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TEEHANKEE, Acting *C.J., concurring*:

I concur in the result of the judgment penned by Mr. Justice Guerrero affirming the decision of the Court of Appeals. Said decision of the Court of Appeals extended the lease of respondent over the commercial property for an unqualified period of five (5) years "in the broader interest of justice and equity," and modified that of the Court of First Instance which extended the duration of respondent's lease of petitioner's property "to one (1) year to commence from finality of the decision." Accordingly, it should be understood that such flat and unqualified five-year extension granted by the appellate court should be counted from the date of promulgation of its decision on September 22, 1977 which will therefore expire on September 21, 1982.

FIRST DIVISION

[AM No. 2113-MJ. April 22, 1981]

NICOMEDES PENERA, complainant, *vs.* MUNICIPAL CIRCUIT JUDGE CRESCENCIO R. DALOCANOG OF GENERAL LUNA-PILAR, SURIGAO DEL NORTE, respondent.

SYNOPSIS

Respondent was charged with ignorance of the law, gross incompetence and corrupt practices for delay in the disposition of a case. The complainant alleged that a forcible entry case was dismissed by respondent judge only after a period of three years without the benefit of having it tried on the merits on the ground that the action had already prescribed and that the court had no jurisdiction over the subject matter; that he notarized a deed of sale despite the non-appearance of four of the vendors; and that he collected notarial fees for every document presented for his ratification and acknowledgment at the rate of 5-10% of the amount of consideration involved. Respondent judge denied the charges and informed the Court that his ruling in the case for forcible entry was already the subject of an appeal.

The Supreme Court ruled that the imputation of ignorance of the law based upon the erroneous dismissal of the forcible entry case has become

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moot and academic in view of the appeal from respondent judge's resolution in said case but it nevertheless condemned respondent's act of slothfulness and his unexplained and prolonged inaction in disposing the case; and found respondent to have acted beyond the scope of his authority as notary public *ex oficio* in notarizing a deed of sale inasmuch as such document is not in connection with the exercise of his official duties.

Respondent Judge reprimanded and admonished that a repetition of the same offense will be dealt with more severely.

SYLLABUS

1. CONSTITUTIONAL LAW; SUPREME COURT; ADMINISTRATIVE SUPERVISION OVER LOWER COURTS; ADMINISTRATIVE COMPLAINTS AGAINST JUDGES; GROSS INCOMPETENCE AND DELAY IN THE DISPOSITION OF CASES; UNEXPLAINED AND PROLONGED INACTION IN DISMISSING CASE IN VIOLATION OF SEC. 5, R.A. 296; CASE AT BAR.— The unexplained and prolonged inaction, encompassing three lengthy years, to dispose the case cannot be ignored nor countenanced. These habits of indecision must be sedulously curtailed. Besides, the records reveal that a motion to dismiss was filed by the defendant in the early part of May, 1978. Yet, it was only on September 4, 1978 did respondent resolve the said motion to dismiss. This act of slothfulness for almost four months is a manifest defiance of Section 5, Republic Act 296, otherwise known as the Judiciary Act of 1948, which requires judges to determine or decide motions, special proceedings, petitions and all civil and criminal cases submitted within a period of ninety days from the date of their submission.

2. ID.; ID.; ID.; ID.; ID.; SIGNIFICANCE OF SEC. 5 R.A. 296.— The case of Custodio Escabillas *vs.* Hon. Luis D. Martinez (A.M. No. 127-MJ, 78 SCRA 367) and Sancho *vs.* Judge Antonio Moleta (A.M. No. 1696-MJ, 90 SCRA 579) stressed the significance of Section 5 of Republic Act 296. This Court underscored prompt performance of duties and speedy administration of justice to minimize the deplorable and intolerable congestion of court dockets. Thus, in the words of Justice Malcolm: "Much of the popular criticism of the courts which, it must be frankly admitted, is all too often justified, is based on the laws' delay. Congested conditions of court dockets is deplorable and intolerable. It can have no other result than the loss and frequent defeat of justice. It lowers the standards of the courts, and brings them into disrepute." (In re Impeachment of Flordeliza, 44 Phil. 608).

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3. ID.; ID.; ID.; ID.; NOTARIZING A DEED OF SALE, NOT IN CONNECTION WITH A JUDGE'S EXERCISE OF HIS OFFICIAL DUTIES.— Respondent's actuation of notarizing a deed of sale is not in connection with the exercise of his official duties. A notary *ex oficio* should notarize only documents connected with the exercise of his official duties. Consequently, respondent judge is found guilty of violating Sec. 5 of R.A. 296, otherwise known as the Judiciary Act of 1948, and acting beyond the scope of his authority as notary public *ex oficio*.

RESOLUTION

GUERRERO, *J.*:

In a letter complaint dated January 29, 1979, Atty. Nicomedes Penera charged Municipal Circuit Judge Crescencio R. Dalocanog with ignorance of the law, gross incompetence and corrupt practices.

The records show that complainant filed with the respondent's court a complaint for forcible entry against Mrs. Severa Vda. de Literato. The respondent dismissed said complaint on the ground that the action has already prescribed and that the court has no jurisdiction over the subject matter as the issue involved is boundary dispute not forcible entry. The complainant contended that the action has not yet prescribed because the complaint was filed within one month from the time defendant illegally entered the land in question, and that the issue of boundary was not raised in the pleadings.

The complainant alleged that there was a delay in the disposition of the said case (Civil Case No. 17 for forcible entry) considering that complaint was filed on Nov. 11, 1975 but was dismissed by respondent only on Sept. 4, 1978, or after a period of three years without the benefit of having it tried on the merits. It is further alleged that the respondent notarized a certain deed of sale notwithstanding the fact that four of the vendors did not appear, sign and acknowledge the said document before him. And, the respondent collected notarial fees for every document presented for his ratification and acknowledgment at the rate of 5% to 10% of the amount of consideration involved.

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Respondent in his comment denied the charges. He claimed that his actuations in Civil Case No. 17 for forcible entry are not relevant in this administrative matter considering that complainant interposed an appeal from respondent's resolution in said case to the Court of First Instance, Branch III, Dapa, Surigao del Norte. Anent the notarization of a certain deed of sale, respondent admitted that it was signed by the parties in the office of the Municipal Judge of Pilar, Surigao del Norte and was subscribed and sworn to before him, but he denied having charged notarial fees in all the documents notarized by him.

This Court take cognizance of the appeal of Civil Case No. 17 by the complainant. So much so that the imputation of ignorance of law based upon the erroneous dismissal of Civil Case No. 17, has become moot and academic. The issue, being *sub judice* may not be ventilated in this administrative matter. Nevertheless, the unexplained and prolonged inaction, encompassing three lengthy years to dispose said case cannot be ignored nor countenanced. These habits of indecision must be sedulously curtailed. Besides, the records reveal that a motion to dismiss was filed by the defendant in the early part of May, 1978. Yet, it was only on Sept. 4, 1978 did respondent resolve the said motion to dismiss. This act of slothfulness for almost four months is a manifest defiance of Section 5, Republic Act 296 otherwise known as the Judiciary Act of 1948 which requires judges to determine or decide motions, special proceedings, petitions and all civil and criminal cases submitted within a period of ninety (90) days from the date of their submission.

The case of *Custodio Escabillas vs. Hon. Luis D. Martinez*[1] and *Sancho vs. Judge Antonio Moleta*[2] stressed the significance of Section 5 of Republic 296. This Court underscored prompt performance of duties and speedy administration of justice to minimize the deplorable and intolerable congestion of court dockets. Thus, in the words of Justice Malcolm:

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[1] A.M. No. 127-MJ, 78 SCRA 367.

[2] A.M. No. 1696-MJ, 90 SCRA 579.

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"Much of the popular criticism of the courts which, it must be frankly admitted, is all too often justified, is based on the laws' delay. Congested conditions of courts dockets is deplorable and intolerable. It can have no other result than the loss and frequent defeat of justice. It lowers the standards of the courts, and brings them into disrepute." (In re Impeachment of Flordeliza, 44 Phil. 608)

We are also not in accord with the respondent's actuation of notarizing a deed of sale, inasmuch as the act is not in connection with the exercise of his official duties. A notary *ex oficio* should notarize only documents connected with the exercise of his official duties.[3]

Consequently, We find respondent judge guilty of violating Section 5 of Republic Act 296, otherwise known as the Judiciary Act of 1948, and acting beyond the scope of his authority as a notary public *ex oficio.*

WHEREFORE, the respondent judge is hereby reprimanded and admonished that a repetition of the same offense will be dealt with more severely. Let this Resolution be noted in the personal record of the respondent judge.

SO ORDERED.

Teehankee (Chairman), Fernandez and *Melencio-Herrera, JJ.,* concur.

Makasiar, J., concurs in the result.

FIRST DIVISION

[No. L- 44899. April 22, 1981]

MARIA E. MANAHAN, petitioner, *vs.* EMPLOYEES' COMPENSATION COMMISSION and GSIS (LAS PIÑAS MUNICIPAL HIGH SCHOOL), respondents.

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[3] Borre *vs.* Moya, et al., A.M. No. 1765-CFI October 17, 1980.