Supreme Court E-Library

being a court employee to evade his obligation. Hence, he deserves a severe reprimand. Following the ruling in *Martinez,* however, we cannot order respondent to pay his indebtedness to complainant as recommended by the Office of the Court Administrator because this Court is not a collection agency.

WHEREFORE, respondent *BONIFACIO MAGALLANES, JR.*, process server, Branch 30, of the Regional Trial Court of Bayombong, Nueva Vizcaya, is *SEVERELY REPRIMANDED* for his willful failure to pay his just debts, which amounts to conduct unbecoming a court employee. The commission 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.

THIRD DIVISION

[A.M. No. RTJ-00-1591. April 11, 2002]
(Formerly OCA IPI No. 98-490-RTJ)

LAURENTINO D. BASCUG, *complainant, vs.* **JUDGE GRACIANO H. ARINDAY, JR., Presiding Judge, Branch 69, Regional Trial Court of Negros Occidental, Silay City,** *respondent.*

SYNOPSIS

Complainant Laurentino D. Bascug charged respondent Judge Graciano H. Arinday with grave misconduct, knowingly rendering an unjust judgment, malicious delay in the administration of justice, and violation of the code of judicial conduct. The matter was referred by the Court to the Office of the Court Administrator ("OCA") for evaluation, report and recommendation. In its memorandum, the OCA found respondent judge liable for his failure to resolve the second motion for

Supreme Court E-Library

reconsideration in Civil Cases No. 1797-69 and No. 1798-69 within the reglementary period and for grave misconduct in issuing an order in Civil Case No. 1718-69, stating that the parties had agreed to submit the case for judgment on the pleadings even though the defendant corporation in the civil case did not apparently agree thereto. The OCA recommended that a fine of ₱5,000.00 be imposed for unreasonably delaying the proceedings in Civil Cases No. 1797-69 and No. 1798-69 and for grave misconduct in Civil Case No. 1718-69.

The Supreme Court found respondent judge guilty of gross inefficiency and grave misconduct. According to the Court, a motion for reconsideration should be resolved within thirty days from the time it is submitted for resolution. In the case at bar, the second motion for reconsideration was filed on 16 January 1996 and respondent judge issued an order, dated 23 January 1996, giving it due course. The motion was eventually resolved by respondent judge only on 12 November 1996, and directed, only on 13 June 1997, the Clerk of Court to remand the records of the case to the MCTC of Victorias-Manapla for further proceedings. The failure of respondent judge to act with reasonable dispatch on the matter constituted gross inefficiency on his part. It was also grave misconduct for respondent judge in requiring the parties to submit their respective memoranda for a judgment on the pleadings despite the fact that the complainant who was the President of the defendant corporation never agreed to have the case submitted for judgment on the pleadings. Respondent judge was fined in the amount of five thousand pesos (₱5,000.00) with a warning that any further infraction will be dealt with severely.

SYLLABUS

1. **POLITICAL LAW; ADMINISTRATIVE LAW; PUBLIC OFFICERS; JUDGES; FAILURE OF RESPONDENT JUDGE TO ACT WITH REASONABLE DISPATCH ON THE MOTION FOR RECONSIDERATION CONSTITUTED GROSS INEFFICIENCY ON HIS PART; CASE AT BAR.**— A motion for reconsideration should be resolved within thirty days from the time it is submitted for resolution. In this case, the second motion for reconsideration was filed on 16 January 1996 and respondent judge issued an order, dated 23 January 1996, giving it due course. The motion was eventually resolved

Supreme Court E-Library

by respondent judge only on 12 November 1996, and directed, only on 13 June 1997, the Clerk of Court to remand the records of the case to MCTC Victorias-Manapla for further proceedings. The failure of respondent judge to act with reasonable dispatch on the matter constituted gross inefficiency on his part. Moreover, respondent judge ought to have known that, under the rules, a second motion for reconsideration should not be allowed. The Court has often given reminder that any delay in the disposition of cases erodes the faith and confidence of our people in the judiciary and brings it into unnecessary disrepute. It is indeed a situation that cannot just be ignored.

2. **ID.; ID.; ID.; ID.; RESPONDENT JUDGE HAS FALLEN BELOW CIRCUMSPECTION AND THE STANDARD OF CONDUCT EXPECTED OF HIM WHEN HE DIRECTED JUDGMENT ON THE PLEADINGS DESPITE THE FACT THAT DEFENDANT CORPORATION NEVER AGREED TO HAVE CASE SUBMITTED FOR JUDGMENT ON THE PLEADINGS; CASE AT BAR.**— In his order, dated 20 December 1994, respondent judge required the parties to submit their respective memoranda for a judgment on the pleadings. Complainant was the President of the defendant corporation who maintained that the corporation never agreed to have the case submitted for judgment on the pleadings. As so aptly put by the Court of Appeals in its decision of 14 August 1998 — "It is believed that under the circumstances of the case, judgment on the pleadings was not called for and prevented a fair and full resolution of controversy. The trial court stated that both parties agreed to have judgment on the pleadings, the minutes of the session held on December 20, 1994 merely stated that 'both parties will submit their respective memoranda for judgment on the pleadings' (p. 57, Record). Only the plaintiffs submitted Memorandum praying for judgment on the pleadings; the defendants did not submit their memorandum for judgment on the pleadings. In fact, in their Motion for Reconsideration of the Judgment on the pleadings, the defendants pointed out that the parties presented 'widely opposing contentions' in their respective pre-trial brief, and the court cannot rely on 'conjectures' on the 'wild' monetary claims of plaintiffs. In view of the objections expressed by the defendants to the issues raised, there was no clear agreement to submit the case to a judgment or the pleadings, much less an implied admission of each other's factual allegations, which the defendants-appellants

Supreme Court E-Library

correctly describe as 'widely opposing,' that would support a submission by the parties to a judgment on the pleadings." The Court shares the view of OCA that respondent judge has fallen below circumspection and the standard of conduct expected of him.

APPEARANCES OF COUNSEL

Ma. Consolacion T. Bascug for complainant.

D E C I S I O N

VITUG, *J.*:

A complaint, dated 01 December 1997, initiated by Laurentino D. Bascug, has charged Judge Graciano H. Arinday, Jr., of the Regional Trial Court of Silay City, Branch 69, with grave misconduct, knowingly rendering an unjust judgment, malicious delay in the administration of justice, and violation of the code of judicial conduct.

Relative to Civil Cases No. 1797-69, entitled "*Spouses Laurentino and Estrella Bascug, et al., vs. Spouses Loreto Duganggay,*" *and No. 1798-69, entitled "Spouses Laurentino and Estrella Bascug, et al., vs. Spouses Romeo Abuagan, et al.,*" complainant Laurentino Bascug charged respondent judge with delaying the proceedings thereat. The civil cases, formerly docketed Civil Cases No. 624-V and No. 633-V, were originally filed with the Municipal Circuit Trial Court ("MCTC") of Victorias-Manapla, Negros Occidental. On 15 May 1995, the MCTC rendered a decision dismissing the cases on the ground that no certificate of *barangay* conciliation was attached to the complaints. The plaintiffs subsequently appealed the decision to the Regional Trial Court ("RTC") of Silay City. The appeal was assigned to respondent judge. In an order, dated 20 October 1995, respondent judge reversed the 15th May 1995 decision of the MCTC and ordered the latter to conduct further proceedings on the cases. The defendants filed a motion for reconsideration but, because it did not bear the signature of defendants' counsel, the motion was denied by respondent judge. A second motion

Supreme Court E-Library

for reconsideration was filed on 16 January 1996. In his order, dated 23 January 1996, respondent judge lifted the denial of the first motion for reconsideration and gave due course to the second motion for reconsideration. On 12 November 1996, respondent judge ultimately denied the second motion for reconsideration for lack of merit. It was only, however, in his order of 13 June 1997 that respondent judge required the Clerk of Court to remand the entire records of the cases to MCTC Victorias-Manapla for further proceedings. Complainant Bascug attributed the delay in the disposition of the cases to the alleged influence on respondent judge by the mayor of the municipality of Victorias.

In respect to Civil Case No. 1718-69, entitled "*Vicente Ditching, Jr., for himself and as ASSIGNEE of his co-heirs; viz: Ester, Editha, Juan, Corazon, Josefa, Otelia, Rosita, Jose Ramon, Marciano, Samson, Ciello, Herminio and Marino, all surnamed Ditching vs. Odisco Farms System Cooperative Foundation, represented by Leyte Salvacion B. Monteroso, accompanied by her husband Glenn Monteroso and Lino Cornelio Cecilio Bascug,*" complainant Bascug charged respondent judge with gross misconduct when he directed a judgment on the pleadings. Complainant Bascug claimed that respondent judge had declared the parties as having agreed to the rendition of a judgment on the pleadings even while the defendant corporation, Odisco Farms System Cooperative Foundation of which complainant Bascug was the President, had never agreed to it. In fact, complainant Bascug stated, the corporation precisely did not submit any memorandum for judgment on the pleadings required by respondent judge in his order of 20 December 1994. On 04 April 1995, respondent judge, nevertheless, rendered a judgment based on the pleadings in favor of the plaintiffs. A motion for the reconsideration of the decision was denied in an order of 11 December 1995. The case was later brought to the Court of Appeals. In its decision, dated 14 August 1998, the appellate court set aside the appealed judgment and remanded the case to the court *a quo* for further proceedings.

Supreme Court E-Library

In Criminal Case No. 4000-69, entitled "*The People of the Philippines vs. Vicente Ditching, Jr., et al.,*" complainant Bascug, the father-in-law of the complaining witness, asserted that there was irregularity in the service of the warrant of arrest against the accused. He averred that respondent judge had failed to commence any prosecution against the persons liable.

Required to submit his comment on the complaint, respondent judge refuted the several allegations in the complaint. He attributed the delay in the resolution of Civil Cases No. 1797-69 and No. 1798-69 to the former counsel of complainant who had failed to file any opposition to the second motion for reconsideration. He denied the averment that he delayed the resolution of the cases due to the influence over him by the municipal mayor of Victorias. As regards Civil Case No. 1718-69, respondent judge maintained that the parties, including the former counsel of complainant, had manifested that they had no objection to the submission of the case for judgment on the pleadings. Respondent judge disowned any irregularity in Criminal Case No. 4000-69. He argued that if, indeed, there was any problem about the service of the warrant of arrest, that matter should have been addressed to Senior Inspector Larry Decena, Chief of Police of Victorias, Negros Occidental.

In reply to the comment of respondent Judge relating to Civil Case No. 1718-69, complainant Bascug submitted a certification from the Clerk of Court of the Court of Appeals stating that, on the basis of the records of CA-G.R. CV No. 54234 (formerly Civil Case No. 1718-69), no memorandum for a judgment on the pleadings was filed by the defendants.

The matter was referred by the Court to the Office of the Court Administrator ("OCA") for evaluation, report and recommendation. In its memorandum, dated 15 August 2000, the OCA found respondent judge liable for his failure to resolve the second motion for reconsideration in Civil Cases No. 1797-69 and No. 1798-69 within the reglementary period and for grave misconduct in issuing an order, dated 11 December 1995, in Civil Case No. 1718-69, stating that the parties had agreed to submit the case for judgment on the pleadings even though

Supreme Court E-Library

the defendant corporation in the civil case did not apparently agree thereto. The OCA recommended that a fine in the amount of ₱5,000.00 be imposed for unreasonably delaying the proceedings in Civil Cases No. 1797-69 and No. 1798-69 and for grave misconduct in Civil Case No. 1718-69.

The Court adopts the recommendation of the Office of the Court Administrator.

A motion for reconsideration should be resolved within thirty days from the time it is submitted for resolution.[1] In this case, the second motion for reconsideration was filed on 16 January 1996 and respondent judge issued an order, dated 23 January 1996, giving it due course. The motion was eventually resolved by respondent judge only on 12 November 1996, and directed, only on 13 June 1997, the Clerk of Court to remand the records of the case to MCTC Victorias-Manapla for further proceedings. The failure of respondent judge to act with reasonable dispatch on the matter constituted gross inefficiency on his part. Moreover, respondent judge ought to have known that, under the rules, a second motion for reconsideration should not be allowed.[2]

The Court has often given reminder that any delay in the disposition of cases erodes the faith and confidence of our people in the judiciary and brings it into unnecessary disrepute.[3] It is indeed a situation that cannot just be ignored.

With regard to the order of respondent judge holding Civil Case No. 1718-69 submitted for judgment on the pleadings, Section 1, Rule 34, of the Rules on Civil Procedure provides —

"(W)here an answer fails to tender an issue or otherwise admits the material allegations of the adverse party's pleading, the court may on motion of that party, direct judgment on such pleading."

In his order, dated 20 December 1994, respondent judge required the parties to submit their respective memoranda for a judgment

---

[1] Rule 37, Section 4, 1997 Rules of Civil Procedure.

[2] Section 5, Rule 37 of the Revised Rules on Civil Procedure

[3] 247 SCRA 519.

Supreme Court E-Library

on the pleadings. Complainant was the President of the defendant corporation who maintained that the corporation never agreed to have the case submitted for judgment on the pleadings. As so aptly put by the Court of Appeals in its decision of 14 August 1998 —

"It is believed that under the circumstances of the case, judgment on the pleadings was not called for and prevented a fair and full resolution of controversy. The trial court stated that both parties agreed to have judgment on the pleadings, the minutes of the session held on December 20, 1994 merely stated that 'both parties will submit their respective memoranda for judgment on the pleadings' (p. 57, Record). Only the plaintiffs submitted Memorandum praying for judgment on the pleadings; the defendants did not submit their memorandum for judgment on the pleadings. In fact, in their Motion for Reconsideration of the Judgment on the pleadings, the defendants pointed out that the parties presented 'widely opposing contentions' 'conjectures' on the 'wild' monetary claims of plaintiffs. In view of the objections expressed by the defendants to the issues raised, there was no clear agreement to submit the case to a judgment or the pleadings, much less an implied admission of each other's factual allegations, which the defendants-appellants correctly describe as 'widely opposing,' that would support a submission by the parties to a judgment on the pleadings."

The Court shares the view of OCA that respondent judge has fallen below circumspection and the standard of conduct expected of him.

WHEREFORE, the Court finds Judge Graciano H. Arinday, Jr., of the Regional Trial Court of Silay City, Negros Occidental, Branch 69, guilty of gross inefficiency and grave misconduct and hereby imposes on him a fine of *FIVE THOUSAND PESOS* with a warning that any further infraction will be dealt with severely.

SO ORDERED.

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