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is made permanent.The Regional Trial Court of Pinamalayan, Oriental Mindoro, Branch 42, is hereby ordered ***DISMISS*** election protest EC No. 31-98.Cost against private respondent.

SO ORDERED.

Davide, Jr., C. J., Bellosillo, Melo, Puno, Vitug, Mendoza, Panganiban, Purisima, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago, and *De Leon, Jr., JJ.,* concur.

THIRD DIVISION

[A.M. No. MTJ-00-1307. September 6, 2000]
(formerly OCA IPI No. 97-292-MTJ)

MANUEL BUNYI, ANATALIA ATIENZA, ALFREDO LAYGO, ISIDRO DE GALA, REYNALDO MARQUEZ, NESTOR BAERA and OLIMPIO BUKID, *complainants, vs.* **HON. FELIX A. CARAOS,** *respondent.*

SYNOPSIS

Complainants are members of the Sangguniang Bayan of Candelaria, Quezon. In 1996, the said Sangguniang Bayan decided to demolish the town's old public market building for the construction of a new one. It designated a temporary market site for the use of the market vendors. It also passed an ordinance that prohibited the vendors from plying their trade in the PNR compound which is not the designated temporary market site. However, without any Mayor's permit, more than 300 market vendors started doing business in the PNR compound. Consequently, criminal cases for violation of the above-stated municipal ordinance were filed against the vendors before the Municipal Trial Court of Candelaria, Quezon presided by the respondent judge. The arraignment of the accused was set on December 10, 1996. The trial was initially set on January

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28, 1997, but on the said date, the respondent judge did not appear for reasons he did not explain. Until the filing of this administrative case, on February 17, 1997, the case remained pending. Further, in one occasion, the respondent judge told the complainants and Atty. Jeanne Macasaet that the mayor had committed a mistake in relocating the market vendors, thereby prejudging the case. In his comment, respondent judge did not inform the court as to the status of the cases. He claimed that the delay in the disposition of the cases was due to the postponements and arguments of counsel as well as the political publicity brought about by the controversy.

The Court ruled that respondent judge must be reminded that Rule 3.05 of Canon 3 of the Code of Judicial Conduct requires all judges to dispose of the business of their court promptly and to decide cases within the periods fixed by law and the rules. It bears stressing that delays in court undermine the faith and confidence of the people in the judiciary and tarnish its image. As found by the OCA, "xxx The fact that one (1) year has already lapsed and the status of these cases is still unclear constitutes inefficiency on the part of respondent judge as well as violation of the canon of judicial conduct which enjoins a judge to administer justice without delay."

The Court likewise found merit in the finding of the OCA that the comment of respondent judge on the wisdom of the relocation of vendors, innocent though it may be, should have been avoided because of the suspicion the same could arouse. Respondent judge occupies an exalted position which is subject to constant scrutiny and observation and should at all times be conscious that judges should not only be impartial but should appear impartial.

The respondent judge is found guilty of inefficiency and ordered to pay a fine of ₱5,000.00.

SYLLABUS

1. REMEDIAL LAW; RULES ON SUMMARY PROCEDURE; ADOPTED TO PREVENT UNDUE DELAYS IN THE DISPOSITION OF CASES. — [T]he purpose of the Revised Rules on Summary Procedure is to achieve an expeditious and inexpensive determination of cases cognizable thereunder. It was adopted to prevent undue delays in the disposition of

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cases. Cases within the ambit of the said rule should be decided with dispatch. Failure to do so calls for disciplinary action.

2. **LEGAL AND JUDICIAL ETHICS; CODE OF JUDICIAL CONDUCT; JUDGES ARE DIRECTED TO DISPOSE COURT'S BUSINESS PROMPTLY; VIOLATION THEREOF CONSTITUTES INEFFICIENCY; CASE AT BAR.** — Respondent judge must be reminded that Rule 3.05 of Canon 3 of the Code of Judicial Conduct requires all judges to dispose of the business of their court promptly and to decide cases within the periods fixed by law. Judges are directed to dispose of their court's business promptly and within the periods prescribed by law and the rules. It bears stressing that delays in court undermine the faith and confidence of the people in the judiciary and tarnish its image. As found by the OCA, "xxx The fact that one (1) year has already lapsed and the status of these cases is still unclear constitutes inefficiency on the part of respondent judge as well as violation of the canon of judicial conduct which enjoins a judge to administer justice without delay."

3. **ID.; ID.; JUDGES SHOULD NOT ONLY BE IMPARTIAL BUT SHOULD APPEAR IMPARTIAL; COMMENT OF JUDGES ON CASES PENDING BEFORE THEM, INNOCENT THOUGH IT MAY BE, SHOULD BE AVOIDED.** — The Court likewise discerns merit in the finding of the OCA that the Comment of respondent Judge on the wisdom of the relocation of vendors, innocent though it may be, should have been avoided because of the suspicion the same could arouse. Respondent judge occupies an exalted position which is subject to constant scrutiny and observation and should at all times be conscious that judges should not only be impartial but should appear impartial. A public official whose duty is to apply the law and dispense justice, whether as a judge of a lower court or tribunal or a justice of the appellate court, should not only be impartial, independent and honest but should be perceived to be impartial, independent and honest.

APPEARANCES OF COUNSEL

Roger E. Panotes Law Office for complainants.

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DECISION

PURISIMA, *J.*:

At bar is a Complaint dated February 17, 1997 charging Judge Felix A. Caraos with inefficiency and partiality.

The Office of the Court Administrator synthesized the antecedent facts as follows:

> Complainants, who are members of the Sangguniang Bayan of Candelaria, Quezon, allege that in 1996, the said Sangguniang Bayan decided to demolish the town's old public market building located at the *poblacion* for the construction of a new one. It designated a temporary market site, about one-kilometer away from the *poblacion*, for use of the market vendors. It also passed a resolution prohibiting the vendors from plying their trade in the PNR compound which is not the designated temporary market site.
>
> However, without any Mayor's permit, more than 300 market vendors started doing business in the PNR compound and, worse, even stopped paying daily rentals and fees to the Municipal Treasurer thus resulting in the decline in the income of the municipality. Despite the efforts exerted by the Mayor of Candelaria as well as the Provincial Governor of Quezon, the recalcitrant market vendors refused to move to the designated relocation site. Consequently, the police drove them away from the PNR compound and filed criminal cases against them before the Municipal Trial Court of Candelaria, Quezon, presided by herein respondent Judge. Instead of being intimidated by the filing of the criminal cases and despite being driven away from the PNR compound, their stalls demolished and the restricted area fenced, the said market vendors persisted in returning to the compound and even destroyed the fence; and are still doing business thereat.
>
> The criminal cases filed against them, though filed as early as June of 1996, are still pending trial. The accused were initially set for arraignment on December 10, 1996 and the cases were set for trial on January 28, 1997 but respondent Judge did not appear on the scheduled trial date. Moreover, respondent Judge allegedly told the herein complainants and Atty. Jeanne Macasaet that Mayor Emralino of Candelaria had committed a mistake in relocating the market vendors, thereby prejudging the case.[1]

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[1] Report of the Office of the Court Administrator, p. 2.

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Respondent brands the Complaint as pure harassment suit against a judge who is trying to comply with the demands of his judicial functions. He theorizes that the delay in the dispositions of subject criminal cases could partly be due to the fact that the problem became a political conflict with civic and non-governmental organizations and the Archdiocese of Lucena, trying to help settle the political rift.

Respondent judge also claims that when the lawyers of the complainants appeared, the said lawyers wanted to set the hearings of all the cases on the same day although the said cases were filed separately.

The parties likewise sought the disqualification of the private prosecutor, Atty. Roger E. Panotes, which move is prohibited by the Local Government Code. Further, postponements by both sides led to delays in the cases.

Lastly, respondent judge contends that complainants failed to describe with particularity his alleged partiality. According to him, when the private prosecutor went to his chambers for advice, he merely expressed his personal observation on the matter.

In the Report[2] dated February 5, 1999, the Office of the Court Administrator determined and found the case thus:

"x x x The criminal cases subject of the instant administrative complaint are for violation of a municipal ordinance which prohibits the construction of illegal stalls and to sell on public roads or the vicinity of the PNR compound (Respondent's Comment dated July 13, 1997, p. 18 of *Rollo*). Being a violation of a municipal ordinance, said criminal cases are covered by the Rule on Summary Procedure (Sec. 1, B (3), 1991 Revised Rules on Summary Procedure).

Complainant asserts that the criminal cases were filed on June 1996 and were set for arraignment only on December 10, 1996, almost half a year from the date of their filing. Trial was supposed to start on January 28, 1997 but respondent Judge failed to appear for reasons he did not explain. Prior to the date of the herein complaint, February 17, 1997, the cases remain pending. Respondent Judge, in his comment

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[2] *Ibid.*

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dated July 13, 1997, did not inform the court as to the status of the cases. His defense that the delay in the disposition of the cases was due to the postponements and arguments of counsels as well as the political publicity brought about by the controversy is evidently devoid of merit.

Respondent Judge ought to know that the said criminal cases, being covered by the Rules on Summary Procedure, must be heard and tried with dispatch. The very purpose of the rule is to provide an expeditious settlement of certain conflicts covered by the Rules. The fact that one (1) year has already lapsed and the status of these cases is still unclear constitutes inefficiency on the part of respondent Judge as well as violation of the canon of judicial conduct which enjoins a judge to administer justice without delay.

Furthermore, respondent Judge's comment on the wisdom of the relocation of vendors, innocent though it maybe, should have been avoided because of the suspicion it may create. Respondent judge should bear in mind that he is occupying an exalted position which is subject to constant scrutiny and observation. He should at all times be conscious that judges should not only be impartial but should appear impartial.

This Office, however, is convinced that respondent Judge uttered those words without malice and only in response to a query posed by the private prosecutors.

and acting thereupon, it recommended the imposition of a fine of ₱5,000.00 for the undue delay of the respondent in disposing subject criminal cases, with a warning that repetition of the same or similar act or omission will be dealt with more severely.

On March 24, 1999, the parties were required to manifest whether they were submitting the case on the pleadings/records already submitted.

On October 18, 1999, when a copy of the March 24, 1999 Resolution addressed to Atty. Roger E. Panotes, counsel for complainants, was returned unserved with the notation "addressee deceased,"complainants were required to inform the Court of the name and address of their new counsel, within ten (10) days from notice; otherwise, the case would be deemed ripe for decision. Respondent judge was deemed to have submitted the case for decision in view of his failure to respond to the

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same Resolution of March 24, 1999. Until now, no response has been received from the parties.

The finding of the Office of the Court Administrator accords with what is on record. The complaints below were for violation of a municipal ordinance and fall under Section 1 (B) (3) of the Revised Rules on Summary Procedure. Filed as early as June 1996, the said criminal cases were only set for arraignment on December 10, 1996. Trial was to begin on January 28, 1997 but for unexplained causes, respondent judge did not appear on said date. Until the filing of the present administrative case against the respondent judge, the criminal cases in question have remained pending.

As aptly pointed out by the Office of the Court Administrator, the purpose of the Revised Rules on Summary Procedure is to achieve an expeditious and inexpensive determination of cases cognizable thereunder. It was adopted to prevent undue delays in the disposition of cases.[3] Cases within the ambit of the said rule should be decided with dispatch. Failure to do so calls for disciplinary action.

Respondent judge must be reminded that Rule 3.05 of Canon 3 of the Code of Judicial Conduct requires all judges to dispose of the business of their court promptly and to decide cases within the periods fixed by law.[4] Judges are directed to dispose of their court's business promptly and within the periods prescribed by law and the rules. It bears stressing that delays in court undermine the faith and confidence of the people in the judiciary and tarnish its image.[5] As found by the OCA, "x x x The fact that one (1) year has already lapsed and the status of these cases is still unclear constitutes inefficiency on the part of respondent Judge as well as violation of the canon of judicial conduct which enjoins a judge to administer justice without delay."

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[3] *Felimon R. Cuevas vs. Judge Isauro M. Balderian*, A.M. MTJ-00-1276, June 23, 2000.

[4] Re: *Report of Justice Felipe B. Kalalo,* 282 SCRA 61, 73.

[5] *Ng vs. Ulibari*, 293 SCRA 342, 348.

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The Court likewise discerns merit in the finding of the OCA that the Comment of respondent Judge on the wisdom of the relocation of vendors, innocent though it may be, should have been avoided because of the suspicion the same could arouse. Respondent judge occupies an exalted position which is subject to constant scrutiny and observation and should at all times be conscious that judges should not only be impartial but should appear impartial.[6]

A public official whose duty is to apply the law and dispense justice, whether as a judge of a lower court or tribunal or a justice of the appellate court, should not only be impartial, independent and honest but should be perceived to impartial, independent and honest.[7]

WHEREFORE, respondent Judge Felix A. Caraos of the Municipal Trial Court of Candelaria, Quezon is found *GUILTY* of inefficiency and is hereby ordered to pay a *FINE* of ₱50,000.00 with a warning that a repetition of the same act or omission will be dealt with more severly.

SO ORDERED.

Melo (Chairman), Vitug, Panganiban, and *Gonzaga-Reyes, JJ.,* concur.

THIRD DIVISION

[A.M. No. MTJ-00-1309. September 6, 2000]
(Formerly A.M. OCA I.P.I. No. 98-503-MTJ)

FREDESMINDA DAYAWON, *complainant, vs.* **JUDGE MAXIMINO A. BADILLA, MTC, Pili, Camarines Sur,** *respondent.*

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[6] *Supra,* Footnote No. 1.

[7] *Nazareno vs. Almario,* 268 SCRA 657, 664.