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occupied by the Mactan Cebu International Airport, and the substantial governmental interest involved, merits a review of the case on appeal.

WHEREFORE, the petition is granted. The decision of the Court of Appeals is set aside. The order issued by the regional trial court dismissing the appeal filed by the Solicitor-General for late payment of docket fees is also set aside. The regional trial court is ordered to give due course to the appeal.

SO ORDERED.

Melo (Chairman), Vitug, Panganiban, and *Purisima, JJ.*, concur.

FIRST DIVISION

[A.M. No. MTJ-98-1161. August 17, 1999]

HONESTO RICOLCOL, *complainant, vs.* **JUDGE RUBY BITHAO CAMARISTA,** *respondent.*

SYNOPSIS

Complainant Honesto Ricolcol was the plaintiff in a civil case pending before the sala of respondent judge Ma. Ruby Bithao-Camarista. Pursuant to the provisions of P.D. 1508, an amicable settlement was entered into by and between the parties. The said amicable settlement became final and executory but the defenedants refused to pay the overdue rentals and/or vacate the premises as agreed upon. The complainant then filed a Petition for the issuance of a Writ of Execution. On June 27, 1996 complainant filed a Motion for the Early Issuance of a Writ of Execution. The same was not acted upon by respondent judge and she failed to resolve the said petition for more than the reglementary period of 90 days. Hence, he filed the instant complaint before the office of the Court Administrator. In her Comment, respondent judge alleged that she

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came to know about the matter only when she received a copy of this Court's Resolution on October 17, 1997. She made the excuse that the officer-in-charge of her office, one Merlie N. Yuson, was not able to bring the matter to her attention because the records of the case could not be found. Allegedly, these were inadvertently attached/stapled to the records of another case which was later on dismissed and included in the bundle of disposed cases. She further claimed that the abrupt and immediate transfer of Branch 1 from its former office at the old condemned City Court Building contributed to the delay in finding the records of the case.

The Court has consistently held that the failure of a judge to decide a case within the prescribed period is inexcusable and constitutes gross inefficiency. The failure of her officer-in-charge to bring the matter to her attention cannot be considered a valid reason for the delay in resolving the instant petition. A judge cannot be allowed to blame her court personnel for her own incompetence or negligence. A judge ought to know the cases submitted to her for decision or resolution and is expected to keep her own record of cases so that she may act on them promptly. It is incumbent upon her to devise an efficient recording and filing system in her court so that no disorderliness can affect the flow of cases and their speedy disposition. Proper and efficient court management is as much her responsibility. She is the one directly responsible for the proper discharge of her official functions.

Considering that this is not the first time respondent judge was charged with failure to decide a case within the reglementary period of ninety (90) days, this Court imposed upon respondent judge a FINE of five thousand pesos.

SYLLABUS

1. **LEGAL AND JUDICIAL ETHICS; CODE OF JUDICIAL CONDUCT; A JUDGE SHALL DISPOSE COURT'S BUSINESS PROMPTLY.**— Canon 3, Rule 3.05 of the Code of Judicial Conduct clearly provides that a judge shall dispose of the court's business promptly and decide cases within the required periods. A judge should diligently discharge administrative responsibilities, maintain professional competence in court management, and facilitate the performance of the administrative functions of other judges and court personnel. A judge should

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organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity.

2. **ID.; ID.; FAILURE OF JUDGE TO DECIDE A CASE WITHIN THE PRESCRIBED PERIOD CONSTITUTES GROSS INEFFICIENCY.**— We have consistently held that the failure of a judge to decide a case within the prescribed period is inexcusable and constitutes gross inefficiency. The failure of her officer-in-charge to bring the matter to her attention cannot be considered a valid reason for the delay in resolving the instant petition. A judge cannot be allowed to blame her court personnel for her own incompetence or negligence. A judge ought to know the cases submitted to her for decision or resolution and is expected to keep her record of cases so that she may act on them promptly. It is incumbent upon her to devise an efficient recording and filing system in her court so that no disorderliness can affect the flow of cases and their speedy disposition. Proper and effecient court management is as much her responsibility. She is the one directly responsible for the proper discharge of the official functions.

D E C I S I O N

KAPUNAN, *J.*:

On October 25, 1996, herein complainant Honesto Ricolcol filed with the Office of the Court Administrator (OCA, for brevity) a letter-complaint charging herein respondent Ma. Ruby Bithao-Camarista, Presiding Judge of the Metropolitan Trial Court (MTC) of Manila, Branch 1, with failure to resolve within the reglementary period of ninety (90) days complainant's Petition for the Issuance of a Writ of Execution.

Complainant alleged that he was the plaintiff in Civil Case No. 151702 entitled *"Honesto Ricolcol vs. Lourdes and Rodolfo dela Rama."* Pursuant to the provisions of P.D. 1508 (Katarungang Pambarangay Law), an amicable settlement was entered into by and between the parties in the aforesaid case. In the said settlement, the defendants (spouses Dela Rama) agreed to pay the unpaid rentals due the plaintiff up to May 17, 1996; and, that in case of default, they would vacate the subject premises. The amicable

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settlement became final and executory but the defendants refused to pay the overdue rentals and/or vacate the premises. Hence, complainant filed the aforesaid Petition for the Issuance of a Writ of Execution. On June 27, 1996, complainant filed a Motion for the Early Issuance of a Writ of Execution. The same was not acted upon by respondent judge. Thus, on September 24, 1996, complainant filed a Second Motion for Issuance of a Writ of Execution. Up to the filing of the aforesaid letter-complaint on October 25, 1996, no action had allegedly been taken by respondent judge.

Complainant further claimed that due to the inaction/delay of respondent judge in resolving the petition, the defendants left the subject premises without paying rentals and bills to the prejudice of complainant.

On November 7, 1996, by way of 1st Indorsement, Deputy Court Administrator Bernardo P. Abesamis referred the letter of complainant Ricolcol to respondent judge for comment and/or appropriate action within ten (10) days. No reply was received from respondent judge.

On January 9, 1997, complainant sent another letter informing the OCA that no action had been taken by respondent judge on his petition despite the aforesaid 1st Indorsement.

Thus, on January 20, 1997, the OCA sent a 1st Tracer to respondent judge directing her to comply with the 1st Indorsement dated November 7, 1996, with a warning that should she fail to comply with the same, the matter would be submitted to this Court for consideration.

As with the previous indorsement, there was no compliance from respondent judge.

On April 21, 1997, complainant informed the OCA of the delay of respondent judge in resolving his petition and requested that appropriate administrative action be taken against her.

On July 16, 1997, the Court resolved to require respondent judge to comment on the letter-complaint of Mr. Ricolcol.

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In her Comment, respondent judge alleged that she came to know about the matter only when she received a copy of this Court's Resolution on October 17, 1997. She made the excuse that the officer-in-charge of her office, one Merlie N. Yuson, was not able to bring the matter to her attention because the records of the case could not be found. Allegedly, these were inadvertently attached/stapled to the records of another case which was later on dismissed and included in the bundle of disposed cases.[1]

Respondent judge further claimed that the abrupt and immediate transfer of Branch 1 from its former office at the old condemned City Court Building contributed to the delay in finding the records of the case. All the case records of said court were in complete disarray because the order to vacate was so sudden and there was no time to put them in proper order. Besides, respondent judge explained, the present location of Branch 1 is such that they cannot as of yet implement an efficient filing system of disposed and active cases due to very limited space.

Respondent judge further averred that in addition to the above predicament, she had to attend to equally important functions such as trial of cases, physical inventories of previous and existing voluminous court records, transfer of all equipment from the old condemned building, all of which, plus the absence of a suitable place to hold office, hampered the normal judicial process and rendered said court powerless in resolving the case within the reglementary period.[2]

On March 20, 1998, the Office of the Court Administrator, pursuant to the Court's earlier resolution, submitted its Evaluation, Report and Recommendation regarding the case, which is quoted in part:

"Records show that the Petition for the Issuance of a Writ of Execution was filed on June 17, 1996. Presumably, it was acted upon only sometime in November 1997 after the Court has directed respondent Judge to comment on the complaint of Mr. Ricolcol. Hence, it was about seventeen (17) months after the same was acted upon.

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[1] Explanation of Merlie N. Yuson, *Rollo*, p. 15.

[2] *Rollo*, p. 13.

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"Respondent offered as an excuse the failure of her Officer-in-Charge to bring to her attention of the matter and their sudden transfer to their present office. This may mitigate respondent's liability but will not in any way excuse her from her responsibilities.

"As early as November 7, 1996, the first letter of Mr. Ricolcol was already referred to her by this Office for comment and/or to take appropriate action on the matter but no reply was ever received. Then on January 20, 1997 a 1st Tracer was again sent to her but just like our 1st Indorsement there was no response. Clearly, respondent cannot say she was never informed about it. At the least it can be said that it was deliberately ignored. Strange indeed is her indifference to the directives of the Office of the Court Administrator.

"Moreover, respondent cannot pass the blame to her Officer-in-Charge. As the Presiding Judge of MeTC, Branch 1, Manila, she has direct supervision over the personnel of her court.

"Under Canon 8 of the Canons of Judicial Ethics a judge is required to 'organize his Court with a view to prompt and convenient dispatch and he should not tolerate abuses and neglect by clerks, sheriffs, and other assistants who are sometimes prone to presume too much upon his good-natured acquiescence by reason of friendly association with him.'

"Moreover, pursuant to Rule 3.08 and 3.09 of Canon 3 of the Code of Judicial Conduct, respectively, provides that a judge 'should diligently discharge administrative responsibilities, maintain professional competence in court management, and facilitate the performance of the administrative functions of other judge and court personnel;' and 'should organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity.'

"Thus, respondent Judge cannot shirk responsibility and pass the blame to her Officer-in-Charge due to the state of affairs of her Court then. For if only she had full control over the management of her personnel then this instant complaint would not have come about.

"It is interesting to note that this is not the first time respondent was charged with failure to decide a case within the reglementary period of 90 days. In A.M. No. MTJ-97-1123 entitled *'Atty. Joselito R. Enriquez vs. Judge Ruby B. Camarista'* the Honorable Court in its Decision dated October 6, 1997 resolved to impose a Fine of ₱3,000.00 on Judge Camarista and was ADMONISHED that a repetition of the same or similar act will be dealt with more severely, for her failure to decide

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Civil Case No. 146111-CV entitled *'Sps. Rolando Nicolas and Lilian M. Nicolas vs. Felix Napales'* within the required period.

"Premises considered, the undersigned respectfully recommends that respondent Judge Ruby B. Camarista, MeTC, Branch 1, Manila, be *FINED* of ₱5,000.00 with a *STERN WARNING* that a repetition of the same or similar act in the future will be dealt with more severely."[3]

On July 13, 1998, this Court issued a Resolution requiring the respondent judge to manifest whether she was willing to submit this case on the basis of the pleadings and records already filed.

In compliance with the above Resolution, respondent judge submitted her Manifestation on August 28, 1998 praying therein that she be given ten (10) days to file the appropriate pleading.

On September 7, 1998, respondent judge filed her Memorandum wherein she reiterated the reasons for her delay in resolving complainant's petition, which were already set forth in her Comment.

On September 10, 1998, respondent judge submitted an Addendum to her Memorandum claiming therein that the Motion for Writ of Execution which gave rise to the instant complaint had already been acted upon in her Order dated March 26, 1997 and the Writ of Execution issued on the same date.

While we sympathize with respondent judge's predicament, we cannot condone her inaction or unreasonable delay in disposing of the incidents of the case before her.

Canon 3, Rule 3.05 of the Code of Judicial Conduct clearly provides that a judge shall dispose of the court's business promptly and decide cases within the required periods.

A judge should diligently discharge administrative responsibilities, maintain professional competence in court management, and facilitate the performance of the administrative functions of other judges and court personnel.[4] A judge should organize and supervise the court personnel to ensure the prompt

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[3] Pp. 3 and 4 thereof.

[4] Code of Judicial Conduct, Canon 3, Rule 3.08.

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and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity.[5]

Moreover, we have consistently held that the failure of a judge to decide a case within the prescribed period is inexcusable and constitutes gross inefficiency.[6] The failure of her officer-in-charge to bring the matter to her attention cannot be considered a valid reason for the delay in resolving the instant petition. A judge cannot be allowed to blame her court personnel for her own incompetence or negligence.[7] A judge ought to know the cases submitted to her for decision or resolution and is expected to keep her own record of cases so that she may act on them promptly. It is incumbent upon her to devise an efficient recording and filing system in her court so that no disorderliness can affect the flow of cases and their speedy disposition. Proper and efficient court management is as much her responsibility. She is the one directly responsible for the proper discharge of her official functions.[8]

Finally, it is worthy to note that this is not the first time respondent judge was charged with failure to decide a case within the reglementary period of ninety (90) days. In A.M. No. MTJ-97-1123 entitled "*Atty. Joselito R. Enriquez vs. Judge Ruby B. Camarista*," this Court in its Decision dated October 6, 1997 resolved to impose a fine of ₱3,000.00 on Judge Camarista and admonished her that a repetition of the same or similar act will be dealt with more severely, for her failure to decide Civil Case No. 146111-CV entitled "*Sps. Rolando Nicolas and Lilian M. Nicolas vs. Felix Napales*" within the required period.

WHEREFORE, in view of the foregoing, this Court *RESOLVES* to impose upon respondent Judge Ma. Ruby Bithao-Camarista a *FINE* of Five Thousand Pesos (₱5,000.00) with a *STERN WARNING* that a repetition of the same or similar act will be dealt with more severely.

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[5] Code of Judicial Conduct, Canon 3, Rule 3.09.

[6] *Re: Judge Danilo M. Tenerife*, 255 SCRA 184 (1996).

[7] *Adriano vs. Sto. Domingo*, 202 SCRA 446 (1991).

[8] *Mamamayan ng Zapote 1, Bacoor, Cavite vs. Balderian,* 265 SCRA 360 (1996).

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SO ORDERED.

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

SECOND DIVISION

[G.R. No. 96092. August 17, 1999]

PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **ALEXANDER BAUTISTA,** *accused-appellant.*

SYNOPSIS

Appellant, charged and convicted with murder for the fatal stabbing of Allan Clemente, was sentenced by the trial court to suffer the penalty of life imprisonment. The conviction was based mainly on the testimonies of prosecution witnesses Danilo Cancio who knew appellant since childhood, and Henry Narciso, a neighbor and friend of both appellant and the victim. Danilo testified that while he was on the second floor of his house, he saw appellant whose left hand was over the shoulder of Allan pulled out a "balisong" with his right hand and stabbed Allan. His statement was corroborated by Henry Narciso who declared that when he looked towards the direction of somebody who cried "aray" he saw Allan bloodied while appellant held a bloodstained "balisong". Appellant interposed self-defense. He alleged that Allan tried to attack him with a "balisong" and was accidentally hit when he grappled for its possession. The trial court rendered the assailed judgment. In this appeal, appellant questioned the sufficiency of evidence of the prosecution showing that treachery and evident premeditation attended the killing.

Findings of facts of the trial court are, generally, entitled to great respect having the opportunity of observing the demeanor of the witnesses while testifying.