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of homicide with the aggravating circumstance of abuse of superior strength and sentencing him to a prison term of 12 years of *prision mayor*, as minimum, to 20 years of *reclusion temporal*, as maximum, and ORDERING him to pay the heirs of Jennifer Domantay the amounts of ₱50,000.00, as indemnity, ₱50,000.00, as moral damages, ₱25,000.00, as exemplary damages, and ₱12,000.00, as actual damages, and the costs.

SO ORDERED.

Davide, Jr., C.J., Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Panganiban, Quisumbing, Pardo, Gonzaga-Reyes, and *Ynares-Santiago, JJ.,* concur.

Purisima and *Buena, JJ.,* took no part in the deliberations.

THIRD DIVISION

[A.M. No. MTJ-99-1189. May 12, 1999]

FE T. BERNARDO, *complainant, vs.* **JUDGE AMELIA A. FABROS, Metropolitan Trial Court of Manila, Branch 9,** *respondent.*

SYNOPSIS

Respondent was charged with failure to decide an ejectment case within the 30-day reglementary period prescribed by the Revised Rules on Summary Procedure. Respondent admitted the charge, offered no excuses and claimed the same was due to an oversight because she failed to record the expiration of the period for resolving the case. She, however, challenged the standing of complainant who was the attorney-in-fact of plaintiff in the ejectment case claiming that "[i]n administrative actions where there is a complainant and a respondent certainly it is a condition *sine qua non* that the one who complains or who

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appears to be the offended party must *personally* file the same. "The Court Administrator, in its investigation report, found respondent guilty and recommended that she be fined in the amount of ₱3,000.

The Court has constantly impressed upon judges the need to decide cases promptly and expeditiously and their failure to do so constitutes gross inefficiency and warrants the imposition of administrative sanction upon them; that judges may ask for additional time when they are burdened with heavy caseloads, which they cannot dispose of within the reglementary period; that judges must adopt a system of record management and organize their dockets in order to bolster the prompt and efficient dispatch of business; and that the Court has a duty to investigate charges against court personnel, regardless of complainant's standing or subsequent desistance because such case involves the public good.

Respondent was found guilty of gross inefficiency and ordered to pay a fine of ₱3,000 and warned that a repetition of the same or a similar act shall be dealt with more severely.

SYLLABUS

1. **JUDICIAL ETHICS; FAILURE TO DECIDE A CASE WITHIN PRESCRIBED PERIOD CONSTITUTES GROSS INEFFICIENCY; RESPONDENT JUDGE ORDERED TO PAY FINE OF ₱3,000.00; CASE AT BAR.** — Respondent admits that she failed to decide the aforementioned case within the thirty-day period prescribed by the Revised Rule on Summary Procedure. For this reason, she should be administratively sanctioned. In the present administrative matter, only one case was not decided within the reglementary period. Furthermore, respondent judge herself admits her fault, and complainant alleged no undue damage caused by the delay. Under the circumstances, we agree with the OCA that respondent should be fined in the amount of ₱3,000.

2. **REMEDIAL LAW; ADMINISTRATIVE SUPERVISION OVER COURT PERSONNEL; STANDING OR PERSONAL INTEREST OF COMPLAINANT, NOT MATERIAL.** — The standing or the personal interest of a complainant is not material in an administrative case against a judge or another court personnel. Because such case involves the public good, it has been held

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that this "Court's interest in the affairs of the judiciary is a paramount concern that must not know bounds." Thus, this Court has a duty to investigate charges against court personnel, regardless of complainant's standing or subsequent desistance. In fact, it can do so on its own, even when there is no complainant. In any event, as earlier noted, respondent admits that she failed to decide the ejectment case within the reglementary period.

DECISION

PANGANIBAN, *J.*:

The failure of a judge to decide a case within the reglementary period constitutes gross dereliction of duty. The gravity of this offense depends on several factors, including the number of cases not decided on time, the damage suffered by the parties as a result of the delay, and the presence of other aggravating or mitigating circumstances.

The Case

The Court stresses this principle in resolving the February 29, 1996 sworn Complaint[1] of Fe T. Bernardo, in which Judge Amelia A. Fabros (Metropolitan Trial Court of Manila, Branch 9) was charged with failure to decide Civil Case No. 150796, an ejectment case, within the reglementary period of thirty days.

The Facts

In her sworn Complaint, Bernardo alleges the following:

"1. I am the attorney-in-fact of the Spouses Marcial Yandoc and Emerciana Yandoc who filed an ejectment case against Flordeliza M. Morales last March 1, 1996[;] a copy of the said ejectment complaint is hereto attached and marked as Annex 'A' hereof;

"2. Said case which is docketed as Civil Case No. 150796-CV was raffled to the sala of Judge Amelia A. Fabros of the Metropolitan Trial Court of Manila, Branch 9;

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[1] *Rollo*, pp. 1-2.

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"3. On March 28, 1996, the herein defendant Flordeliza M. Morales filed or tendered her answer to the said ejectment case[;] a copy of the said answer is hereto attached and marked as Annex 'B' hereof;

"4. The said presiding judge set the preliminary conference of the instant case last May 22, 1996 at 8:30 a.m. where the parties to the said ejectment case were required to submit their position paper and the affidavits of their witnesses therein;

"5. As attorney-in-fact of the plaintiffs therein, I filed my affidavit and the position paper for the plaintiffs therein last May 28, 1996[;] a copy of my compliance containing the said affidavit and position paper is hereto attached and marked as Annex 'C' hereof;

"6. On the other hand, I and even our counsel have not received a copy of the defendant's position paper or even her affidavit in the said ejectment case;

"7. Unfortunately, despite the fact that I have long submitted my said affidavit and position paper in behalf of the plaintiffs in the said ejectment case, it took almost seven (7) months for the said judge to decide a simple ejectment case which under the Revised Rules on Summary Procedure should be resolved within a period of thirty (30) days from the time the said case is deemed submitted for decision;

"8. Definitely, the said judge had flagrantly and blatantly violated the provision of the said rules in the instant case and I am even surprised how said judge could have possibly received her regular salary despite the pendency of the said case for more than thirty (30) days;

"9. I am hereby executing this affidavit in order to attest to the truth of all matters herein contained and for the purpose of filing an administrative complaint against Judge Amelia A. Fabros for being clearly inefficient and for deliberately neglecting her duty in resolving promptly the said ejectment case within the period allowed under the said Revised Rules on Summary Procedure."[2]

In her Comment filed on June 26, 1997,[3] Judge Fabros admitted that she failed to decide the said case within the prescribed

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[2] *Rollo*, p. 2.

[3] *Rollo*, pp. 18-20.

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period due to oversight. She offered no excuse for the omission, but assailed the legal standing of complainant. In her own words:

"This is my comment which you required for me to submit within ten (10) days from receipt of your 1st Indorsement dated May 20, 1997 which I received on June 18, 1997. The instant case complained of which is Civil Case No. 150796-CV was decided by the undersigned in favor of the defendant and against the plaintiff on December 23, 1996. The dispositive portion of [the Decision] is as follows:

> 'Wherefore, premises considered, the Court renders judgment for the defendant and against the plaintiffs [d]ismissing the Complaint therefor for lack of merit. The Court likewise orders the plaintiffs to pay the defendant the amount of ₱5,000.00 as attorney's fees and the cost of the suit.'

"The reason for the dismissal is based on the fact that the defendant in the ejectment case filed a criminal case against the son of the plaintiff[;] and from the evidence adduced by both the parties, I arrived at the conclusion that there was absolutely no basis for the complaint of unlawful detainer and that the filing of the complaint of unlawful detainer was motivated solely to harass the herein defendant. This is evident since the complaint was filed only by an attorney-in-fact, an agent of the principal who is the plaintiff herein. This may be a collateral matter but I believe it is relevant when viewed for the purpose of showing the character of the complainant (she is not even the complainant for again it [was] the attorney-in-fact who filed the case[;] however, this will be taken up later) who herself [i]s a crusader, as it were, [in] the continuing campaign to remove corrupt and inefficient judges. From this letter-complaint, there is a dubious insinuation that even at this time I have not decided the case. For the record, I decided the case last December 23, 1996. It was appealed and raffled to the Regional Trial Court of Manila, Branch 36. The appeal of the plaintiff was decided against her. My decision was affirmed by the said Court, a copy of which is hereto attached.

"While it is true that the attorney-in-fact Fe Bernardo was the one who filed the instant complaint against me, in this particular administrative proceeding, it is respectfully and humbly submitted that her authority as an attorney-in-fact does not give her authority to file an administrative complaint against me. In administrative actions where there is a complainant and a respondent, certainly it is a

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condition *sine qua non* that the one who complains or who appears to be the offended party must *personally* file the same. Otherwise, how can the respondent, if charged unjustifiably or without any valid grounds at all, recover damages to vindicate a wrong done or committed against him. It is in this context and my submission, most respectfully, that a complainant or offended party must file a complaint in his or her personal capacity and not made through delegation to an attorney-in-fact who may never be held criminally or civilly answerable in case of any wrongdoing or a groundless complaint. This would be akin to an anonymous complaint not worth the paper on which it is written. I believe that the respondent's right to confront his accuser personally is basic. The accuser must not hide behind the protective 'shield' of a power of attorney. To sustain an accuser's right to be able to do this thru a third person would be overextending the purpose of a special power of attorney. If only for all the foregoing, the complaint proffered against me should not be given due course.

"But there is that other matter now which has come to fore and which is the documented fact that the decision was rendered beyond the thirty-day period. While the case was submitted for decision on June 11, 1996 it was only on December 23, 1996 that it was decided. The explanation is simply that in the course of [my] working as the Presiding Judge of Branch 9 of the Metropolitan Trial Court of Manila there was an oversight. There was a failure to record the due date when it should be decided. I offer no excuses. I can not even say that because of the volume of work now facing Metropolitan Trial Court Judges it is virtually impossible to monitor each and every case. My court receives an average monthly input of raffled cases at the rate of 157 a month. I have 994 pending cases as of April 1997. Despite this I am able xxx to the best of my ability xxx resolve an average of 42 cases a month."

Recommendation of the Court Administrator

The Court Administrator, in his Report dated February 25, 1999, noted that indeed respondent failed to decide the case within the reglementary period and, thus, recommended that she be fined in the sum of three thousand pesos (₱3,000), *viz.*:

"The respondent Judge in her comment humbly admits the delay of her decision on the said ejectment case and offers no excuses for such delay, claiming merely that the omission was a simple oversight

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on her part. Such contrite admission, however, would not warrant a total exculpation of respondent for her nonfeasance. She should be reminded that it is incumbent upon a judge to devise [an] efficient recording and filing system in her court to facilitate an orderly and expeditious flow of cases and their speedy disposition. 'There should be a continuous and physical inventory of cases on a monthly basis so that the trial judge is kept aware of the status of each case.' [Report on the Judicial Audit Conducted in the Regional Trial Court Branches 61, 134 and 147, Makati, Metro Manila, 248 SCRA 5.] Although the rules require courts to decide cases submitted for decision generally within three (3) months from the date of such submission, with respect to cases falling under the Rule on Summary Procedure, first level courts are allowed only thirty (30) days following the receipt of the affidavit and position paper, or the expiration of the period for filing the same, within which to render judgment. In one case, a respondent judge was fined and warned against a repetition of similar acts in the future [*Raboca v. Pantanosas, Jr.*, 245 SCRA 293].

"The respondent Judge's violation of the rule and her failure to give a satisfactory explanation of her failure to decide the case within the time required by law and to report the case to the Court warrant imposition of a fine and stern warning that a repetition of this offense will be dealt with more severely."[4]

This Court's Ruling

We agree with the findings and the conclusions of the Office of the Court Administrator (OCA).

Timely Resolution of Cases

Respondent admits that she failed to decide the aforementioned case within the thirty-day period prescribed by the Revised Rule on Summary Procedure. For this reason, she should be administratively sanctioned. As held in *Sanchez v. Vestil*:[5]

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[4] *Rollo*, pp. 25-26.

[5] AM No. RTJ-98-1419, October 13, 1998, per Panganiban, *J.* See also *Office of the Court Administrator v. Judge Walerico Butalid*, AM No. RTJ-96-1337, August 5, 1998; *Atty. Nelson Ng v. Judge Leticia Ulibari*, AM No. MTJ-98-1158, July 30, 1998; *Jocelyn Grefaldeo v. Judge Rica Lacson*, AM No. MTJ-93-881, August 3, 1998.

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"This Court has constantly impressed upon judges the need to decide cases promptly and expeditiously, for it cannot be gainsaid that justice delayed is justice denied. Delay in the disposition of cases undermines the people's faith and confidence in the judiciary. Hence, judges are enjoined to decide cases with dispatch. Their failure to do so constitutes gross inefficiency and warrants the imposition of administrative sanction on them."

We reiterate that judges may ask for additional time when they are burdened with heavy caseloads, which they cannot dispose of within the reglementary period. In the present case, however, respondent judge never asked for an extension.

Respondent avers that, due to "plain oversight," she failed to record the expiration of the period for resolving the case. As she herself admits, this is not a valid excuse. This Court reiterates that judges must adopt a system of record management and organize their dockets in order to bolster the prompt and efficient dispatch of business.[6] In *Office of the Court Administrator v. Villanueva*, we ruled as follows:

"A judge xxx is expected to keep his own record of cases so that he may act on them promptly without undue delay. It is incumbent upon him to devise an efficient recording and filing system in his court so that no disorderliness can affect the flow of cases and their speedy disposition. x x x Proper and efficient court management is as much his responsibility. He is the one directly responsible for the proper discharge of his official functions."[7]

The Court finds no merit in respondent's allegation that the complainant herein, being merely an attorney-in-fact, does not have the standing to file this administrative complaint. Respondent further states that, "[i]n administrative actions where there is a complainant and a respondent, certainly it is a [*conditio*]

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[6] Cf. paragraph 8 of Canons of Judicial Ethics.

[7] 279 SCRA 267, 273, September 18, 1997, per Melo, J.; citing *Agcaoili v. Ramos*, 229 SCRA 705, 710, February 7, 1994. See also *Office of the Court Administrator v. RTC Judge Amelita DR Benedicto*, AM No. 96-176-RTC, September 25, 1998 and *Mamamayan ng Zapote I, Bacoor, Cavite v. Balderian*, 265 SCRA 360, December 6, 1996; *Celino v. Abrogar*, 245 SCRA 304, June 27, 1995.

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sine qua non that the one who complains or who appears to be the offended party must *personally* file the same." It is well-settled that the standing or the personal interest of a complainant is not material in an administrative case against a judge or another court personnel. Because such case involves the public good,[8] it has been held that this "Court's interest in the affairs of the judiciary is a paramount concern that must not know bounds."[9] Thus, this Court has a duty to investigate charges against court personnel, regardless of complainant's standing or subsequent desistance. In fact, it can do so on its own, even when there is no complainant. In any event, as earlier noted, respondent admits that she failed to decide the ejectment case within the reglementary period.

Accordingly, we adopt the recommendation of the OCA that respondent judge be sanctioned. In the *Report on the Judicial Audit Conducted in RTC-Branches 29 and 59, Toledo City*,[10] the Court observed the factors considered in the determination of the proper penalty for failure to decide a case on time.

"We have always considered the failure of a judge to decide a case within [the reglementary period] as *gross inefficiency* and imposed either fine or suspension from service without pay for such. The fines imposed vary in each case, depending chiefly on the number of cases not decided within the reglementary period and other factors, to wit: the presence of aggravating or mitigating circumstances — the damage suffered by the parties as a result of the delay, the health and age of the judge, etc.

In the present administrative matter, only one case was not decided within the reglementary period. Furthermore, respondent judge herself admits her fault, and complainant alleged no undue damage caused by the delay. Under the circumstances, we

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[8] *Moreno v. Bernabe*, 246 SCRA 120, July 14, 1995; *Imbing v. Tiongson*, 229 SCRA 690, February 7, 1994.

[9] *Marcelino v. Singson, Jr.*, 243 SCRA 685, April 24, 1995, per Vitug, *J.*; *Cabandong v. Judge Calderon*, AM No. RTJ-89-343, February 20, 1990; *Anguluan v. Taguba*, 93 SCRA 179, September 14, 1979.

[10] AM No. 97-9-278-RTC, July 8, 1998, per Puno, *J.*

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agree with the OCA that respondent should be fined in the amount of ₱3,000.

WHEREFORE, Judge Amelia A. Fabros is found *GUILTY* of gross inefficiency and is hereby ordered to *PAY* a fine of three thousand pesos (₱3,000). She is *WARNED* that a repetition of the same or a similar act shall be dealt with more severely. Let a copy of this Decision be attached to her personal records.

SO ORDERED.

Romero (Chairman), Vitug, Purisima, and *Gonzaga-Reyes, JJ.,* concur.

THIRD DIVISION

[G.R. No. 117422. May 12, 1999]

NEOMENIA PETILLA PIMENTEL, *petitioner, vs.* **COURT OF APPEALS and ZOSIMO B. NAMIT,** *respondents.*

SYNOPSIS

Private respondent filed with the Regional Trial Court of Pasay City a complaint for a sum of money to recover from the latter the alleged balance of his attorney's fees alleging, among others, that petitioner approached him and pleaded for his assistance in reviving her husband's application for death benefits with the US Department of Labor. After a favorable decision on petitioner's claim, he was paid the amount of US$2,500 only hence, he demanded payment of the balance of US$10,836.95 representing 25% of the amount recovered as agreed upon but petitioner refused to pay. The trial court rendered its decision awarding an additional US$2,500 in favor of private respondent as his attorney's fees in the labor case plus ₱10,000 attorney's fees for his counsel in the present case.