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SECOND DIVISION

[A.M. No. RTJ-99-1477. September 9, 1999]

MAXIMINO BALAYO, *complainant, vs.* **JUDGE MAMERTO M. BUBAN, JR., Regional Trial Court, Branch 18, Tabaco, Albay,** *respondent.*

SYNOPSIS

Complainant Maximino Balayo was the defendant in Civil Case No. T-1577 for *accion publiciana* assigned to the sala of the respondent judge. He filed a complaint against the respondent judge for failure to decide a case within the reglementary period, falsification of public documents, violation of the Anti-Graft and Corrupt Practices Act, and gross ignorance of the law. He alleged that the said case was submitted for decision sometime in November, 1995 but it was decided by respondent judge only on March 24, 1997. In his decision in Civil Case No. T-1577, the judge relied heavily on the alleged testimony of a certain Nelson Carritas who never appeared before the court and to certain Certificates of Title and documentary evidence in favor of plaintiff which were not presented in court. In his reply, Judge Buban admitted that Civil Case No. T-1577 was decided beyond the reglementary period but he reasoned out that the delay was due to his designation as acting presiding judge of another sala which had been vacant. He added that the complaint filed by Maximino Balayo was premature considering that he had perfected his appeal and that he will assign as errors in his appeal brief the very same grounds raised in support of his complaint in the administrative case.

The Court ruled that to implement the constitutional mandate, Canon 3, Rule 3.05 of the Code of Judicial Conduct enjoins judges to "dispose of the court's business promptly and decide cases within the required periods." Indeed, this Court has constantly impressed upon judges — may it not be said without success — the need to decide cases promptly and expeditiously, for it cannot be gainsaid that justice delayed is justice denied.

Supreme Court E-Library

Delay in the disposition of cases undermines the people's faith and confidence in the judiciary. Their failure to do so constitutes gross inefficiency and warrants the imposition of administrative sanction on them.

With respect to the other charges against Judge Buban, it should be stated that disciplinary proceedings and criminal actions against judges are not complementary or suppletory to, or a substitute for, the judicial remedies which are available. Resort to judicial remedies, as well as the entry of judgment in the corresponding action or proceeding, is a pre-requisite for the taking of administrative, civil, or criminal actions against the judges concerned.

Judge Mamerto M. Buban was imposed a FINE of ₱5,000.00 for his failure to decide the case within the reglementary period.

SYLLABUS

1. **LEGAL AND JUDICIAL ETHICS; CODE OF JUDICIAL CONDUCT; JUDGES ARE ENJOINED TO DISPOSE OF COURT'S BUSINESS PROMPTLY.** — To implement the constitutional mandate, Canon 3, Rule 3.05 of the Code of Judicial Conduct enjoins judges to "dispose of the court's business promptly and decide cases within the required periods." Indeed, this Court has constantly impressed upon judges — may it not be said without success — the need to decide cases promptly and expeditiously, for it cannot be gainsaid that justice delayed is justice denied. Delay in the disposition of cases undermines the people's faith and confidence in the judiciary. Their failure to do so constitutes gross inefficiency and warrants the imposition of administrative sanction on them.

2. **ID.; ID.; ID.; DESIGNATION AS ACTING PRESIDING JUDGE OF ANOTHER SALA IS INSUFFICIENT TO JUSTIFY FAILURE TO FOLLOW CANON 3, RULE 3.05 OF CODE OF JUDICIAL CONDUCT.** — In the instant case, Judge Buban admitted that Civil Case No. T-1577 was decided by him beyond the required period. The case was submitted for decision sometime in November 1995 but it was decided only on March 24, 1997. The reason given for the delay in deciding the said case, *i.e.,* that he was designated as acting presiding judge of another sala, is insufficient to justify

Supreme Court E-Library

the same since he could have asked for an extension of the period within which to decide it. In one case, a fine of ₱50,000.00 was imposed on a judge for his failure to timely decide six criminal and five civil cases. Hence, the imposition of a fine of ₱5,000.00 on Judge Buban, as recommended by the Office of the Court Administrator, is commensurate to his failure to seasonably decide Civil Case No. T-1577.

3. **POLITICAL LAW; CONSTITUTIONAL LAW; SUPREME COURT; ADMINISTRATIVE SUPERVISION OVER COURT PERSONNEL; RESORT TO JUDICIAL REMEDIES IS A PRE-REQUISITE FOR TAKING ADMINISTRATIVE, CIVIL OR CRIMINAL ACTIONS AGAINST JUDGES.** – With respect to the other charges against Judge Buban, it should be stated that disciplinary proceedings and criminal actions against judges are not complementary or suppletory to, or a substitute for, the judicial remedies which are available. Resort to judicial remedies, as well as the entry of judgment in the corresponding action or proceeding, is a pre-requisite for the taking of administrative, civil, or criminal actions against the judges concerned. Indeed, judges should be free from intimidation and the fear of civil, criminal, or administrative sanctions for acts done by them in the performance of their duties and functions. The prosecution of a judge is justified only if there is a final determination by a competent court of the manifestly unjust character of the challenged judgment or order and evidence of malice or bad faith, ignorance, or inexcusable negligence in rendering his judgment or order. Since an appeal from the decision of Judge Buban in Civil Case No. T-1577 is now pending with the Court of Appeals, and such appeal is likely to deal with the same issues as in this case, the filing of these charges is premature.

D E C I S I O N

MENDOZA, *J.*:

This refers to a complaint filed by Maximino Balayo against Judge Mamerto M. Buban of the Regional Trial Court, Branch 18, Tabaco, Albay for failure to decide a case within the

Supreme Court E-Library

reglementary period, falsification of public documents, violation of the Anti-Graft and Corrupt Practices Act, and gross ignorance of the law.

Complainant is the defendant in Civil Case No. T-1577 for *accion publiciana* assigned to the sala of respondent judge. He alleges that said case was submitted for decision to respondent judge sometime in November 1995 but it was decided by respondent judge only on March 24, 1997.

With respect to the other charges, complainant alleges:

In said Civil Case No. T-1577, the plaintiffs presented only two (2) witnesses and no other, namely, Arleen Azada, the Barangay Secretary of Quinale, Tabaco, Albay and Reynaldo Martinez, who claims to be an heir of the plaintiffs.

But in the said decision, Judge Mamerto Buban relied heavily on the alleged testimony of a certain Nelson Carritas[1] who allegedly appeared pursuant to a subpoena *duces tecum* and allegedly presented a salvage list showing that Lot 7493 and Lot 206 in question in Civil Case No. T-1577 were covered with certificates of titles when in truth and in fact, Nelson Carritas never testified in said Civil Case No. T-1577, he was never subpoenaed in this case and neither did he present any documentary evidence in this case as evidenced by a certification of Amalia B. Beraquit, OIC & Court Stenographer hereto attached as Annex "B".

Judge Mamerto Buban also referred to certain certificates of title and documentary evidence in favor of the plaintiff in his decision as covering the lots in question, when in truth and in fact, no such certificate of title or documentary evidence were ever shown or presented in court, much less marked in evidence.

Judge Mamerto Buban considered a purely hearsay and self-serving evidence by relying on the testimony of Arleen Azada about my alleged admission at the office of the *Barangay* Captain of Quinale, Tabaco, Albay as shown by the proceedings, when no such proceedings were had and I have not signed any minutes of any proceedings.

Again, while Judge Mamerto Buban repeatedly referred to numbers of original certificates of title issued way back in [the] 1930's to

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[1] Also referred to as "Nelson Carretas."

Supreme Court E-Library

the lots in question in the plaintiff's name, yet he also considered that the said lots were issued certificates of title pursuant to an original land registration proceedings filed in the 1970's before Judge Jose C. Razo of the then Court of First Instance of Albay, Branch 6, Tabaco, hence, how could the lots have been titled in the 1930's if these lots were issued titles pursuant to land registration proceedings in the 1970's.

Judge Mamerto Buban in making untruthful narration of facts in his decision in favor of the plaintiffs committed falsification and obviously caused undue injury to me as defendant in said Civil Case No. T-1577 and in the discharge of his official judicial functions as a judge, gave unwarranted benefits and advantage to the plaintiffs through manifest partiality, evident bad faith or gross inexcusable negligence.

In view of the foregoing, I respectfully pray that Judge Mamerto Buban be dealt with criminally and administratively and pending investigation he be suspended from office.

Judge Buban admits that Civil Case No. T-1577 was decided beyond the reglementary period. He explains, however, that the delay was due to his designation as acting presiding judge of another sala which had been vacant. He offers his apology to the Court and promises not to commit the same infraction in the future.

As to the other charges, respondent alleges:

The complainant also claims that the undersigned "relied heavily on the alleged testimony of one Nelson Carretas who appeared pursuant to a subpoena *duces tecum* and presented the salvaged list of Original Certificates of Titles issued for the Municipality of Tabaco, Albay," when said person never testified in Civil Case No. T-1577. The said finding of the court is found on pages 13 and 14 of the decision which runs, thus:

> Again, with respect to Lot 7493 and Lot 206, Mr. Nelson Carretas to whom subpoena *duces tecum* was issued, brought before this Court the Pre-War Salvaged List of Original Certificates of Titles issued for the Municipality of Tabaco before the war. From the said list, it appears that Lot No. 7493 is covered by Title No. 24252 in the name of Sy Yoco, and

Supreme Court E-Library

Lot No. 206 is likewise covered by Title No. 24304 in the name of Sy Yoco; the two lots are at present subject matters of a Petition for Reconstitution of Titles before Branch 17 of this Court."

The aforequoted paragraph of the decision which states that Nelson Carretas testified in the case at issue is an error in phraseology, committed through inadvertence and without malice or bad faith on the part of the undersigned. It needs stating that Nelson Carretas really testified as a witness in Cadastral Case No. T-163, a Petition for Reconstitution of Title with the Heirs of Sy Yoco as petitioners, on 15 September 1995 at the time when the undersigned was the Acting Presiding Judge of Branch 17 of the Regional Trial Court, at Tabaco, Albay, during which said witness presented to the court the aforementioned salvaged list of titles. And this fact explains the last clause of the above-quoted paragraph in the decision which states: "the two lots" (referring to Lots Nos. 7493 and 206) "are at present subject matters of a Petition for Reconstitution of Titles before Branch 17 of this Court." Attached hereto are certified xerox copies of the subpoenaes addressed to the Register of Deeds of Albay or his duly authorized representative and the minutes of the hearing where Nelson Carretas brought the Salvaged List of Original Certificates of Titles for the Municipality of Tabaco, Albay, certified xerox copy of the Salvaged List is likewise hereto attached.

On the claim by complainant, Maximino Balayo that the undersigned relied on the testimony of Arleen Azada, *Barangay* Captain of Quinale, Tabaco, Albay, about his alleged admissions before the office of the *barangay* captain as shown by the proceedings when no such proceedings were had and that he had not signed any proceedings. To this, the undersigned hereby attaches xerox copy of Exhibit "A" for the plaintiff in Civil Case No. T-1577 which xerox copy the undersigned failed to have the same certified before the Court of Appeals as the case had been elevated on appeal to the Court of Appeals.

Likewise, the undersigned cannot be held liable for alleged Falsification of Public Document since when he mentioned Nelson Carretas as witness in Civil Case No. T-1577, he was actually referring to Cadastral Case No. T-163 where said witness testified while he was the Acting Presiding Judge of Branch 17 of the same court. The error, to repeat, which is explained by the last clause of the above-quoted part of the decision, was an honest mistake, committed

Supreme Court E-Library

in utmost good faith and without any malice on the part of the undersigned.

Similarly, the charge that the Decision rendered by the undersigned in Civil Case No. T-1577, "gave unwarranted benefits and advantage to the plaintiffs through manifest partiality, evident bad faith or gross inexcusable negligence" on the part of the undersigned is untenable and without basis.

The decision itself and the record do not disclose any act of "manifest partiality" on the part of the undersigned. The complaint and the annexes thereto fail to establish the fact that in rendering the decision at issue the undersigned committed manifest or patent partiality to the plaintiffs, or that there was a clear, notorious or plain inclination or predilection on the part of the undersigned to favor the plaintiffs rather than the defendant (herein complainant).

Furthermore, the charge for "gross inexcusable negligence" against the undersigned arising from the same decision is unwarranted. There is no showing whatsoever that the undersigned had acted in a wantonly careless manner to the prejudice of the complainant in rendering the decision adverse to the complainant. The decision is supported by the facts proved, the evidence presented by both parties and by the pertinent laws obtaining in this jurisdiction.

The complainant also ascribes "evident bad faith" to the undersigned in his complaint. The imputation is unfounded. There is no showing that when the undersigned rendered the questioned decision, he was actuated by some dishonest purpose or some moral obliquity and conscious doing of a wrong, or that he committed a breach of a sworn duty through some motive or intent or ill will which partakes of the nature of fraud. There is no proof that there was manifest deliberate intent on the part of the undersigned to do wrong or cause damage to the complainant when the decision was rendered.

Lastly, and as importantly, it needs stressing that the complaint filed by Maximino Balayo against the undersigned is premature. The said complainant has already perfected his appeal from the decision in Civil Case No. T-1577 to the Court of Appeals. And, surely, he will assign as errors in his appeal brief the very same grounds raised in support of his complaint in this administrative case. It would thus be more conformable to logic and reason that this case be not given due course until final adjudication on the issues raised by him in his complaint is made by the appellate court.

Supreme Court E-Library

The matter was referred to the Office of the Court Administrator, which, in its report, dated August 16, 1999, recommends that Judge Buban be fined in the amount of ₱5,000.00 for failure to seasonably decide Civil Case No. T-1577. However, the OCA recommends the dismissal of the other charges of complainant Balayo on the ground that the same are involved in the appeal brought by complainant to the Court of Appeals.

The recommendations of the OCA are well taken.

Art. VIII, §15(1) of the Constitution states:

> All cases or matters filed after the effectivity of this Constitution must be decided or resolved within twenty four months from date of submission for the Supreme Court, and unless reduced by the Supreme Court, twelve months for all lower collegiate courts, and three months for all other lower courts.

To implement the constitutional mandate, Canon 3, Rule 3.05 of the Code of Judicial Conduct enjoins judges to "dispose of the court's business promptly and decide cases within the required periods." Indeed, this Court has constantly impressed upon judges — may it not be said without success — the need to decide cases promptly and expeditiously, for it cannot be gainsaid that justice delayed is justice denied. Delay in the disposition of cases undermines the people's faith and confidence in the judiciary. Their failure to do so constitutes gross inefficiency and warrants the imposition of administrative sanction on them.[2]

In the instant case, Judge Buban admitted that Civil Case No. T-1577 was decided by him beyond the required period. The case was submitted for decision sometime in November 1995 but it was decided only on March 24, 1997. The reason given for the delay in deciding the said case, *i.e.*, that he was designated as acting presiding judge of another sala, is insufficient to justify the same since he could have asked for an extension

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[2] *Office of the Court Administrator v. Judge Walerico Butalid*, A.M. No. RTJ-96-1337 and A.M. No. 97-8-242-RTC, August 5, 1998.

Supreme Court E-Library

of the period within which to decide it. In one case,[3] a fine of ₱50,000.00 was imposed on a judge for his failure to timely decide six criminal and five civil cases. Hence, the imposition of a fine of ₱5,000.00 on Judge Buban, as recommended by the Office of the Court Administrator, is commensurate to his failure to seasonably decide Civil Case No. T-1577.

With respect to the other charges against Judge Buban, it should be stated that disciplinary proceedings and criminal actions against judges are not complementary or suppletory to, or a substitute for, the judicial remedies which are available. Resort to judicial remedies, as well as the entry of judgment in the corresponding action or proceeding, is a pre-requisite for the taking of administrative, civil, or criminal actions against the judges concerned.[4]

Indeed, judges should be free from intimidation and the fear of civil, criminal, or administrative sanctions for acts done by them in the performance of their duties and functions. The prosecution of a judge is justified only if there is a final determination by a competent court of the manifestly unjust character of the challenged judgment or order and evidence of malice or bad faith, ignorance, or inexcusable negligence in rendering his judgment or order.[5] Since an appeal from the decision of Judge Buban in Civil Case No. T-1577 is now pending with the Court of Appeals, and such appeal is likely to deal with the same issues as in this case, the filing of these charges is premature.

WHEREFORE, judgment is hereby rendered imposing a FINE of ₱5,000.00 on Judge Mamerto M. Buban for his failure to decide Civil Case No. T-1577 within the reglementary period, with the WARNING that a repetition of the same or similar acts in the future will be dealt with more severely. The other charges of Maximino Balayo are DISMISSED.

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[3] Report on the Judicial Audit Conducted in the Regional Trial Court, Branches 29 and 59, Toledo City, A.M. No. 97-9-278-RTC, July 8, 1998.

[4] *Flores v. Abesamis*, 275 SCRA 302 (1997).

[5] In Re: Joaquin T. Borromeo, 241 SCRA 405 (1995).

Supreme Court E-Library

SO ORDERED.

Bellosillo (Chairman), Quisumbing, and *Buena, JJ.*, concur.

FIRST DIVISION

[G.R. No. 119085. September 9, 1999]

RESTAURANTE LAS CONCHAS and/or DAVID GONZALES, *petitioners, vs.* **LYDIA LLEGO, SERGIO DANO, EDWARD ARDIANTE, FEDERICO DE LA CRUZ, SHERILITA ANIEL, LORNA AZUELA, ZENAIDA HERMOCILLA, FELICIDAD ROLDAN, HELEN MANALAYSAY, LUZ BALDELAMAR, FELICIDAD MENDOZA, DOLORES BAQUIZO, RODOLFO BAS, CIRIACO BATITES, and THE HONORABLE NATIONAL LABOR RELATIONS COMMISSION,** *respondents.*

SYNOPSIS

During the employment of private respondents with petitioners, the Restaurant Services Corporation got involved in a legal battle with the Ayala Land, Inc. over the land allegedly being occupied by petitioners for their restaurant. Ayala Land, Inc. obtained a favorable judgment in the case filed against Restaurant Services Corporation for unlawful detainer and the latter was ordered to vacate the premises. The case was appealed to the Court of Appeals, and ultimately to this Court which affirmed the decision of the trial court. Petitioners attempted to look for a suitable place for their restaurant business but to no avail, thus, they were forced to shut down their business. This resulted in the termination of employment of private respondents. Private respondents filed a complaint with the Labor Arbiter for payment of separation pay and 13th month pay. This was, however, dismissed by the Labor Arbiter