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THIRD DIVISION

[A.M. No. MTJ-00-1322. July 17, 2001]

RENATO H. SANCHEZ, *complainant, vs.* **JUDGE GEMINIANO A. EDUARDO,** *respondent.*

SYNOPSIS

For the delay in deciding Barangay Election Protest Case No. 07-97, respondent judge was charged with serious misconduct and gross inefficiency. Records revealed that respondent dismissed the election protest filed by complainant after six (6) months filing of numerous pleadings on the ground of lack of jurisdiction. Complainant filed a Motion for Reconsideration of the dismissal, but respondent never resolved the motion. He excused himself with the explanation that there was a settlement reached by the parties and that he had a heavy workload.

Respondent failed to comply with the mandate of the Omnibus Election Code that election protests involving barangay positions must be resolved within 15 days from the filing thereof. His contention that the parties had reached an agreement was belied by complainant's vigorious insistence to have the case finally resolved. Heavy caseload is likewise immaterial for he could have asked for reasonable extension to decide the case, but he did not. Respondent was found guilty of gross inefficiency and his irresponsibility was made even more apparent by the fact that time is of the essence in the resolution of election cases, involving as they do the public interest and mandate of the people.

SYLLABUS

ADMINISTRATIVE LAW; JUDGES; GROSS INEFFICIENCY; FAILURE TO DECIDE ELECTION PROTEST WITHIN THE REQUIRED PERIOD.— The Omnibus Election Code mandates the resolution of election protests involving barangay positions within fifteen (15) days from the filing thereof. By his own admission, respondent failed to comply with this mandate. The failure of respondent to decide the election protest within the required period constitutes gross inefficiency. His irresponsibility is made even more apparent by the fact that time is of the essence in

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the resolution of election cases, involving as they do the public interest and the mandate of the people.

APPEARANCES OF COUNSEL

V.V. Orocio & Associates Law Offices for complainant.

DECISION

PANGANIBAN, *J.*:

That judges must decide cases promptly and expeditiously cannot be overemphasized, for justice delayed is justice denied. Delay in the disposition of cases undermines the people's faith and confidence in the judiciary. If they cannot decide cases within the period allowed by the law, they should seek extensions from this Court to avoid administrative liability.

The Case

In a sworn Administrative Complaint filed by Renato H. Sanchez on June 10, 1999, Judge Geminiano A. Eduardo of the Municipal Trial Court of Gapan, Nueva Ecija, was charged with serious misconduct and gross inefficiency. The Complaint reads thus:

"1. Judge Geminiano A. Eduardo (hereinafter referred to as [r]espondent) is presently the [p]residing [j]udge of the Municipal Trial Court of Gapan, Nueva Ecija, where he may be served with summons and other judicial processes;

"2. Sometime on May 22, 1997, Renato H. Sanchez (hereinafter referred to as [c]omplainant) filed a Petition (Election Protest) with respondent while he was then the [p]residing [j]udge of the Municipal Trial Court of Peñaranda, Nueva Ecija, entitled ['']Renato H. Sanchez, Protestant, versus Conrado H. [Aberin], Protestee['] docketed as Case No. 001-97. Copy of said [P]etition is hereto attached as Annex 'A';

"3. Sometime on June 5, 1997, protestee, Conrado H. Aberin, through counsel, filed his Answer to said Petition. Copy of said Answer is hereto attached as Annex 'B';

"4. On June 19, 1997, respondent issued an Order setting the Petition for pre-trial conference. Copy of said Order is hereto attached as Annex 'C';

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"5. On June 26, 1997, respondent issued an Order directing the Municipal Treasurer of Peñaranda, Nueva Ecija, to safeguard the questioned ballot boxes and for the protestant (herein complainant) and protestee to submit their respective members to the revision committee. Copy of said Order is hereto attached as Annex 'D';

"6. On July 17, 1997, respondent issued an Order directing the protestant (complainant herein) to make a cash deposit for the three (3) questioned ballot boxes. Copy of said Order is hereto attached as Annex 'E';

"7. On July 24, 1997, respondent issued an Order, directing, among others, the protestant (complainant herein) and protestee to submit the name[s] of three (3) persons as their principal revisors and another three (3) as alternative revisors. Copy of said Order is hereto attached as Annex 'F';

"8. On July 31, 1997, protestant submitted to the respondent the nomination of his three (3) principal revisors and three (3) alternative revisors. Copy of said nomination is hereto attached as Annex 'G';

"9. Sometime [o]n August 21, 1997, respondent issued an Order granting the prayer of the counsel for the protestee to file a Motion to Dismiss the electoral protest and for counsel for the protestant (herein complainant) to file his comment thereon within fifteen (15) days from receipt of said Motion. Copy of said Order is hereto attached as Annex 'H';

"10. On September 9, 1997, respondent issued an Order declaring that up to said even date, counsel for the protestee has not yet filed the Motion to Dismiss and directed the counsel for the protestee to file the same [within] ten (10) days from receipt of said Order. Copy of said order is hereto attached as Annex 'I';

"11. Sometime on September 23, 1997, protestee filed his Motion to Dismiss, copy attached as Annex 'J';

"12. Sometime on October 9, 1997, complainant filed his Opposition/ Comment to protestee's Motion to Dismiss Petition. Copy of said Opposition/Comment is hereto attached as Annex 'K';

"13. Sometime on November 6, 1997, respondent issued a Resolution dismissing protestant/complainant's Election Protest for his failure ['']to comply with the requirements mandated by the Rules.['] Copy of said Resolution is hereto attached as Annex 'L';

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"14. On November 17, 1997 and within the reglementary period, complainant through counsel, filed a Motion for Reconsideration of said Resolution setting the same for hearing on November 20, 1997 at 10:00 A.M. Copy of said Motion is hereto attached as Annex 'M';

"15. On November 18, 1997, the respondent issued an order setting the Motion for Reconsideration on November 27, 1997 at 9:00 A.M. Copy of said Order is hereto attached as Annex 'N';

"16. On December 2, 1997, respondent issued an Order, directing the counsel for the protestee to file his comment to the Motion for Reconsideration within ten (10) days from receipt of said order. Copy of said Order is hereto attached as Annex 'O';

"17. Sometime on February 5, 1997 counsel for the protestee filed his Comment to the Motion for Reconsideration. Copy of said Comment is hereto attached as Annex 'P';

"18. On April 16, 1997, respondent issued an Order considering the case [or] Motion for Reconsideration submitted for resolution. Copy of said order is hereto attached as Annex 'Q';

"19. On May 19, 1997, surprisingly, respondent issued another Order considering the case (Motion for Reconsideration) submitted for resolution;

"20. Around ONE (1) YEAR has already elapsed since complainant's Motion for Reconsideration was deemed submitted for resolution but up to now said Motion has remained unresolved to the great prejudice of the complainant (considering that municipal trial courts are mandated to decide barangay election protest[s] within fifteen (15) days after the filing thereof pursuant to Sec. 252 of the Omnibus Election Code) and in violation of the statutory mandate for lower courts to resolve cases/motions within ninety (90) days from date of submission;

"21. Complainant can safely assume that despite his failure to resolve his Motion for Reconsideration within the reglementary period of ninety (90) days from its date of submission, respondent has continued to receive his salaries on the basis of a falsified certificate of service attesting that he has no pending cases/motions submitted for decision or resolutions beyond the 90-day period set by law. This can be easily verified through a corresponding judicial audit;

"22. Respondent's failure to decide complainant's Motion for Reconsideration violates his constitutional right to a speedy disposition of his case."

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In his letter-comment dated August 13, 1999, respondent judge pleaded that the charges against him be dismissed. He explained as follows:

"Admittedly, on April 16, 1998, I issued an Order that the case [be] deemed submitted for resolution.

"Nevertheless, protestant's Motion for Reconsideration was not thereafter resolved because prior [to] and after to April 16, 1998, the protestant approached me and intimated that there was a pending settlement by him and the protestee. I called for the parties, even without setting the case, for the purpose of advising them to file before the Court the necessary pleadings, which the parties agreed [to].

"In fact, the last time I talked to the protestant, he was telling me to release the deposit made by him in Court. But, I did not agree and advise[d] him to file the necessary motion.

"From then [on], I heard nothing from the parties. They did not file any pleading.

"Incidentally, I was given various assignments by Executive Judge Arturo Bernardo, Regional Trial Court, Branch 36, Gapan, Nueva Ecija, to handle cases within the Municipal Trial Court of General Tinio, Peñaranda, San Leonardo and Gapan [— all in] Nueva Ecija.

"Faithfully and religiously, I attended to my duties. Despite my physical attributes and age, I tried, without being remiss, to attend to my duties.

"Logically, I often suffered mental lapses.

"In the case for consideration, the protestant in spite of the alleged settlement of the case, did not even inform me of what transpired. No pleading was filed after April 16, 1999. This Honorable Office will precisely agree with me that [the] human mind is frail and treacherous."

The Court Administrator's Recommendation

Finding merit in the Complaint, Court Administrator Alfredo L. Benipayo, in his Report dated August 7, 2000, recommended that a fine be imposed on respondent judge, as follows:

"Respondent judge, by his admission, is guilty of delay in deciding Election Protest Case No. 07-97, although there was allegedly a pending settlement between the parties and the former was given various assignments by the executive judge of RTC, Nueva Ecija. These are not enough reasons to free him from administrative liability. The objective of

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the rules of procedure adopted in all courts at all times is to promote a just, speedy and inexpensive disposition of every action and proceeding. Thus, a petition or protest contesting the election of a barangay officer should be decided by the municipal or metropolitan trial court within fifteen days from the filing thereof (Section 252, Omnibus Election Code). The period provided by law must be observed faithfully because an election case, unlike ordinary actions, involves public interest. Time is of the essence in its disposition since the uncertainty as to who is the real choice of the people for the position must be dispelled immediately. It is neither fair nor just that one whose right to the office is in doubt should remain in that office for an uncertain period. It must be noted that the term of office of barangay officials is only three years, hence the need for the resolution of the controversy in the shortest possible time. We cannot countenance such undue delay by a judge, especially now when there is an all-out effort to minimize, if not totally eradicate, the problems posed by congested dockets which have long plagued the courts. (*Bolahin vs. Occiano*, 266 SCRA 203)."

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"For his undue delay in rendering a decision, respondent should be sanctioned. However, his liability is tempered by his 17 years of faithful and untainted service to the judiciary."[1]

With regard to the allegation that respondent had falsified his certificate of service, the court administrator recommended that a judicial audit be conducted to fully ascertain the veracity of the charge.

The Court's Ruling

We agree with the court administrator.

The Omnibus Election Code[2] mandates the resolution of election protests involving barangay positions within fifteen (15) days from the filing thereof. By his own admission, respondent failed to comply with this mandate. Complainant's election protest was filed on May 22, 1997. On November 6, 1997, after the filing of numerous pleadings, respondent dismissed the election protest. He reasoned that the court did not acquire jurisdiction, because

[1] Memorandum of the Court Administrator, p. 2.

[2] § 252.

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complainant had failed to follow some jurisdictional and procedural requirements. Complainant then filed a Motion for Reconsideration on November 14, 1997; on April 16, 1998, the case was deemed submitted for resolution. To date, and by his own admission, respondent judge has not resolved the case.

Respondent, in his defense, explains that the case remains pending, mainly because of the parties' representation that they had reached an agreement regarding the same. He begs the Court's indulgence, citing his heavy workload.

The explanation does not persuade. That an agreement was reached by the parties with regard to the election protest is a contention belied by complainant's vigorous insistence to have the case finally resolved. That respondent judge had a heavy caseload is likewise immaterial to his obligation to resolve the case and cannot be deemed as a sufficient excuse for his failure to do so. If at all, he should have asked this Court for a reasonable extension. But he did not.

The failure of respondent to decide the election protest within the required period constitutes gross inefficiency.[3] His irresponsibility is made even more apparent by the fact that time is of the essence in the resolution of election cases, involving as they do the public interest and the mandate of the people.

Judges are bound to dispose of the court's business promptly and to decide cases within the required period.[4] If they cannot do so, they should seek extensions from this Court to avoid administrative liability. Any delay in the resolution of a case is, ultimately, a delay of justice and, thus, a denial thereof.[5]

WHEREFORE, Judge Geminiano E. Eduardo is hereby found *LIABLE* for gross inefficiency. He is ordered to pay a *FINE* of five thousand pesos (₱5,000) and is *WARNED* that future similar acts will be dealt with more severely.

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[3] *Mamayan ng Zapote 1, Bacoor, Cavite v. Balderian*, 265 SCRA 360, December 6, 1996. See also *Bernardo v. Fabros*, 307 SCRA 28, May 12, 1999; *Sanchez v. Vestil*, 298 SCRA 1, October 13, 1998.

[4] Rule 3.05, Canon 3, Code of Judicial Ethics.

[5] *Seña v. Villarin*, 328 SCRA 644, March 22, 2000.

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SO ORDERED.

Melo (Chairman), and *Vitug, JJ.,* concur.
Gonzaga-Reyes, and *Sandoval-Gutierrez, JJ.*, on leave.

THIRD DIVISION

[A.M. No. P-01-1484. July 17, 2001]

EXECUTIVE JUDGE JOSE R. ASTORGA, *complainant, vs.* **NICOLASITO S. SOLAS, Clerk of Court, Municipal Trial Court in Cities, Iloilo City,** *respondent.*

SYNOPSIS

Respondent MTCC Clerk of Court, Iloilo City, was charged with various irregularities in the performance of his duties. Allegedly, at one time, respondent signed a Land Bank check for withdrawal of cash bond deposit prior to the preparation of the voucher. Further, respondent unduly acted as Notary Public on matters not related to his official functions.

While the Court agreed that the signing of the check prior to the preparation of the voucher was done in good faith and no one was prejudiced thereby, the Court nevertheless still reminded respondent to follow regular procedure in future transactions. On the alleged imprudent notarizing of documents and administering oath on matters alien to his official duties, the Court took judicial notice of the fact that Iloilo City is a highly urbanized city and obviously not a far-flung municipality which has neither lawyers nor notaries public to possibly warrant an exceptional rule. The Court thus found respondent guilty of abuse of authority and fined ₱5,000.00.

SYLLABUS

ADMINISTRATIVE LAW; COURT PERSONNEL; CLERKS OF COURT AS NOTARIES PUBLIC *EX-OFFICIO*. — Clerks of court are notaries public *ex-officio*, and may thus notarize documents or administer oaths but only when the matter is related to the exercise of their official functions. Clerks of court should not in