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FIRST DIVISION

[A.M. No. RTJ-00-1569. November 22, 2000]

HON. MELCHOR E. BONILLA, Presiding Judge of the 16th MCTC, Jordan-Buenavista-Nueva Valencia, Province of Guimaras, *complainant, vs.* **HON. TITO G. GUSTILO, Executive Judge, Branch 23, Regional Trial Court, Iloilo City,** *respondent.*

SYNOPSIS

Complainant judge charged respondent Executive Judge with undue delay in the disposition of AM No. MTJ-94-923 and Grave Abuse of Authority. Complainant who is a respondent in the administrative case, assailed respondent's delay in resolving said case for four years. And in the charge of grave abuse of authority as Executive Judge, complainant averred that respondent ordered his relief as Presiding Judge of Br. 16, MCTC. Jordan–Buenavista–Nueva Valencia, Guimaras and designated him as Acting Presiding Judge of MTC, Barotac, Iloilo against his will and without authority from the Supreme Court.

Respondent submitted in Court his Report and Recommendation in AM No. MTJ-94-923 after a lapse of one year and ten months from the last day of hearing. Thus, respondent was guilty of undue delay in the disposition of said case. The charge of Grave Abuse of Authority, however, was without merit. It is within the power of the Executive Judge to designate municipal judges in other municipalities.

SYLLABUS

1. **ADMINISTRATIVE LAW; JUDGES; DUTIES; TO DECIDE CASES WITHIN REQUIRED PERIOD.** — A judge should perform official duties honestly, and with impartiality and diligence. He should administer justice impartially and without delay. A magistrate should dispose of the court's business promptly and decide cases within the required periods. For justice delayed is often justice denied, and delay in the disposition of cases erodes the faith and confidence of the public in the institutions

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of justice, lowers standards and brings them into disrepute. It has been held that every judge must cultivate a capacity for quick decision. He must not delay by slothfulness of mind or body, the judgment which a party justly deserves. For the public trust character of a judge's office imposes upon him the highest degree of responsibility in the discharge of his obligation to promptly administer justice. No less than the fundamental law requires that cases be decided with dispatch. The requirement that cases be decided within a specified period from their submission is designed to prevent delay in the administration of justice. In fact, a judge may even be held criminally liable for malicious delay in the administration of justice.

2. ID.; EXECUTIVE JUDGE; POWERS; TO DESIGNATE MUNICIPAL JUDGE IN OTHER MUNICIPALITIES. — The Executive Judge has specific powers and prerogatives "to designate, with immediate notice to the Supreme Court, the municipal judge to try cases in other municipalities within his area of administrative supervision, in case of absence or incapacity of the municipal judge concerned, which designation shall be effective immediately, unless revoked by the Supreme Court."

RESOLUTION

KAPUNAN, *J.*:

A judge, being a public servant who plays an indispensable role in the speedy and impartial delivery of justice, should organize and conduct the business of his court with a view to prompt and convenient dispatch of court affairs.

In a sworn letter-complaint dated June 15, 1998, Judge Melchor E. Bonilla charged Judge Tito A. Gustilo with Undue Delay in the disposition of AM No. MTJ-94-923 (*Elena E. Jabaco v. Judge Melchor Bonilla,* 16th MCTC, Jordan-Buenavista-Nueva Valencia, Guimaras),[1] and Grave Abuse of Authority.

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[1] Complainant in this case is the respondent in abovecited case. On September 10, 1999, the Supreme Court rendered a decision in AM MTJ No. 94-923 dismissing Judge Melchor Bonilla from service with forfeiture of all retirement benefits and leave credits with prejudice to re-employment in any other government agency or instrumentality.

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Complainant, who is respondent in the administrative case, assails respondent's delay in resolving said case. He cites a resolution issued by this Court dated March 23, 1998 directing respondent to conduct an investigation, report and recommendation within sixty (60) days from receipt of the records. Despite the lapse of four (4) years, it is claimed that Judge Gustilo failed to submit his report and recommendation. Complainant further alleges that the investigation of the case had long been terminated on August 16, 1996.[2]

In the charge of grave abuse of authority as Executive Judge, complainant avers that respondent ordered his relief as Presiding Judge of Branch 16, MCTC, Jordan Buenavista-Nueva Valencia, Guimaras and designated him as Acting Presiding Judge of MTC, Barotac, Iloilo against his will and without any authority from the Supreme Court or the Court Administrator.

Complainant asseverates that on September 8, 1995, he filed a motion to be reinstated to his original station but the same was unacted upon by respondent despite the Indorsement dated October 2, 1995 by then Deputy Court Administrator Bernardo Abesamis.

Complainant contends that after the newly appointed judge of MTC, Barotac Nuevo, Iloilo assumed office, respondent issued the Memorandum dated August 2, 1996 requiring him to decide the two (2) remaining civil cases in Barotac Nuevo. According to complainant, he has already decided said cases, and requested that he be allowed to resume his office in 16th MCTC, Jordan-Buenavista-Nueva Valencia, Guimaras considering that he has no more work to do in Barotac Nuevo since he has decided all the cases tried by him while detailed in said court.

Complainant maintains that all these acts of respondent have caused him so much inconvenience, hardships and worries, having to travel a long distance from Guimaras to Barotac Nuevo and Sara, Iloilo. For instance, on September 7, 1994 while on his way to MTC, Barotac Nuevo where he was detailed by

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[2] P. 2 of Letter-Complaint.

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respondent, he met a vehicular accident where he suffered injuries.[3]

In the comment filed by respondent judge on September 23, 1998, Judge Gustilo explained that AM No. MTJ-94-923 constitutes an administrative case filed by Elena Jabao, Clerk of Court of 16th MCTC, Jordan-Buenavista-Nueva Valencia, Guimaras, Iloilo against Judge Bonilla of the same court, and a subsequent administrative complaint (AM No. 95-11-125 MCTC) filed by Judge Bonilla against Clerk of Court Elena Jabao. The case is thus a charge and countercharge between Judge Bonilla and his Clerk of Court.[4]

On the charge of Unjust Delay, respondent justifies the delay on the fact that the charge and countercharge produced voluminous records, and cited the numerous postponements by both parties including the suspension of hearing when Judge Bonilla met a vehicular accident on September 7, 1994.[5]

Anent the charge of Grave Abuse of Authority, respondent explains that the deep-seated resentment and misunderstanding between Judge Melchor Bonilla and his Clerk of Court Elena Jabao, which he finds prejudicial to the service if the two were to work together in one court, was the sole consideration which guided him in ordering complainant's detail to other courts until the charge and countercharge between them shall have been finally decided by the High Court.[6]

It appears that the last hearing of the case was conducted on August 16, 1996. Respondent finally submitted a Report and Recommendation, dated June 18, 1998 but which was actually

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[4] Clerk of Court Elena Jabao charged Judge Bonilla for (a) Falsification of Public and Official Document, (b) Graft and Corruption, (c) Dishonesty, (d) Gross Misconduct, (e) Grave Abuse of Authority, and (f) Immorality. Judge Bonilla, on the other hand, charged Elena Jabao with Dishonesty, Disloyalty, Abuse of Confidence, Gross Insubordination and Conduct Unbecoming of a Clerk of Court.

[5] P. 1 of Comment.

[6] *Ibid.*

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received by the Court only on August 11, 1998. The Report and Recommendation was thus completed after a lapse of one (1) year and ten (10) months from the last date of hearing of the investigation. From the foregoing, it is evident that a considerable period of time had lapsed before the report and recommendation was submitted.

A judge should perform official duties honestly, and with impartiality and *diligence*.[7] He should administer justice impartially and *without delay*.[8] A magistrate should dispose of the court's business promptly and decide cases within the required periods.[9] For justice delayed is often justice denied, and delay in the disposition of cases erodes the faith and confidence of the public in the institutions of justice, lowers standards and brings them into disrepute.[10] It has been held that every judge must cultivate a capacity for quick decision. He must not delay by slothfulness of mind or body, the judgment which a party justly deserves.[11] For the public trust character of a judge's office imposes upon him the highest degree of responsibility in the discharge of his obligation to promptly administer justice.[12]

No less than the fundamental law requires that cases be decided with dispatch.[13] The requirement that cases be decided within a specified period from their submission is designed to prevent delay in the administration of justice.[14] In fact, a judge

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[7] Canon 3, Code of Judicial Conduct (CJC).

[8] Rule 1.02, Canon 7, CJC.

[9] Rule 3.05, Canon 3, CJC.

[10] *Macabasa v. Banaag*, 57 SCRA 467 (1974); see also *Re: Judge Luis B. Bello, Jr.*, 247 SCRA 519 (1995); *Juan Luzarraga v. Hon. Amaro M. Meteoro*, AM No. 00-1572, August 3, 2000.

[11] *In re Flordeliza*, 44 Phil. 608, 616 (1923).

[12] *Office of the Court Administrator v. Benedicto*, 269 SCRA 62 (1998).

[13] Article VIII, Sec. 15; Article III, Sec. 16 of the 1987 Constitution.

[14] *Bendesula v. Laza*, 58 SCRA 16 (1974).

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may even be held criminally liable for malicious delay in the administration of justice.[15]

While we concede that the records of AM No. MTJ-94-923 is voluminous, the same could not be utilized as an excuse to justify for the long delay. Moreover, it appears that the Report and Recommendation dated June 18, 1998 was received by this Court only on August 11, 1998 while the instant administrative complaint dated June 15, 1998 was received by the Court on June 22, 1998. Hence, it can be safely assumed that respondent submitted his Report and Recommendation after the filing of the instant administrative case.

The charge of Grave Abuse of Authority is without merit.

The Executive Judge has specific powers and prerogatives "to designate, with immediate notice to the Supreme Court, the municipal judge to try cases in other municipalities within his area of administrative supervision, in case of absence or incapacity of the municipal judge concerned, which designation shall be effective immediately, unless revoked by the Supreme Court."[16]

WHEREFORE, Judge Tito A. Gustilo is hereby *ADMONISHED* for Undue Delay in the disposition of AM No. MTJ-94-923 with the warning that a repetition of the same shall be dealt with more severely.

SO ORDERED.

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

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[16] Administrative Order No. 6, dated June 30, 1975.

[15] Article 207, Revised Penal Code (RA 3815, as amended).