

EN BANC

[A.M. No. MTJ-94-1017, July 07, 1997]

MAYOR OSCAR B. LAMBINO, COMPLAINANT, VS. JUDGE AMADO A. DE VERA, RESPONDENT.

DECISION

PER CURIAM:

In these two (2) administrative complaints, respondent Judge Amado de Vera of the Municipal Trial Court, Malasiqui, Pangasinan, is charged with various corrupt practices prejudicial to the administration of justice.

The antecedent facts, as gathered from the records, are as follows.

In an anonymous letter complaint dated June 6, 1994,^[1] sent to the Office of the Chief Justice, respondent Judge was accused of gross inefficiency in the performance of his duties, delay in the resolution of pending cases in his sala and allowing lawyers to prepare his decisions or resolutions. Judge de Vera denied all these charges in his comment dated October 21, 1994,^[2] filed in compliance with the October 3, 1994, indorsement of Deputy Court Administrator Juanito A. Bernad.^[3] He asserted that the charges levelled against him were concocted by losing litigants who could not accept his decisions.

Meanwhile, a second letter-complaint was sent on October 17, 1994, by Mayor Oscar Lambino^[4] to Court Administrator Paño, requesting the immediate transfer or retirement of Judge de Vera from the service due to conduct prejudicial to the judicial system, reiterating the allegations in the complaint of June 6, 1994, in addition to the fact that Judge de Vera fraternizes with known criminals within the Municipality.

Under this Court's resolution dated January 11, 1995, the complaint of Mayor Lambino was referred to Judge Victor Llamas, Jr., Executive Judge, RTC, San Carlos City, for investigation, report and recommendation. On April 1, 1995, Judge Llamas submitted his report recommending, inter alia, Judge de Vera's dismissal from the service.^[5]

In a resolution dated May 24, 1995, the report embodying the recommendation of the investigating Judge was referred to the Court Administrator for evaluation. Consequently, on July 26, 1995, Deputy Court Administrator Reynaldo Suarez submitted his report,^[6] adopting the findings and recommendations of the investigating Judge, which were reiterated in his report dated September 10, 1996,^[7] to wit:

"WHEREFORE, in view of the foregoing , this Office respectfully submits for the consideration of the Honorable Court recommending that respondent Judge Amado A. de Vera, MTC, Malasiqui, Pangasinan, be DISMISSED from the service, with forfeiture of all retirement benefits and accrued leave credits, if any, and with disqualification for re-employment in any branch or instrumentality of the government, including government-owned or controlled corporations."

We now consider whether the penalty of dismissal is proper under these premises.

A lower court judge is mandated to render decision within three months from date of submission.^[8] Additionally, Canon 3, Rule 3.05 of the Code of Judicial Conduct requires a judge to dispose of the court's business promptly and decide cases within the period specified.

Within the foregoing pronouncements as guidelines and after evaluating the records of this administrative case, no other conclusion can be drawn other than the fact that respondent Judge has been remiss in the performance of his duties.

Within the period 1993-1994, there were twenty-six criminal cases filed before Judge de Vera's sala, but none of them was resolved, not even to determine whether there was indeed probable cause to try the cases on the merits. In those instances where respondent Judge did find probable cause, the decision was not forthcoming until approximately five years later. Such glaringly unjustifiable delay cannot be overlooked.

To aggravate matters, there were four civil cases submitted for decision in 1989, 1991, 1992 and 1993,^[9] all of which remained unresolved. Again, we cannot countenance such undue delay.

This Court has consistently held that the failure of a judge to decide a case within the required period is not excusable and constitutes gross inefficiency,^[10] and non-observance of said rule is a ground for administrative sanction against the defaulting judge.^[11]

It is not uncommon for this Court, upon proper application and in meritorious cases, especially when difficult questions of law or complex issues are involved, to grant judges of lower courts additional time to decide beyond the ninety-day period.^[12] No such application, however, was made by Judge de Vera in the case at bar.

As to the charges that Judge de Vera did not personally prepare his decisions and fraternized with known criminals, it appears that these are based on mere suspicion and speculation; thus, we shall not give credence to them.

Furthermore, we cannot disregard respondent Judge's fraudulent practice of submitting fake certifications of service, which certifications are essential to the fulfillment by the court of its duty to speedily dispose of cases, as mandated by the Constitution.^[13] In *Magdamo v. Pahimulin*,^[14] we held that a judge who fails to decide cases within the required period and continues to collect his salaries upon his certification that he has no pending matters to resolve, transgresses the constitutional right of litigants to a speedy disposition of their cases.