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THIRD DIVISION

[A.M. No. RTJ-00-1601. November 13, 2001]
[Formerly OCA IPI No. 99-834-RTJ]

ELIEZER A. SIBAYAN-JOAQUIN, *complainant, vs.* **JUDGE ROBERTO S. JAVELLANA, Regional Trial Court, Branch 57, San Carlos City, Negros Occidental,** *respondent.*

SYNOPSIS

An administrative complaint for grave misconduct in the performance of official duties, graft and gross ignorance of the law, was filed against the respondent judge in connection with his handling of a case for estafa docketed as Criminal Case No. RTC 1150 filed by complainant before the respondent judge's *sala*. Complainant averred that there was an undue delay in the rendition of judgment in the aforementioned criminal case. According to him, the respondent judge rendered judgment only on the tenth month after the case was submitted for decision. Complainant further claimed that neither the respondent judge nor his clerk of court was present during the promulgation of the decision. He also cited the respondent judge for impropriety since he was often seen with the counsel for the accused.

In his comment, the respondent judge admitted his failure to decide the subject case within the reglementary period. He attributed the delay to his voluminous workload and his illness. He was handling two *salas*. He denied any irregularity in the promulgation of the decision and any close association with the accused's counsel.

The complaint for ignorance of the law was dismissed by the Supreme Court for being without basis. The Court, however, found the respondent judge administratively liable for failing to render judgment within the period prescribed. Hence, he was fined in the amount of two thousand pesos. The Court held that any undue delay in the resolution of cases often amounts to denial of justice and can easily undermine the people's faith and confidence in the judiciary. The respondent judge could have asked the Court for an extension of time to decide the case and explain why, but he did not.

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Anent the charge of impropriety, the Court admonished the respondent judge to constantly be circumspect in his conduct and dealings with lawyers who have pending cases before him. He should be extra prudent in associating with litigants and counsel appearing before him so as to avoid even a mere perception of possible bias or partiality.

SYLLABUS

1. **JUDICIAL ETHICS; JUDGES; NINETY-DAY REGLEMENTARY PERIOD TO DECIDE CASES; DISPOSITION OF CASES MUST BE DONE PROMPTLY AND SEASONABLY; UNDUE DELAY IN RESOLUTION OF CASES UNDERMINE THE PEOPLE'S FAITH AND CONFIDENCE IN THE JUDICIARY; CASE AT BAR.**— Section 15, Article XVIII, of the Constitution provides that lower courts have three months within which to decide cases or matters pending before them from the date of submission of such cases or matters for decision or resolution. Canon 3 of the Code of Judicial Conduct holds similarly by mandating that the disposition of cases must be done promptly and seasonably. Admittedly, respondent judge has taken ten months to finally decide Criminal Case No. RTC-1150 from its submission for decision, a period clearly beyond the ninety-day reglementary period. He could have asked for an extension of time to decide the case and explain why, but he did not. Any undue delay in the resolution of cases often amounts to a denial of justice and can easily undermine the people's faith and confidence in the judiciary. Aware of the heavy caseload of judges, the Court has continued to act with great understanding on requests for extension of time to decide cases.

2. **ID.; ID.; SHOULD BE EXTRA PRUDENT IN ASSOCIATING WITH LITIGANTS AND COUNSEL APPEARING BEFORE THEM TO AVOID A PERCEPTION OF POSSIBLE PARTIALITY; JUDGES MUST NOT ONLY BE PROFICIENT IN LAW BUT MUST ALSO BE COMPETENT, INDEPENDENT AND WITH INTEGRITY.**— Judges, indeed, should be extra prudent in associating with litigants and counsel appearing before them so as to avoid even a mere perception of possible bias or partiality. It is not expected, of course, that judges should live in retirement or seclusion from any social intercourse. Indeed, it may be desirable, for instance, that they continue, time and work commitments permitting, to relate to members of the bar

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in worthwhile endeavors and in such fields of interest, in general, as are in keeping with the noble aims and objectives of the legal profession. In pending or prospective litigations before them, however, judges should be scrupulously careful to avoid anything that may tend to awaken the suspicion that their personal, social or sundry relations could influence their objectivity, for not only must judges possess proficiency in law but that also they must act and behave in such manner that would assure, with great comfort, litigants and their counsel of the judges' competence, integrity and independence.

APPEARANCES OF COUNSEL

Edwin B. Maquinto for complainant.

DECISION

VITUG, *J.*:

In a complaint-affidavit, dated 17 September 1999, Eliezer A. Sibayan-Joaquin charged Judge Roberto S. Javellana, acting presiding judge of the Regional Trial Court ("RTC") of San Carlos City, Branch 57, with grave misconduct in the performance of official duties, graft and gross ignorance of the law. The complaint was an offshoot of a case for *estafa*, docketed Criminal Case No. RTC 1150, entitled "*People of the Philippines vs. Romeo Tan y Salazar*," filed by Sibayan-Joaquin for and in behalf of Andersons Group, Inc., against Romeo Tan before the San Carlos City RTC. Complainant averred that there was an undue delay in the rendition of judgment in the aforenumbered criminal case, the decision, dated 16 July 1999, that had acquitted the accused Romeo Tan, having been rendered only on the tenth month after the case was submitted for decision. Complainant further claimed that neither respondent judge nor his clerk of court was present during the promulgation of the decision in contravention of Section 6, Rule 120, of the Rules of Court. Respondent judge was also cited for impropriety by complainant because he was often seen with Attorney Vic Agravante, counsel for the accused, whose vehicle respondent judge would even use at times.

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Required to comment on the complaint, respondent judge admitted that the decision in Criminal Case No. RTC-1150 was rendered beyond the ninety-day reglementary period but attributed the delay to his voluminous workload. Respondent was handling two *salas*, his original station, RTC Branch 59, designated as being a special court for heinous crimes, and RTC Branch 57. He explained that he was suffering from hypertension which resulted in his frequent requests for leave. Respondent judge maintained that the decision in Criminal Case No. RTC-1150 was validly promulgated. He denied any irregularity in the promulgation of the decision which was duly conducted by Atty. Tarjata Ignalaga, Clerk of Court VI, of the Regional Trial Court of San Carlos City, Negros Occidental, in the presence of accused Romeo Tan *y* Salazar and his counsel, Atty. Agravante, along with Provincial Prosecutor Estefanio Libutna, Jr., and private prosecutor Atty. Edwin Magrinto. Respondent judge denied any close association with Atty. Agravante.

The matter was referred to the Office of the Court Administrator ("OCA") for evaluation. In its report of 09 September 2000, the OCA recommended that an investigation be conducted in order to afford the parties the opportunity to substantiate their respective claims. In its resolution of 23 October 2000, the Court adopted the OCA's recommendation and assigned the case to Associate Justice Bernardo Abesamis of the Court of Appeals.

In due time, Justice Abesamis submitted his report, dated 25 May 2001, finding respondent judge to have indeed failed to decide Criminal Case No. RTC-1150 within the ninety-day reglementary period. The Investigating Justice found no irregularity, however, in the promulgation of the decision. He also found no gross ignorance of the law on the part of respondent. In order to impose disciplinary action on judges, Justice Abesamis concluded, it should be shown that the error or mistake invoked was gross or patent, malicious, deliberate or in bad faith, and that a mere error of judgment would not be a ground for disciplinary action. Finally, the Investigating Justice held respondent judge accountable for impropriety for his close association with Atty. Agravante.

The Investigating Justice ended his report to the Court by recommending thusly:

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"WHEREFORE, after due investigation, and in consideration of the foregoing discussions, it is most respectfully recommended to the Honorable Supreme Court that:

"1) The charge of gross ignorance of the law against respondent judge be DISMISSED for lack of merit.

"2) Respondent judge be held administratively liable for:

"a) failure to render judgment in Criminal Case No. RTC-1150 within the period prescribed by law (in violation of *§15, ARTICLE VIII OF THE PHILIPPINE CONSTITUTION, CANON 1, RULE 1.02, and CANON 3, RULE 3.05 OF THE Code of Judicial Conduct);* and

"b) engaging in activities having the appearance of impropriety which unduly raise suspicion and distrust among the people in the administration of justice (in violation of *CANON 2, RULE 2.01 AND RULE 2.03 OF THE CODE OF JUDICIAL CONDUCT*);

"3) Respondent JUDGE ROBERTO S. JAVELLANA be ADMONISHED, with a WARNING that a repetition of similar acts will be dealt with more severely."[1]

Section 15, Article XVIII, of the Constitution provides that lower courts have three months within which to decide cases or matters pending before them from the date of submission of such cases or matters for decision or resolution. Canon 3 of the Code of Judicial Conduct holds similarly by mandating that the disposition of cases must be done promptly and seasonably. Admittedly, respondent judge has taken ten months to finally decide Criminal Case No. RTC-1150 from its submission for decision, a period clearly beyond the ninety-day reglementary period. He could have asked for an extension of time to decide the case and explain why, but he did not. Any undue delay in the resolution of cases often amounts to a denial of justice and can easily undermine the people's faith and confidence in the judiciary. Aware of the heavy caseload of judges, the Court has continued to act with great understanding on requests for extension of time to decide cases.

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[1] Report and Recommendation, dated 25 May 2001, pp. 22-23.

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The Investigating Justice has seen impropriety on the part of respondent judge in his close association with a counsel for a litigant; thus:

"Giving respondent judge the benefit of the doubt, and presume that his close associations with lawyers practicing within the territorial jurisdiction of his court are all normal and do not in any way unduly influence him in the discharge of his sworn duties, the Court cannot just leave respondent judge's acts and consider them proper.

"It is expressly provided under the *CODE OF JUDICIAL CONDUCT* that:

"'*CANON 2.* - A JUDGE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES.

'x x x x x x x x x

'*Rule 2.01.* - A Judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary.

'x x x x x x x x x

'*Rule 2.09.* - A Judge shall not allow family, social or other relationships to influence judicial conduct or judgment. The prestige of judicial office shall not be used or lent to advance the private interests of others to convey the impressions that they are in special position to influence the judge.'

"Hence, a judge's official conduct and his behavior in the performance of judicial duties should be free from the appearance of impropriety and must be beyond reproach. One who occupies an exalted position in the administration of justice must pay a high price for the honor bestowed upon him, for his private as well as his official conduct *must at all times be free from the appearance of impropriety.* Because *appearance is as important as reality in the performance of judicial functions*, like Caesar's wife, a judge must not only be pure *but also beyond suspicion.* A judge has the duty to not only render a just and impartial decision, but also *render it in such a manner as to be free from any suspicion as to its fairness and impartiality*, and also as to the judge's integrity.

"It is obvious, therefore, that while judges should possess proficiency in law in order that they can competently construe and enforce the law, it is more important that *they should act and behave in such a manner*

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that the parties before them should have confidence in their impartiality."[2]

The Court shares the view and disquisition of the Honorable Justice. Judges, indeed, should be extra prudent in associating with litigants and counsel appearing before them so as to avoid even a mere perception of possible bias or partiality. It is not expected, of course, that judges should live in retirement or seclusion from any social intercourse. Indeed, it may be desirable, for instance, that they continue, time and work commitments permitting, to relate to members of the bar in worthwhile endeavors and in such fields of interest, in general, as are in keeping with the noble aims and objectives of the legal profession. In pending or prospective litigations before them, however, judges should be scrupulously careful to avoid anything that may tend to awaken the suspicion that their personal, social or sundry relations could influence their objectivity, for not only must judges possess proficiency in law but that also they must act and behave in such manner that would assure, with great comfort, litigants and their counsel of the judges' competence, integrity and independence.

WHEREFORE, (a) the complaint against respondent Judge Roberto S. Javellana for ignorance of the law is DISMISSED for being without basis; (b) said respondent is found administratively liable for failing to render judgment in Criminal Case No. RTC-1150 within the period prescribed therefor and is hereby imposed a FINE of TWO THOUSAND PESOS, with warning that a repetition of same or similar acts will be dealt with more severely than herein imposed; (c) the respondent, finally, is ADMONISHED to constantly be circumspect in his conduct and dealings with lawyers who have pending cases before him.

SO ORDERED.

Melo (Chairman), Panganiban, Sandoval-Gutierrez, and *Carpio, JJ.,* concur.

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[2] Report and Recommendation dated 25 May 2001, pp. 20-21.