Supreme Court E-Library

4419 is *MODIFIED*. As modified, accused-appellant ANTONIO ALFARO is *ACQUITTED* on ground of reasonable doubt; accused-appellants SONNY MATIONG and ALCEDE MATIONG are found guilty beyond reasonable doubt, as principals, of the crime of *homicide* only as defined and penalized under Article 249 of the Revised Penal Code, and are each sentenced to suffer an indeterminate imprisonment penalty ranging from ten (10) years of *prision mayor* in its medium period, as minimum, to seventeen (17) years and four (4) months of *reclusion temporal* in its medium period, as maximum, with all the accessory penalties, thereof, and to pay jointly and severally the heirs of the victim Marcelino Isturis the sum of ₱50,000 as indemnity *ex delicto* and ₱23,300 as actual damages.

Costs *de oficio*.

SO ORDERED.

Bellosillo, Melo, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago, De Leon, Jr., and *Sandoval-Gutierrez, JJ.*, concur.

Puno J., abroad on official business.

THIRD DIVISION

[A.M. No. MTJ-01-1357. March 28, 2001]

MONFORT HERMANOS AGRICULTURAL DEVELOPMENT CORPORATION *complainant, vs.* **JUDGE ROLANDO V. RAMIREZ,** *respondent.*

SYNOPSIS

For issuing an alleged prejudicial and questionable decision relative to Civil Case 822, a forcible entry case, herein respondent

Supreme Court E-Library

judge was charged with bias, gross inefficiency, gross incompetence and misconduct. Further, respondent judge was charged with gross violation of the Law on Summary Procedure in Civil Cases for rendering the same questioned decision almost four months instead of 30 days after the last pleading, the comment to plaintiff's summary of argument in support of their position paper, was filed.

The issues of prior physical possession and lack of sufficient basis in arriving at a decision in Civil Case No. 822 rendered by respondent judge are subjudice as the same is under appeal to the Court of Appeals. The remedy is the final resolution of Civil Case No. 822 which cannot be treated in this administrative case. On the delay of rendering a decision which respondent did not specifically deny, the Court found respondent guilty and, hence, the fine of ₱5,000.00 was imposed against the judge.

SYLLABUS

1. **ADMINISTRATIVE LAW; *SUBJUDICE* MATTERS; CANNOT BE TREATED IN ADMINISTRATIVE CASE.**— *Subjudice* is defined as, "under or before a judge or court; under judicial consideration; undetermined" (Black's Law Dictionary, Sixth Edition, 1990). The issues of prior physical possession and lack of sufficient basis in arriving at a decision in Civil Case No. 822, are *subjudice* due to the fact that the Court of Appeals has yet to render its decision on the matter. Complainant's remedy regarding these matters is the final resolution of Civil Case No. 822 which, understandably, cannot be treated in this administrative case.

2. **JUDICIAL ETHICS; JUDGES; DUTY TO DECIDE CASES WITH DISPATCH; VIOLATION CONSTITUTES GROSS INEFFICIENCY AND WARRANTS ADMINISTRATIVE SANCTION.**— No less than the Constitution of the Philippines mandates that all persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, and administrative bodies (Section 16, Article III, 1987 Constitution). Indeed, in every case a judge shall dispose of the court's business promptly and decide cases within the required periods (Rule 3.05, Canon 3, Code of Judicial Conduct). Rule 3.01 compels them to be faithful to the law and prompts them to maintain

Supreme Court E-Library

> professional competence. Thus, the Court has constantly impressed upon judges 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 peoples' faith and confidence in the judiciary. Hence, judges are enjoined to decide cases with dispatch. Their failure to do so constitutes gross inefficiency and warrants the imposition of administrative sanction on them (*Sanchez vs. Vestil,* 297 SCRA 679 [1998]).

APPEARANCES OF COUNSEL

Leon G. Moya, Jr. for complainant.

R E S O L U T I O N

MELO, *J.*:

At bar is an administrative complaint dated April 30, 1998, filed by Monfort Hermanos Agricultural Development Corporation, represented by its president Ma. Antonia M. Salvatiera, charging Judge Rolando V. Ramirez of the Municipal Trial Court of Cadiz City, with serious inefficiency, misconduct, and gross incompetence, relative to Civil Case No. 822 entitled "*Monfort Hermanos Agricultural Development Corp. vs. Antonio Monfort III, et al.*"

The present controversy stemmed from a civil case filed on April 18, 1997, by complainant against the children, nephews, and nieces of the original incorporators of the Monfort Hermanos Agricultural Development Corporation. In the civil case, complainant alleged that Ildefonso B. Monfort and Antonio Monfort III, acting for themselves and in behalf of the other defendants, in gross and evident bad faith, unlawfully took possession of the four haciendas owned by the plaintiff corporation and harvested the produce thereon, without the knowledge and consent of the plaintiff corporation.

In a decision dated February 18, 1998, respondent ruled in favor of defendants and dismissed Civil Case No. 822. This caused complainant, as plaintiff, to question said decision before

Supreme Court E-Library

Branch 60 of the Regional Trial Court of Cadiz City. The regional trial court rendered a decision on August 14, 1998 reversing and setting aside respondent's decision and remanding the records of the case to the court of origin. The defendants thereafter filed a petition for review with the Court of Appeals which still pends therein as CA-GR-SP No. 53652.

On April 30, 1998, complainants filed an administrative complaint against respondent raising two main issues. Complainant's foremost grumble is with regard to the ruling of respondent that there was not enough proof that the corporation was deprived of possession of the four haciendas. Complainant claimed that respondent's dismissal of the complaint is not only a blatant indication of his partiality or bias in favor of the defendants, but also shows grave misconduct, serious inefficiency, and gross incompetence. According to complainant, had respondent considered the mass of documents, he would have arrived at a different conclusion in the case, but because of bias, grave or serious inefficiency, gross incompetence, and misconduct, respondent came out with a prejudiced and questionable decision. Complainant further charged respondent with gross violation of the Law on Summary Procedure in civil cases, specifically Section 10 of said Rules which requires cases to be decided: a) within 30 days after receipt of the last affidavits and position papers, or after the expiration of the period for filing the same; or b) within 15 days after the receipt of the last clarificatory affidavits, or the expiration of the period for filing the same, should the court find it necessary to clarify certain material facts. Civil Case No. 822, being a forcible entry case, falls within the period set forth in Section 10 of said law. According to complainant, the case was submitted for decision on October 24, 1997, upon the filing of the comment to plaintiff's summary of argument in support of their position paper. However, respondent rendered his decision only on February 18, 1998, or almost four months after the last pleading was filed, which obviously violated the Rules on Summary Procedure.

In his comment/return indorsement dated August 10, 1998, respondent reasoned out that his failure to decide the case within the reglementary period was the result of the filing by the litigants

Supreme Court E-Library

of numerous voluminous pleadings, motions, and papers after the issuance of the pre-trial order which continued even up to the time the decision was ultimately rendered. Respondent further contended that facts said by complainant to have been left out in the decision are unnecessary in resolving the issues raised.

Both complainant and respondent in response to our Resolution dated July 10, 2000, manifested that they were submitting the case for resolution without further pleadings and arguments.

In the previous report and recommendation dated June 5, 2000 submitted by then Court Administrator Alfredo L. Benipayo, it was pertinently observed that respondent's ruling regarding the issue of prior physical possession and the alleged insufficiency of respondent's findings of fact and law are matters which are *subjudice* since the case is currently pending and awaiting decision in the Court of Appeals.

On the matter of the delay in resolving Civil Case No. 822, the Court Administrator recommended that respondent be fined for delay in the resolution of the case with a warning that a repetition of the offense shall be dealt with more severely.

We agree with the findings and recommendation of the Office of the Court Administrator.

Subjudice is defined as, "under or before a judge or court; under judicial consideration; undetermined" (Black's Law Dictionary, Sixth Edition, 1990). A case in point is *Evan B. Calleja vs. Judge Rafael Santalecis* (A.M. No. RTJ-99-1443, March 14, 2000) wherein the Court made the following pronouncement:

> The issue of whether or not the plaintiff made admissions as to its liability and whether or not the plaintiff was caught *in flagrante delicto* are still *subjudice*. The trial of the merits of Civil Case No. 9441 before the regional trial court is still going on and besides the question poised by these issues are judicial in character as these go to the assessment by respondent of the evidence of the parties. In such case the remedy of the complainant are those found in the Rules of Court and not an administrative case.

Supreme Court E-Library

The issues of prior physical possession and lack of sufficient basis in arriving at a decision in Civil Case No. 822, are *subjudice* due to the fact that the Court of Appeals has yet to render its decision on the matter. Complainant's remedy regarding these matters is the final resolution of Civil Case No. 822 which, understandably, cannot be treated in this administrative case.

Anent the issue of delay raised by the complainant, we find respondent liable.

No less than the Constitution of the Philippines mandates that all persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, and administrative bodies (Section 16, Article III, 1987 Constitution). Indeed, in every case a judge shall dispose of the court's business promptly and decide cases within the required periods (Rule 3.05, Canon 3, Code of Judicial Conduct). Rule 3.01 compels them to be faithful to the law and prompts them to maintain professional competence. Thus, the Court has constantly impressed upon judges 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 peoples' faith and confidence in the judiciary. Hence, judges are enjoined to decide cases with dispatch. Their failure to do so constitutes gross inefficiency and warrants the imposition of administrative sanction on them (*Sanchez vs. Vestil*, 297 SCRA 679 [1998]).

In the case at bar, complainant alleged in its administrative complaint that the last pleading was filed on October 24, 1997. This would have meant that the rendition of judgment should have been made 30 days thereafter following Section 10 of the Rules on Summary Procedure. This was not specifically denied by respondent. Instead, he reasoned that the decision was rendered only on February 18, 1998, or after the lapse of four months, due to the parties' filing of numerous voluminous pleadings, motions, and papers after the issuance of the pre-trial order which extended even up to the time the decision was ultimately rendered.

This excuse is not enough to justify a four-month delay in the rendition of judgment, especially when it falls under the

Supreme Court E-Library

Rule of Summary Procedure. To condone this defense will defeat the very purpose of the Rule of achieving expeditious and inexpensive determination of cases.

WHEREFORE, respondent Judge Rolando V. Ramirez, presiding judge of the Municipal Trial Court of Cadiz City, Negros Occidental, is hereby found GUILTY of delay in deciding Civil Case No. 822 of his court and is hereby ordered to pay a fine of Five Thousand Pesos (₱5,000.00), with the warning that the commission of similar acts in the future will be dealt with more severely.

SO ORDERED.

Vitug, Panganiban, Gonzaga-Reyes, and *Sandoval-Gutierrez, JJ.,* concur.

FIRST DIVISION

[A.M. No. RTJ-00-1574. March 28, 2001]

GORGONIO S. NOVA, *complainant, vs.* **JUDGE SANCHO DAMES II, Regional Trial Court, Branch 38, Daet, Camarines Norte,** *respondent.*

SYNOPSIS

Respondent judge issued a temporary restraining order in Civil Case No. 6859, restraining the NLRC sheriff from conducting a scheduled public auction of real property levied pursuant to a final decision of the NLRC. Respondent judge was charged with gross ignorance of the law.

Regular courts have no jurisdiction to hear and decide questions which arise and are incidental to the enforcement of decisions, orders and awards rendered in labor cases by appropriate officers and tribunals of the DOLE. Corollarily,