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THIRD DIVISION

[A.M. No. RTJ-99-1487. October 4, 1999]

PEDRO G. PERALTA, *complainant, vs.* **JUDGE ALFREDO A. CAJIGAL**, *respondent.*

SYNOPSIS

In 1978, Civil Case No. 2936, an action for annulment of deed of sale and damages, was instituted by Atty. Roman Villalon, Jr. against Pedro Peralta, *et al.* In 1994, the former amended his Complaint for the third time to pay for moral damages in the amount of ₱500,000.00. Then in 1996, Villalon, Jr. again amended his complaint praying for a smaller amount of damages. Thus, Peralta opposed, pointing out that despite non-payment of the requisite docket fee, the trial court admitted the third and the fourth amended complaints. Thus, when respondent judge still admitted the fourth amended complaint, Peralta charged respondent judge with serious misconduct for countenancing non-payment of docket fees.

Although the Court cannot glean sufficient basis for adjudging respondent judge guilty of misconduct, partiality and gross ignorance of the law, it found him guilty of inefficiency for failure to dispose of Civil Case No. 2936 within a reasonable time. The case dragged on for years and has not even reached the pre-trial stage. Hence, respondent judge was found guilty of inefficiency and thus sentenced to pay a fine of ₱5,000.

SYLLABUS

ADMINISTRATIVE LAW; JUDGES; DUTY TO DECIDE CASES WITHOUT UNDUE DELAY; VIOLATED.— That the Civil Case No. 2936 referred to has been pending in the sala of respondent Judge since the filing of the Original Complaint, cannot be overlooked. The case dragged on for years and has not even reached the pre-trial stage. The Court has repeatedly reminded judges to decide their cases without undue delay, pursuant to Rule 3.05, Canon 3 of the Code of Judicial Conduct and Section 15 (1) and (2), Article VIII of the Constitution. Respondent Judge should have been ever mindful of this duty to enhance speedy administration of justice. WHEREFORE, respondent Judge is adjudged guilty of inefficiency and is hereby

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sentenced to pay a fine of Five Thousand (₱5,000.00) Pesos.

APPEARANCES OF COUNSEL

Roman R. Villalon, Jr., for complainant.

D E C I S I O N

PURISIMA, *J.*:

At bar is an administrative complaint for serious misconduct lodged by Pedro G. Peralta against Judge Alfredo A. Cajigal, Presiding Judge of Branch 26 of the Regional Trial Court in San Fernando, La Union. Considering that respondent Judge is due to retire from the service this year, the case calls for speedy disposition.

The case stemmed from Civil Case No. 2936, entitled "*Roman R. Villalon, Jr. vs. Pedro Peralta, et al.*," which was assigned by raffle to the sala of respondent Judge.

In 1978, Atty. Roman R. Villalon, Jr. instituted subject civil case for Annulment and/or Rescission of Deed of Sale and Damages against Pedro G. Peralta (*herein complainant*) and Esther Ricablanca. Although the Original Complaint was amended twice, both the Original Complaint and the Second Amended Complaint contained no prayer for damages. On February 5, 1979, defendant Pedro G. Peralta filed his Answer with Counterclaim, praying for moral damages of One Million (*₱1,000,000.00*) Pesos.

On November 2, 1994, the plaintiff, Atty. Roman R. Villalon, Jr., amended the Complaint for the third time, to pray for moral damages in the amount of Five Hundred Thousand (*₱500,000.00*) Pesos.

On October 4, 1995, Pedro G. Peralta manifested in open court that he was adopting his Answer to the Original Complaint as the Answer to the Third Amended Complaint. After setting the case for pre-trial, the trial court required Pedro G. Peralta to pay the prescribed docket fee for his Counterclaim of ₱1,000,000.00.

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However, on August 6, 1996, instead of paying the required filing fees, Pedro G. Peralta sent in a new Answer to the Third Amended Complaint, sans any counterclaim for damages. The trial court admitted the new Answer and ordered the latter to submit a pre-trial brief.[1]

On August 14, 1996, after filing the new Answer aforesaid, Pedro G. Peralta presented a motion asking the trial court to require the plaintiff, Atty. Roman R. Villalon, Jr., to pay the docket fee for the amount of moral damages prayed for in the Third Amended Complaint, upon noticing that the docket fee therefor was not yet paid.

During the hearing on September 16, 1996, the plaintiff, Atty. Villalon, Jr., manifested that he was going to file a motion to reduce his claim for damages from ₱500,000.00 to ₱100,000.00 because of his inability to pay the docket fee for the bigger amount.[2] Thus, on September 19, 1996, the said plaintiff presented a Fourth Amended Complaint, praying for a smaller amount of damages.

On September 23, 1996, Pedro G. Peralta interposed his Opposition, pointing out that despite non-payment of the requisite docket fee, the trial court admitted the Third Amended Complaint, and that the Fourth Amended Complaint would substantially alter plaintiff's cause of action, in violation of Section 3, Rule 10 of the Rules of Court.[3]

However, on October 21, 1996, the said opposition notwithstanding, respondent Judge admitted the Fourth Amended

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[1] Annex 7, Comment, *Rollo*, p. 49.

[2] Annex D.

[3] Amendments by leave of court. — After the case is set for hearing, substantial amendments may be made only upon leave of court. But such leave maybe refused if it appears to the court that the motion was made with intent to delay the action or that the cause of action or defense is substantially altered. Orders of the court upon the matters provided in this section shall be made upon motion filed in court, and after notice to the adverse party, and opportunity to be heard.

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Complaint and ordered the plaintiff to pay a docket fee of Six Hundred (*₱600.00*) Pesos.

The Order of respondent Judge admitting the Fourth Amended Complaint prompted the herein complainant, Pedro G. Peralta, to send his letter-complaint to this Court, charging Judge Alfredo A. Cajigal with serious misconduct for allegedly countenancing non-payment of docket fees, to the deprivation of the government of its revenues.

In his Comment, dated June 19, 1997, the respondent Judge justified his October 21, 1996 Order admitting the Fourth Amended Complaint, reasoning out that inasmuch as Civil Case No. 2936 was not yet ripe for pre-trial and trial thereof did not yet commence at the time the plaintiff intimated an intention to file a Fourth Amended Complaint, he allowed the same. Respondent Judge concluded that he acted within legal bounds in so admitting subject Fourth Amended Complaint.

On June 25, 1997, with prior leave of Court, Atty. Roman Villalon, Jr. sent in his own Comment on the present administrative charge against the respondent Judge. Atty. Villalon controverted complainant's allusion that respondent Judge conspired with him (*Atty. Villalon, Jr.*) to deprive the government of revenues; stressing that as damages must be duly substantiated, he reduced the amount of damages prayed for to what he could prove.

Thereafter, the case was referred to the Office of the Court Administrator for investigation, report and recommendation. And on February 12, 1998, Senior Deputy Court Administrator Reynaldo L. Suarez submitted the OCA's Final Report and Recommendation, finding the respondent judge guilty of inefficiency, partiality, misconduct and gross ignorance of the law, and recommending the imposition upon the latter of a fine of Twenty Thousand (*₱20,000.00*) Pesos.

From the antecedent facts and circumstances on record, the Court cannot glean sufficient basis for adjudging the respondent Judge guilty of misconduct, partiality and gross ignorance of the law. However, it finds the latter guilty of inefficiency for

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his failure to dispose of Civil Case No. 2936 within a reasonable time.

That the Civil Case No. 2936 referred to has been pending in the sala of respondent Judge since the filing of the Original Complaint, cannot be overlooked. The case dragged on for years and has not even reached the pre-trial stage.

The Court has repeatedly reminded judges to decide their cases without undue delay, pursuant to Rule 3.05, Canon 3 of the Code of Judicial Conduct and Section 15 (1) and (2), Article VIII of the Constitution. Respondent Judge should have been ever mindful of this duty to enhance speedy administration of justice.

WHEREFORE, respondent Judge Alfredo A. Cajigal is adjudged guilty of inefficiency and is hereby sentenced to pay a fine of Five Thousand (*₱5,000.00*) Pesos. Let the same be deducted from any amount due him or from his retirement benefits.

SO ORDERED.

Melo (Acting C.J.), Vitug, and *Gonzaga-Reyes, JJ.*, concur.

Panganiban, J., in the result.