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FIRST DIVISION

[A.M. No. SCC-01-7. March 12, 2002]
(Formerly OCA IPI No. 00-10 SCC)

HADJA THITTIE M. ARAP, *complainant, vs.* **JUDGE AMIR MUSTAFA,** *respondent.*

SYNOPSIS

Respondent, Presiding Judge of the First Shari'a Circuit Court of Jolo, Sulu, failed to resolve Criminal Case No 96-01 within the three (3)- month period from date of its submission for resolution. Respondent, who did not request for an extension of time, explained that the delay was due to his difficulty in reconciling the provisions of P.D. No. 1083 and those of the Qur'an and the Hadith of the Holy Prophet.

Lower courts are mandated to resolve cases within the three (3) – month period from date of its submission for decision. However, an extension may be granted upon request on account of heavy caseload. Without an extension a delay in the disposition of cases constitutes gross inefficiency on the part of the judge. Respondent judge was fined ₱5,000.00.

SYLLABUS

1. JUDICIAL ETHICS; JUDGES; GROSS INEFFICIENCY; DELAY IN DISPOSITION OF CASES CONSTITUTES GROSS INEFFICIENCY. – Lower courts are mandated by Article VIII, Section 15 (1) of the Constitution to resolve or decide cases within three (3) months after they have been submitted for decision. However, an extension of the period may be granted by this Court upon request by the judge concerned on account of heavy caseload or by other reasonable excuse. Without an extension granted by this Court, a delay in the disposition of cases is tantamount to gross inefficiency on the part of the judge. In this case, the respondent judge failed to inform this Court of the alleged difficulty in deciding Criminal Case No. 96-01 within the prescribed period. It is too late for him to justify such nonfeasance.

Supreme Court E-Library

2. ID.; ID.; JUDGES; FAILURE TO DECIDE CASES WITHIN THE PRESCRIBED THREE (3) MONTH PERIOD CONSTITUTES A VIOLATION OF CANON 3, RULE 3.05 OF THE CODE OF JUDICIAL CONDUCT. – Moreover, any delay in the resolution of cases by a judge is a contravention of Canon 3, Rule 3.05 of the Code of Judicial Conduct which provides that "A judge shall dispose of the court's business promptly and decide cases within the required periods."

3. ID.; ID.; SHOULD DISPOSE OF COURT'S BUSINESS WITHIN THE PRESCRIBED PERIOD. – Again, we remind judges of the importance of high sense of duty in the administration of justice. Judges should dispose of the court's business within the prescribed period, as delay undermines people's faith in the judiciary and reinforces in their minds that the wheels of justice grind ever so slowly.

D E C I S I O N

PUNO, *J.*:

This is an administrative complaint against Judge Amir Mustafa, presiding judge of the First Shari'a Circuit Court of Jolo, Sulu, for gross neglect of duty, ignorance of the law, and conduct unbecoming a judge.

In a letter-complaint received by the Office of the Chief Justice of the Supreme Court on March 17, 2000, complainant Hadja Thittie M. Arap alleged that respondent judge committed gross neglect of duty, ignorance of the law, and conduct unbecoming a judge for failure to resolve Criminal Case No. 96-01,[1] filed on April 15, 1996 and submitted for resolution in the same year, but which remains unresolved despite the rarity of cases filed in his court.[2] The complaint was endorsed to the then Court Administrator Alfredo L. Benipayo for appropriate action.[3] The Court Administrator required the respondent judge to file a Comment which was done on June 19, 2000.

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[1] Entitled "*Hadja Thittie Arap vs. Sisali Arap*," for specific offense relative to subsequent marriage in violation of Article 162 of Presidential Decree 1083.

[2] *Rollo*, p. 2.

[3] *Id.*, p. 1.

Supreme Court E-Library

In his Comment, the respondent judge denies the allegations in the Complaint. He explains that Criminal Case No. 96-01 was filed on April 15, 1996, but after he evaluated its allegations and referred to P.D. 1083 and Islamic Law sources, *i.e.*, the Qur'an and the Hadith of the Holy Prophet, he found the allegations to be self-defeating, and, *motu proprio* dismissed of the case on June 11, 1996.[4] Complainant Hadja Arap filed an appeal with the Shari'a District Court (SDC) of Jolo, Sulu, which, in an Order dated November 14, 1996, remanded the case to the respondent judge's court for preliminary investigation in accordance with Section 9 of Rule 112 of the Rules of Court.[5] On August 4, 1997, Sisali Arap was arraigned and pleaded not guilty.[6] Trial followed and both parties presented their witnesses. The case was submitted for resolution in October 1998.

The respondent judge admits that he came up with a Decision on the case on January 25, 2000, and the same was promulgated on March 1, 2000.[7] To justify the delay, the respondent judge explains that he found it difficult to reconcile the provisions of P.D. 1083 and those of the Qur'an and the Hadith of the Holy Prophet, *viz*:

"xxx The issues raised by both parties in this case calls for a reconciliation of the provisions of PD 1083 as well as the express provisions of the primary sources of Islamic Law, the Qur'an and the Hadith of the Holy Prophet. As a judge of the Shari'a Circuit Court, I found it difficult to reconcile these two conflicting sources of provisions *viz-a-viz* (sic) with (sic) my personal conviction and belief as a religious follower of Quranic teachings. It took me a considerable period of time to reflect, ponder, inquire and seek assistance from Ulama or religious leaders who adhere to the basic teachings of the Holy Qur'an, on the one hand, and fellow judges of the Shari'a Courts and regular courts who is (sic) more incline (sic) to follow the dictates of PD 1083, on the other hand. Their advices

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[4] *Id.*, p. 13.

[5] *Id.*

[6] *Id.*

[7] *Id.*, p 14.

Supreme Court E-Library

(sic) all the more confused me taking into consideration my conviction as a Muslim and adherence of the Quranic injunctions."[8]

He emphasizes that the delay in rendering a decision is not meant to violate any Court Circular mandating the disposition of cases within the prescribed reglementary period; neither is the same caused by negligence nor by a criminal resolve to delay the dispensation of justice; lastly, the delay is not an indication of a conduct unbecoming of a judge. He likewise stresses that there is no truth in the allegation that cases are rarely filed with his court. On the contrary, his court has the highest number of caseload among the three Shari'a Circuit Courts, and has even more cases than the Shari'a District Court. In 1999 alone, his court had a total of 114 cases, 83 of which were terminated in the same year.[9]

The respondent judge further contends that the complainant has been harboring ire against him since 1996 when he dismissed the latter's case. Such sentiment was allegedly aggravated when the Decision was promulgated on March 1, 2000 when the complainant made the remark, "*Iyon lang pala and desisyon, pinatagal pa.*"[10]

The Office of the Court Administrator, in its Report dated October 16, 2001, found that there was undue delay in the rendering of the decision by the respondent judge, and recommended the imposition of a fine of ₱5,000.00.[11]

We agree.

Lower courts are mandated by Article VIII, Section 15 (1) of the Constitution[12] to resolve or decide cases within three (3)

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[8] *Id.*

[9] *Id.*

[10] *Id.*, pp. 14-15.

[11] *Id.*, p 48.

[12] *Sec. 15. (1)* All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty-four months from the date of submission for the Supreme Court, and unless reduced by the Supreme Court, twelve months for all lower collegiate courts and three months for all other lower courts.

Supreme Court E-Library

months after they have been submitted for decision.[13] However, an extension of the period may be granted by this Court upon request by the judge concerned on account of heavy caseload or by other reasonable excuse. Without an extension granted by this Court, a delay in the disposition of cases is tantamount to gross inefficiency on the part of the judge.

We held in the case of *Sanchez v. Vestil*[14] and reiterated in *Bernardo v. Fabros*[15] that:

"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 against them."

In this case, the respondent judge failed to inform this Court of the alleged difficulty in deciding Criminal Case No. 96-01 within the prescribed period. It is too late for him to justify such nonfeasance. As pointed out by the Court Administrator:

"The Court is mindful of and does realize the heavy case load that confronts most courts; it is for the same reason precisely that it has been most sympathetic in acting on requests for extension of time submitted by judges as in the instant case. xxx

xxx xxx xxx

The Court must still be informed by the judge of his difficulty in meeting with (sic) the prescribed deadlines and the necessity of having the periods thereof correspondingly extended. Almost invariably, the Court responds favorably and grants a reasonable time for compliance with the rules but it would be wrong for a judge, on his own, to disregard a duty incumbent upon him."[16]

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[13] *Adao v. Lorenzo*, 316 SCRA 570, 580 (1999).

[14] 298 SCRA 1 (1998).

[15] 307 SCRA 28, 35 (1999).

[16] *Rollo*, p. 48.

Supreme Court E-Library

Moreover, any delay in the resolution of cases by a judge is a contravention of Canon 3, Rule 3.05 of the Code of Judicial Conduct which provides that "A judge shall dispose of the court's business promptly and decide cases within the required periods."

Accordingly, we adopt the recommendation of the Court Administrator that the respondent judge be sanctioned. Since this is his first offense during his almost nine (9) year service in the judiciary, the imposition of fine in the amount of ₱5,000.00 is deemed sufficient.

Again, we remind judges of the importance of high sense of duty in the administration of justice. Judges should dispose of the court's business within the prescribed period, as delay undermines people's faith in the judiciary and reinforces in their minds that the wheels of justice grind ever so slowly.[17]

WHEREFORE, Judge Amir Mustafa is found GUILTY of gross inefficiency and is hereby ordered to *PAY* a fine of five thousand pesos (₱5,000.00). He is WARNED that a repetition of the same or similar acts in the future will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Kapunan, and *Ynares-Santiago, JJ.,* concur.

SECOND DIVISION

[G.R. No. 110701. March 12, 2002]

FORTUNE GUARANTEE AND INSURANCE CORPORATION, *petitioner, vs.* **HONORABLE**

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[17] *Office of the Court Administrator v. Judge Castillo,* A.M. No. RTJ-01-1634, October 25, 2001, pp. 6-7.