Supreme Court E-Library

He is further warned that a repetition of the same or similar infractions will be dealt with more severely.

SO ORDERED.

Mendoza (Acting Chairman), Quisumbing, and *De Leon, Jr., JJ.*, concur.

Bellosillo (Chairman), J., on official leave.

EN BANC

[A.M. No. MTJ-95-1062. July 31, 2000]

MS. ALICE DAVILA, *complainant, vs.* **JUDGE JOSELITO S.D. GENEROSO,** *respondent.*

[A.M. No. MTJ-00-1260. July 31, 2000]
(Formerly A.M. OCA IPI No. 97-251-MTJ)

DR. LETICIA S. SANTOS, *complainant, vs.* **JUDGE JOSELITO S.D. GENEROSO,** *respondent.*

SYNOPSIS

Two letter-complaints were sent to the Office of the Court Administrator complaining of undue delay in the disposition of their respective cases before the sala of respondent Judge Joselito S.D. Generoso Presiding Judge of Branch 34 of the Metropolitan Trial Court of Quezon City. The Court issued several resolutions requiring respondent judge to comment on the complaints against him, but respondent repeatedly failed to comply with the said resolutions. The Court Administrator recommended the dismissal from the service of respondent judge, with forfeiture of all benefits

Supreme Court E-Library

and leave credits and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations.

The Supreme Court upheld the recommendation of the Court Administrator. According to the Court, the failure of respondent judge to comply with the show-cause resolutions constitutes "grave and serious misconduct affecting his fitness and worthiness of the honor and integrity attached to his office." The Court noted that respondent judge was afforded several opportunities to explain his failure to decide the subject cases long pending before his court and to comply with the directives of the Court, but he had failed, and continued to fail, to heed the orders of the Court; a glaring proof that he has become disinterested in his position in the judicial system to which he belongs. Respondent judge's failure to decide the cases in question within the reglementary period of ninety (90) days from their date of submission in itself constituted gross inefficiency and was violative of Rule 3.05, Canon 3 of the Code of Judicial Conduct. The separation of the respondent judge from the service is indeed warranted, if only to see to it that the people's trust in the judiciary is maintained and speedy administration of justice is assured.

SYLLABUS

1. **POLITICAL LAW; ADMINISTRATIVE LAW; PUBLIC OFFICERS; JUDGES; FAILURE OF RESPONDENT JUDGE TO COMPLY WITH THE SHOW-CAUSE RESOLUTIONS CONSTITUTES GRAVE AND SERIOUS MISCONDUCT AFFECTING HIS FITNESS AND WORTHINESS OF THE HONOR AND INTEGRITY ATTACHED TO HIS OFFICE.**— After a careful study, and considering the failure of respondent judge to explain the undue delay in the disposition of subject cases before his court and his repeated failure to comply with the orders issued in connection therewith, the Court finds merit in the recommendation of the Court Administrator. The failure of respondent judge to comply with the show-cause resolutions aforecited constitutes "grave and serious misconduct affecting his fitness and worthiness of the honor and integrity attached to his office." It is noteworthy that respondent judge was afforded several opportunities to explain his failure to decide the subject cases long pending before his court and to comply with the directives of the

Supreme Court E-Library

Court, but he has failed, and continues to fail, to heed the orders of the Court; a glaring proof that he has become disinterested in his position in the judicial system to which he belongs.

2. **ID.; ID.; ID.; SEPARATION OF RESPONDENT JUDGE FROM THE SERVICE IS WARRANTED, IF ONLY TO SEE TO IT THAT THE PEOPLE'S TRUST IN THE JUDICIARY BE MAINTAINED AND SPEEDY ADMINISTRATION OF JUSTICE BE ASSURED.**— It is beyond cavil that the inability of respondent judge to decide the cases in question within the reglementary period of ninety (90) days from their date of submission, constitutes gross inefficiency and is violative of Rule 3.05, Canon 3 of the Code of Judicial Conduct, which provides that "[a] judge shall dispose of the court's business promptly and decide cases within the required periods." The separation of the respondent judge from the service is indeed warranted, if only to see to it that the people's trust in the judiciary be maintained and speedy administration of justice be assured.

DECISION

PER CURIAM:

The office of a judge requires him to obey all the lawful orders of his superiors. A judge is required to decide cases before him with dispatch, mindful that delay in the disposition of cases erodes the faith of the people in the judicial system. A judge who cannot comply with such a sworn duty should not serve the judiciary any longer.

Administrative Matter No. MTJ-95-1062 was commenced by a letter-complaint[1] sent to the Court Administrator by Ms. Alice Davila (complainant Davila), complaining of undue delay in the disposition of Criminal Case No. 12293 before respondent Presiding Judge of Branch 34 of the Metropolitan Trial Court of Quezon City. Complainant Davila alleged that subject criminal case was deemed submitted for decision way back on February 16, 1993 but has remained undecided.

---

[1] Dated April 15, 1994; *Rollo*, MTJ-95-1062, p. 4.

Supreme Court E-Library

In a 1st Indorsement[2] dated May 30, 1994, Deputy Court Administrator Bernardo P. Abesamis (DCA Abesamis) required the respondent judge to comment on the complaint within ten (10) days from notice. In view of the failure of respondent judge to comply with the said 1st Indorsement, Reynaldo L. Suarez (DCA Suarez), successor of DCA Abesamis, sent a First Tracer[3] warning the respondent judge that should he fail to comment he (DCA Suarez) will recommend resolution of the Complaint without respondent's comment.

On October 11, 1995, the Court Administrator received a letter[4] from complainant Davila, dated September 7, 1995, requesting information as to the status of her subject complaint against the respondent judge. Thereafter, DCA Suarez recommended to the Court that respondent judge be made to explain his failure to decide subject Criminal Case No. 12293 and to comply with the directives of the Court Administrator in connection therewith.

Acting thereupon, the Court issued the following Resolutions, to wit:

1. Resolution,[5] dated December 11, 1995, requiring respondent judge to

"(a) EXPLAIN his failure to decide Crim. Case No. 12293; and (b) SHOW CAUSE why he should not be administratively dealt with or held in contempt for failure to comply with the directive of the Office of the Court Administrator requiring him to inform said Office of his comment/action on the complaint of Alice Davila, both within ten (10) days from notice hereof."

2. Resolution,[6] dated October 7, 1996, requiring the respondent judge, anew, to comment on the subject complaint within fifteen (15) days from notice;

---

[2] *Rollo*, MTJ-95-1062, p. 3.

[3] *Ibid.*, p. 1.

[4] *Ibid.*, p. 5.

[5] *Ibid.*, p. 7.

[6] *Ibid.*, p. 16.

Supreme Court E-Library

3. Resolution,[7] dated August 13, 1997, requiring, for the last time, the respondent judge to comply within ten (10) days from notice with the aforesaid Resolution of December 11, 1995; otherwise, the same complaint will be decided on the basis of the pleadings and records on hand;

4. Resolution,[8] dated January 21, 1998, requiring the respondent judge to show cause why he should not be dealt with disciplinarily or held in contempt for failure to comment on subject complaint of complainant Davila and to comply with the resolution of August 13, 1997, within ten (10) days from notice;

5. Resolution,[9] dated October 5, 1998, requiring respondent judge to comply with the resolution of January 21, 1998, within ten (10) days from notice, under pain of appropriate disciplinary action; and

6. Resolution,[10] dated March 17, 1999, requiring respondent judge to show cause why he should not be dealt with more severely for failure to comply with the Resolution, dated December 11, 1995, and to file the required comment within ten (10) days from notice.

Administrative Matter No. OCA IPI 97-251-MTJ was commenced by the letter-complaint[11] of Dr. Leticia S. Santos complaining of the delay in the resolution of her case pending before the respondent judge. She stressed that Civil Case No. 11072, a simple case of ejectment, was submitted for decision on June 28, 1995 but as of June 17, 1996, the case had not been decided.

In a 1st Indorsement[12] dated June 20, 1996, DCA Suarez required respondent judge to comment on the said complaint within ten

---

[7] *Ibid.*, pp. 18-19.

[8] *Ibid.*, pp. 20-21.

[9] *Ibid.*, p. 23.

[10] *Ibid.*, p. 25.

[11] *Rollo*, Adm. Matter No. OCA IPI 97-251-MTJ, p. 5.

[12] *Ibid.*, p. 4.

Supreme Court E-Library

(10) days from receipt thereof. Absent any Comment filed, DCA Suarez sent a 1st Tracer,[13] with the follow-up letter[14] of Dr. Santos thereto attached, requiring the respondent judge to comply with the 1st Indorsement of June 20, 1996 within five (5) days; otherwise, the case would be submitted for the consideration of the Court.

On March 17, 1997, the Court resolved to consolidate Administrative Matter No. OCA IPI 97-251-MTJ with Administrative Matter No. MTJ-95-1062.[15]

It bears stressing that, in the above-cited Resolutions dated August 13, 1997, January 21, 1998, October 5, 1998, and March 17, 1999, respectively, respondent judge was required to comment on the Complaint and to explain his failure to comply with the directives of the Court. But as in the former case, the respondent judge utterly failed to heed the orders of the Court.

The Court Administrator recommended the dismissal from the service of respondent judge, with forfeiture of all benefits and leave credits and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporation.

After a careful study, and considering the failure of respondent judge to explain the undue delay in the disposition of subject cases before his court and his repeated failure to comply with the orders issued in connection therewith, the Court finds merit in the recommendation of the Court Administrator.

The failure of respondent judge to comply with the show-cause resolutions aforecited constitutes "grave and serious misconduct affecting his fitness and worthiness of the honor and integrity attached to his office."[16] It is noteworthy that respondent judge

---

[13] *Ibid.*, p. 2.

[14] *Ibid.*, p. 3

[15] See Resolution dated March 17, 1997; *Rollo*, Administrative Matter No. OCA IPI 97-251-MTJ, p. 12.

[16] *Longboan vs. Polig*, 186 SCRA 557, 561.

Supreme Court E-Library

was afforded several opportunities to explain his failure to decide the subject cases long pending before his court and to comply with the directives of the Court, but he has failed, and continues to fail, to heed the orders of the Court, a glaring proof that he has become disinterested in his position in the judicial system to which he belongs.[17]

It is beyond cavil that the inability of respondent judge to decide the cases in question within the reglementary period of ninety (90) days from their date of submission, constitutes gross inefficiency[18] and is violative of Rule 3.05, Canon 3 of the Code of Judicial Conduct, which provides that "[a] judge shall dispose of the court's business promptly and decide cases within the required periods."

The separation of the respondent judge from the service is indeed warranted, if only to see to it that the people's trust in the judiciary be maintained and speedy administration of justice be assured.

WHEREFORE, respondent Judge Joselito S.D. Generoso is hereby *DISMISSED* from the service, with forfeiture of all benefits and leave credits, and with disqualification from reinstatement or appointment to any office in the government, including government-owned and controlled corporations.

SO ORDERED.

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

Bellosillo, J., abroad on official business.

---

[17] *Parane vs. Reloza*, 238 SCRA 1.

[18] *Guintu vs. Lucero*, 261 SCRA 1.