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FIRST DIVISION

[A.M. No. RTJ-01-1645. August 28, 2001]

VICTORINO S. SIANGHIO, JR., *petitioner, vs.* **JUDGE BIENVENIDO L. REYES, RTC-Branch 74, Malabon, Metro Manila,** *respondent.*

SYNOPSIS

On January 8, 1992, complainant Victorino S. Sianghio, Jr. filed an ejectment case against lessees Nestor Lazaro, *et al.* with the MeTC, Branch 54, Navotas, Metro Manila. The said court rendered a decision in favor of the complainant. Except for defendant Nestor Lazaro, the other defendants vacated the property. In a last ditch effort to nullify the *alias* writ and the notice to vacate, Lazaro filed with the Regional Trial Court, Branch 74, Malabon presided by respondent Judge Bienvenido L. Reyes a petition for prohibitory injunction with prayer for temporary restraining order by utilizing an association as petitioner. Complainant filed this complaint alleging that respondent judge issued, *ex-parte,* an order restraining the enforcement of the alias writ of execution which is in violation of Administrative Circular No. 20-95. Simultaneous to the hearing of the preliminary injunction, complainant filed with the trial court a motion to dismiss, but despite of the filing of a comment by the association, the respondent judge deliberately and inexplicably refused and/or neglected to act on the petition and sat on the case for almost eight months. In his answer, respondent judge denied issuing an order restraining the execution of the decision in the ejectment case. However, he admitted that the motion to dismiss remained unresolved for more than eight months but he reasoned out that the delay in the resolution was not a conscious and deliberate act designed to prejudice the complainant but because the records of the case were "misplaced and/or mislocated" and it was only found during the inventory of the docket in July, 1996.

The Court ruled that there is nothing on record to support complainant's allegation that respondent judge issued a temporary restraining order to enjoin the execution of the judgment in the ejectment case that has become final. Hence,

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complainant's assertion on this point was devoid of merit. If only complainant had ascertained the facts of the case, the filing of this administrative case could have been avoided. However, with the pendency before the Regional Trial Court of the unresolved motion to dismiss, the lower court would have deferred the immediate execution of the decision. It was respondent judge who was constitutionally mandated to resolve cases with dispatch within the prescribed period. A judge must be imbued with a high sense of duty and responsibility in the discharge of his functions to promptly administer justice. Any delay in the administration of justice not only results in depriving the litigant of his right to a speedy disposition of his case but also negatively affects the image of the judiciary and undermines the people's faith and confidence in the judiciary. However, respondent judge was amiss as well in the resolution of the motion to dismiss. He failed to resolve the motion for more than eight (8) months. He was negligent in the management of the court docket.

The respondent judge was ADMONISHED to exercise greater diligence and dispatch in acting on cases before him.

SYLLABUS

1. LEGAL AND JUDICIAL ETHICS; ADMINISTRATIVE CHARGES AGAINST JUDGES; COMPLAINANT IS ADVISED TO ASCERTAIN THE FACTS OF THE CASE BEFORE FILING IT. — There is nothing on record to support complainant's allegation that respondent judge issued a temporary restraining order to enjoin the execution of the judgment in the ejectment case that has become final. Hence, complainant's assertion on this point is devoid of merit. If only complainant had ascertained the facts of the case, the filing of this administrative case could have been avoided.

2. ID. ID.; CONFIDENTIAL IN NATURE. — [A]dministrative proceedings before the Court are confidential in nature to protect the respondents therein who may be innocent at the charges. It can take years to build a reputation and only a single accusation, although unfounded, to destroy it.

3. ID.; CODE OF JUDICIAL CONDUCT; A JUDGE SHALL DISPOSE OF COURT BUSINESS PROMPTLY AND DECIDE CASES

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WITHIN THE REQUIRED PERIOD; VIOLATED IN CASE AT BAR. — However, evidence revealed that respondent judge was amiss as well in the resolution of the motion to dismiss. He failed to resolve the motion for more than eight (8) months. Judge Reyes failed to observe Canon 3, Rule 3.05 of the Code of Judicial Conduct which mandates that a judge shall dispose of the court's business promptly and decide cases within the required period. The office of a judge exists for one solemn end — to promote the ends of justice by administering it speedily and impartially. Delay results in 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 the wheels of justice grind ever so slowly. x x x We find no merit in this line of argument. With the pendency before the Regional Trial Court of the unresolved motion to dismiss, the lower court would have deferred the immediate execution of the decision. It was respondent judge who was constitutionally mandated to resolve cases with dispatch within the prescribed period. A judge must be imbued with a high sense of duty and responsibility in the discharge of his functions to promptly administer justice. Any delay in the administration of justice not only results in depriving the litigant of his right to a speedy disposition of his case but also negatively affects the image of the judiciary and undermines the people's faith and confidence in the judiciary.

4. **ID.; ID.; ID.; FAILURE TO COMPLY THEREWITH CONSTITUTES GROSS INEFFICIENCY.** — Under Article VIII, Section 15 (1) (2) of the Constitution, the lower court must decide or resolve cases submitted for decision within three months from the filing of the last required pleading, brief, or memorandum. Judges are repeatedly reminded that failure to decide cases within the required period is not excusable and constitutes gross inefficiency, which is a ground for administrative sanction against the defaulting judge. Good faith and lack of malicious intent cannot completely free respondent judge from liability. In the instant case, the unreasonable delay of respondent judge in resolving the pending motion to dismiss is a violation of the norms of judicial conduct and constitutes a ground for administrative sanction against him.

5. **ID.; ID.; RESPONSIBILITY OF MAKING A PHYSICAL INVENTORY OF CASES PRIMARILY RESTS ON THE**

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PRESIDING JUDGE. — We likewise agree with the observation of Deputy Court Administrator Suarez that respondent judge was negligent in the management of the court docket. The failure to dispose of complainant's motion was partly due to the fact that the records of the case were misplaced. However, when the court's docket was inventoried, the missing records surfaced. Contrary to respondent judge's allegation that he conducted a diligent search for the missing records, the ease with which the records were found proved otherwise. If only respondent judge performed his mandated duty of devising an efficient recording and filing system in his court to enable him to monitor the flow of cases and to manage their speedy and timely disposition, the records of the case would not have been misplaced. Canon 3, Rule 3.09 requires judges to manage their dockets in such a manner that the work of their courts is accomplished with reasonable dispatch. However, we would like to emphasize that the responsibility of making a physical inventory of cases primarily rests on the presiding judge. He is provided with a court staff, and a branch clerk of court who shall take steps to meet the requirements of Administrative Circular No. 10-94.

RESOLUTION

PARDO, *J.*:

The case before us involves the verified letter complaint dated August 26, 1996 of Victorino S. Sianghio, Jr. against Judge Bienvenido L. Reyes,[1] Regional Trial Court, Branch 74, Malabon, Metro Manila for serious misconduct and/or manifest partiality, evident bad faith and/or gross inexcusable negligence amounting to violation of Section 3, par. (e) of the Anti-Graft and Corrupt Practices Act.

We state the antecedent facts.

On January 8, 1992, complainant filed an ejectment case against lessees Nestor Lazaro, *et al.* with the MeTC, Branch

[1] On August 8, 2000, Judge Bienvenido L. Reyes was appointed Associate Justice, Court of Appeals.

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54, Navotas, Metro Manila. On October 23, 1992, the trial court rendered a decision in favor of complainant and ordered defendants to pay the arrearages and to vacate the premises. On appeal to the Regional Trial Court, on April 26, 1993, the Regional Trial Court, Branch 72, Malabon affirmed the decision *in toto*.[2] On December 1, 1995, the trial court issued a writ of execution but defendants filed a motion to recall writ. Except for defendant Nestor Lazaro, who challenged the writ of execution in a petition for *certiorari* with prayer for temporary restraining order (TRO)[3] filed with the Regional Trial Court, Branch 73, Malabon, the other defendants vacated the property. The court gave due course to the petition and issued a writ of preliminary injunction *pendente lite*, staying the enforcement of the decision of the trial court.

On January 20, 1994,[4] complainant challenged the writ of injunction in a petition for *certiorari* filed with the Court of Appeals. On March 17, 1994, the Court of Appeals set aside and dissolved the injunction, affirming *in toto* the decision of MeTC, Branch 74, Navotas, and ordering the prompt and expeditious enforcement of the final decision.[5] On the other hand, defendant Nestor Lazaro raised the case to the Supreme Court.[6] On July 20, 1994, the Supreme Court denied the petition, upholding the ruling of the Court of Appeals.[7] Thus, the Court remanded the case to the court of origin for execution of judgment. On September 12, 1995, the trial court issued an *alias* writ of execution and gave defendants notice to vacate anew.[8]

In a last ditch effort to nullify the *alias* writ and the notice to vacate, on December 5, 1995, defendant Nestor Lazaro filed

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[2] *Rollo*, pp. 18-21.

[3] In Civil Case No. 93-063.

[4] *Rollo*, pp. 57-68.

[5] *Rollo*, pp. 42-46.

[6] Docketed as G. R. No. 115980. Filed on July 12, 1994.

[7] *Rollo*, p. 49.

[8] *Rollo*, pp. 51-54.

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with the Regional Trial Court, Malabon a petition for prohibitory injunction with prayer for temporary restraining order, this time utilizing the association as petitioner. The petition was raffled to Regional Trial Court, Branch 74, Malabon, presided over by respondent judge.[9]

In his letter-complaint[10] dated August 22, 1996, complainant alleged that respondent judge forthwith issued *ex-parte* an order restraining the enforcement of the *alias* writ of execution. Complainant contended that the issuance of the order was in violation of Administrative Circular No. 20-95, requiring a judge to summon the parties within three (3) days upon receipt of the petition and to conduct summary hearing thereon.

Simultaneous to the hearing of the preliminary injunction, on December 29, 1995, complainant filed with the trial court[11] a motion to dismiss with notice of hearing set on January 12, 1996, at 2:00 p. m. On the day of the hearing of the motion, respondent judge gave the association ten (10) days from receipt of the order within which to file its comment and/or opposition to the motion and the complainant five (5) days from receipt of the comment to file his reply thereto, after which the incident would be deemed submitted for resolution without any further pleadings or presentation of evidence.

On January 19, 1996, the association submitted its comment. Despite this, respondent judge deliberately and inexplicably refused and/or neglected to act on the petition and sat on the case for almost eight (8) months. Complainant could not conceive of a reason for the inaction other than to avoid resolving the motion and consequently give undue advantage, preference and benefit to defendants in the ejectment case.

In his answer dated September 5, 1996, to the letter- complaint, respondent judge denied issuing an order restraining the execution

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[9] Docketed as Civil Case No. 95-106.

[10] *Rollo*, pp. 2-13.

[11] Regional Trial Court, Malabon, Branch 74.

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of the decision in the ejectment case.[12] He averred that since no restraining order has been issued, complainant could have simply moved for the satisfaction and execution of the judgment. The delay in the resolution of the motion to dismiss was not a conscious and deliberate act designed to prejudice complainant. The records of the case were "misplaced and/or mislocated" and efforts to locate them proved futile. It was only in the latter part of July 1996, after an inventory of the docket that the records were found.

Respondent judge admitted that the motion to dismiss remained unresolved for more than eight (8) months. On August 12, 1996, respondent judge granted the motion to dismiss on the ground that petitioner association was not a real party-in-interest in the ejectment case.[13]

On March 31, 1998, Deputy Court Administrator Reynaldo L. Suarez reported to the Court that upon inquiry with Atty. Emma Liza Palomata-Calma, Branch Clerk of Court, Regional Trial Court, Branch 74, Malabon, and upon review of the *expediente* of the case, it was found that respondent judge did not issue a restraining order in Civil Case No. 95-106. Hence, complainant's allegation is devoid of merit.[14]

However, the Court Administrator recommended that respondent judge be severely reprimanded for the long delay in resolving the motion to dismiss, emphasizing that judges should be prompt in disposing of all cases submitted to them, remembering that justice delayed is often justice denied. The fact that the records of the case were misplaced indicated poor record management and negligence for which respondent judge should be admonished. There was no showing that respondent judge diligently searched for the missing record, but merely waited until the inventory of the trial court's docket in the latter part of July, 1996.

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[12] *Rollo*, pp. 146-148.

[13] *Ibid.*, pp. 149-151.

[14] *Rollo*, pp. 156-158.

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The Court Administrator recommended thus:

"Respectfully submitted for consideration of the Honorable Court recommending that respondent judge be *SEVERELY REPRIMANDED* for the delay in resolving a motion pending in his sala. Complainant, on the other hand, should be advised to be more cautious in imputing other unsubstantiated charges against respondent. As to the other charges, the same are hereby dismissed for lack of merit.

"31 March 1998.

[Sgd.]
"REYNALDO L. SUAREZ
"Deputy Court Administrator"[15]

We accept the findings of Deputy Court Administrator Suarez. There is nothing on record to support complainant's allegation that respondent judge issued a temporary restraining order to enjoin the execution of the judgment in the ejectment case that has become final. Hence, complainant's assertion on this point is devoid of merit. If only complainant had ascertained the facts of the case, the filing of this administrative case could have been avoided. . Nothing is more apt than what Deputy Court Administrator Suarez said, thus:

"Finally, we note with displeasure the haste in which complainant accuses respondent judge of arbitrarily issuing a TRO without first verifying the documents on hand. This false imputation could have been avoided had complainant been more cautious in inspecting the records of the case. He is therefore advised to exercise solicitude in bringing erroneous recrimination against respondent."[16]

In fact, administrative proceedings before the Court are confidential in nature in order to protect the respondents therein who may be innocent of the charges. It can take years to build a reputation and only a single accusation, although unfounded, to destroy it.[17]

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[15] *Ibid.*

[16] *Rollo*, p. 158.

[17] *Godinez v. Alano*, 362 Phil. 597, 615 [1999].

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However, evidence revealed that respondent judge was amiss as well in the resolution of the motion to dismiss. He failed to resolve the motion for more than eight (8) months.

Judge Reyes failed to observe Canon 3, Rule 3.05 of the Code of Judicial Conduct which mandates that a judge shall dispose of the court's business promptly and decide cases within the required period.[18] The office of a judge exists for one solemn end — to promote the ends of justice by administering it speedily and impartially.[19] Delay results in 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 the wheels of justice grind ever so slowly.[20]

Under Article VIII, Section 15 (1) (2) of the Constitution, the lower court must decide or resolve cases submitted for decision within three months from the filing of the last required pleading, brief, or memorandum.[21] Judges are repeatedly reminded that failure to decide cases within the required period is not excusable and constitutes gross inefficiency,[22] which is a ground for administrative sanction against the defaulting judge.[23] Good faith and lack of malicious intent cannot completely free respondent judge from liability.[24]

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[18] *Re: Report on the Audit and Inventory of Cases in RTC Branch 55, Alaminos, Pangasinan*, 331 Phil. 43, 45 [1996]; *Ng v. Ulibari*, 293 SCRA 342 [1998]; *Office of the Court Administrator v. Benedicto*, 357 Phil. 62 [1998]; *Tauro v. Colet*, 306 SCRA 340 [1999]; *Ricolcol v. Camarista*, 312 SCRA 468 [1999].

[19] *Ruperto v. Judge Banquerigo*, 355 Phil. 420, 425 [1998].

[20] *Sy Bang v. Mendez*, 350 Phil. 524, 531[1998].

[21] *Abarquez v. Rebosura*, 349 Phil. 24, 35 [1998]; *Adao v. Lorenzo*, 316 SCRA 570, 580 [1999].

[22] *Re: Report on the Judicial Audit Conducted in the RTC, Br. 68, Camiling, Tarlac*, 364 Phil. 530, 539 [1999].

[23] *Report on the Judicial Audit in RTC, Branch 27, Lapu-Lapu City*, 352 Phil. 223, 230 [1998]; *Bernardo v. Fabros*, 307 SCRA 28, 35 [1999].

[24] *Office of the Court Administrator v. Benedicto*, 357 Phil. 62, 74 [1998].

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In the instant case, the unreasonable delay of respondent judge in resolving the pending motion to dismiss is a violation of the norms of judicial conduct and constitutes a ground for administrative sanction against him.[25]

We likewise agree with the observation of Deputy Court Administrator Suarez that respondent judge was negligent in the management of the court docket. The failure to dispose of complainant's motion was partly due to the fact that the records of the case were misplaced. However, when the court's docket was inventoried, the missing records surfaced. Contrary to respondent judge's allegation that he conducted a diligent search for the missing records, the ease with which the records were found proved otherwise. If only respondent judge performed his mandated duty of devising an efficient recording and filing system in his court to enable him to monitor the flow of cases and to manage their speedy and timely disposition, the records of the case would not have been misplaced.

Canon 3, Rule 3.09[26] requires judges to manage their dockets in such a manner that the work of their courts is accomplished with reasonable dispatch.[27] However, we would like to emphasize that the responsibility of making a physical inventory of cases primarily rests on the presiding judge. He is provided with a court staff, and a branch clerk of court who shall take steps to meet the requirements of Administrative Circular No. 10-94.[28]

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[25] *Canson v. Garchitorena*, 311 SCRA 268, 282 [1999].

[26] Canon, Rule 3.09. A judge should organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity.

[27] *Re: Report on the Judicial Audit of Cases in the Regional Trial Court, Branch 35, Iriga City,* 359 Phil. 712, 716 [1998].

[28] *Office of the Court Administrator v. Quiñanola*, 317 SCRA 37 [1999]; Administrative Circular 10-94 refers to the conduct of Docket Inventory and Monthly Posting of List of Submitted Cases.

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Respondent judge further contended that complainant's failure to enjoy the fruits of the favorable decision was due to the latter's own "oversight, negligence or grave ignorance" for which blame should not be shifted to respondent. Since no order has been issued to restrain the enforcement of the decision, complainant could have moved for its execution upon its finality in 1995.

We find no merit in this line of argument. With the pendency before the Regional Trial Court of the unresolved motion to dismiss, the lower court would have deferred the immediate execution of the decision. It was respondent judge who was constitutionally mandated to resolve cases with dispatch within the prescribed period. A judge must be imbued with a high sense of duty and responsibility in the discharge of his functions to promptly administer justice.[29] Any delay in the administration of justice not only results in depriving the litigant of his right to a speedy disposition of his case but also negatively affects the image of the judiciary[30] and undermines the people's faith and confidence in the judiciary.[31]

WHEREFORE, the Court finds respondent Judge Bienvenido L. Reyes had incurred unreasonable delay in resolving the motion to dismiss in Civil Case No. 95-106, and is hereby *ADMONISHED* to exercise greater diligence and dispatch in acting on cases before him. He is *WARNED* that a repetition of this or similar acts would be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J. (Chairman), Puno, Kapunan, and *Ynares-Santiago, JJ.,* concur.

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[29] *Amion v. Chiongson*, 361 Phil. 542, 554 [1999].

[30] *Re: Report on the Judicial Audit Conducted in RTC-Br. 24, Ipil, Zamboanga del Sur, Br. 2, Isabela, Basilan; and MCTC, Labason, Zamboanga del Norte,* 303 SCRA 208, 215 [1999].

[31] *Balayo v. Buban, Jr.,* 314 SCRA 16, 22 [1999].