

SECOND DIVISION

[A.M. No. MTJ-96-1104, January 14, 1997]

FRANCISCO BOLALIN, COMPLAINANT, VS. JUDGE SALVADOR M. OCCIANO, RESPONDENT.

DECISION

REGALADO, J.:

In a sworn letter complaint^[1] dated January 15, 1996, complainant Francisco Bolalin, who was a candidate for the office of Barangay Captain during the 1994 Barangay Elections, charged respondent Judge Salvador M. Occiano of the Municipal Trial Court (MTC) of Balatan, Camarines Sur, with gross inefficiency and neglect of duty for his failure to render his decision in Election Protest No. 1 within the prescribed period. Complainant alleges that the last and final hearing of the election protest was on February 27, 1995 but, until now, it does not appear that a decision has been rendered by respondent.

He further claims that respondent judge was absent from his court for five consecutive months already and many cases have been pending for decision, including that of the Chief of Police of Balatan which remained unacted upon since August 29, 1995. Additionally, he reports that respondent judge solemnizes marriages without being present at the ceremony. He allegedly just directs the contracting parties and witnesses to sign the marriage contract in his absence and, thereafter, the documents are brought to his residence at Nabua, Camarines Sur for his signature.

In compliance with the resolution^[2] of this Court dated March 20, 1996, respondent judge filed his comment on May 29, 1996, wherein he questions the veracity of the allegations of complainant. Specifically, he denies that Election Protest No. 1 was submitted for decision on February 27, 1995 which was allegedly the last hearing conducted in the case, the truth being that the last pleading captioned "Protestee's Objection to Formal Offer of Exhibits"^[3] was submitted on September 5, 1995. He vehemently denies being partial to the protestee who is not a relative, friend or even an acquaintance of his, and he claims that such allegation is speculative and a product of complainant's fertile imagination.

Furthermore, he also denies having been absent for five consecutive months which resulted in his nonfeasance on the cases submitted for decision in his court. He claims that aside from presiding over the MTC of Balatan, he is also holding office in the Municipal Circuit Trial Court (MCTC) of Nabua-Bato, Camarines Sur which is some twenty-seven kilometers away from Balatan; that, to date, he is trying ten criminal and civil cases originally assigned to Judge Mirardo R. Armea^[4] but who had inhibited himself therefrom; that he was also designated by the Executive Judge of the Regional Trial Court (RTC), Iriga City to try fifteen criminal cases for violation of B.P. Blg. 22 filed before the MCTC of Nabua-Bato, but from which he later recused

himself by reason of personal affinity with the private complainant; that he was on vacation leave of absence during the period from August to December, 1995 for several days, except in November, 1995 when Typhoon "Rosing" hit the Bicol region, especially Nabua where he resides, resulting in overflowing and impassable road conditions. Said leaves of absence are allegedly indicated in his certificates of service for August to December, 1995 submitted to the Leave Section of the Supreme Court.

Respondent likewise contends that he had actually acted on the criminal complaint filed by the Chief of Police of Balatan. that the last hearing therein for reception of the evidence for the prosecution was on April 19, 1996, and that the defense was scheduled to present its witnesses on May 17, 24 and 31, 1996.

Finally, he gainsays the reports that he had solemnized marriages without being present at the ceremony or that the contracting parties and their witnesses merely signed the marriage contracts which were then brought to his residence for signature. He theorizes that since complainant is not an employee of the court or of any government agency, he could not have been able to obtain information of those facts, assuming the truth thereof.

As a counterpoise, he alleges that, on two occasions, complainant had asked him inside his chambers to decide the election protest in his favor. He avers that the case is being carefully studied by him on account of the numerous documentary exhibits and, as of the date of his comment, he was already finalizing the draft of his decision which he himself types without the aid of his stenographer as has been his practice ever since he was appointed as a judge.

After a careful examination of the records of the case, and a thorough evaluation of the respective contentions of the parties, we find merit in the administrative complaint.

Respondent judge. by his own admission in his comment is guilty of delay in deciding Election Protest No. 1 for, up to the present, it would appear that he is still in the process of preparing the final draft of his decision although eight months have already elapsed.

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.[5] 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 soonest be dispelled. 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.

As observed in the memorandum of the Office of the Court Administrator submitted on October 24, 1996 which merits our approval —

"The excuse given by respondent Judge that he is also the Acting Judge of MCTC, Nabua-Bato and that he types his own decision cannot be given