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WHEREFORE, the Decision of the Regional Trial Court of Cavite City, Branch 16, in Criminal Case Nos. 248-96 and 249-96, finding accused-appellant Gonyeto Francisco *y* Capellan guilty beyond reasonable doubt of the crime of rape on two counts is *AFFIRMED*, with the *MODIFICATION* that accused-appellant is sentenced to suffer the penalty of *RECLUSION PERPETUA* in Criminal Case Nos. 248-96 and 249-96; and to pay private complainants Wennie C. Merioles and Rachelle C. Francisco the sum of ₱50,000.00, or a total of ₱100,000.00, by way of civil indemnity; ₱50,000.00, or a total of ₱100,000.00, as moral damages; and ₱20,000.00, or a total of ₱40,000.00, as exemplary damages. Costs against accused-appellant.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Pardo, Buena, Gonzaga-Reyes, De Leon, Jr., and *Sandoval-Gutierrez, JJ.*, concur.

THIRD DIVISION

[A.M. No. MTJ-00-1270. January 23, 2001]
(formerly OCA IPI No. 98-516-MTJ)

GERMAN WENCESLAO CRUZ, JR., *complainant, vs.* **JUDGE DANIEL C. JOVEN, Municipal Circuit Trial Court, Sipocot, Camarines Sur,** *respondent.*

SYNOPSIS

Respondent judge, in Civil Case No. 548, an action for unlawful detainer, granted the motion of defendant for inhibition on the ground that the latter had previously charged respondent before the Ombudsman. He was, however, reversed by the

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executive judge who ordered respondent judge to proceed with the case. For failure of defendant to file an answer, respondent, in an order, declared that judgment would be rendered within 30 days pursuant to Section 10 of the Revised Rule on Summary Procedure. However, no decision was rendered. When a new executive judge was appointed, respondent judge again inhibited himself on the said previous ground. Thus, the charge for gross negligence, abuse of authority, dereliction of duty and failure to render decision within the 30-day period prescribed in the rules filed by complainant.

The Court held that the judge, being the paradigm of justice, is tasked to provide litigants with the speedy and inexpensive resolution of their cases and that the mere filing of an administrative complainant against a judge is not sufficient cause to disqualify him from hearing the case. Respondent Judge was fined ₱10,000.00.

SYLLABUS

1. **JUDICIAL ETHICS; JUDGES; PREVIOUS CHARGE OF PARTY WITH OMBUDSMAN, NOT AN EXCUSE FOR FAILURE TO RESOLVE MOTION.** — It was inexcusable for respondent Judge to allow the unlawful detainer case, filed on 22 February 1996, to drag on end. It was not right for respondent Judge to recuse himself from hearing the case simply because the defendant had previously charged him before the Office of the Ombudsman. The inhibition order was aptly denied by then Executive Judge Cajot, who forthwith directed respondent Judge to continue with the case, and to hear, try, and decide it, in the way that the Court, in *People vs. Serrano,* intimated. "x x x Neither is the mere filing of an administrative case against a judge a ground for disqualifying him from hearing the case, 'for if on every occasion the party apparently aggrieved would be allowed to either stop the proceedings in order to await the final decision on the desired disqualification, or demand the immediate inhibition of the judge on the basis alone of his being so charged, many cases would have to be kept pending or perhaps there would not be enough judges to handle all the cases pending in all the court.'"

2. **ID.; ID.; WITH BOUNDEN DUTY TO PROMPTLY AND PROPERLY DISPOSE CASES.** — Perhaps, it would be

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unnecessary to still give any reminder that it is the grave task of courts to provide litigants with speedy and inexpensive resolution of their disputes. Being the paradigm of justice in the first instance, a municipal trial court judge, more than any other colleague on the bench, is the immediate embodiment of how that trust is carried out. In the evolvement of the public perception on the judiciary, there can likely be no greater empirical data that influences it than the prompt and proper disposition of cases before the courts.

D E C I S I O N

VITUG, *J.*:

German Wenceslao Cruz lodged an administrative complaint against Judge Daniel C. Joven of the Second Municipal Circuit Trial Court, Sipocot-Lupi, Sipocot, Camarines Sur, for gross negligence, abuse of authority, dereliction of duty and failure to render decision within thirty days as so prescribed in the rules on summary procedure.

Complainant averred that he was the representative of the plaintiff estate in Civil Case No. 548 (*"Estate of German Cruz vs. Gregorio Batalla"*) for unlawful detainer. The complaint was initiated on 22 February 1996 and, although summons and a copy of the complaint were served on the defendant on 28 February 1996, no answer was filed within the reglementary period provided therefor. Instead, counsel for the defendant filed a motion for extension of time within which to answer the complaint and for the inhibition of respondent Judge from further taking cognizance of the case on the ground that said defendant had charged respondent Judge before the Ombudsman. In his order, dated 08 March 1996, respondent Judge denied the motion for extension of time to answer the complaint for being a prohibited pleading under the Revised Rules on Summary Procedure but granted the motion for inhibition so as to assure the parties of the impartiality and cold neutrality of the court. The order of inhibition, however, was later denied by then Executive Judge Salvador G. Cajot of the Regional Trial Court of Libmanan, Camarines Sur, Branch 29, and respondent Judge

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thereupon proceeded with the case. Complainant filed a number of motions, *e.g.,* for judgment on the pleadings, to present evidence, and for judgment, but the matters remained unresolved. Finally, in his order of 26 March 1997, respondent Judge declared that no answer having been filed by the defendant in the ejectment suit, judgment on the case would be rendered within thirty days in accordance with Section 10 of the Revised Rule on Summary Procedure. Still, no decision came down. Instead, after a new Executive Judge (Hon. Thelma C. Villareal) assumed her post, respondent Judge issued another order, dated 22 April 1997, where he again inhibited himself from presiding over the case.

In his 2nd Indorsement in answer to the complaint, respondent Judge admitted that he had failed to resolve the motion to present evidence filed by complainant because he inadvertently overlooked the same. He justified his second order for inhibition by asseverating that the case filed against him by the defendant might affect his impartiality and cold neutrality as the presiding judge in Civil Case No. 548, and he felt it to be both his right and his duty to excuse himself therefrom. He claimed to have received word that complainant was reporting that the ejectment suit would be decided in his favor because respondent Judge, a close friend of complainant's father, owed the family a great deal of gratitude.

Following its review of the instant matter, and finding it to be impressed with merit, the Office of the Court Administrator ("OCA") recommended that the complaint be so re-docketed as an administrative case. The Court, in its resolution of 29 March 2000, approved the recommendation of the OCA and required the parties to manifest whether or not they would prefer to submit the case for resolution on the basis of the pleadings and records already extant on file. Complainant, in his manifestation of 06 May 2000, responded in the affirmative. Respondent Judge made no compliance with the Court resolution.

The Court sustains the findings of the OCA and adopts its recommendations.

It was inexcusable for respondent Judge to allow the unlawful detainer case, filed on 22 February 1996, to drag on end. It

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was not right for respondent Judge to recuse himself from hearing the case simply because the defendant had previously charged him before the Office of the Ombudsman. The inhibition order was aptly denied by then Executive Judge Cajot; who forthwith directed respondent Judge to continue with the case, and to hear, try, and decide it, in the way that the Court, in *People vs. Serrano*, intimated. Thus —

"x x x Neither is the mere filing of an administrative case against a judge a ground for disqualifying him from hearing the case, 'for if on every occasion the party apparently aggrieved would be allowed to either stop the proceedings in order to await the final decision on the desired disqualification, or demand the immediate inhibition of the judge on the basis alone of his being so charged, many cases would have to be kept pending or perhaps there would not be enough judges to handle all the cases pending in all the court."[1]

Instead of resolving the case as Executive Judge Cajot so directed, respondent Judge awaited the appointment of a new Executive Judge, upon whose assumption to office, respondent again inhibited himself from the proceedings on the same ground he had invoked in his first attempt to divorce himself from the case. Respondent Judge thusly showed little respect to his bounden duty.

Perhaps, it would be unnecessary to still give any reminder that it is the grave task of courts to provide litigants with speedy and inexpensive resolution of their disputes. Being the paradigm of justice in the first instance, a municipal trial court judge, more than any other colleague on the bench, is the immediate embodiment of how that trust is carried out in the evolvement of the public perception on the judiciary, there can likely be no greater empirical data that influences it than the prompt and proper disposition of cases before the courts.

WHEREFORE, Judge Daniel C. Joven is found to have been remiss of official duty, and he is imposed a *FINE* in the amount of Ten Thousand (₱10,000.00) Pesos, with a warning

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[1] 203 SCRA 171.

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that a repetition of the same or similar acts in the future shall be dealt with most severely. Judge Joven is further directed to resolve Civil Case No. 548 within thirty (30) days from notice, and to submit to the Court a copy of his decision, if he has not as yet done so.

SO ORDERED.

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

SECOND DIVISION

[G.R. No. 93707. January 23, 2001]

ROSITA TAN, *petitioner, vs.* **ATTY. JOSE L. LAPAK,** *respondent.*

SYNOPSIS

Petitioner herein accused respondent lawyer of misconduct for failure to file with the Supreme Court a petition for review on *certiorari* of the resolution of the Court of Appeals dismissing her appeal, despite the extension of time to file the same which was granted by the Supreme Court and payment of respondent's fee.

Respondent alleged that he failed to file the petition in question because he found that the resolution to be appealed had already become final. This is not true. The Supreme Court noted that it granted respondent the motion for extension of time to file the petition, but respondent failed to file the same within the reglementary period. This is serious breach, a violation of Rule 12.03 of the Code of Professional Responsibility. Respondent also asserted that petitioner failed to pay what she promised to pay. Indeed, petitioner has a balance of ₱1,000.00 from the ₱5,000.00 agreed fee of respondent. This, however,