

SECOND DIVISION

[A.M. No. RTJ-10-2248*, September 29, 2010]

JUDGE ADORACION G. ANGELES, COMPLAINANT, VS. JUDGE MARIA ELISA SEMPIO DIY, PRESIDING JUDGE, REGIONAL TRIAL COURT, QUEZON CITY, BRANCH 225, RESPONDENT.

DECISION

MENDOZA, J.:

This is an administrative complaint for disbarment and dismissal from judiciary service filed by complainant Judge Adoracion G. Angeles (*Judge Angeles*) against respondent Hon. Maria Elisa Sempio Diy (*Judge Sempio Diy*), Presiding Judge of the Regional Trial Court of Quezon City, Branch 225, which stemmed from consolidated Criminal Case Nos. Q-95-61294 and Q-95-62690 entitled "*People of the Philippines v. Proclyn Pacay*" and "*People of the Philippines v. P/Insp. Roberto Gantias*," respectively.

Judge Angeles charges respondent Judge Sempio Diy with Violations of Section 15 (1), Article VIII of the 1987 Constitution; Section 2, Canon 2 and Section 5 Canon 6 of the New Code of Judicial Conduct for the Philippine Judiciary; Rule 1.01 and 1.02, Canon 1 and Rule 3.05, Canon 3 of the Code of Judicial Conduct; Number 6 of the Code of Judicial Ethics; Rule 1.01, Canon 1 of the Code of Professional Responsibility; Section 4 paragraph b of Republic Act No. 6713 of the Code of Conduct and Ethical Standards for Public Officials and Employees; Falsification of Official Documents; and Dishonesty. Complainant urges the Office of the Court Administrator (OCA) to examine the numerous violations allegedly committed by the respondent and to make an assessment if, indeed, she is still worthy to wear the judicial robe or, if her continued presence on the bench would unduly tarnish the image of the judiciary.^[1]

In her Comment,^[2] respondent Judge Sempio Diy vehemently denies the material allegations in the complaint. She claims that complainant's charges are harsh, rash and baseless, calculated merely to harass and "destroy the reputation of a younger sister in the profession."^[3]

As synthesized by the OCA in its Report^[4] dated May 7, 2010, the facts of the case are as follows:

Complainant Judge Angeles alleges that she is the private complainant in the above-mentioned cases which, by order of respondent Judge Sempio-Diy dated 20 June 2008, were submitted for decision, and the promulgation of judgment was set for 11 September 2008. In a subsequent Order dated 8 September 2008, respondent Judge Sempio-Diy moved the promulgation of judgment to 17 September 2008, for the

reason that she had a previously scheduled medical consultation concerning a neck ailment. Thereafter, the promulgation of judgment on 17 September 2008 was cancelled and reset to 17 October 2008, with respondent Judge Sempio-Diy citing voluminous case records and health problems as grounds to support her request before the Court of a thirty (30)-day extension.

On 17 October 2008, the promulgation of judgment was once again cancelled and reset to 14 November 2008 on account of a second request for extension of time based on the ground that respondent Judge Sempio-Diy had just recently arrived from a trip to the United States where she attended a symposium on religious freedom. Following a third request for extension of time, the promulgation of judgment was reset for the last time to 12 December 2008.

Finally, the Joint Decision in the subject criminal cases was promulgated on 12 December 2008, wherein all the accused, except for accused SPO1 Roberto C. Carino, were acquitted. To complainant Judge Angeles, the said Decision was belatedly rendered because there was a lapse of six (6) months from the time it was submitted for resolution to the time it was promulgated. She further avers that her personal examination of the case records revealed that no requests for extension of time to decide the subject cases were made by respondent Judge Sempio-Diy. Likewise, she notes that the case records do not show that requests for extension of time, if any had indeed been made by respondent Judge Sempio-Diy, were granted by the Supreme Court. It is her opinion that such requests and Resolutions of the Supreme Court granting the same should be made integral parts of the case records.

As for the reasons proffered by respondent Judge Sempio-Diy for the repeated cancellation and resetting of the dates for promulgation of judgment, complainant Judge Angeles argues that: (1) respondent Judge Sempio-Diy's medical check-up could have been done on any other day that would not conflict with the scheduled promulgation; (2) the neck ailment was not as serious as it was made to appear because respondent Judge Sempio-Diy was able to travel abroad to attend a symposium; and (3) the claim that she needed time to study the voluminous case records is not a valid excuse because respondent Judge Sempio-Diy found time to travel abroad instead of attending to her pending cases.

In fine, complainant Judge Angeles is adamant in her contention that the Joint Decision in the subject criminal cases was rendered way beyond the 90-day period prescribed by the Constitution. In addition, complainant Judge Angeles raises another instance where respondent Judge Sempio-Diy is supposed to have incurred unjustifiable delay.

As it happened, convicted accused SPO1 Roberto C. Carino assailed the Joint Decision by filing an Urgent Motion for Reconsideration on 5 January 2009, which the prosecution countered in its Opposition filed on 14 January 2009. However, it was not until 30 July 2009, or more than six (6) months later, that respondent Judge Sempio-Diy issued an Order submitting the incident for resolution, *"it appearing that the accused*

through counsel has failed to file the necessary pleading despite the period given by the Court." Less than a month later, or on 24 August 2009, respondent Judge Sempio-Diy resolved the pending matter by denying the Urgent Motion for Reconsideration for lack of merit.

Despite the denial of the said Urgent Motion for Reconsideration, things did not sit well for complainant Judge Angeles. For her, the Resolution dated 24 August 2009 was belatedly issued by respondent Judge Sempio-Diy. First and foremost, she contends that the incident should have been submitted for resolution upon the filing of the prosecution's Opposition on 14 January 2009. And yet, it was more than six (6) months later, or only on 30 July 2009, that respondent Judge Sempio-Diy issued the Order submitting the said incident for resolution. Secondly, complainant Judge Angeles asserts that there was no basis for the trial court to have to wait for more than six (6) months before submitting the motion for resolution considering that there exists no order in the case records directing the accused SPO1 Roberto C. Carino, through counsel, to file the necessary pleading. Asserting that there was no basis for submitting the incident for resolution only after the lapse of six (6) months, complainant Judge Angeles further contends that the Resolution issued by respondent Judge Sempio-Diy on 24 August 2009 denying the Urgent Motion for Reconsideration was likewise delayed for a total of more than seven (7) months.

To support her assertions, complainant Judge Angeles attached to her COMPLAINT a Certification issued by Benedict S. Sta. Cruz, Branch Clerk of Court of RTC, Branch 225, Quezon City, wherein the latter attested that, *"based on the record of People vs. Proclyn Pacay, et al., Criminal Case Nos. Q-95-61294 and Q-95-62690, it appears that there is no order from the Court directing the defense to file a reply to the Comment/Opposition (to the Motion for Reconsideration) filed by the prosecution on January 14, 2009."* She also points out that there appears to be an irregularity in the face of the Order submitting the incident for resolution. In particular, she refers to the date of its issuance - "July 30, 2009"--which is written in a different font when compared to the rest of the contents of the said Order. She, therefore, contends that the said date was *"merely typewritten in lieu of another date which was snowpaked."*

By failing to decide/resolve the subject cases and the Urgent Motion for Reconsideration within the period mandated by law and jurisprudence, as well as in falsifying official documents, complainant Judge Angeles now stresses, respondent Judge Sempio-Diy violated the pertinent provisions of the Constitution, New Code of Judicial Conduct, Code of Judicial Ethics, Code of Professional Responsibility, and the Code of Conduct and Ethical Standards for Public Officials.

For her part, respondent Judge Sempio-Diy belies the accusations hurled at her by complainant Judge Angeles in the latter's COMPLAINT. In her COMMENT dated 2 December 2009, respondent Judge Sempio-Diy counters that she decided the subject cases in due time and within the extended period granted by the Supreme Court. She maintains that the

orders resetting the promulgation of judgment were issued in good faith and in the interest of full transparency, pursuant to her request to decide the subject cases expeditiously.

For starters, she notes that she merely inherited the subject cases which had already been previously handled by three (3) other judges from the time they were filed in 1995. Thus, the case records were voluminous.

For another, the first resetting of the promulgation of judgment from 11 September to 17 September 2008 was occasioned by her illness, which assertion she substantiated by way of a Medical Certificate. She points out that the setting of the promulgation of judgment on 17 September 2008 is still within the Constitutionally-prescribed 90-day period for deciding the subject cases.

As for the three (3) subsequent re-settings, she avers that she timely asked for extensions of the period, all of which were granted by the Supreme Court. To support her claim that she did not incur delay in the promulgation of judgment, she appended to her COMMENT certified true copies of her first and second letters/requests addressed to the then Assistant Court Administrator, Jesus Edwin A. Villasor (now Deputy Court Administrator) and other related documents. These requests were favorably considered by the Court and she was granted an extension of a total of ninety (90) days from 18 September 2008.

She likewise attached to her COMMENT a copy of her third letter/request to prove that this was filed prior to the lapse of the original 90-day extended period granted to her. In fine, she insists that there was no unjustified delay when the Joint Decision was finally promulgated on 12 December 2008 as the same was still within the original 90-day extended period reckoned from 18 September 2008. The Court's granting of her third request for an additional thirty (30) days in a Resolution dated 16 February 2009 had, by then, become moot and academic.

While she admits that her letters/requests for extension and the Supreme Court Resolutions granting the same were not attached to the voluminous records of the subject cases, she nevertheless manifests that these were kept in a separate folder.

With regard to the Urgent Motion for Reconsideration, she points out that the delay was inadvertently incurred in good faith. During the hearing of the said motion on 29 January 2009, the request of the defense for time to file the necessary pleadings was granted, for which reason, she says, the said motion could not yet be submitted for resolution. She deemed it prudent to give the parties a reasonable period of time within which to submit their adversarial pleadings. To substantiate this contention, respondent Judge Sempio-Diy attached to her COMMENT the transcript of stenographic notes taken on that day and the Minutes of the proceedings of the same day.

In the light of the foregoing, respondent Judge Sempio-Diy discredits the import of the Certification issued by the Branch Clerk of Court, Benedict

S. Sta. Cruz, by arguing that, while there is no order appearing in the case records directing accused SPO1 Carino to file his Reply to the prosecution's Comment to his Urgent Motion for Reconsideration, the said directive appears in the Minutes of the hearing conducted on 29 January 2009. She likewise notes that during the said hearing, the said Branch Clerk of Court was not present.

Respondent Judge Sempio-Diy likewise attributes the inadvertent delay to the "*unfortunate crises*" that befell her, her mother, and the court's personnel sometime in May to July of 2009. She reported to the Office of the Court Administrator that they received a series of death threats which caused, among others, disorientation. Thus, it was only on 30 July 2009, after the semi-annual inventory, that an Order submitting the matter for resolution was issued. She stresses that the incident was resolved within thirty (30) days from its submission. As for the "*snowpaked*" correction of the date of the said Order, she avers that this was simply due to a typographical error.^[5]

Complainant Judge Angeles filed her Reply to respondent's Comment and, thereafter, respondent Judge Sempio Diy filed her Rejoinder in amplification of their respective claims. Later, complainant filed her Sur-Rejoinder on February 9, 2010 while respondent filed her Reply to the Sur-Rejoinder on February 18, 2010.

In its evaluation, the OCA found that Judge Sempio Diy cannot be held guilty of unreasonable delay in rendering the Joint Decision in Criminal Case Nos. Q-95-61294 and Q-95-62690 given her seasonably-filed requests for extension of time. The requests were all granted by this Court in the November 24, 2008 Resolution, giving respondent a total extension period of ninety (90) days from September 18, 2008. The OCA, however, opined that respondent should be administratively sanctioned for incurring delay in the resolution of accused Carino's Urgent Motion for Reconsideration.

The OCA recommended that the case be re-docketed as a regular administrative matter against Judge Sempio Diy and that she be fined in the amount of P2,000.00 for her delayed action on a motion for reconsideration with a stern warning that a repetition of the same or similar act would be dealt with more severely.^[6]

After a judicious review of the records of the case, this Court determines that the findings of the OCA are well-taken. However, We modify the recommended disposition in light of the circumstances of the case.

The Court finds no evidence to sustain the charges of delay against Judge Sempio Diy in rendering the Joint Decision in the consolidated Criminal Case Nos. Q-95-61294 and Q-95-62690. It is the stance of the complainant that Judge Sempio Diy merely sat on the cases for an unreasonable length of time and failed to resolve them within the constitutionally prescribed 90-day period. This constituted gross inefficiency warranting the imposition of administrative sanctions. Judge Angeles accuses respondent of concocting requests for extension and making it appear that these requests were granted by this Court. Complainant avers that she perused the records of the consolidated criminal cases but respondent's alleged requests for extension and the Court's Resolutions allowing them were nowhere to be found.