

FIRST DIVISION

[A.M. No. MTJ-07-1677 (Formerly A.M. OCA IPI No. 06-1827-MTJ), November 21, 2018]

**CIPRIANO G. PUYO, COMPLAINANT, VS. JUDGE JAMES V. GO,
PRESIDING JUDGE OF BRANCH 2, MUNICIPAL TRIAL COURT IN
CITIES, BUTUAN CITY, AGUSAN DEL NORTE, RESPONDENT.**

D E C I S I O N

BERSAMIN, J.:

This administrative matter stemmed from the complaint^[1] lodged by the complainant against respondent Judge James V. Go, in his capacity as the Presiding Judge of Branch 2, Municipal Trial Court in Cities in Butuan City, Agusan del Norte for grave misconduct (misfeasance), dereliction of duty, and delay in rendering judgment in relation to the handling of his cases – specifically, Criminal Case No. 23657 to Criminal Case No. 23661,^[2] inclusive, all entitled *People v. Cipriano Puyo* – charging him with five counts of violation of Batas Pambansa Blg. 22 (*Bouncing Checks Law*).

Antecedents

In 2000, the complainant was charged with the violations of B.P. Blg. 22 by Atty. Audie G. Bernabe, the private counsel of S.M. Osin Enterprises, Inc. The complainant stated that the checks subject of the criminal charges had already been paid; and that in the meanwhile, the Regional Trial Court, Branch 33, in Butuan City ruled in Civil Case No. 4746, an action for replevin, that S.M. Osin Enterprises, Inc. did not present rebuttal evidence to show that the "bouncing checks" had not been replaced with legitimate payments.^[3]

The complainant further stated that from the time of the filing of the case in 2000 up to the latest hearing before the filing of the letter complaint, Atty. Bernabe and/or any representative of the defunct corporation had not attended a single hearing, and the case should have been thus dismissed for lack of interest or for failure to prosecute. Despite the repeated failure to appear in court, however, Judge Go refused to dismiss the case even if six years had already lapsed and simply kept on resetting the hearings without acting on the complainant's motion to dismiss.

On March 6, 2006, Court Administrator Presbitero J. Velasco, Jr. (now a Member of the Court) referred the complaint to Judge Go for comment and to show cause why no disciplinary action should be taken against him based on the allegations of the complaint.^[4]

On March 30, 2006, the respondent, instead of filing the comment, sent a letter to the Court Administrator merely stating that he had never been charged

administratively in his 23 years of government service, and that the criminal cases against the complainant were still undergoing trial. He did not fully address the allegations hurled against him.^[5]

On May 10, 2006, Court Administrator Christopher O. Lock directed the respondent to submit a comment responsive to the allegations or charges against him within 10 days from receipt of the notice. However, the respondent did not comply with the directive.^[6]

Evaluation and Recommendation of the Court Administrator (OCA)

On May 22, 2007, Court Administrator Lock submitted the following recommendations in his report, to wit:

1. That the administrative case be **RE-DOCKETED** as a regular administrative matter; and
2. That respondent **Judge JAMES V. GO** be found **GUILTY** of undue delay in rendering an Order, in which case he should be meted with the penalty of **FINE** in the amount of **Eleven Thousand Pesos (P11,000.00)** with a **STERN WARNING** that a repetition of similar infraction in the future shall be dealt with more severely.^[7]

Court Administrator Lock recommended that the respondent be held administratively liable for his refusal to submit the responsive comment because such refusal constituted a clear and willful disrespect to the lawful orders of his office;^[8] that the respondent was to be further held liable for undue delay in the disposition of cases and motions based on his failure to act on the complainant's *Motion for Contempt* filed on November 25, 2004 and *Motion to Dismiss* filed on January 13, 2005, as well as on the complainant's inquiry on the status of the motions filed on July 25, 2005.^[9]

Ruling of the Court

We find the recommendations of the Court Administrator in order.

The Court Administrator had sufficient factual basis to support his recommendation to consider the respondent's refusal to submit the responsive comment as a clear and willful disrespect of lawful orders.^[10] Indeed, such treatment will be meet and proper because the refusal was directed towards the Court itself. The following pronouncements made in *Falsification of Daily Time Records of Ma. Emcisa A. Benedictos, Administrative Officer I, Regional Trial Court, Malolos City, Bulacan* ^[11] are instructive on the character of such refusal, to wit:

Additionally, the Court bears in mind Benedictos's failure to submit her comment, which constitutes clear and willful disrespect, not just for the OCA, but also for the Court, which exercises direct administrative supervision over trial court officers and employees through the former. In fact, it can be said that Benedictos's non-compliance with the OCA directives is tantamount to insubordination to the Court itself. Benedictos also directly demonstrated her disrespect to the Court by ignoring its Resolutions dated June 25, 2007 (ordering her to show cause for her failure to comply with the OCA directives and to file her comment) and March 26, 2008 (ordering her to pay a fine of P1,000.00 for her continuous failure to file a comment).

A resolution of the Supreme Court should not be construed as a mere request, and should be complied with promptly and completely. Such failure to comply accordingly betrays not only a recalcitrant streak in character, but also disrespect for the Court's lawful order and directive.

This contumacious conduct of refusing to abide by the lawful directives issued by the Court has likewise been considered as an utter lack of interest to remain with, if not contempt of, the system. Benedictos's insolence is further aggravated by the fact that she is an employee of the Judiciary, who, more than an ordinary citizen, should be aware of her duty to obey the orders and processes of the Supreme Court without delay.

It is essential to reiterate that any judge who deliberately and continuously fails and refuses to comply with a resolution or directive of the Court is guilty of gross misconduct and insubordination. This is because the Court is the agency exclusively vested by the Constitution with the administrative supervision over all courts and court personnel – from the Presiding Justices of the Court of Appeals, the Sandiganbayan and the Court of Tax Appeals to the lowliest clerk and employee of the municipal trial court.^[12] Such gross misconduct and insubordination are serious transgressions of the law and cannot be tolerated. When the judge himself becomes the transgressor of the law that he is sworn to obey and to apply, he places his office in severe disrepute, encourages disrespect for the law, and impairs public confidence in the integrity of the Judiciary itself.^[13]

Although the respondent submitted an initial comment to comply with the directive of the Court Administrator through the letter dated March 30, 2006,^[14] his submission, which merely manifested his never having been charged administratively in his 23 years of service, did not squarely address the accusations leveled against him, and thus was not a sufficient compliance with the directive for him to show cause. Nonetheless, we have to find and conclude that he did not thereby deliberately and continuously fail and refuse to comply with the directive to a degree that would render him liable for grave misconduct and insubordination. Instead, he should answer for a lesser liability.

But was the respondent also guilty of undue delay in resolving the complainant's motions?