

EN BANC

[A.M. No. MTJ-08-1700 (Formerly OCA-I.P.I. No. 07-1916-MTJ), July 23, 2008]

ROLANDO V. BLANCO, PETITIONER, JUDGE TERESITO A. ANDOY, AZCUNA, MUNICIPAL TRIAL COURT, CAINTA, RIZAL, RESPONDENT.

RESOLUTION

TINGA, J,:

This is an administrative complaint filed by Rolando V. Blanco against Judge Teresito A. Andoy of the Metropolitan Trial Court of Cainta, Rizal, charging the latter with gross incompetence, gross misconduct and violation of the New Code of Judicial Conduct for the Philippine Judiciary.

In his verified Letter-complaint^[1] dated 23 July 2007, petitioner Ramon V. Blanco (Blanco) narrated that on 14 January 2008 an affidavit-complaint for five counts each of estafa and violation of Batas Pambansa Blg. 22 (B.P. 22) was filed against him by Hemisphere Drug Corporation (Hemisphere), represented by Domingo Vicente (Vicente). The complaint was subscribed and sworn before respondent judge, leading Blanco to conclude that the latter had "already persuaded, induced or influenced the issuance of a criminal offense" against him and that he had thereby been deprived of due process.

Since the cases filed against him have then been pending for more than four (4) years, Blanco filed on 13 October 2006 an "*Ex Parte* Very Urgent Motion to Resolve and to Grant Motion for Admission to be Considered Terminated the Cases Against Him and be Granted an Amicable Settlement and a Motion to Dismiss." Hemisphere filed its comment/opposition to which Blanco filed a reply on 16 January 2007. However, it was only on 1 October 2007 that respondent judge issued an order denying the motion.

Blanco further alleged that no preliminary investigation was conducted in the cases filed against him because Hemisphere connived with respondent judge for its representative, Vicente, to file on its own and behalf and the Information verified by respondent judge.

In his Comment^[2] dated 18 October 2007, respondent judge insisted that Blanco's allegations are baseless and absurd. He claimed that Blanco was not deprived of due process because the procedure for the filing of complaints for estafa and violation of B.P. Blg. 22 was followed. Furthermore, he averred that there is no way he could have connived with Hemisphere to Blanco's prejudice as he hardly knew Hemisphere's representative. He, however, admitted that it was only in his Order dated 1 October 2007 that he was finally able to resolve Blanco's motion.

Blanco reiterated his charges against respondent judge in his Comment/Opposition^[3] dated 8 November 2007.

In its Report and Recommendation^[4] dated 14 January 2008, the Office of the Court Administrator (OCA) recommended that respondent judge be held guilty of undue delay in rendering an order or decision and be accordingly fined in the amount of P1,000.00 in view of the fact that he had only less than a year remaining in his service. The OCA also recommended the dismissal of the charges of gross incompetence, grave misconduct, violation of the New Code of Judicial Conduct and palpable violation of the Constitution.

Unquestionably, delay in the disposition and resolution of cases constitutes a serious violation of the parties' right to a speedy disposition of their grievances in court.^[5] No less than the Constitution, in Section 15(1), Article VIII, mandates that lower courts must dispose of their cases promptly and decide them within three (3) months from the date they are submitted for decision or resolution or from the filing of the last pleading, brief or memorandum required by the Rules of Court or by the court concerned. A judge's delay in resolving pending motions and incidents within the prescribed period constitutes a violation of Rule 3.05 of the Code of Judicial Conduct requiring judges to dispose of court business promptly.^[6]

In this case, Blanco's "*Ex Parte* Very Urgent Motion to Resolve and to Grant Motion for Admission to be Considered Terminated the Cases Against Him and be Granted an Amicable Settlement and a Motion to Dismiss" was deemed submitted for resolution on 16 January 2007, since the last pleading submitted relative to the motion was filed on this date. However, as admitted by respondent judge, the motion was acted upon only on 1 October 2007, more than five (5) months after the period for resolving pending incidents mandated by the Constitution had elapsed.

Under Section 9, Rule 140 of the Rules of Court, undue delay in rendering a decision or order is considered a less serious offense, punishable under Section 11(b) of the same Rule, either by (1) suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months, or (2) a fine of more than P10,000.00 but not exceeding P20,000.00.

More than the delay in the resolution of Blanco's pending motion, however, what caught the Court's attention is respondent judge's admission that due to inadvertence, the court "proceeded with the Estafa cases in the same way it handled the Violation of B.P. Blg. 22 cases up to the arraignment and preliminary conference stage."^[7] In other words, no preliminary investigation was conducted despite the fact that in three of the charges for estafa,^[8] the penalties corresponding to the amounts involved exceed four (4) years, two (2) months and one (1) day, in which case, the conduct of a preliminary investigation is required under Section 1, Rule 112 of the Rules of Court. Respondent judge sought to remedy this "inadvertence" in his Order^[9] dated 11 October 2007, in which he endorsed Criminal Case Nos. 21804, 21807 and 21808 to the Office of the Provincial Prosecutor of Rizal for the requisite preliminary investigation.

However, we find respondent judge's handling of the cases against Blanco appallingly injudicious. In disregarding the rules, respondent judge showed gross