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his confinement at the National Penitentiary, it is further recommended that he be granted Executive Clemency.

Let copies hereof be furnished the Office of the President of the Philippines and the Board of Pardons and Parole.

SO ORDERED.

Fernandez, Guerrero, De Castro, and *Melencio Herrera, JJ.,* concur.

Makasiar, J., took no part.

SECOND DIVISION

[A.M. No. 242-MJ. June 19, 1979]

MAXIMO UBAS, *complainant, vs.* **MUNICIPAL JUDGE BENITO P. CINCO OF MARGOSATUBIG, ZAMBOANGA DEL SUR,** *respondent.*

SYLLABUS

LEGAL AND JUDICIAL ETHICS; JUDGES; WHEN A JUDGE RENDERED JUDGMENT IN ACCORDANCE WITH LAW, HE CANNOT BE HELD ADMINISTRATIVELY LIABLE.— There was nothing left for respondent Judge then but to render judgment, which he did in accordance with the law on the subject.

RESOLUTION

FERNANDO, ***Acting C.J.:***

Ever so often, the actuation of a judge would be stigmatized as violative of a litigant's rights, resulting in an administrative complaint for abuse of authority and, possibly, to impress this

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Tribunal with the gravity of his failing, add, for good measure, ignorance of the law. So it was alleged in this case by a certain Maximo Ubas, complainant, with Municipal Judge Benito P. Cinco of Margosatubig, Zamboanga del Sur, as respondent.

The matter was referred to Executive Judge Melquiades S. Sucaldito for investigation. He set forth the nature of the case thus: "This is a complaint for abuse of authority and ignorance of the law filed by complainant Maximo Ubas against respondent Benito P. Cinco, Municipal Judge of Margosatubig, Zamboanga del Sur. Complainant alleges that the respondent, with abuse of authority, terminated a criminal case two days before the day set for trial and likewise rendered a decision thereon in excess of his authority as the offense charged is cognizable by the Court of First Instance. That as an offended party, complainant further alleged that he was deprived of his right to aid the prosecution by the premature termination of the case by the respondent. The respondent in his answer denied the material allegations of the complaint, alleging among others, that a case of Double Physical Injuries was filed by the Chief of Police and not that of Frustrated Homicide, thus his Court; has the jurisdiction to try and decide the same; and that the accused, while being already detained, asked for immediate trial, and after arraignment, pleaded guilty to the crime charged and thereafter was sentenced accordingly."[1] According to Judge Sucaldito, the records showed that the complaint against a certain Benjamin Manginsay was for double physical injuries filed by the Chief of Police in the sala of respondent Judge. Thereafter, the aforesaid accused appeared before the municipal court demanding immediate trial of the case, and upon arraignment, pleaded guilty to the crime charged. Respondent Judge, thereafter, rendered a decision sentencing the accused. It was further stated in such report that there was thereafter executed by complainant an affidavit acknowledging that there was justification for the action taken by respondent Judge upon a voluntary plea of guilty being entered by the accused. When

[1] Report And recommendation of Executive Judge Melquiades S. Sucaldito, 1.

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the administrative case was called for investigation by Judge Sucaldito, "both complainant and respondent appeared. The respondent, under oath in open court, affirmed all the allegations contained in his affidavit."[2]

He summarized his findings thus: "From the facts and circumstances of the case, the undersigned finds that the respondent acted within his competence and authority in accepting a complaint, for Double Physical Injuries, and in sentencing the accused who entered a plea of guilty thereon, thereby terminating the case."[3] Necessarily, his recommendation was for "the dismissal of this administrative case and the exoneration of the respondent."[4] The then Acting Judicial Consultant of this Court, retired Justice Manuel P. Barcelona, endorsed the aforesaid recommendation for exoneration.

No other outcome can be justified. The complaints submitted to him indicated that the offenses at the most amounted to physical injuries. A case for frustrated homicide would not lie. When the accused, therefore, pleaded guilty upon arraignment, he was within his rights, speedy trial being one of the prized guarantees under the Constitution.[5] There was nothing left for respondent Judge then but to render judgment, which he did in accordance with the law on the subject. It is understandable likewise for complainant to feel doubly aggrieved, as for him the penalty was disproportionate to the crime. The administrative complaint, therefore, must have resulted from such disappointment, not to say frustration. When he withdrew his complaint, it must have been a realization, when he was in a less agitated state of mind, that the Judge had no choice on the matter. He had to follow the law.

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[2] *Ibid.*, 2.

[3] *Ibid.*

[4] *Ibid.*

[5] Article IV, Section 19, insofar as pertinent reads: "In all criminal prosecutions, the accused *** shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial and public trial."

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WHEREFORE, this administrative complaint is dismissed. Let a copy of this resolution be entered on the record of respondent Judge.

Antonio (Actg. Chairman), Aquino, Santos, and *Abad Santos, JJ.*, concur.

Barredo and *Concepcion Jr., JJ.*, are on leave.

SECOND DIVISION

[A.M. No. 1696-MJ. June 19, 1979]

SANCHO LAWAN, *complainant, vs.* **JUDGE ANTONIO MOLETA of Bacuag, Surigao Del Norte,** *respondent.*

SYLLABUS

LEGAL AND JUDICIAL ETHICS; JUDGES; DELAY IN THE RENDITION OF JUDGMENT.— It is clear from the provision of Art. X, Sec. 11 of the 1973 Constitution and of Sec. 5 of the Judiciary Act (R.A. No. 296) that the period within which a court should decide a case should be reckoned with from the date said case is submitted for decision. And a criminal case is considered submitted for decision upon termination of the trial and/or the expiration of the period to file memoranda. Respondent's claim that such reglementary period commences to run only upon the expiration of the period he gave his stenographer to complete her transcript of stenographic notes is clearly without merit. Precisely, judges are directed to take down notes of salient portions of the hearing and to proceed in the preparation of decisions without waiting for the transcript of stenographic notes. Furthermore, We have already ruled that with or without the transcribed stenographic notes, the 90-day period for deciding cases should be adhered to. Consequently, We find respondent Judge guilty of delay in the rendition of