

FIRST DIVISION

[A.M. No. MTJ-12-1806 (Formerly A.M. No. 11-4-36-MTCC), April 07, 2014]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
JUDGE BORROMEO R. BUSTAMANTE, MUNICIPAL TRIAL COURT
IN CITIES, ALAMINOS CITY, PANGASINAN, RESPONDENT.**

D E C I S I O N

LEONARDO-DE CASTRO, J.:

The present administrative matter arose from the judicial audit of the Municipal Trial Court in Cities (MTCC) of Alaminos City, Pangasinan, then presided by Judge Borromeo R. Bustamante (Bustamante). Judge Bustamante retired on November 6, 2010.

Considering the impending retirement of Judge Bustamante, a judicial audit of the MTCC was conducted on September 21, 2010 by a team from the Office of the Court Administrator (OCA). In a Memorandum^[1] dated October 6, 2010, Deputy Court Administrator (DCA) Raul Bautista Villanueva (Villanueva) informed Judge Bustamante of the initial audit findings that, as of audit date, there were 35 cases for decision (21 of which were already beyond the reglementary period) and 23 cases with pending incidents for resolution (19 of which were already beyond the reglementary period) in Judge Bustamante's court. At the end of his Memorandum, DCA Villanueva gave Judge Bustamante the following directives:

1. Explain in writing within fifteen (15) days from receipt hereof your failure to:
[a] decide within the reglementary period Civil Case Nos. 1847, 1870, 1937, 1978, 2056 and 2205, LRC Nos. 28, 65 and 70, and Criminal Case Nos. 5428, 6468, 6469, 6558, 7222, 7721, 8163, 8390, 8395, 8654, 9022 and 9288; and,
[b] resolve the incidents in Civil Case Nos. 1668 and 2132, Criminal Case Nos. 8004, 8005, 8006, 8580, 9015, 9016, 9190, 9191, 9196, 9232 and 9235;
2. DECIDE with dispatch the cases enumerated in item (I) above, and to SUBMIT copies of the decisions to this Office within three (3) days after your compulsory retirement; and
3. RESOLVE with dispatch the incidents for resolution in the cases enumerated in item (II) above, and to SUBMIT copies of the resolution to this Office within the same period indicated in the immediately preceding paragraph.^[2]

Judge Bustamante submitted a letter^[3] dated November 8, 2010,^[4] addressed to DCA Villanueva, in which he explained:

I have the honor to inform you that I have decided all the cases, Civil, LRC and Criminal Cases submitted before my last day in office on November 5, 2010 except Civil Cases Nos. 1937 (Bustillo vs. Sps. Rabago) and 2056 (Cale vs. Pader, et al.) because of lack of TSN taken when I was not yet the Presiding Judge. I found out that there is [a] need to retake the testimonies of the witness concerned so as to attain substantial justice.

As to why I failed to decide the said cases within the reglementary period, it was because of the volume of work in this court. As it was noticed by the Auditors when they came over to audit, I have already started deciding with drafts attached to the records but I was overtaken by more pressing matters that I have to take immediate attention, like urgent motions, motions to dismiss, motions to quash, approval of bails. All of these are in addition to my trial duties.

I have to work as early as 7:30 o'clock in the morning, and sometimes at 7:00 o'clock, with the desire to finish everything on time. I burned my candle at night just [to] comply with my duties within the time frame but because of human frailties, I failed to do so on time because as I said[,] of the volume of work in this court. But nonetheless I have decided all the cases submitted for decision before I retired except, as above stated, Civil Cases Nos. 1737 and 2056 because of the reasons already stated.

Judge Bustamante further accounted for the cases with incidents for resolution, as follows:

In Civil Cases, I have resolved the demurrer to evidence in Civil Cases Nos. 1668 and 2132. However, the motion to dismiss by defendant Celeste in Civil Case No. 2222, considering the opposition of the plaintiff because of their counterclaim, I believed the motion needs further hearing, hence, the motion was not resolved. Similarly, the motion to dismiss in Civil Case No. 2254 needs further hearing, and if no order setting the motion for hearing, it may be an oversight because of the submission of several cases for decision almost at the same time.

In Criminal Cases, I have resolved the demurrer to evidence in Crim. Cases Nos. 9015 & 9016 (People vs. Paltep vda. De Perio) and Crim. Cases Nos. 9148 & 9149 (People vs. Anselmo, Jr.) while Crim. Case No. 9196 was set for further hearing.

On the motion to suspend proceedings in Crim. Cases Nos. 9190 & 9191, it may have been an oversight because these cases are the off-shoots of Civil Case No. 2222 and pre-trial conference for the marking of documentary evidence has been subsequently set but the counsel for the accused failed to appear.

The motion to dismiss in Crim. Cases Nos. 8615, 8616 & 8617, was not resolved because of the prayer of the parties in open court for them to await the resolution of the civil cases they filed before the Regional Trial

Court, as they are working for the settlement of these civil cases, which may have [an] effect in these cases.

The other incidents were set for hearing so that the court could judiciously resolve the matter.^[5]

In support of his compliance, Judge Bustamante submitted to the OCA copies of the decisions and resolutions he referred to in his letter.

The OCA submitted to the Court its Memorandum^[6] dated March 24, 2011, reporting *viz*:

(1) Judge Bustamante had decided 33 out of the 35 cases for decision in his court. Of the 33 cases decided by Judge Bustamante, 13 were still within the reglementary period while 20 were already beyond the reglementary period. Of the 20 cases Judge Bustamante had decided beyond the reglementary period, 10 were decided more than a year after their respective due dates (ranging from 1 year and 8 days to 4 years and 7 months beyond the due dates) and 10 were decided within a year after their respective due dates (ranging from 5 days to 6 months beyond the due dates).

(2) Judge Bustamante had also resolved 6 out of the 23 cases with pending incidents in his court, all of which were resolved beyond their respective reglementary periods (ranging from 5 days to 3 years, 8 months, and 16 days after the due dates). As for the 17 other cases with pending incidents in his court, Judge Bustamante reasoned that (a) the motions require further hearing; (b) there is a need to await the resolution of other cases pending before other courts; and (c) oversight. The OCA noted, though, that Judge Bustamante failed to submit any order setting the pending incidents for hearing or holding in abeyance the resolution of the same until the related cases before other courts have already been decided.

Unconvinced by Judge Bustamante's explanations/reasons for his delay in deciding cases and resolving pending incidents, the OCA recommended that:

PREMISES CONSIDERED, we respectfully recommend that retired Judge Borromeo R. Bustamante, formerly of the Municipal Trial Court in Cities, Alaminos City, Pangasinan, be FINED in the amount of P20,000.00 for gross inefficiency.

In a Resolution^[7] dated February 8, 2012, the case was re-docketed as a regular administrative matter.

Judge Bustamante wrote the Court a letter dated July 3, 2013, stating that although he already retired from the service on November 6, 2010, he has yet to receive his retirement benefits (except for his accumulated leave credits), because of the pendency of the instant administrative matter against him. Consequently, Judge Bustamante prayed that the administrative matter be resolved soonest so he could already receive his retirement benefits or that his retirement benefits be released but a certain amount commensurate to the fine that the Court might impose be

withheld.

The Court agrees with the findings and recommendation of the OCA.

Decision-making, among other duties, is the primordial and most important duty of a member of the bench. The speedy disposition of cases in the courts is a primary aim of the judiciary so the ends of justice may not be compromised and the judiciary will be true to its commitment to provide litigants their constitutional right to a speedy trial and a speedy disposition of their cases.^[8]

The Constitution, Code of Judicial Conduct, and jurisprudence consistently mandate that a judge must decide cases within 90 days from submission. As the Court summed up in *Re: Report on the Judicial Audit Conducted in the RTC, Br. 4, Dolores, Eastern Samar*^[9]:

Section 15, Article VIII of the Constitution states that judges must decide all cases within three months from the date of submission. In *Re: Report on the Judicial Audit Conducted at the Municipal Trial Court in Cities (Branch 1), Surigao City*, the Court held that:

A judge is mandated to render a decision not more than 90 days from the time a case is submitted for decision. Judges are to dispose of the court's business promptly and decide cases within the period specified in the Constitution, that is, 3 months from the filing of the last pleading, brief or memorandum. Failure to observe said rule constitutes a ground for administrative sanction against the defaulting judge, absent sufficient justification for his non-compliance therewith.

Rule 1.02, Canon 1 of the Code of Judicial Conduct states that judges should administer justice *without delay*. Rule 3.05 of Canon 3 states that judges shall dispose of the court's business *promptly* and decide cases *within the required periods*. In *Office of the Court Administrator v. Javellana*, the Court held that:

A judge cannot choose his deadline for deciding cases pending before him. Without an extension granted by this Court, the failure to decide even a single case within the required period constitutes gross inefficiency that merits administrative sanction.

The Code of Judicial Conduct, specifically Canon 3, Rule 3.05 mandates judges to attend promptly to the business of the court and decide cases within the periods prescribed by law and the Rules. Under the 1987 Constitution, lower court judges are also mandated to decide cases within 90 days from submission.

Judges must closely adhere to the Code of Judicial Conduct in order to preserve the integrity, competence and independence of the judiciary and make the administration of