

## SECOND DIVISION

**[ A.M. No. RTJ-08-2123 (Formerly OCA-I.P.I. No. 07-2679-RTJ), July 14, 2008 ]**

**ALFREDO J. LAGAMON, COMPLAINANT, VS. JUDGE RUSTICO D. PADERANGA, RTC, BRANCH 28, MAMBAJAO, CAMIGUIN, RESPONDENT.**

### R E S O L U T I O N

**TINGA, J,:**

This is an administrative complaint against respondent Judge Rustico D. Paderanga of the Regional Trial Court of Mambajao, Camiguin, Branch 28, relative to "*People v. Alfredo Simene*," a criminal case for rape, docketed as Criminal Case No. 1124 (the Criminal Case) for failure to terminate its trial within sixty (60) days from initial trial and for failure to decide the same within thirty (30) days from the time it was submitted for decision, in violation of Administrative Order No. 104-96.<sup>[1]</sup>

In a Letter-complaint <sup>[2]</sup> dated 23 March 2007, complainant Alfredo J. Lagamon alleged that the accused in the Criminal Case was arraigned on 3 June 2003, but the trial commenced only on 15 December 2003 or more than six (6) months thereafter. Complainant moreover stated that the Criminal Case was submitted for decision on 27 February 2006 or two (2) years and forty-three (43) days from the date the trial commenced, and that the decision thereon was promulgated on 21 February 2007 or three hundred forty-six (346) days after it had been submitted for decision.<sup>[3]</sup>

In his Comment<sup>[4]</sup> dated 4 June 2007, respondent judge contended that complainant was neither the accused nor the private complainant in the Criminal Case and, hence, has no legal personality to file the instant administrative complaint. He also maintained that the administrative complaint partakes of a harassment suit as the Criminal Case had already been tried, decided and brought to a higher court on appeal.

Respondent judge admitted not having complied with the periods for the resolution of cases as prescribed by Circular No. 38-98,<sup>[5]</sup> but he pleaded for the Court's understanding for the following reasons:

a) Respondent Judge's court is the only Regional Trial Court in Camiguin province and it has a total caseload of 266 cases. As such, much as he had wanted to dispose of the case within the prescribed period, he had to attend to equally important cases;

b) Respondent Judge's court has no Clerk of Court and has only three (3) stenographers one of whom was seriously injured in motorcycle accident. The stenographer who was assigned to transcribe the proceedings of the Criminal Case is not computer literate and relies heavily on typewriters;

c) The Public Attorney's Office (PAO) of the Camiguin District which handled the defense of the accused in the Criminal Case had only one lawyer during the trial of the case. The assigned lawyer appeared only on Mondays or Fridays depending on her availability.<sup>[6]</sup>

In a Report<sup>[7]</sup> dated 15 October 2007, the Office of the Court Administrator (OCA) found respondent judge guilty of undue delay in rendering a decision which is punishable by suspension from office without salary or other benefits for not less than one (1) month nor more than three (3) months, or a fine of more than P10,000.00 but not exceeding P20,000.00. However, considering that respondent judge's infraction concerned only a single case which he had eventually disposed of albeit beyond the prescribed period, the OCA recommended the reduction of the penalty to a fine of P2,000.00.

In a Resolution<sup>[8]</sup> dated 12 December 2007, the Court noted both the letter-complaint and respondent judge's Comment and directed the parties to manifest their willingness to submit the case for resolution on the basis of the pleadings filed. Complainant, in his Manifestation<sup>[9]</sup> dated 7 February 2008, informed the Court of his willingness to submit the case for resolution on the basis of the pleadings already filed and submitted. Respondent judge manifested the same willingness in his Manifestation<sup>[10]</sup> dated 15 February 2008.

The Court adopts the findings of the OCA.

Section 15 (1), Article VIII of the Constitution provides that all cases filed before lower courts must be decided within three (3) months from the time they are submitted for decision. Section 5, Canon 6 of the New Code of Judicial Conduct for the Philippine Judiciary, which took effect on 1 June 2004, likewise enjoins judges to "perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness." However, it has also been consistently stressed that whenever circumstances arise that render judges incapable of seasonably acting on and deciding a case, all that a judge should do is to request the Court, with justification, for an extension of time to resolve or decide the pending matter. The Court would almost always grant said request, aware as it is of the caseload of judges and mindful of the numerous difficulties which a judge may encounter in the timely disposition of cases.<sup>[11]</sup>

Although the Court notes the fact that indeed respondent may have had difficulty in meeting the deadline prescribed for deciding the Criminal Case on account of the reasons he submitted, still, he has been remiss in not requesting for an extension of time to decide the said case. His failure to do so constitutes gross inefficiency and warrants the imposition of administrative sanctions. It bears stressing that judges must dispose of the court's business promptly. Delay in the disposition of cases erodes the faith and confidence of our people in the judiciary, lowers its standards, and brings it to disrepute. Hence, judges are enjoined to decide cases with dispatch.<sup>[12]</sup>

Undue delay in rendering a decision or order constitutes a less serious charge under Section 9, Rule 140 of the Rules of Court, and a finding of guilt results in either suspension from office without salary and other benefits for not less than one (1)