

FIRST DIVISION

[A.M. No. RTJ-16-2479 (Formerly OCA IPI No. 10-3567-RTJ), December 13, 2017]

DANIEL G. FAJARDO, COMPLAINANT, V. JUDGE ANTONIO M. NATINO, REGIONAL TRIAL COURT, BRANCH 26, ILOILO CITY, RESPONDENT.

D E C I S I O N

TIJAM, J.:

For Our resolution is an Amended Letter Complaint^[1] dated November 27, 2010, filed by Daniel G. Fajardo (Fajardo) of Panay News, Inc. against Judge Antonio M. Natino (Judge Natino), Presiding Judge, Regional Trial Court (RTC) of Iloilo City, Branch 26.

Fajardo charged Judge Natino with the violation of the Constitution and the Rules of Court relative to the latter's dispositions in Civil Case No. 20225^[2] entitled *Letecia Jaroda Vda. De Lacson, et al. v. Leonardo E. Jiz, et al.*, a case for annulment of title and declaration of nullity of documents of sale with damages, and in Civil Case No. 07-29298^[3] entitled *Panay News, Inc. v. Renato Magbutay and Rosendo Mejica*, an action for damages and injunction.

Specifically, as summarized by Investigating Justice Pamela Ann Abella Maxino (Justice Maxino) in her Report and Recommendation^[4] dated June 4, 2015, Judge Natino was charged of the following, to wit:

1. Violation of the 90-day period within which a case is to be resolved, counted from the date it is submitted for decision, in relation to Civil Case No. 20225 x x x. Fajardo said that the case was submitted for decision on January 23, 2007, but a decision thereon was only issued on April 21, 2010. In effect, the decision was only rendered more than three years after the case was submitted for decision.
2. Delay in the release of the Decision. The decision in x x x Civil Case No. 20225 was dated April 21, 2010 but according to Fajardo, the decision was released only four months after, or on August 17, 2010.
3. Falsification of Certificate of Service, in that, notwithstanding the fact that Judge Natino failed to resolve the aforementioned case within 90 days, he continued to receive his salary.
4. Failure to resolve the matters covered in the Motion to Show Cause (Contempt), in relation to Civil Case No. 07-29298, x x x.

Fajardo stressed that in said case, Panay News filed on January 6, 2010, a motion to show cause for contempt against Mejica, for the latter's failure to comply with the Order dated October 23, 2009, ordering him to deposit P572,000.00.

The motion to show cause for contempt, according to Fajardo, was never acted upon by the RTC.

5. Entertaining a second motion for reconsideration, in relation to x x x Civil Case No. 07-29298. Fajardo said that while the Order dated October 23, 2009 was already final, Judge Natino entertained a second motion for reconsideration of said Order filed by Mejica, for him to deposit a lesser amount than P572,000.00, or only P428,000.00. Judge Natino supposedly entertained a second motion for reconsideration so as to gain leverage in his request for a certain amount.^[5]

Essentially, it is Fajardo's theory that the delay in the resolution and release of the decision in Civil Case No. 20225, and the order giving due course to a second motion for reconsideration in Civil Case No. 07-29298, were all due to Judge Natino's maneuver to obtain a part of the amount to be deposited in Civil Case No. 07-29298 from Panay News, Inc., whose counsel was Atty. Leonardo Jiz, a defendant in Civil Case No. 20225.

In his Comment^[6] to the complaint, Judge Natino explained that the delay in the resolution of Civil Case No. 20225 was caused by circumstances beyond his control. He averred that he started drafting the decision in the said case sometime in April 2007 but the stenographer to whom he started dictating the same and who was to transcribe the stenographic notes of the case resigned and left for Manila. Then, his assumption as Acting Executive Judge in the same year and as a full-fledged Executive Judge in 2008 up to 2010, hampered his case disposal during the period as his tasks included hearing and deciding, not only regular cases, but also urgent administrative cases referred by the court administrator. Judge Natino also cited the renovation of the Iloilo City Hall from April 2010 to May 2010 and some bomb threats that the city hall experienced which led to the suspensions of work causing his case backlog. In addition, according to Judge Natino, power outages which frequented the city caused the loss of some changes made in the draft decision of Civil Case No. 20225 in that, while the same was finalized sometime in August 2010, the date appearing in the draft (April 21, 2010) remained unchanged.^[7]

Judge Natino further justified the extended period of deciding Civil Case No. 20225 by averring that he was just being judicious in his actions, hence, he leaned more towards "quality of administration of justice" than mere "speedy disposition of cases."^[8] Hence, it was Judge Natino's submission that the 90-day rule in deciding cases may be considered as directory and shall be considered mandatory only when the delay was attended by vexations, capricious, and oppressive delay.^[9]

Judge Natino also denied the allegation on falsification of certificates of service, arguing that the circumstantial delay in rendering the decision in Civil Case No. 20225 did not necessarily mean that he falsified his certificates of service.^[10]

As to the charges relating to Civil Case No. 07-29298, i.e., failure to resolve matter on the Motion to Show Cause (for contempt) and giving due course to a second motion for reconsideration to gain leverage in his request for a certain amount from a party in that case, Judge Natino refuted the same by citing in full his Order dated October 18, 2010 in the said case. The said order stated the circumstances which led to the postponements of the subject motions' hearings, as well as the court's actions thereafter.^[11]

In Our Resolution dated April 3, 2013, the complaint was then referred to the Executive justice of the Court of Appeals, Cebu to be raffled to the Associate Justices therein for investigation, report, and recommendation.^[12]

The case was eventually raffled to Justice Maxino. In the scheduled hearing during the investigation, only Judge Natino and his counsel appeared. Fajardo failed to attend hearings despite notice. Thus, Judge Natino was allowed to testify and present documentary evidence in his defense during the hearings, which comprised of: (1) his medical records to show that he had health problems since 1990 and a medical certificate to show that he was admitted in the hospital from December 6 to 8, 2010; (2) evidence of his appointment as Executive Judge from 2008 to 2010 with indorsements and reports on the administrative cases that he heard as Executive Judge in addition to his regular case loads; (3) certification that the Iloilo City Hall was renovated from August 2009 to July 2010; (4) certification from the Panay Electric Company, stating that the area where Iloilo Hall of Justice was situated experienced a total of 201 power outages from January 2007 to August 2010; (5) his approved leave applications from 2007 to 2010 to prove that he followed all the civil service rules insofar as his attendance is concerned; (6) certification from the Office of the Court Administrator (OCA) dated January 30, 2015, stating that he had been filing his certificates of service since 2006; and (7) a copy of the Order dated October 18, 2010 in Civil Case No. 07-29298 to refute the charge that he did not act on Panay News, Inc.'s Motion to Show Cause, as well as the charge that he entertained a second motion for reconsideration.^[13]

In her Report and Recommendation, Justice Maxino noted Fajardo's failure to appear in the hearings and to present evidence to support his allegations against Judge Natino. With that, the Investigating Justice found no merit in all charges against Judge Natino, except as regards the long overdue action in the resolution of Civil Case No. 20225, for want of evidence.^[14]

As regards the charge that Judge Natino delayed the release of the decision in Civil Case No. 20225, the Investigating Justice found no proof to support the same and noted that there was no pattern in Judge Natino's actuation that says that he has been known and shown to have adhered to a practice of delaying release of decisions. What was clear, as shown in the subject decision, was that Judge Natino finished drafting the same on April 21, 2010. The Investigating Justice was convinced that the power outages which frequented the area had caused the confusion in the date of the subject decision and ruled that such inadvertence did not necessarily militate punishment or sanction but reminded judges to exercise prudence in writing every aspect of their decision.^[15]

There was also no proof as to the alleged falsification of certificates of service as the questioned certificates were not presented in evidence.^[16]

The allegation on the failure to act upon the Motion to Show Cause, as well as the imputation of corruption in entertaining a second motion for reconsideration in Civil Case No. 07-29298 were also unsubstantiated. According to the Investigating Justice, Judge Natino's October 18, 2010 Order in the said case showed the downright falsity of such charges.^[17]

The Investigating Justice, however, found Judge Natino guilty of undue delay in rendering the decision in Civil Case No. 20225 despite consideration of Judge