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THIRD DIVISION

[A.M. No. RTJ-02-1710. June 17, 2003]

EVANGELINA C. SAMSON, *complainant, vs.* **JUDGE JULES A. MEJIA,** *respondent.*

SYNOPSIS

Complainant filed an administrative case for gross misconduct against respondent Judge. Complainant alleged that she is the defendant in a civil case for annulment of contracts pending before respondent's court. Four months passed after the case was deemed submitted for decision and still respondent had not rendered his decision. Dismayed by respondent's inaction, complainant went to respondent's office and pleaded for the early disposition of the case. However, respondent ignored her plea and even suggested that she settle the case amicably with the plaintiffs. Complainant was then convinced that respondent purposely withheld his decision in the subject case to pressure her to enter into a compromise agreement with the plaintiffs. In his comment, respondent admitted that there was delay but it was not intentionally done to favor any of the parties. He also explained that he was then suffering from the untimely demise of his daughter. Moreover, he was an acting presiding judge in the Regional Trial Court, Branch 69 at Iba, Zambales.

The Supreme Court found respondent liable for undue delay in rendering a decision. According to the Court, while they commiserate with respondent for the untimely death of his daughter, such fact, while mitigating, cannot completely exculpate him from liability. He could have asked the Court for an extension of the period within which to decide the case instead of allowing the 90-day period to expire. Or, as complainant aptly suggested, he could have gone on leave during the time of his mourning if he could not effectively discharge his duties as a judge. While there is no evidence that respondent purposely withheld his decision to favor the opposing party, his inaction constitutes undue delay in rendering a decision. The offense was classified as a less serious charge under Section 9, Rule 140 of the Revised Rules of Court. Respondent was fined in the amount of ₱11,000.00.

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SYLLABUS

POLITICAL LAW; ADMINISTRATIVE LAW; PUBLIC OFFICERS; JUDGES; UNDUE DELAY IN RENDERING A DECISION OR ORDER; WHILE THERE IS NO EVIDENCE THAT RESPONDENT PURPOSELY WITHHELD HIS DECISION TO FAVOR THE OPPOSING PARTY, HIS INACTION CONSTITUTES UNDUE DELAY IN RENDERING A DECISION.— While we commiserate with respondent for the untimely death of his daughter, such fact, while mitigating, cannot completely exculpate him from liability. He could have asked the Court for an extension of the period within which to decide Civil Case No. A-2274 instead of allowing the 90-day period to expire. Or, as complainant aptly suggested, he could have gone on leave during the time of his mourning if he could not effectively discharge his duties as a judge. We likewise cannot understand why a letter-request from one of the plaintiffs could cause delay. Nor can we accept his excuse that his designation as Acting Presiding Judge of another Branch contributed to the delay in the disposition of the case. The Code of Judicial Conduct mandates judges to dispose of the court's business promptly and to decide cases within the required periods. Failure to do so violates a litigant's right to speedy disposition of his case. Moreover, delay in the disposition of cases undermines the people's faith and confidence in the judiciary. While there is no evidence that respondent purposely withheld his decision to favor the opposing party, his inaction constitutes undue delay in rendering a decision. This offense is classified as a less serious charge under Section 9, Rule 140 of the Revised Rules of Court.

APPEARANCES OF COUNSEL

Heraldo A. Dacayo, Jr. for complainant.

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DECISION

SANDOVAL-GUTIERREZ, *J.*:

The instant administrative case stemmed from the affidavit-complaint[1] for gross misconduct dated September 18, 2001 filed by Evangelina C. Samson against Judge Jules Mejia of the Regional Trial Court, Branch 54, Alaminos, Pangasinan.

Complainant alleged that she is the defendant in Civil Case No. A-2274, entitled *"Dorothy M. Cabal, et al. vs. Dominador Cabal and Evangeline C. Samson"* for annulment of contracts, pending before respondent's court. On April 26, 2000, the case was deemed submitted for decision. Four months passed and still, respondent had not rendered his decision, prompting her to file three motions for resolution dated August 18, 2000, November 3, 2000 and January 9, 2001.

Three months later, complainant, dismayed by respondent's inaction, went to his office and pleaded for the early disposition of the case. However, respondent ignored her plea and even suggested that she settle the case amicably with the plaintiffs. This convinced complainant that respondent purposely withheld his decision in the subject case to pressure her to enter into a compromise agreement with the plaintiffs.

In his comment, respondent admitted there was delay but it was not intentionally done to favor any of the parties. He explained that on July 10, 2000, he issued an order regarding the admissibility of the evidence in Civil Case No. A-2274. He also waited, in the interest of justice and equity, for the comment of the intervenor after he ordered that the intervention be expunged from the records of the case. Hence, the case was considered submitted for decision only in September 2000.

He also explained that he was then suffering from the untimely demise of his daughter. Moreover, he was an acting presiding judge in the Regional Trial Court, Branch 69 at Iba, Zambales.

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

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Furthermore, on March 12, 2001, he received a letter from Dorothy Cabal, one of the plaintiffs in the same civil case, requesting that she be furnished with the necessary forms she had to accomplish, being the sole heir of Mario Cabal, also a plaintiff in the case. Respondent prayed that the Court consider his explanation satisfactory.

After evaluating the records, the Office of the Court Administrator found merit in the complaint and recommended that:

1) The case be re-docketed as a regular administrative complaint; and

2) Respondent Judge be held liable for gross inefficiency and be ordered to pay a fine of five thousand pesos (₱5,000.00) with a stern warning that a repetition of the same act will be dealt with more severely.

Pursuant to the Resolution of this Court dated July 15, 2002, both parties filed their respective Manifestations that they are submitting this case for decision based on the pleadings filed.

Article VIII, Section 15 (2) of the Constitution requires judges of lower courts to decide cases or resolve matters within three months from the date they are submitted for decision or resolution. Under Administrative Circular No. 28,[2] a case is considered submitted for decision "upon the admission of the evidence of the parties at the termination of the trial. The ninety-day period for deciding the case shall commence to run from submission of the case for decision without memoranda; in case the court requires or allows its filing, the case shall be considered submitted for decision upon the filing of the last memorandum or upon the expiration of the period to do so, whichever is earlier."

In the case at bar, respondent, on March 29, 2000, ordered the parties to submit their respective memoranda within thirty (30) days. Applying Administrative Circular No. 28, Civil Case

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[2] Dated July 3, 1989.

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No. A-2274 was deemed submitted for decision on April 28, 2000. However, records show that respondent rendered his decision only on December 11, 2001. Clearly, there is a delay of one year and more than seven months.

Respondent's explanation obviously lacks merit. Even if we believe respondent's claim that the case was submitted for decision in September 2000, still there was delay.

While we commiserate with respondent for the untimely death of his daughter, such fact, while mitigating,[3] cannot completely exculpate him from liability. He could have asked the Court for an extension of the period within which to decide Civil Case No. A-2274 instead of allowing the 90-day period to expire. Or, as complainant aptly suggested, he could have gone on leave during the time of his mourning if he could not effectively discharge his duties as a judge. We likewise cannot understand why a letter-request from one of the plaintiffs could cause delay. Nor can we accept his excuse that his designation as Acting Presiding Judge of another Branch contributed to the delay in the disposition of the case.[4]

The Code of Judicial Conduct mandates judges to dispose of the court's business promptly and to decide cases within the required periods.[5] Failure to do so violates a litigant's right to speedy disposition of his case.[6] Moreover, delay in the

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[3] In *Dizon vs. Lopez*, (278 SCRA 483 [1997]), this Court considered the death of respondent's parents as a mitigating factor in an administrative case against her for failure to decide within the ninety-day period.

[4] *Concerned Citizen of Maddela vs. Judge Ma. Theresa Dela Torre-Yadao*, A.M. Nos. RTJ-01-1639 and 00-9-427-RTC, November 27, 2002, citing *Echaves vs. Fernandez*, A.M. No. RTJ-00-1596, February 19, 2002, *Gallego vs. Doronila*, 334 SCRA 339, 345 (2000), *Re: Report on the Judicial Audit of Cases in the RTC, Br. 35, Iriga City*, 299 SCRA 382 (1998).

[5] Canon 3, Rule 3.05; *Gil vs. Janolo*, AM RTJ-00-1602, December 5, 2000, 347 SCRA 6; *Office of the Court Administrator vs. Castillo*, AM RTJ-01-1634, October 25, 2001, 368 SCRA 189.

[6] *Phil. Geriatrics Foundation, Inc. vs. Layosa*, AM No. MTJ-00-1249, September 4, 2001, 364 SCRA 287; *Guillas vs. Muñez*, AM No. RTJ-00-1571, August 28, 2001, 363 SCRA 701.

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disposition of cases undermines the people's faith and confidence in the judiciary.[7]

While there is no evidence that respondent purposely withheld his decision to favor the opposing party, his inaction constitutes undue delay in rendering a decision. This offense is classified as a less serious charge under Section 9, Rule 140 of the Revised Rules of Court, thus:

"SEC. 9. *Less Serious Charges.* — Less serious charges include:

1. Undue delay in rendering a decision or order, or in transmitting the records of a case;

x x x x x x x x x."

Section 11 (B) of the same Rule provides the penalty as follows:

"B. If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:

1. Suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or

2. A fine of more than ₱10,000.00 but not exceeding ₱20,000.00."

WHEREFORE, this Court finds respondent Judge Jules A. Mejia liable for undue delay in rendering a decision in Civil Case No. A-2274 and imposes upon him a fine of ₱11,000.00.

SO ORDERED.

Puno (Chairman), Panganiban, Corona, and *Carpio Morales, JJ.,* concur.

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[7] *Yalung vs. Pascua*, AM No. MTJ-01-1342, June 21, 2001, 359 SCRA 241, citing *Request of Judge Irma Zita Masamayon, RTC Br. 52, Talibon, Bohol for Extension of Time to Decide Criminal Case No. 96-251*, 328 SCRA 584 (2000); *Sta. Ana vs. Arinday, Jr.*, 283 SCRA 392 (1997).