

THIRD DIVISION

[A.M. No. RTJ-07-2067, June 18, 2008]

**NILO JAY MINA, COMPLAINANT, VS. JUDGE JESUS B. MUPAS,
REGIONAL TRIAL COURT, BRANCH 112, PASAY CITY
RESPONDENT.**

R E S O L U T I O N

AUSTRIA-MARTINEZ, J.:

Nilo Jay Mina (complainant) charges Judge Jesus B. Mupas (respondent), Presiding Judge of the Regional Trial Court (RTC) Branch 112, Pasay City of dereliction of duties, grave misconduct, manifest partiality, violation of the Constitution and of the Anti-graft and Corrupt Practices Act.^[1]

Complainant is the plaintiff in Civil Case No. 05-0187 for Damages against Pasay City Judge Bibiano Colasito, Assistant City Prosecutor Eva Portugal Atienza and Ferdinand Cruz pending before respondent's sala.^[2] Complainant claims, in his letter dated January 2, 2007 that: respondent failed to resolve within the reglementary period complainant's Urgent Motion to Declare all Defendants in Default, which motion was received by the court on May 12, 2006; up to the filing of the present complaint, or more than seven months later, respondent still has not resolved the said motion; respondent's failure to meet the 90-day period for resolving motions prescribed by the Constitution constitutes gross inefficiency and manifests respondent's partiality in favor of the defendants in the civil case.^[3]

In his Comment dated February 2, 2007, respondent counters: he was surprised to receive on January 26, 2007 an Order from this Court asking him to comment on complainant's letter, since he had already resolved complainant's urgent motion, as well as two motions to dismiss filed by defendants Cruz and Atienza, way back December 18, 2006. Copies of the said Order, however, were inadvertently not served on complainant and Cruz. He (respondent) admits that the motions were resolved beyond the reglementary period. Such inadvertence, however, is excusable and would have been avoided had complainant exercised the least courtesy of calling the attention of the court on the matter. Complainant should have filed a motion to resolve, which in turn would be received with prompt action. The filing of the instant case without verifying first the status of the motions is unwarranted and constitutes harassment. Respondent is handling two branches, Branch 112 and Branch 117, each receiving the same number of cases, with Branch 117 being a special commercial court.^[4]

Complainant filed a Reply dated March 5, 2007, stating that respondent's admission that he had resolved the motions beyond the reglementary period, *i.e.*, eight months for the two motions to dismiss and seven months for the urgent motion to declare defendants in default, demonstrates his dishonesty, inefficiency and

incompetence as a judge.^[5]

The Office of the Court Administrator (OCA), through Court Administrator Christopher O. Lock, submitted its Report dated June 4, 2007, finding respondent administratively liable for violation of Rule 3.05 of the Code of Judicial Conduct, which requires judges to dispose of court business promptly. It held that the Constitution mandates lower courts to dispose of cases promptly and decide them within three months from the filing of the last pleading; the fact that respondent had additional assignments will not exonerate him from liability, because he was not precluded from asking for extension of time to resolve a pending matter. It then recommended, following Section 9, Rule 140 of the Rules of Court, that respondent be fined P11,000.00 with stern warning.^[6]

In the Resolution dated August 1, 2007, the Court required the parties to manifest if they were willing to submit the case for decision based on the pleadings filed.^[7] Complainant manifested his willingness to have the case thus submitted.^[8] Respondent, however, manifested his preference for a formal investigation.^[9] The Court on November 12, 2007, thus referred the case to Justice Martin S. Villarama, Jr. of the Court of Appeals for investigation, report and recommendation.^[10] Both parties appeared at the hearing on February 15, 2008 and thereafter agreed to submit the case for decision.^[11]

In his Report dated February 18, 2008, Investigating Justice Villarama found respondent guilty of incurring delay in resolving motions and incidents pending before him, which infraction constitutes gross inefficiency and is not excused by his additional assignment; respondent also failed to timely transmit the order resolving said motions to the parties. As to the charge of partiality, however, Investigating Justice Villarama found no evidence to support the same. The Investigating Justice then recommended that respondent be meted a fine of P10,000.00 with warning.^[12]

The Court agrees with the findings and recommendation of the Investigating Justice.

The Constitution requires all lower courts to decide or resolve cases or matters within three months from the time said matter is submitted for decision or resolution.^[13] The New Code of Judicial Conduct^[14] in Canon 6, Section 5, also mandates judges to perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness;^[15] while its antecedent, the Code of Judicial Conduct^[16] provides in Rule 3.05 thereof that "judge[s] shall dispose of the court's business promptly and decide cases within the required periods."

These rules are in recognition of the right of every person to the speedy disposition of their cases.^[17] For, as oft stated, justice delayed is justice denied. Indeed, the public's faith and confidence in the judiciary depends, to a large extent, on the judicious and prompt disposition of cases and matters pending before the courts.^[18] Any delay in the disposition of cases diminishes the people's faith and confidence in the judiciary.^[19] It erodes faith in the judicial system and unnecessarily blemishes its stature.^[20] Judges must therefore perform their official duties with utmost

competence and diligence, and they should be imbued with a high sense of duty and responsibility in the discharge of their obligation to promptly administer justice.^[21] Judges must cultivate a capacity for quick decision, and must not delay the judgment which a party justly deserves.^[22] For, truly, inability to decide a case within the required period is inexcusable and constitutes gross inefficiency, which warrants the imposition of administrative sanction against the erring magistrate.^[23]

Respondent in his Comment admitted that he had incurred delay in resolving complainant's Urgent Motion to Declare All Defendants in Default as well as the motions to dismiss of Cruz and Atienza. Complainant filed the urgent motion on May 12, 2006 which was submitted for resolution on May 19, 2006, while defendants' motions to dismiss, which were filed on March 20, 2006 and April 7, 2006, were submitted for resolution on April 21, 2006. Yet, it was only on December 18, 2006 that respondent issued an order resolving all three motions.^[24]

Respondent explains that he is handling two branches, each receiving the same number of cases, one of which is a special commercial court.^[25] The Court has held, however, that additional assignments cannot excuse judges from liability.^[26] If the caseload of the judge prevents the disposition of cases within the reglementary period, he should ask the Court for a reasonable extension of time to dispose of the cases involved.^[27] The Court is mindful of the heavy caseloads judges carry.^[28] Thus, the Court has been sympathetic and usually grants requests for reasonable extensions of time within which to decide cases and resolve matters and incidents related thereto.^[29] Respondent, however, did not ask for any extension; thus, the Court has no recourse but to hold him administratively liable for the delay.

Rule 140 of the Rules of Court, as amended by A.M. No. 01-8-10-SC, classifies "undue delay in rendering a decision or order, or in transmitting the records of a case" as a less serious charge which is punishable by any of the following sanctions: (1) suspension from office without salary and other benefits for not less than one month or more than three months; or (2) a fine of more than P10,000.00 but not exceeding P20,000.00.

Considering, however, the mitigating circumstances in his favor such as respondent's heavy caseload and additional court assignment,^[30] his candid admission of his inadvertence,^[31] and the fact that this is his first offense of this nature^[32] in his 13 years of service as a judge, the Court finds the penalty of P10,000.00 fine to be proper in this case.^[33]

WHEREFORE, the Court finds Judge Jesus B. Mupas, of the Regional Trial Court, Branch 112, Pasay City, guilty of undue delay in rendering an order for which he is **FINED** in the amount of P10,000.00 with **STERN WARNING** that a repetition of the same or similar act in the future shall be dealt with more severely.

SO ORDERED.

Ynares-Santiago, (Chairperson), Chico-Nazario, Reyes, and Brion, JJ., concur.
