suarez to explain her side and was instructed to set the cases for hearing; that at the hearing on September 17, 1996, both parties appeared but without their respective counsels and agreed to have a conference inside the Judge's chambers; that complainant admitted that she accepted the sum of ₱150,000.00 from the accused and that to settle the cases amicably complainant demanded that aside from the payment of the remaining balance of ₱12,000.00, she be paid an additional ₱50,000.00 by the accused; that complainant was offered payment of only ₱12,000.00 but she refused to accept the same.

Supreme Court E-Library

Respondent claims that after the September 17, 1996 meeting, complainant went to her house and attempted to influence her to render a decision convicting the accused to which respondent retorted that the cases are still pending trial and it is improper to discuss the cases; that complainant reacted by uttering in Tagalog dialect *"wala palang silbi ang pagpunta ko rito. Kung gayon itutuloy ko ang complaint ko."* Respondent told her to go ahead. Hence, the filing of this complaint.[1]

On August 4, 1997, this Court referred this case to the OCA for evaluation, report and recommendation. On March 27, 1998, the OCA submitted a memorandum in compliance with the order. In the memorandum, the OCA found the respondent Judge guilty of gross ignorance of the law and dereliction of duty and recommended that respondent judge be fined in the amount of ₱1,000.00 with a stern warning that future similar infraction on her part will be dealt with more severely.

This case calls upon this Court to determine whether or not the respondent has violated the rule that cases must be decided or resolved within three (3) months from the date of submission pursuant to Section 15, Article VIII of the Constitution; and, whether or not the respondent has presented any sufficient explanation for the non-compliance considering that in certain meritorious cases a longer period to decide had been allowed.

We agree with the findings of the OCA and find the complaint to be meritorious.

Under Rule 3.01 of Canon 3 of the Code of Judicial Conduct, a judge must be faithful to the law and maintain professional competence, and Rule 3.05 admonishes all judges to dispose of the court's business promptly and to decide the case within the period fixed by law. The 90-day period to decide or resolve the case submitted for decision, fixed no less by the Constitution, is a mandatory requirement. Hence, non-compliance thereof shall subject the erring judge to administrative sanction as this Court may deem appropriate. It is only in certain meritorious

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[1] Memorandum, Office of the Court Administrator, pp. 1-2.

Supreme Court E-Library

cases, *i.e.*, those involving difficult questions of law or complex issue[2] or when the judge is burdened by heavy caseloads,[3] that a longer period to decide may be allowed but only upon proper application made with the Supreme Court by the concerned judge.

First, there is no question, and the respondent judge admits, that at the time the complaint was filed there was yet no decision rendered on the cases. At the time complaint was filed, which was on November 13, 1996, the mandatory 90-day period to decide or resolve the case had already lapsed, the cases having been submitted for decision since February 14, 1996.

Second, the respondent judge offered no satisfactory and acceptable explanation for her failure to comply with the 90-day period to decide or resolve the cases. Neither did she file an application for an additional time. In her comment, respondent judge claims that her failure to comply was due to the pending amicable settlement with the complainant. In fact, respondent judge states that the sum of money involved in the criminal cases amounted to One Hundred Sixty-Two Thousand pesos (₱162,000.00) arising from the issuance by the accused of three (3) personal checks which all bounced, and that on February 19, 1996, the complainant had accepted payment from the accused in the sum of One Hundred Fifty Thousand Pesos (₱150,000.00). Respondent judge claims that it was only when complainant asked Fifty Thousand Pesos (₱50,000.00) in addition to the balance of Twelve Thousand Pesos (₱12,000.00) and was refused, that she continued with this case.

As correctly observed by the OCA, the pendency of an amicable settlement is not a valid excuse because it is a settled rule that a criminal case once filed in court cannot be amicably settled. Under the Civil Code, there may be a compromise upon the civil liability arising from an offense; but such compromise

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[2] *Marcelino v. Cruz, Jr.*, 121 SCRA 51 (1983); *Lopez v. Alon*, 254 SCRA 168 (1996).

[3] *Sanchez v. Vestil*, 298 SCRA 1, 17 (1983).

Supreme Court E-Library

shall not extinguish the public action for the imposition of the legal penalty.[4] While a compromise in civil suits is expressly authorized by law, there is no similar general sanction as regards criminal liability. The authority must be specifically conferred.[5] The OCA is likewise correct in stating that the cases before respondent judge involve violations of B.P. 22 or the "Bouncing Checks Law." The payment of the civil liability does not extinguish the criminal actions since what is being punished is not the accused's failure to pay his obligation but the issuance *per se* of the checks which subsequently bounced or were dishonored for insufficiency or lack of funds.

The non-compliance of the 90-day period in itself renders the respondent judge subject to administrative liability. It is the duty of a judge to take note of the cases submitted for his (her) decision and see to it that the same are decided within the 90-day period fixed by law, and failure to decide a case within the required period constitutes gross inefficiency.[6] The 90-day period is intended to prevent delay in the administration of justice[7] and non-compliance thereof constitutes a serious violation of the constitutional right of the parties to speedy disposition of their cases. Delay of justice is injustice.[8] It erodes the faith and confidence of the people in the judiciary, lowers its standard and brings it into disrepute.[9]

We are aware that in most cases involving bouncing checks that the complainants usually lose interest in the criminal case. This might have been the reason why in her comment the

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[4] CIVIL CODE, Art. 2034.

[5] *Chaves v. Presidential Commission on Good Government*, 299 SCRA 744, 772 (1998).

[6] *Office of the Court Administrator v. Benedicto*, 296 SCRA 62, 71 (1998).

[7] *Bendesula v. Laza*, 58 SCRA 16 (1974).

[8] W.S. LANDOR, *Imaginary Conversations*, Peter Leopod and Pres. Dupaty.

[9] *In re Flordeliza*, 44 Phil. 608 (1923).

Supreme Court E-Library

respondent judge mentions her surprise at the complainant's continued interest in pursuing the case. Nevertheless, in this jurisdiction a criminal act is a violation against the State. The conviction of the perpetrators thereof is a concern of the State. Judges, being part of judiciary, are enjoined to comply with their obligation to resolve cases promptly. They are presumed to know the axiomatic rule that, save in cases expressly allowed by law, crimes are not subject to amicable settlement.[10] This rule applies with greater force in this case where the criminal cases were already submitted for decision. Indubitably, the non-compliance of the 90-day period in this case on the ground of pending amicable settlement is unjustified. We are thus constrained to impose sanction upon respondent judge as recommended by the OCA.

IN VIEW OF THE FOREGOING, the respondent judge is found guilty of gross ignorance of the law and dereliction of duty. Accordingly, respondent is *FINED* in the amount of One Thousand Pesos (₱1,000.00) with a stern warning that future similar infraction will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Puno, Pardo, and *Ynares-Santiago, JJ.*, concur.

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[10] *Ibid.*