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THIRD DIVISION

[A.M. No. RTJ-03-1744. August 18, 2003]
(formerly OCA IPI No. 02-1425-RTJ)

Prosecutor ROBERT M. VISBAL, *complainant, vs.* **Judge ROGELIO C. SESCON, Regional Trial Court, Branch 9, Tacloban City,** *respondent.*

SYNOPSIS

For failure to decide Criminal Case No. 90-08-356 and Civil Case No. 2000-05-65 within the prescribed period, respondent judge was found guilty of undue delay in rendering a decision, an offense classified as less serious charge. Respondent cannot escape liability by claiming that he merely inherited the cases. He should have asked the Court for additional time within which to decide to resolve the same. Thus, the Court imposed upon respondent a fine of ₱11,000 with stern warning against repetition of the same or similar acts.

SYLLABUS

1. POLITICAL LAW; ADMINISTRATIVE LAW; JUDGES; GROSS INEFFICIENCY; FAILURE TO DECIDE CASE WITHIN THE REGLEMENTARY PERIOD, A CASE OF. — This Court has consistently impressed upon members of the judiciary that failure to decide a case within the reglementary period constitutes gross inefficiency warranting the imposition of administrative sanction on the defaulting judge. We cannot countenance undue delay in the disposition of cases or motions, especially now when there is an all-out effort to minimize, if not totally eradicate, the problem of congestion long plaguing our courts. The requirement that cases be decided within the reglementary period is designed to prevent delay in the administration of justice, for obviously, justice delayed is justice denied. Delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards, and brings it into disrepute.

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2. ID.; ID.; ID.; DUTY TO DECIDE CASES WITHIN THREE MONTHS FROM THE FILING OF LAST PLEADING. — No less than the Constitution mandates that lower courts decide or resolve cases or matters submitted for decision within three months from the filing of the last pleading, brief or memorandum required by the Rules of Court or by the court concerned. This policy is reiterated in Rule 3.05, Canon 3 of the Code of Judicial Conduct which states that "a judge shall dispose of the court's business promptly and decide cases within the required periods." In *Sy Bang vs. Mendez*, we explained the rationale for the 90-day reglementary period, thus: x x x The trial court judge, being the paradigm of justice in the first instance, is exhorted to dispose of the court's business promptly and decide cases within the required periods. Delay results in the undermining the people's faith in the judiciary from whom the prompt hearing of their supplications is anticipated and expected, and reinforces in the mind of litigants the impression that wheels of justice grind ever so slowly.

3. ID.; ID.; ID.; UNDUE DELAY IN RENDERING DECISION; PENALTY. — Section 9 (1), Rule 140 of the Revised Rules of Court, as amended, provides that undue delay in rendering a decision or order is classified as a less serious charge which, under Section 11(B), is punishable by suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or a fine of more than ₱10,000.00 but not exceeding ₱20,000.00.

D E C I S I O N

SANDOVAL-GUTIERREZ, *J.*:

In a verified letter complaint[1] dated February 4, 2002 addressed to the Court Administrator, Prosecutor Roberto M. Visbal[2] charged Judge Rogelio C. Sescon of the Regional Trial Court, Branch 9, Tacloban City, with undue delay in the disposition of cases, in violation of Rule 3.05, Canon 3 of the Code of Judicial Conduct. These cases are listed below:

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[1] *Rollo* at 1-2.

[2] Assigned at the Provincial Prosecutor's Office, Tacloban City.

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1. Civil Case No. 2000-05-65, "*Robert M. Visbal vs. Alberta Hijada*" for Collection of Sum of Money
2. Criminal Case No. 90-08-356, "*People of the Philippines vs. Rolando Noseñas, et al.*" for Robbery by the Use of Force Upon Thing
3. Criminal Case No. 99-10-513, "*People of the Philippines vs. Alberta Hijada*" for Libel
4. Criminal Case No. 99-09-485, "*People of the Philippines vs. Alberta Hijada*" for Qualified Theft

Complainant alleged that he is the plaintiff appellant in Civil Case No. 2000-05-65 for a sum of money. On August 31, 2000, the case was submitted for decision,[3] however, it has not been resolved by respondent.

Criminal Case No. 90-08-356 was submitted for decision on August 1, 2001,[4] but respondent has not resolved the same up to the filing of the complaint. In Criminal Case No. 99-10-513, respondent resolved the motion for reinvestigation only after four (4) months from submission.

Finally, Criminal Case No. 99-09-485, being prosecuted by complainant, has not gone beyond the pre-trial stage.

Complainant now prays that respondent be directed to inhibit himself from hearing the cases because he can no longer be expected to be impartial in the light of the present administrative complaint.

In his "Comment with Counter-Complaint for Disbarment"[5] dated May 3, 2002, respondent judge denied the allegations in the complaint. He explained that he inherited Criminal Case No. 90-08-356 and Civil Case No. 2000-05-65 from his predecessors. He could not resolve Criminal Case No. 90-08-

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[3] Letter of Atty. Jose B. Lagado, Clerk of Court, RTC, Branch 9, Tacloban City, *Rollo* at 129; Memorandum for Appellee dated August 30, 2000 and filed on August 31, 2000, *Id.* at 153–156.

[4] Annex "D", Reply, *Id.* at 143-145.

[5] *Rollo* at 6-21.

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356 for lack of transcript of stenographic notes. However, he issued an order directing the stenographer concerned to submit the transcript immediately.

Concerning Civil Case No. 200-05-65, he issued an order[6] on April 17, 2002 affirming the appealed decision.

Respondent claimed that the slight delay in the resolution of the motion for reinvestigation in Criminal Case No. 99-10-513 is not deliberate or intentional. He was misled by its caption "Manifestation of Compliance with Motion." At any rate, the delay did not anyway hamper or affect the proceedings.

In Criminal Case No. 99-09-485, respondent explained that the cause of delay was complainant's filing of numerous motions intended to harass or oppress the accused.[7]

Respondent averred that this administrative case is the offshoot of his orders granting accused Hijada's motion to reduce bail and denying complainant's motion to impose appropriate sanction on counsel for the accused.[8] Respondent maintained that complainant purposely filed this administrative complaint as a leverage so he could obtain favorable decisions in Civil Case No. 2000-05-65, Criminal Case No. 99-10-513 and Criminal Case No. 99-09-485.

Respondent judge also alleged that complainant is well-known, not only in Tacloban City but also in its neighboring towns, as a legal gadfly who has a penchant for filing administrative and criminal cases against judges, court officials or personnel, his co-prosecutors, lawyers and other public officials and employees in the Province of Leyte. Thus, judges in Tacloban and other neighboring towns shy away from hearing cases filed by him.

Respondent judge prayed that complainant be disbarred from the practice of law for violating the Code of Professional Responsibility.

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[6] *Id.* at 22-23.

[7] Annexes "3-E", "3-F", "3-G","3-H" and "3-I", Comment, *id.* at 32-41.

[8] Annexes "7", "7-A" to "7-C", Comment, *id.* at 92-98.

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In her Report,[9] Deputy Court Administrator Zenaida N. Elepaño made the following evaluation:

"An examination of the records show that respondent Judge was remiss in the performance of his duties when he failed to decide Civil Case No. 2000-05-65; Criminal Case No. 90-08-356; and Criminal Case No. 99-10-513 within the 90-day reglementary period.

"The excuses proffered by respondent Judge that (1) Civil Case No. 2000-05-65 was only inherited by him from his predecessor-Judges and was already pending resolution when he assumed office; (2) Criminal Case No. 90-08-356 was not heard by him and there were no transcripts of stenographic notes attached to the record; and (3) he overlooked the Motion for reinvestigation filed in Criminal Case No. 99-10-513 because the party who filed the pleading did not label it as Motion for reinvestigation but Manifestation of Compliance with motion does not exculpate him from administrative liability.

"Records reveal that Civil Case No. 2000-05-65, an appealed case, was submitted for resolution on 31 August 2000 when defendant-appellee filed her Memorandum pursuant to the directive of Atty. Jose B. Lagado, Branch Clerk of Court, RTC, Branch 9, Tacloban City in his letter dated 31 July 2000. However, it was only on 17 April 2002 or after a period of 21 months or 630 days that respondent Judge issued an Order affirming the appealed decision.

"In Criminal Case No. 90-08-356, respondent failed to resolve the Demurrer to Evidence filed by the counsel for the accused within the 90-day reglementary period. Records show that the prosecution filed its Opposition to Demurrer to Evidence on 1 August 2001. However, it was only after the lapse of nine (9) months that respondent issued an Order granting the demurrer to evidence and dismissed the subject criminal case.

"On the other hand, in Criminal Case No. 99-10-513, the fact that the party who requested for reinvestigation mislabeled the pleading is not a valid excuse for the delay in the resolution of the motion. Respondent should not have relied on the title or caption of the pleading but rather on its content."[10]

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[9] *Rollo* at 237-242.

[10] *Id.* at 243–244.

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In the same Report, Deputy Court Administrator Elepaño recommended that this case be re-docketed as an administrative matter and that respondent judge be held liable for neglect of duty for failure to decide the subject cases within the 90-day reglementary period; and, that a fine of ₱2,000.00 be imposed upon him with a warning that a repetition of the same or similar offense shall be dealt with more severely.

In a Resolution dated November 20, 2002,[11] this Court directed the parties to manifest within twenty days from notice whether they are submitting the case for decision on the basis of the pleadings filed; dismissed the charge of extortion against respondent judge for being unsubstantiated; and, referred the complaint for disbarment against complainant to the Office of the Bar Confidant.

Both parties submitted the required manifestations[12] that they are willing to have this case decided on the basis of the pleadings filed.

We agree with the findings of Deputy Court Administrator Elepaño.

This Court has consistently impressed upon members of the judiciary that failure to decide a case within the reglementary period constitutes gross inefficiency warranting the imposition of administrative sanction on the defaulting judge.[13]

No less than the Constitution mandates that lower courts decide or resolve cases or matters submitted for decision within

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[11] *Id.* at 246.

[12] *Id.* at 248 and 298.

[13] *Eschaves v. Fernandez*, A.M. No. RTJ-00-1596, February 19, 2002, *Gallego v. Doronilla*, 334 SCRA 339 (2000); *Seña v. Villarin*, A.M. No. 00-1258-MTJ, March 22, 2000, 328 SCRA 644, 648; *Hilario v. Concepcion.*, A.M. No. RTJ-99-1454, March 2, 2000, 327 SCRA 96, 104; *Report on the Judicial Audit Conducted in RTC, Branches 29, 53 & 57, Libmanan, Camarines Sur*, A.M. No. 98-1-11-RTC, October 7, 1999, 316 SCRA 272, 280; *Alonto-Frayna v. Astih*, A.M. No. SDC-98-3, December 19, 1998, 300 SCRA 199.

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three months from the filing of the last pleading, brief or memorandum required by the Rules of Court or by the court concerned.[14] This policy is reiterated in Rule 3.05, Canon 3 of the Code of Judicial Conduct which states that "a judge shall dispose of the court's business promptly and decide cases within the required periods." In *Sy Bang vs. Mendez*,[15] we explained the rationale for the 90-day reglementary period, thus:

> x x x The trial court judge, being the paradigm of justice in the first instance, is exhorted to dispose of the court's business promptly and decide cases within the required periods. Delay results in the undermining the people's faith in the judiciary from whom the prompt hearing of their supplications is anticipated and expected, and reinforces in the mind of litigants the impression that wheels of justice grind ever so slowly.

Respondent judge cannot escape liability by claiming that Criminal. Case No. 90-08-356 and Civil Case No. 2000-05-65 are inherited cases. He should have asked this Court for additional time within which to resolve the same.

We cannot countenance undue delay in the disposition of cases or motions, especially now when there is an all-out effort to minimize, if not totally eradicate, the problem of congestion long plaguing our courts. The requirement that cases be decided within the reglementary period is designed to prevent delay in the administration of justice, for obviously, justice delayed is justice denied.[16] Delay in the disposition of cases erodes the

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[14] Section 15(1) and (2), Article VIII of the 1987 Constitution.

[15] A.M. No. RTJ-94-1257, March 6, 1998, 287 SCRA 84.

[16] *Bangco vs. Gatdula*, A.M. No. MTJ-00-1297, March 7, 2002, citing *Abarquez vs. Rebosura*, A.M. No. MTJ-94-986, January 28, 1998, 285 SCRA 109, 119-120; *Martin vs. Guerrero*, A.M. No. RTJ-99-1499, October 22, 1999, 317 SCRA 166; *Office of the Court Administrator vs. Quiñanola*, A.M. No. MTJ-99-1216, October 20, 1999, 317 SCRA 37, 48-49; *Farrales vs. Camarista*, Adm. Mat. No. MTJ-99-1184, March 2, 2000, 327 SCRA 84, 90.

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faith and confidence of our people in the judiciary, lowers its standards, and brings it into disrepute.[17]

All told, respondent cannot escape liability and should, therefore, be administratively sanctioned.

Section 9 (1), Rule 140 of the Revised Rules of Court, as amended, provides that undue delay in rendering a decision or order is classified as a less serious charge which, under Section 11(B), is punishable by suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or a fine of more than ₱10,000.00 but not exceeding ₱20,000.00.

WHEREFORE, this Court finds respondent Judge Rogelio C. Sescon liable for undue delay in rendering a decision or order and imposes upon him a fine of ₱11,000.00, with a stern warning that a repetition of the same or a similar act will be dealt with more severely.

SO ORDERED.

Puno (Chairman), Panganiban, Corona, and *Carpio Morales, JJ.*, concur.

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[17] *Id.* citing *Report on the Judicial Audit Conducted in RTC, Branches 29 and 59, Toledo City,* A.M. No. 97-9-278-RTC, July 8, 1998, 292 SCRA 8.