Supreme Court E-Library

[Adm. No. 104-MJ. January 30, 1976]

SECOND DIVISION

MAURICIO REGASPI and ELIAS REYES, complainants, *vs.* JUDGE EDILBERTO CASTILLO, Municipal Court of Taguig, Rizal, respondent.

ADMINISTRATIVE COMPLAINT against a municipal judge.

SYNOPSIS

Respondent was charged with "dishonesty, grave misconduct in office, gross negligence and ignorance of the law" for having dismissed for failure to prosecute several cases involving less serious physical injuries.

The Supreme Court found no merit in the complaint, on the ground that the dismissal of the cases was but a legitimate exercise of his powers and duties as judge presiding over a court and was made in the interest of speedy administration of justice. It appeared that respondent afforded the parties every opportunity to prosecute the cases with due regard to the rights of the accused to a speedy trial; that he reset or postponed the scheduled hearings of the cases several times for non-appearance of the parties' lawyers; that he further advised the parties to engage the services of another lawyer to help prosecute said cases, and repeatedly warned them that if their counsel fail to appear during the next succeeding hearings, the Court would take action prejudicial

Supreme Court E-Library

to the prosecution of said cases. The Court even appointed a counsel *de oficio* for the complainants to defend them.

SYLLABUS

of the Ruling of the Court

JUDGES; ADMINISTRATIVE CASES; DISMISSAL OF CASES FOR FAILURE TO PROSECUTE.– Charges of dishonesty, grave misconduct in office, gross negligence and ignorance of the law, against a judge who dismisses a case for failure to prosecute – where it appears that such dismissal was but a legitimate exercise of his powers and duties as judge presiding over a court and made in the interest of speedy administration of justice, and it appears furthermore that respondent afforded the parties every opportunity to prosecute the case with due regard to the rights of the accused to a speedy trial; that he reset or postponed the scheduled hearings of the cases several times in view of the non-appearance of their respective attorneys; that he further advised the parties to engage the services of another lawyer to help prosecute said cases, and repeatedly warned them that if their counsel fail to appear during the next succeeding hearings, the Court would take action prejudicial to the prosecution of said cases – will be dismissed.

APPEARANCES OF COUNSEL

Alfredo V. Zerrudo, Jr. for the complainants.
Galicano San Jose for the respondent.

DECISION

CONCEPCION JR., *J.:*

Judge Edilberto T. Castillo of the Municipal Court of Taguig, Rizal, was charged by Mauricio Regaspi and Elias

Supreme Court E-Library

Reyes with "dishonesty, grave misconduct in office, gross negligence and ignorance of the law" in their complaints to the Secretary of Justice, dated October 2, 1972 and October 9, 1972, respectively.[1]

The complainants were the complaining witnesses in Criminal Cases Nos. 1443, 1444, and 1445, entitled: "People of the Philippines *vs.* Dulo Cruz, et al.," all for serious physical injuries, and the accused in Criminal Cases Nos. 1446 and 1447, entitled: "People of the Philippines *vs.* Mauricio Regaspi, et al.," for less serious physical injuries, all of the Municipal Court of Taguig, Rizal, presided by the respondent Judge Edilberto T. Castillo.

These cases were initially set for a joint hearing on March 11, 1972. But, upon agreement of the parties, the hearing was reset to April 6, 1972. On April 6, 1972, the accused were arraigned, after which the trial was postponed to May 10, 1972, as agreed upon by the parties. During the arraignment, the herein complainants were represented by Atty. Jaime Nuevas, while the other accused were represented by Atty. Carbon Cruz.[2] On May 10, 1972, no trial was held as the hearing was postponed to June 5, 1972. The hearing on June 5, 1972 was cancelled upon agreement of the parties and was reset to June 26, 1972.[3] Again, no trial was conducted on the said date as the parties agreed to reset the hearing to July 26, 1972.[4] At the scheduled hearing of July 26, 1972, the accused appeared without their respective counsel.[5] Accordingly, the respondent Judge in open court, advised the parties,

---

[1] pp. 17, 29, Rollo.

[2] pp. 56-57, Rollo.

[3] p. 58, Rollo.

[4] p. 59, Rollo.

[5] pp. 39, 59, 100, Rollo.

Supreme Court E-Library

more particularly the herein complainants, to engage the services of another lawyer to help prosecute and defend them in said cases, their counsel, Atty. Jaime Nuevas, having died in the meantime.[6] The trial was reset to August 24, 1972. Still, no lawyer appeared for both parties during the scheduled hearing on that day, so that the respondent Judge again warned the parties that in case their lawyers failed to appear at the next hearing, their cases would be dismissed for failure to prosecute.[7] The trial was reset to September 26, 1972. Again, no lawyer appeared for the herein complainants on the said date. Upon motion of Atty. Carbon Cruz, counsel for the accused Dulo Cruz, et al., Criminal Cases Nos. 1443, 1444, and 1445 were dismissed by the respondent Judge for failure to prosecute.[8] At the same time, the respondent Judge appointed one Atty. Irineo Bunyi to act as counsel *de oficio* for the herein complainants, the accused in Criminal Cases Nos. 1446 and 1447,[9] and reset the trial to October 24, 1972.[10] On October 24, 1972, Atty. Bunyi appeared for the herein complainants and moved for the dismissal of Criminal Cases Nos. 1446 and 1447, for failure to prosecute, in view of the non-appearance of the fiscal and the private prosecutor therein, which motion the respondent Judge granted.[11] The charges against respondent are all based on his dismissal of Criminal Cases Nos. 1443, 1444, and 1445.

---

[6] pp. 39, 60, 92, Rollo.

[7] Exhs. 2, 2-A, p. 39, Rollo.

[8] pp. 13, 40, Rollo.

[9] pp. 40, 45, Rollo.

[10] p. 40, Rollo.

[11] p. 14, Rollo.

Supreme Court E-Library

There is no merit to the complaint. Respondent's dismissal of the criminal cases is but a legitimate exercise of his powers and duties as judge presiding over a court and made in the interest of the speedy administration of justice. Neither did respondent act arbitrarily. The charges and counter-charges filed by the parties thereto were equally dismissed for failure to prosecute. But, before he dismissed the said cases, he afforded the parties every opportunity to prosecute the same with due regard to the rights of the accused to a speedy trial. He reset or postponed the scheduled hearings of the cases several times in view of the non-appearance of their respective attorneys. He further advised the parties to engage the services of another lawyer to help prosecute said cases. He also repeatedly warned them that in the event of the non-appearance of their counsel during the next succeeding hearings, the Court would take action prejudicial to the prosecution of said cases, and even appointed a counsel *de oficio* for the herein complainants to defend them in Criminal Cases Nos. 1446 and 1447.

In view of all the foregoing, respondent is exonerated of all the charges filed against him. So ordered.

Fernando (Chairman), Barredo, Antonio and *Aquino, JJ., concur.*

Respondent is exonerated of all the charges filed against him.