

THIRD DIVISION

[A.M. NO. MTJ-06-1653 (FORMERLY OCA IPI NO. 03-1498-MTJ), July 30, 2007]

EUGENIO JUAN R. GONZALEZ, COMPLAINANT, VS. JUDGE LIZABETH G. TORRES, METROPOLITAN TRIAL COURT, BRANCH 60, MANDALUYONG CITY, RESPONDENT.

RESOLUTION

CHICO-NAZARIO, J.:

This is an Administrative Complaint^[1] filed by Eugenio Juan R. Gonzalez (Gonzalez) against Judge Lizabeth G. Torres (Judge Torres), Presiding Judge of the Metropolitan Trial Court (MeTC), Branch 60, Mandaluyong City, for the Violations of Section 15, Article 7 of the 1987 Constitution and Rules 3.08 and 3.09, Canon 3 of the Code of Judicial Conduct, relative to Criminal Case No. 71984 entitled, "*People of the Philippines v. Revelina R. Limson*" pending before said court.

It stemmed from an earlier complaint for perjury filed by Gonzalez against Revelina R. Limson (Limson) with the Mandaluyong Prosecutor's Office. After the submission of the necessary pleadings by the respective parties, the Mandaluyong Prosecutor's Office recommended the filing of an information for perjury against Limson. Accordingly, the appropriate information was filed with the MeTC of Mandaluyong City and was raffled to Branch 60, where it was docketed as Criminal Case No. 71984. Thereafter, trial ensued.

After Gonzalez rested his case, the defendant Limson, instead of presenting evidence, filed a Manifestation/Motion to Admit Attached Demurrer to Evidence, which was granted by the court in an Order dated 18 May 2002. The order also gave Gonzalez ten days within which to file his comment, which the latter submitted on 14 June 2002. Gonzalez averred that the "*Demurrer to Evidence*" was first considered submitted for resolution on 20 June 2002. However, on 26 August 2002, a hearing was set but the said issue was not resolved. Judge Torres again considered the said matter submitted for resolution.

In his complaint dated 23 October 2003, Gonzalez charged Judge Torres with delay in resolving Limson's Demurrer to Evidence. Gonzalez called the attention of the Office of the Court Administrator (OCA) to the fact that, per the certification dated 21 October 2003 of the Branch Clerk of Court of MeTC, Branch 60, the issue relating to the "Demurrer to Prosecution Evidence" in Criminal Case No. 71984 remains unresolved. He prayed that Judge Torres be ordered to inhibit herself from further taking cognizance of the pending issue and of other matters in connection with Criminal Case No. 71984.

Through an Indorsement dated 7 November 2003, OCA required Judge Torres to submit her comment on Gonzalez's complaint within ten days from receipt of said

indorsement. On 3 December 2003, Judge Torres requested for an extension of 20 days within which to file the required comment which the OCA granted on 15 January 2004.

On 11 March 2004, the OCA sent a 1st Tracer to Judge Torres reminding her of its directive for her to comment on the allegations in Gonzalez's administrative complaint. Judge Torres was also warned that, should she fail to comply within five days from receipt of the 1st Tracer, the matter shall be submitted to the Court without her comment.

Subsequently, the OCA received a letter dated 5 April 2004 from Judge Torres wherein she requested a further extension of 20 days from 5 April 2004 to submit her comment, which the OCA again granted on 21 April 2004. Judge Torres was thus given until 26 April 2004 within which to submit her comment.

However, on 21 January 2005, the OCA once more received a letter from Judge Torres, requesting for another extension of 20 days within which to submit her comment on Gonzalez's administrative complaint against her. Her request for extension was granted for the third time by the OCA on 26 January 2005.

Judge Torres finally submitted her Comment dated 20 February 2006. In her Comment, she averred that the record of Criminal Case No. 71984 was rigged and that Gonzalez cited orders that she did not issue. The hearing dates Gonzalez referred to were without minutes; and those with minutes, were not signed by legal stenographers, or if they were signed, the signatures were unidentifiable or were not of the legal stenographers' signatures on record. Proof of service of the alleged orders she issued to the adversarial parties was either missing or dubious.

Judge Torres added that the pleadings in Criminal Case No. 71984 were being filed inconsistently. Some were filed directly at Branch 60, while others were filed at the Office of the Clerk of Court without record of when the same were purportedly forwarded to her branch. She could not review the records of Criminal Case No. 71984 as fast as she wanted to because said records were merely fastened, and the pleadings were not filed chronologically.

She further countered that since 18 May 2002, she had no official intervention in Criminal Case No. 71984. She was constrained to inhibit herself from acting on Limson's Demurrer to Evidence to protect the MeTC of Mandaluyong City from being drawn into the real controversy between the Gonzalezes and their adversaries over the Wack-Wack Apartments.

She expressed offense that the acts alleged by Gonzalez in his administrative complaint made her appear remiss in her duties. Respondent reasoned that she was acting on inherited cases as inventoried by the court staff and the records were disorganized. In fact, she claimed that she had already personally gone to the OCA Legal Staff to explain her predicament.

While admitting that she was not able to quickly comment on the present administrative case, she invoked her case load and added duties as Executive Judge of MeTC Mandaluyong City, as well as the four vacancies in her branch (*i.e.*, branch clerk of court, sheriff, legal researcher and stenographer) as her reasons for the delay.

On 6 July 2006, the OCA submitted its report^[2] on Gonzalez's administrative complaint against Judge Torres, with the following recommendation –

Respectfully submitted for the consideration of the Honorable Court are our recommendations that the instant case be RE-DOCKETED as a regular administrative matter and respondent Judge Torres be FINED Twenty Thousand Pesos (P20,000.00) and WARNED that further infraction of the Rules of Court shall be dealt with more severely.

On 23 August 2006, we required^[3] the parties to manifest within 10 days from notice if they were willing to submit the matter for resolution based on the pleadings filed. On 26 October 2006, Gonzalez submitted his Manifestation^[4] stating that he was submitting the case for resolution based on the pleadings filed. Judge Torres, on the other hand, asked for an extension^[5] of 20 days from 30 October 2006 within which to submit her manifestation, which we granted on 22 November 2006.^[6] Judge Torres, however, still failed to file her manifestation within the extended period despite the notice sent to and received by her. Thus, we deemed that Judge Torres had already waived^[7] her right to submit supplemental comment/pleadings herein.

Resultantly, the case is submitted for decision based on the pleadings filed, after a review of which, we find ourselves agreeing in the recommendation of the OCA.

As a general principle, rules prescribing the time within which certain acts must be done, or certain proceedings taken, are considered absolutely indispensable to the prevention of needless delays and to the orderly and speedy discharge of judicial business. By their very nature, these rules are regarded as mandatory.^[8]

The office of the judge exacts nothing less than faithful observance of the Constitution and the law in the discharge of official duties.^[9] Section 15(1), Article VIII of the Constitution, mandates that cases or matters filed with the lower courts must be decided or resolved within three months from the date they are submitted for decision or resolution. Moreover, Rule 3.05, Canon 3 of the Code of Judicial Conduct, directs judges to "dispose of the court's business promptly and decide cases within the required periods." 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 justice more efficient.^[10] Time and again, we have stressed the need to strictly observe this duty so as not to negate our efforts to minimize, if not totally eradicate, the twin problems of congestion and delay that have long plagued our courts. Finally, Canons 6 and 7 of the Canons of Judicial Ethics exhort judges to be prompt and punctual in the disposition and resolution of cases and matters pending before their courts, to wit:

6. PROMPTNESS

He should be prompt in disposing of all matters submitted to him, remembering that justice delayed is often justice denied.

7. PUNCTUALITY

He should be punctual in the performance of his judicial duties, recognizing that the time of litigants, witnesses, and attorneys is of value and that if the judge is unpunctual in his habits, he sets a bad example to the bar and tends to create dissatisfaction with the administration of justice.^[11]

Also relevant herein is Administrative Circular No. 1, dated 28 January 1988, which requires all magistrates to observe scrupulously the periods prescribed in Article VIII, Section 15 of the Constitution, and to act promptly on all motions and interlocutory matters pending before their courts.

In the case at bar, Limson's Demurrer to Evidence in Criminal Case No. 71984 was submitted for resolution on 20 June 2002. The same was still pending even after Gonzales had filed this administrative case on 23 October 2003.

Respondent Judge Torres presented several excuses for her delay in resolving the Demurrer to Evidence in Criminal Case No. 71984 and in filing her comment to the present administrative case, among which were her heavy case load, additional duties as Executive Judge of the MeTC of Mandaluyong City, the vacancies in her branch, and the disorganized record-keeping. These will not exonerate her.

Prompt disposition of cases is attained basically through the efficiency and dedication to duty of judges. If they do not possess those traits, delay in the disposition of cases is inevitable, to the prejudice of litigants. Accordingly, judges should be imbued with a high sense of duty and responsibility in the discharge of their obligation to promptly administer justice.^[12]

The administrative responsibility for the prompt and speedy disposition of cases rests on the judge's shoulders. The Code of Judicial Conduct requires judges to organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity. The same Code charges him with the duty of diligently discharging administrative responsibilities, maintaining professional competence in court management, and facilitating the performance of the administrative functions of other judges and court personnel.^[13]

The absence of an efficient record system in her court may not be used by Judge Torres in failing to resolve the *Demurrer to Evidence* in Criminal Case No. 71984. It is incumbent upon her to devise an efficient recording and filing system in her court so that no disorderliness can affect the flow of cases and their speedy disposition. A judge cannot take refuge behind the inefficiency or mismanagement of his court personnel since proper and efficient court management is her responsibility. Court personnel are not the guardians of a judge's responsibilities. The efficient administration of justice cannot accept as an excuse the shifting of the blame from one court personnel to another. A judge should be the master of his own domain and take responsibility for the mistakes of his subjects.^[14] He is the one directly responsible for the proper discharge of his official functions. Judges cannot escape administrative liability by pointing to lapses, absences or negligence of court personnel under them.^[15]

It must be stressed that the primordial and most important duty of every member of