Supreme Court E-Library

4) frequent unauthorized tardiness (habitual tardiness):

1st offense — reprimand
2nd offense — suspension 1-30 days
3rd offense — dismissal

Considering that respondent's infraction appears to be her first offense, the proper penalty that should be imposed is reprimand.

WHEREFORE, for her failure to properly supervise the personnel under her, respondent Atty. Magdalena Lometillo, Clerk of Court, Regional Trial Court, Iloilo City, is ADMONISHED to be more circumspect in the discharge of her official duties and, for her tardiness, she is REPRIMANDED with warning that a repetition of the same or similar offense would be dealt with severely.

SO ORDERED.

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

FIRST DIVISION

[A.M. No. RTJ-00-1590. January 15, 2002]

GINA B. ANG, *complainant, vs.* **JUDGE ENRIQUE C. ASIS, Regional Trial Court, Branch 16, Naval, Biliran,** *respondent.*

SYNOPSIS

Complainant Gina B. Ang charged Judge Enrique C. Asis with Bribery, Extortion and Violation of the Anti-Graft and Practices Act. In his comment, respondent judge vehemently denied the charges of complainant and instead, cited various citations he

Supreme Court E-Library

received as a member of the Judiciary of Biliran because of his integrity. When this case was referred to Court of Appeals Associate Justice Perlita Tria-Tirona for investigation, report and recommendation, Justice Tirona recommended that the charges for Bribery and Extortion be dismissed and that respondent be given a severe reprimand with the admonition to be more diligent in the adjudication of his cases and to be scrupulous in the observance of periods fixed by law.

The Court found the recommendation of Justice Tirona well-taken. The record does not show that respondent judge was moved by ill will or bad faith in rendering the adverse judgment, or that his ruling was manifestly unjust. However, respondent judge must be faulted for his tardiness in resolving Election Case No. 98-01. Failure to resolve cases submitted for decision within the period fixed by law constitutes a serious violation of the constitutional right of the parties to a speedy disposition of their cases. Accordingly, the charges for bribery and extortion were dismissed for lack of merit. However, respondent judge was fined ₱5,000 for his incompetence in not acting speedily on Election Case No.98-01.

SYLLABUS

1. LEGAL AND JUDICIAL ETHICS; ADMINISTRATIVE CHARGES AGAINST JUDGES; ACTS OF A JUDGE IN HIS JUDICIAL CAPACITY ARE GENERALLY NOT SUBJECT TO DISCIPLINARY ACTION EVEN THOUGH SUCH ACTS ARE ERRONEOUS. — Anent the charges of Bribery, Extortion and Violation of the Anti-Graft Law, this Court has often held that in the absence of fraud, dishonesty or corruption, the acts of a judge in his judicial capacity are generally not subject to disciplinary action, even though such acts are erroneous. In *Santos v. Judge Orlino*, it was held: "Existing doctrine is that judges are not liable for what they do in the exercise of their judicial functions when acting within their legal powers and jurisdiction. Certain it is that a judge may not be held administratively accountable for every erroneous order or decision he renders. To hold otherwise would render judicial office untenable for no one called upon to try the fact or interpret the law in the process of administering justice can be infallible in his judgment. The error must be gross or patent, deliberate and malicious or incurred with evident bad faith."

Supreme Court E-Library

2. ID.; ID.; ID.; **FOR ADMINISTRATIVE LIABILITY TO ATTACH, IT MUST BE ESTABLISHED THAT THE JUDGE WAS MOVED BY BAD FAITH, DISHONESTY, HATRED OR SOME OTHER MOTIVE.** — Stated succinctly, for administrative liability to attach it must be established that respondent was moved by bad faith, dishonesty, hatred or some other motive. Bad faith does not simply connote bad judgment or negligence; it imputes a dishonest purpose or some moral obliquity and conscious doing of a wrong; a breach of a sworn duty through some motive or intent or ill-will; it partakes of the nature of fraud. It contemplates a state of mind affirmatively operating with furtive design or some motive of self-interest or ill-will for ulterior purposes. Evident bad faith connotes a manifest deliberate intent on the part of the accused to do wrong or cause damage.

3. ID.; ID.; ID.; ID.; **NOT PRESENT IN CASE AT BAR.** — In the case at bar, the record does not show that respondent judge was moved by ill-will or bad faith in rendering the adverse judgment, or that his ruling was manifestly unjust. Complainant has not, in fact, adduced any proof to show that impropriety attended the issuance of the subject decision. To reiterate, bad faith is not presumed and he who alleges the same has the *onus* of proving it. In view of the fact that complainant relied mainly on second-hand information to prove her charges, her complaint is reduced into a bare indictment or mere speculation.

4. ID.; ID.; **LIBERALITY OF PROCEDURE IS SUBJECT TO LIMITATIONS IMPOSED BY THE FUNDAMENTAL REQUIREMENT OF DUE PROCESS.** — Concededly, administrative proceedings are not strictly bound by formal rules on evidence. However, the liberality of procedure in administrative actions is still subject to limitations imposed by the fundamental requirement of due process. Indeed, the Rules, even in an administrative case, demand that if the respondent judge should be disciplined for grave misconduct or any graver offense, the evidence against him should be competent and should be derived from direct knowledge. The judiciary to which respondent belongs demands no less. Before any of its members could be faulted, competent evidence should be presented, especially since the charge is penal in character.

5. **CRIMINAL LAW; KNOWINGLY RENDERING UNJUST JUDGMENT OR ORDER; MUST BE MADE WITH CONSCIOUS AND DELIBERATE INTENT TO DO AN**

Supreme Court E-Library

INJUSTICE. — To hold a judge liable for knowingly rendering an unjust judgment or order, it must be shown beyond reasonable doubt that the judgment or order is unjust and that it was made with a conscious and deliberate intent to do an injustice.

6. LEGAL AND JUDICIAL ETHICS; ADMINISTRATIVE CHARGES AGAINST JUDGES; COURT CANNOT GIVE CREDENCE TO CHARGES BASED ON MERE SUSPICION OR SPECULATION. — "The ground for the removal of a judicial officer should be established beyond reasonable doubt. Such is the rule where the charges on which the removal is sought is misconduct in office, willful neglect, corruption, incompetency, *etc.* The general rule in regard to *admissibility in evidence in criminal trials apply."* In short, this Court can not give credence to charges based on mere suspicion or speculation. While this Court will never tolerate or condone any act, conduct or omission that would violate the norm of public accountability or diminish the people's faith in the judiciary, neither will it hesitate to shield those under its employ from unfounded suits that only serve to disrupt rather than promote the orderly administration of justice.

7. ID.; ID.; RELATIVE IMMUNITY IS NOT A LICENSE TO BE NEGLIGENT OR ABUSIVE AND ARBITRARY IN PERFORMING ADJUDICATORY PREROGATIVES. — It is true that no one called upon to try the facts or interpret the law in the administration of justice can be infallible. Although a judge may not always be subjected to disciplinary action for every erroneous order or decision he renders, relative immunity is not a license to be negligent or abusive and arbitrary in performing his adjudicatory prerogatives. Such immunity does not relieve a judge of his obligation to observe propriety, discreetness and due care in the performance of his judicial functions.

8. POLITICAL LAW; CONSTITUTIONAL LAW; BILL OF RIGHTS; RIGHT OF PARTIES TO SPEEDY DISPOSITION OF THEIR CASES; FAILURE TO RESOLVE CASES WITHIN THE PERIOD FIXED BY LAW CONSTITUTES SERIOUS VIOLATION THEREOF. — Given the prevailing facts of the case respondent judge must be faulted for his tardiness in resolving Election Case No. 98-01. As stated in *Ruperto v.*

Supreme Court E-Library

Banquerigo: "The office of a judge exists for one solemn end – to promote the ends of justice by administering it *speedily* and impartially. The judge as the person presiding over that court is the visible representation of the law and justice. These are self-evident dogmas which do not even have to be emphasized, but to which we are wont to advert to when some members of the judiciary commit legal missteps or stray from the axioms of judicial ethics." Failure to resolve cases submitted for decision within the period fixed by law constitutes a serious violation of the constitutional right of the parties to a speedy disposition of their cases.

9. **ID.; ADMINISTRATIVE LAW; SUPREME COURT ADMINISTRATIVE CIRCULAR NO. 13-87; MAIN OBJECTIVE OF EVERY JUDGE SHOULD BE TO AVOID DELAYS.** — Rule 1.02 of Canon 1 and Rule 3.05 of Canon 3 of the Code of Judicial Conduct explicitly provide: "Rule 1.02. – A judge should administer justice impartially and *without delay.* Rule 3.05. – A judge shall dispose of the court's business *promptly* and decide cases *within the required periods."* In furtherance of the foregoing mandate, this Court issued Administrative Circular No. 13-87, which states: "The reorganized judiciary is tasked with the tremendous responsibility of assisting parties litigants in obtaining just, speedy and inexpensive determination of their cases and proceedings as directed in Rule 1, Section 2 of the Rules of Court. Delay is a recurring complaint of every litigant. *The main objective of every judge, particularly trial judges, should be to avoid delays,* or if it cannot be totally avoided, to hold them to the minimum and to repudiate manifestly dilatory tactics."

10. **LEGAL AND JUDICIAL ETHICS; CODE OF JUDICIAL CONDUCT; JUDGES ARE BOUND TO DISPOSE OF THE COURT'S BUSINESS PROMPTLY.** — This Court in a litany of cases has reminded members of the bench that the unreasonable delay of a judge in resolving a pending incident is a violation of the norms of judicial conduct and constitutes a ground for administrative sanction against the defaulting magistrate. Delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards and brings it into disrepute. Hence, magistrates are enjoined to decide cases with dispatch. Their failure to do so constitutes gross inefficiency. It bears stressing that a judge

Supreme Court E-Library

should, at all times, remain in full control of the proceedings in his *sala* and should adopt a firm policy against improvident postponements – more importantly, he should follow the time limit set for deciding cases. Judges are called upon to observe utmost diligence and dedication in the performance of their judicial functions and duties. To reiterate, judges are bound to dispose of the court's business promptly and to decide cases within the required period. If he can not do so, he should seek extensions from this Court to avoid administrative liability.

11. **ID.; ID.; ID.; PENALTY FOR VIOLATION THEREOF.** — While the Court agrees with the Investigating Justice that respondent should be reprimanded for his deficiency of diligence in the adjudication of his cases as well as the non-observance of the periods thereof fixed by law, he should be additionally meted a fine of Five Thousand Pesos (₱5,000.00).

APPEARANCES OF COUNSEL

Humilde S. Ferrer for complainant.
Meljohn B. de la Peña for respondent.

DECISION

YNARES-SANTIAGO, *J.*:

In a Complaint-Affidavit dated April 7, 2000[1] filed with the Office of the Court Administrator, Gina B. Ang charged Judge Enrique C. Asis, Presiding Judge of Branch 16 of the Regional Trial Court of Naval, Biliran, with Bribery, Extortion and Violation of the Anti-Graft and Corrupt Practices Act relative to Election Case No. 98-01.

Complainant alleged that she filed with respondent's court an election protest against her opponent, Caridad Atok, who was declared mayor of Kawayan, Biliran in the May 1998 election. Sometime in October 1998, while her election protest was pending, respondent allegedly intimated to complainant's lawyers that he will decide the case in complainant's favor in

[1] *Rollo*, pp. 10-12.

Supreme Court E-Library

exchange for monetary consideration. Without her knowledge, complainant's father delivered to respondent the total amount of ₱140,000.00 on three occasions in October 1998, January 1999, and April 1999.

Sometime in December 1998, complainant was told by her lawyers that respondent had requested assistance in the promotion of his brother, then Examiner II at the Bureau of Customs, through complainant's cousin, Atty. Ramon Salazar, Jr., who was the Chief of Staff of the Customs Commissioner. Complainant refused but, unbeknown to her, her family immediately contacted her cousin and respondent's brother was soon promoted.

Complainant had earlier planned to file an administrative complaint against respondent for his failure to resolve her election protest within sixty days from the time it was deemed submitted for decision, but her lawyers told her to wait. Subsequently, complainant learned that respondent had requested that his son be admitted for training at the Philippine Heart Center. Complainant refused as she might be misinterpreted as extending any assistance to respondent in order to obtain a favorable decision. Nevertheless, she acceded to her lawyers' request to bring respondent's son to Manila and even paid for the latter's plane fare and accommodation until his application was granted by the Philippine Heart Center.

In January 2000, complainant allegedly received a call from respondent telling her that his son needed ₱4,000.00 for his training. Thinking that this was a request for a loan, she agreed. Since she did not have cash at the time, she asked her friend to give a check to respondent's son.

On March 14, 2000, respondent rendered his decision in the election protest declaring Caridad Atok winner in the mayoralty race.

Respondent filed his Comment.[2] He vehemently denied the charges of complainant and instead, he cited various citations he received as a member of the Judiciary of Biliran because

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[2] *Ibid.*, pp. 20-26.

Supreme Court E-Library

of his integrity. He denied having solicited help from Atty. Salazar for the promotion of his brother at the Bureau of Customs. Rather, his brother's promotion was through the recommendation of his superiors and of Mayor Jinggoy Estrada of San Juan.

Respondent also denied that he asked complainant to help his son, Enrique, Jr., in his application for training at the Philippine Heart Center. He alleged that his son went to Manila to apply for work at the Heart Center upon the advice of a family friend. While in Manila, his son stayed with his uncle, Nestorio Asis, who works at the Bureau of Customs.

Respondent alleged that his son was prepared to pay for training fees in cash but that he suddenly received a check for ₱4,000.00 from complainant's friend.

Finally, respondent surmised that complainant filed the charges against him out of spite for losing her election protest and because her appeal was dismissed for non-payment of docket fees.

The instant case was referred to Court of Appeals Associate Justice Perlita Tria-Tirona for investigation, report and recommendation.[3]

On September 17, 2001, Justice Tirona recommended that the charges for bribery and extortion be dismissed; that respondent be given a severe reprimand with the admonition to be more diligent in the adjudication of his cases and to be scrupulous in the observance of periods fixed by law. Justice Tirona based these on the following disquisitions:

> From the affidavit-complaint of the complainant, it will be noted that all the charges of complainant are based on informations *(sic)* allegedly given or passed on to her by her lawyers. Complainant's lawyers in her electoral protest filed in the *sala* of respondent Judge Asis were Attorneys Lee and Matriano.
>
> However, complainant did not present any of these lawyers, Attys. Lee or Matriano to corroborate her allegations that they, Attys. Lee and Matriano were approached by respondent "intimating" that for

[3] *Id.*, p. 82.

Supreme Court E-Library

a consideration her will render a favorable decision for complainant in the electoral protest.

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As regards complainant's second charge against respondent that respondent sought complainant's help in connection with the promotion of respondent's brother who was then employed with the Bureau of Customs because respondent allegedly learned that complainant's cousin Atty. Ramon Salazar was then the Chief of Staff of then Customs Commissioner Nelson Tan, complainant was again just told about it by her lawyers. According to complainant, her initial reaction when she was told about it by her lawyers was "like before because according to her she did not like it to appear that she was buying a favorable decision." But, she said that when his family learned about it, they lost no time in contacting her cousin Atty. Salazar.

However, no evidence was presented by complainant that indeed respondent sought her assistance in connection with his brother's promotion neither was it shown that respondent's brother was promoted because of Atty. Salazar. On the contrary, it was shown by respondent that his brother was promoted through the help of Jinggoy Estrada among others. Besides, how influential was Atty. Salazar to be able to work for respondent's brother? This was never shown by complainant.

Anent the charge that respondent sought the help of complainant in connection with the application of respondent's son Enrique, Jr. who is a registered nurse, at the Philippine Heart Center, complainant again admitted that she was just informed about it. In other words, respondent did not talk to complainant about this. According to complainant, respondent called her up. Again complainant was not able to prove this allegation.

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While the check for ₱4,000.00 made by complainant's witness Melba Buenvenida was indeed paid to the Heart Center and signed at the back of the check by respondent's son, this does not prove that respondent himself was the one who solicited the amount from complainant.

Complainant, in her effort to pin down respondent on the charges filed by her against him presented pictures of the house of respondent in Barugo which respondent does not deny, and according to

Supreme Court E-Library

complainant said residence is not worth ₱400,000.00 but much more and complainant concludes that respondent resorted to the acts complained of in order to finish the construction of respondent's house in Barugo. Complainant further claims that the house of respondent can be estimated to be worth 2 to 3 million.

We are not impressed by said argument of the complainant. The fact alone that respondent had the house constructed does not prove that the charges of complainant for bribery/extortion, *etc.* are true.

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Regarding the charge for violation of the Anti-Graft Law (RA 3019, as amended) in relation to the electoral protest case filed by the complainant, the records show that the electoral protest case was filed in May 1998. The case was finally decided by respondent on March 14, 2000.

However, while there was undoubtedly a delay in the disposition of said case, the records also show that the parties contributed to the delay.

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But while this will not totally exonerate the respondent from any administrative liability for the delay, if at all, it may mitigate his liability. Needless to state, a judge should at all times, remain in full control of the proceedings in his *sala* and should adopt a firm policy against improvident postponements – more importantly he should follow the time limits set for deciding cases.[4]

The Court finds the recommendation of Justice Tirona well-taken.

Anent the charges of Bribery, Extortion and Violation of the Anti-Graft Law, this Court has often held that in the absence of fraud, dishonesty or corruption, the acts of a judge in his judicial capacity are generally not subject to disciplinary action, even though such acts are erroneous.[5] In *Santos v. Judge Orlino*,[6] it was held:

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[4] Report and Recommendation, pp. 13-19.

[5] *Canson v. Garchitorena*, 311 SCRA 268 [1999]; *Morada v. Judge Tayao*, 229 SCRA 723 [1994].

[6] 296 SCRA 101 [1998].

Supreme Court E-Library

Existing doctrine is that judges are not liable for what they do in the exercise of their judicial functions when acting within their legal powers and jurisdiction. Certain it is that a judge may not be held administratively accountable for every erroneous order or decision he renders. To hold otherwise would render judicial office untenable for no one called upon to try the fact or interpret the law in the process of administering justice can be infallible in his judgment. The error must be gross or patent, deliberate and malicious or incurred with evident bad faith.

Stated succinctly, for administrative liability to attach it must be established that respondent was moved by bad faith, dishonesty, hatred or some other motive.[7] Bad faith does not simply connote bad judgment or negligence; it imputes a dishonest purpose or some moral obliquity and conscious doing of a wrong; a breach of a sworn duty through some motive or intent or ill-will; it partakes of the nature of fraud.[8] It contemplates a state of mind affirmatively operating with furtive design or some motive of self-interest or ill-will for ulterior purposes.[9] Evident bad faith connotes a manifest deliberate intent on the part of the accused to do wrong or cause damage.[10]

In the case at bar, the record does not show that respondent judge was moved by ill-will or bad faith in rendering the adverse judgment, or that his ruling was manifestly unjust. Complainant has not, in fact, adduced any proof to show that impropriety attended the issuance of the subject decision. To reiterate, bad faith is not presumed and he who alleges the same has the *onus* of proving it.[11] In view of the fact that complainant relied mainly on second-hand information to prove her charges, her complaint is reduced into a bare indictment or mere speculation.

Concededly, administrative proceedings are not strictly bound by formal rules on evidence. However, the liberality of procedure

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[7] *Guerrero v. Villamor,* 296 SCRA 88 [1998].

[8] *Spiegel v. Beacon Participation*, 8 NE 2nd Series 895, 1007.

[9] *Air France v. Carrascoso*, 18 SCRA 155 [1966].

[10] *Llorente, Jr. v. Sandiganbayan*, 287 SCRA 382 [1998].

[11] *Ford, Phils. v. CA*, 267 SCRA 320 [1997].

Supreme Court E-Library

in administrative actions is still subject to limitations imposed by the fundamental requirement of due process. Indeed, the Rules, even in an administrative case, demand that if the respondent judge should be disciplined for grave misconduct or any graver offense, the evidence against him should be competent and should be derived from direct knowledge.[12] The judiciary to which respondent belongs demands no less. Before any of its members could be faulted, competent evidence should be presented, especially since the charge is penal in character.[13]

To hold a judge liable for knowingly rendering an unjust judgment or order, it must be shown beyond reasonable doubt that the judgment or order is unjust and that it was made with a conscious and deliberate intent to do an injustice.[14]

The ground for the removal of a judicial officer should be established beyond reasonable doubt. Such is the rule where the charges on which the removal is sought is misconduct in office, willful neglect, corruption, incompetency, *etc.* The general rule in regard to *admissibility in evidence in criminal trials apply.*[15]

In short, this Court can not give credence to charges based on mere suspicion or speculation.[16] While this Court will never tolerate or condone any act, conduct or omission that would violate the norm of public accountability or diminish the people's faith in the judiciary, neither will it hesitate to shield those under its employ from unfounded suits that only serve to disrupt rather than promote the orderly administration of justice.[17]

It is true that no one called upon to try the facts or interpret the law in the administration of justice can be infallible.[18] Although

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[12] *Raquiza v. Castañeda*, 81 SCRA 235 [1978].

[13] *OCA v. Pascual*, 259 SCRA 604 [1996].

[14] *Naval v. Panday*, 275 SCRA 654 [1997].

[15] *Raquiza v. Castañeda, Jr.*, 81 SCRA 235 [1978]; italics ours.

[16] *Lambino v. De Vera*, 275 SCRA 60 [1997].

[17] *Sarmiento v. Salamat*, A.M. No. P-01-1501, 4 September 2001.

[18] *Pilipinas Bank v. Tirona-Liwag*, 190 SCRA 834 [1990].

Supreme Court E-Library

a judge may not always be subjected to disciplinary action for every erroneous order or decision he renders, relative immunity is not a license to be negligent or abusive and arbitrary in performing his adjudicatory prerogatives.[19] Such immunity does not relieve a judge of his obligation to observe propriety, discreetness and due care in the performance of his judicial functions.[20]

Given the prevailing facts of the case respondent judge must be faulted for his tardiness in resolving Election Case No. 98-01.

As stated in *Ruperto v. Banquerigo:*[21]

> The office of a judge exists for one solemn end – to promote the ends of justice by administering it *speedily* and impartially. The judge as the person presiding over that court is the visible representation of the law and justice. These are self-evident dogmas which do not even have to be emphasized, but to which we are wont to advert to when some members of the judiciary commit legal missteps or stray from the axioms of judicial ethics.

Failure to resolve cases submitted for decision within the period fixed by law constitutes a serious violation of the constitutional right of the parties to a speedy disposition of their cases.[22] Moreover, Rule 1.02 of Canon 1 and Rule 3.05 of Canon 3 of the Code of Judicial Conduct explicitly provide:

> Rule 1.02. — A judge should administer justice impartially and *without delay.* (italics ours)

> Rule 3.05. — A judge shall dispose of the court's business *promptly* and decide cases *within the required periods.* (italics ours)

In furtherance of the foregoing mandate, This Court issued Administrative Circular No. 13-87, which states:

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[19] *De Vera v. Dames III,* 310 SCRA 213 [1999].

[20] *Enojas v. Gacott, Jr.,* A.M. No. RTJ-99-1513, 19 January 2000.

[21] 293 SCRA 704 [1998].

[22] *Report on the Judicial Audit Conducted in Branch 34, Regional Trial Court of Iriga City,* 324 SCRA 397, 401 [2000].

Supreme Court E-Library

The reorganized judiciary is tasked with the tremendous responsibility of assisting parties litigants in obtaining just, speedy and inexpensive determination of their cases and proceedings as directed in Rule 1, Section 2 of the Rules of Court.[23] Delay is a recurring complaint of every litigant. *The main objective of every judge, particularly trial judges, should be to avoid delays,* or if it cannot be totally avoided, to hold them to the minimum and to repudiate manifestly dilatory tactics.

GENERAL GUIDELINES

For all members of the judiciary, the following guidelines are hereby issued:

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3. Judges *shall observe scrupulously* the periods prescribed by Article VIII, Section 15 of the Constitution for the adjudication and resolution of all cases or matters submitted in their courts. Thus, all cases or matters must be decided or resolved within twelve months from date of submission by all lower collegiate courts while all other lower courts are given a period of three months to do so. xxx xxx xxx.[24]

Also, this Court's Administrative Circular No. 1-88 states that:

Pursuant to Sec. 12, Art. XVIII of the 1987 Constitution mandating the adoption of a systematic plan to expedite the decision or resolution of cases or matters pending in the Supreme Court and the lower courts prior to the effectivity of the Constitution on February 2, 1987, the following directives must be complied with strictly by all concerned.

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6. *Motions and Other Interlocutory Matters.*

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6.1. All Presiding Judges must endeavor to act promptly on all motions and interlocutory matters pending before their courts.

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This Court in a litany of cases has reminded members of the bench that the unreasonable delay of a judge in resolving a

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[23] Now Rule 1, Section 6 of the 1997 Rules of Civil Procedure.

[24] Italics ours.

Supreme Court E-Library

pending incident is a violation of the norms of judicial conduct and constitutes a ground for administrative sanction against the defaulting magistrate.[25] Delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards and brings it into disrepute.[26] Hence, magistrates are enjoined to decide cases with dispatch. Their failure to do so constitutes gross inefficiency.[27]

It bears stressing that a judge should, at all times, remain in full control of the proceedings in his *sala* and should adopt a firm policy against improvident postponements – more importantly, he should follow the time limit set for deciding cases.[28] Judges are called upon to observe utmost diligence and dedication in the performance of their judicial functions and duties.[29] To reiterate, judges are bound to dispose of the court's business promptly and to decide cases within the required period.[30] If he can not do so, he should seek extensions from this Court to avoid administrative liability.[31]

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[25] *Dysico v. Dacumos*, 262 SCRA 275 [1996]; *Re: Report on the Audit and Inventory of Cases in RTC, Branch 55, Alaminos, Pangasinan*, 262 SCRA 555 [1996]; *Re: Report on the Judicial Audit Conducted in the Regional Trial Court, Branches 61, 134 and 147, Makati, Metro Manila*, 248 SCRA 5 [1995]; *Re: Query of Judge Danilo M. Tenerife*, 255 SCRA 184 [1996]; *Re: Report on the Judicial Audit and Physical Inventory of the Records of Cases in MTCC, Br. 2, Batangas City*, 248 SCRA 36 [1995]; *Bentulan v. Dumatol*, 233 SCRA 168 [1994]; *Re: Letter of Mr. Octavio Kalalo*, 231 SCRA 403 [1993]; *Longboan v. Polig*, 186 SCRA 556 [1990].

[26] *Abarquez v. Rebosura*, 285 SCRA 109 [1998]; *Ng v. Ulibari*, 293 SCRA 342 [1998]; *Guintu v. Lucero*, 261 SCRA 1 [1996]; *Report on the Audit and Inventory of Cases in the RTC, Branch 11, Balayan, Batangas*, 234 SCRA 502 [1994].

[27] *Sanchez v. Vestil*, 298 SCRA 1 [1998]; *Grefaldeo v. Judge Lacson*, 293 SCRA 524 [1998].

[28] *Hernandez v. De Guzman*, 252 SCRA 64 [1996].

[29] Re: Report on the Judicial Audit Conducted in the Municipal Circuit Trial Court, Dingle-Duenas, Iloilo, 280 SCRA 637 [1997].

[30] Rule 3.05, Canon 3, Code of Judicial Conduct.

[31] *Sena v. Villarin*, A.M. No. 00-1258-MTJ, 22 March 2000.

Supreme Court E-Library

While the Court agrees with the Investigating Justice that respondent should be reprimanded for his deficiency of diligence in the adjudication of his cases as well as the non-observance of the periods thereof fixed by law, he should be additionally meted a fine of Five Thousand Pesos (₱5,000.00).

WHEREFORE, in view of the foregoing, the charges for Bribery and Extortion filed against respondent Judge Enrique C. Asis are *DISMISSED* for lack of merit. However, respondent Judge is *REPRIMANDED* for his incompetence in not acting speedily on Election Case No. 98-01 and is hereby ordered to pay a *FINE* in the amount of Five Thousand Pesos (₱5,000.00). Further, respondent Judge is *ADMONISHED* to be more circumspect and to act with more dispatch in the performance of his judicial functions. Any commission of similar acts in the future shall be dealt with more severely by this Court.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Puno, Kapunan, and *Pardo, JJ.,* concur.

THIRD DIVISION

[G.R. No. 98431. January 15, 2002]

PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **JOSUE DELA TORRE,** *accused-appellant.*

SYNOPSIS

Marita Cordova, married with five children, claimed that accused-appellant sexually molested her, through force and intimidation, in her house on the 5th day of November 1989. Thus, an information charging accused-appellant with the crime of rape was filed before the Regional Trial Court of Morong, Rizal. For