

**[ A.M. No. RTJ-11-2261 (Formerly oca ipi No. 10-3386- RTJ), July 26, 2011 ]**

**ATTY. JOSE VICENTE D. FERNANDEZ, COMPLAINANT, VS. JUDGE ANGELES S. VASQUEZ, RESPONDENT.**

**D E C I S I O N**

This is an administrative complaint for gross dishonesty and falsification of an official document against Judge Angeles S. Vasquez, Regional Trial Court (RTC), Branch 13, Ligao City.

*The Antecedents*

In a complaint <sup>[1]</sup> received by the Office of the Court Administrator (OCA) on 7 March 2010, Atty. Jose Vicente D. Fernandez stated that he was the counsel of Dr. Maria Susan L. Rañola in several cases instituted for the recovery of the properties the latter conjugally owned with her late husband Ronald O. Rañola. The cases were against Spouses Fernando and Maria Concepcion Rañola (Spouses Rañola). Spouses Rañola also instituted an ejectment case against Dr. Rañola. These cases were docketed as S.P. No. 431 (Petition for Letters of Administration and Settlement of Estate), Civil Case No. 2400 (Fernando and Ma. Concepcion Rañola vs. Ma. Susan Rañola), Civil Case No. 2352 (Ma. Susan Rañola, et al. vs. Spouses Fernando and Ma. Concepcion Rañola), and People vs. Fernando and Ma. Concepcion Rañola, et al. All these were raffled to the court presided over by respondent Judge Vasquez.

Complainant reported that during the first week of February 2006, he was asked by respondent judge to file a motion for his inhibition in Civil Case No. 2352 on the ground that respondent judge was the counsel, prior to his appointment as public prosecutor, of the Rañola family. Hence, complainant filed a Motion for Inhibition <sup>[2]</sup> dated 23 February 2006 seeking for the recusal of the judge but citing as a ground instead, his blood relationship with respondent judge. Complainant is closely related by blood with respondent judge since his late paternal grandmother is also a Vasquez, from the Vasquez clan to which respondent belongs.

No action was taken by respondent judge on the Motion. It was only after a year, i.e., 28 February 2007, after complainant filed a Supplemental Motion for Inhibition, <sup>[3]</sup> on the ground of manifest bias, partiality and inexcusable delay in the proceedings, that respondent judge ruled and denied the two motions in an Order <sup>[4]</sup> dated 13 March 2007.

According to complainant, the Supplemental Motion for Inhibition was triggered by the apparent bias of respondent judge for the Spouses Rañola. This partiality was allegedly manifested in the following instances: (1) respondent's undue insistence that complainant's client unconditionally agree to his proposed compromise agreement which is downright unfavorable to them; (2) concluding the pre-trial proceedings more than a year after it was started; (3) ordering complainant's client to pay docket fees beyond that prescribed by the Rules; and (4) requiring the

payment of a P5,000.00 witness fee before a hostile witness could be compelled to take the witness stand.

Complainant asserts that the partiality of respondent towards Spouses Rañola is well-rooted, as detailed in the sworn statement [5] of Buenconsejo B. Quides. The said affidavit narrated respondent's "transactional" relationship with the Spouses Rañola which started when he was still an assistant provincial prosecutor, and continued to his present position as presiding judge of RTC, Branch 13, Ligao City. In exchange of favors, respondent allegedly used the coercive power of his public office to serve the private interests of the spouses.

Claiming that the allegations in the motions for his inhibition were lies and an affront to his integrity, respondent judge filed on 24 April 2007 a Petition with the Commission on Bar Discipline to seek the disbarment of complainant. In a Notice of Resolution [6] dated 6 February 2008, the IBP Commission on Bar Discipline resolved to dismiss the disbarment case. In view of such dismissal, a Petition for Review was filed by respondent before this Court, docketed as A.C. No. 7884.

Complainant laments that despite the filing of the disbarment case, respondent still refused, on a third Motion for Inhibition, to recuse himself. Instead of inhibiting himself from the case, respondent in his 12 June 2007 Order [7] denied the motion and suggested that complainant withdraw his appearance as counsel in the case, as well as in other related cases.

Another matter that complainant emphasized in his complaint was the dishonesty allegedly committed by respondent when he accomplished his Personal Data Sheet (PDS) for the Judicial and Bar Council (JBC). Complainant alleged that when respondent filed his application to the Judiciary in 2005, he placed an "x" in the box indicating a "No" answer to the question: *"Have you been charged with or convicted of or otherwise imposed a sanction of any law, decree, ordinance or regulation by any court, tribunal, or any other government office, agency or instrumentality in the Philippines or any foreign country, or found guilty of an administrative offense or imposed any administrative sanction? (Question No. 24), and Have you ever been retired, dismissed or forced to resign from employment? (Question No. 25)."*

Complainant submitted that respondent lied by answering "No" to these questions since he had been criminally charged for indirect bribery in the early 1970s. He alleged that this fact is evidenced by the record in Criminal Case No. 7911, filed on 11 December 1974, before the City Court of Legazpi, indicting respondent for Indirect Bribery. With regard to Question No. 25, respondent allegedly likewise lied because he tendered his resignation from his position as clerk of court to evade the administrative case that may arise from the indirect bribery incident.

Complainant asserted that in brazenly giving untruthful statements in his PDS, respondent committed dishonesty and falsification of public documents. Thus, he filed the instant administrative case with the prayer that respondent be dismissed from the Judiciary.

In his Comment [8] dated 4 May 2010, respondent prayed that the administrative complaint filed against him be dismissed. He clarified that the in-chamber conferences held in Civil Case No. 2352 resulted in the amicable settlement of the

case based on the stipulation of the parties. As to the question of docket fees, he explained that he merely followed Section 7, Rule 141 of the Rules. He also explained that in requiring complainant's client to pay P5,000.00 witness fee, he was merely being sensitive to the needs of the accountant who was based in Naga City and who had to spend for the trip and meals in coming over to the court, not to mention her loss of income.

He denied that he favored the causes of the Spouses Rañola. He explained that while he was then a prosecutor in Ligao, he had to handle all criminal cases within his assigned jurisdiction. Unavoidably, he had to pass upon cases filed and prosecuted by the Rañolas. Respondent maintained that the fact that the Spouses Rañola cases were filed in his sala, does not necessarily mean that he is biased in their favor.

As to the affidavit of Quides, respondent claimed that this is self-serving and mere hearsay, devoid of any materiality and ought not to be admitted.

On the issue of dishonesty, respondent averred that in answering Questions 24 and 25, there was no attempt on his part to falsify or perjure his PDS. He does not deny the fact that he was charged with indirect bribery. He explained that what he could vaguely recall of the embarrassing, traumatic and grueling incident which led to his having been charged with indirect bribery was that it was due to his "leftist" association and leaning. He alleged that the dictatorship then wanted to silence everyone, more so, the young professionals of government bureaus and offices. [9] As he could not be hailed to a court martial for his supposed "communist" stance, he was set up with a "planted" evidence to pave the way for the filing of a criminal case against him for indirect bribery. [10] He emphasized that he was never caught in *flagrante delicto*. The evidence against him, to reiterate, were merely set up by the military, thus, his acquittal.

Contrary to complainant's assertions, respondent maintained that he was not forced to resign as a clerk of court. He noted that the indirect bribery case was filed on 11 December 1974 while he resigned as a clerk of court on 30 April 1973 (more than one year before the indirect bribery case was filed). He allegedly resigned out of disgust and conviction that the government he was serving was not protecting its own civil servants but was out to silence anyone so that its stranglehold could be perpetrated. [11]

Respondent bemoans the struggles his family had to go through because of the trumped up charge for indirect bribery. He alleged that in his resolute attempt to forever bury the scandal from his memory, he was so successful that he has absolutely forgotten the matter, only to be revived after a lapse of 36 years, with the filing of the instant administrative case. He was sort of enveloped by amnesia as far as the incident was concerned, so much so that in answering Question No. 24 in his PDS, he automatically and without a blink of an eye, checked the word "No." [12]

In a Reply [13] dated 17 May 2010, complainant stated that respondent's defense of amnesia of the selective kind is a defense already thrown out by jurisprudence. He insisted that respondent misrepresented and falsified his PDS to conceal the information that would have hurt his eligibility for the position he was applying for.

Complainant furnished the Court with a copy of the 31 October 2008 Decision [14] of the Court of Appeals (CA) in CA-G.R. SP No. 101266 which declared null and void for having been issued with grave abuse of discretion amounting to lack or excess of jurisdiction respondent's Orders dated 16 May 2007 on the issue of filing fees and 13 June 2007 and 14 August 2007 on the issue of witness fee.

#### *OCA's Report and Recommendation*

In its Report [15] dated 3 November 2010, the OCA found respondent administratively liable for: (a) his failure to act with dispatch on the motion for his inhibition in Civil Case No. 2352; and (b) dishonesty. The OCA did not sustain respondent's flimsy defense of amnesia in concealing from his PDS the fact that he was charged with indirect bribery. Being charged with a crime is an incident in one's life that cannot be easily forgotten, especially when the same is made in connection with the performance of one's duty. In the instant case, respondent was charged with the said crime when he was still a clerk of court. The OCA noted the fact that though respondent claims that he has forgotten said charge, he can still vividly remember the incident and the circumstances that he claims to have led to his arrest. Accordingly, the OCA recommended that respondent be fined in the amount of Forty Thousand (P40,000.00) Pesos.

#### *Our Ruling*

We agree with the findings of the OCA on respondent's gross inefficiency and dishonesty although we differ with respect to the penalty imposed.

On the other hand, we see no reason for this Court to look into the rest of the allegations of the complainant. The issue concerning the assessment of witness and filing fees had already been passed and ruled upon by the CA in a judicial proceeding. Also, the allegations of bias and partiality of respondent judge in connection with the denial of the motions of inhibition filed by complainant are matters which are judicial in character and may not be addressed in this administrative complaint. Orders of inhibition are not administrative in character; they are judicial in nature. [16] Thus, the propriety of the action of the judge in denying the motions for inhibition should have been raised in a judicial proceeding and not in this administrative action.

#### *On Respondent's Gross Inefficiency*

The Court, in the exercise of its administrative supervision over the lower courts, has the authority to look into the time spent by respondent judge in resolving the incident. As observed by the OCA, respondent judge failed to resolve the motion for his inhibition within the 90-day reglementary period. He acted on the first and second motions for inhibition, which were filed on 27 February 2006 and 28 February 2007, respectively, only on 13 March 2007, or more than a year after the filing of the first motion.

In the orderly administration of justice, judges are required to act with dispatch in resolving motions filed in their court. The parties have the right to be properly informed of the outcome of the motions they have filed and the Constitutional right

to a speedy disposition of their case. Taking into account the circumstances in this case, we find no reason for respondent judge's delayed action. Delay in resolving motions and incidents pending before a judge's sala within the reglementary period fixed by the Constitution and the law is not excusable and cannot be condoned.

Under Section 15(1) [17] of Article VIII of the 1987 Constitution and Canon 3, Rule 3.05 [18] of the Code of Judicial Conduct, judges are mandated to dispose of their cases promptly and decide them within the prescribed periods. [19] The failure of a judge to decide a case seasonably constitutes gross inefficiency. [20] It violates the norms of judicial conduct and is subject to administrative sanction.

The imposable penalty for gross inefficiency varies depending on the attending circumstances of a case. In a Resolution [21] dated 8 July 1998, this Court, through then Associate Justice Reynato S. Puno, exhaustively discussed the penalties that were imposed on several cases involving gross inefficiency. Thus:

We have always considered the failure of a judge to decide a case within ninety (90) days as gross inefficiency and imposed either fine or suspension from service without pay for such. **The fines imposed vary in each case, depending chiefly on the number of cases not decided within the reglementary period and other factors, to wit: the presence of aggravating or mitigating circumstances-- the damage suffered by the parties as a result of the delay, the health and age of the judge, etc.** Thus, in one case, we set the fine at ten thousand pesos (P10,000.00) for failure of a judge to decide 82 cases within the reglementary period, taking into consideration the mitigating circumstance that it was the judge's first offense. In another case, the fine imposed was sixty thousand pesos (P60,000.00), for the judge had not decided about 25 or 27 cases. Still in other cases, the fines were variably set at fifteen thousand pesos (P15,000.00), for nineteen (19) cases left undecided, taking into consideration that it was the judge's first offense; twenty thousand pesos (P20,000.00), for three (3) undecided criminal cases; eight thousand pesos (P8,000.00), for not deciding a criminal case for three (3) years; forty thousand pesos (P40,000.00), for not deciding 278 cases within the prescribed period, taking note of the judge's failing health and age; and ten thousand pesos (P10,000.00), for belatedly rendering a judgment of acquittal in a murder case, after one and one-half years from the date the case was submitted for decision. In another case, suspension without pay for a period of six (6) months was imposed since, besides the judge's failure to timely decide an election protest for eight (8) months, the judge submitted false certificates of service and was found guilty of habitual absenteeism. [22] (*Emphasis supplied.*)

The following pronouncements in *OCA v. Judge Quilatan* [23] further illustrated the flexibility of the parameters in the determination of the amount of fine that may be imposed on judges for gross inefficiency:

Under the Revised Rules of Court, undue delay in rendering a decision is a less serious offense punishable by suspension from office without salary and other benefits for not less than one (1) month nor more than three