

EN BANC

[A.M. NO. MTJ-04-1554, June 29, 2005]

DR. WILSON B. TAN, COMPLAINANT, VS. JUDGE ANTONIO T. ESTOCONING, RESPONDENT.

[A.M. No. MTJ-04-1562]

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D E C I S I O N

AUSTRIA-MARTINEZ, J.:

Before this Court are three complaints,^[1] filed by Dr. Wilson B. Tan against Judge Antonio T. Estoconing, of Municipal Trial Court in Cities, Branch 1, Dumaguete City, for undue delay in rendering judgment, misdeclaration of monthly reports, gross ignorance of the law, knowingly rendering an unjust judgment, and violation of the Anti-Graft and Corrupt Practices Act (R.A. No. 3019).

The facts are as follows:

Dr. Tan filed a complaint (A.M. OCA IPI No. 03-1382-MTJ) before this Court on December 3, 2002, alleging that: he is the private complainant in Crim. Case No. L-1355 (People vs. SPO1 Julius H. Alquizar) for estafa lodged before the sala of respondent judge; on September 9, 2002 or almost ten months after the case was submitted for decision, complainant filed a manifestation reminding respondent that the 90-day mandatory period to decide the case has already lapsed; instead of appreciating such reminder, respondent issued an Order dated September 12, 2002 questioning the propriety of complainant's manifestation on the ground that the same should be filed through counsel; respondent was partial as manifested by his acquittal of the accused; and respondent must have falsified his monthly report of cases by declaring therein that Crim. Case No. L-1355 was still undergoing trial when in truth, it has been submitted for decision as early as November 5, 2001.^[2]

On February 13, 2003, Dr. Tan filed another complaint (A.M. OCA IPI No. 03-1383-MTJ) alleging that: he is the complainant in Crim. Case Nos. H-121 (People vs. Victoria M. Pasculado) and H-124 (People vs. Luzviminda C. Cimafranca) for estafa, lodged before the sala of respondent; said cases were submitted for decision on April 9, 2002 but were promulgated only on November 18, 2002 or more than seven months after the cases were submitted for decision; it is most likely that respondent judge faked his monthly report to this Court to make it appear that he has not delayed in rendering his decisions; he is grossly ignorant if not unjust in acquitting the accused in the said cases and in not awarding the return of the value of the consigned goods; and respondent is guilty of partiality or evident bad faith against complainant.^[3]

Respondent filed his Comment, dated April 30, 2003, to both complaints explaining that: complainant was his friend for many years until the decisions rendered became unfavorable to him; in fact, complainant had a case in another court which also suffered delay but he did not complain because the decision was favorable to him; if complainant was not satisfied with his decisions, he should have appealed the same on questions of law instead of filing administrative cases against him; complainant filed the present cases only to harass him and to stop him from further hearing complainant's other criminal cases pending before his court; there is no delay in the rendition of his decisions since he just wanted the three criminal cases involving the same private complainant to be promulgated simultaneously; there are also no misdeclarations as the audit team came on October 2002 and found nothing wrong in his sala; and there was no bias or partiality in the orders that he issued.^[4]

On June 19, 2003, complainant filed a Reply stating that: respondent cannot cite the delay in the judgment of another court to justify the delay in the rendition of his judgment; he also cannot put up as an excuse respondent's wish to promulgate the decisions of the three cases at the same time since this was not allowed by the Office of the Court Administrator (OCA); respondent erred in stating that complainant should appeal the acquittal of the accused since this is not allowed by the rules; and respondent erred in acquitting the accused of the crime of estafa by citing the laws on contracts.^[5]

On March 29, 2004, the OCA, in its Report, recommended:

- a) that OCA IPI No. 03-1382-MTJ be RE-DOCKETED as a regular administrative matter, and considering that this is his first offense in his almost ten (10) years of service in the judiciary, respondent Judge Antonio T. Estoconing, MTCC, Branch 1, Dumaguete City, Negros Oriental be FINED in the amount of Eleven Thousand Pesos (P11,000.00) for undue delay in rendering the decision in Criminal Case No. L-1355 with a STERN WARNING that future similar act will be dealt with more severely; and
- b) that OCA IPI No. 03-1383-MTJ be RE-DOCKETED as a regular administrative matter, and considering that this is his second offense and it involves two (2) cases, respondent Judge Antonio T. Estoconing, MTCC, Branch 1, Dumaguete City, Negros Oriental be FINED in the amount of Eleven Thousand Pesos (P11,000.00) for undue delay in rendering the decision in Criminal Cases Nos. H-121 and H-124 with a STERN WARNING that future similar act will be dealt with more severely.^[6]

Both complaints were redocketed as A.M. No. MTJ-04-1554.

Meanwhile, on May 13, 2003, Dr. Tan filed his third complaint (A.M. OCA IPI No. 03-1413-MTJ) stating that: he is the private complainant in Crim. Case No. H-211 (People vs. Fely Brillantes); on January 23, 2002, respondent ordered the defense counsel to furnish the private prosecutor a copy of their memorandum of exhibits, instead of the public prosecutor which has control and supervision over the case; on November 4, 2002, respondent considered the case submitted for resolution after the defense failed to submit its offer of evidence; on December 27, 2002, upon motion of the accused, respondent issued another order receiving and admitting as

evidence the memorandum of exhibits of the defense and ordered the prosecution to file its comment thereon within five days; the prosecution filed a "Manifestation" seeking a ruling on the accused's formal offer of exhibits and manifested its intention to present rebuttal witnesses; respondent denied the latter manifestation in an Order dated January 17, 2003 on the ground that no new issues and no new matters have been raised by the defense; respondent committed undue delay in the rendition of judgment since the case was originally submitted for decision on November 4, 2002, and scheduled for promulgation on January 20, 2003 which was moved and finally set for April 29, 2003;^[7] and the respondent ignored the elements of the crime of estafa and used the laws on contract in disposing the case.^[8]

Respondent denied the charges in his Comment dated July 13, 2003 and explained that: he found the evidence presented by the prosecution to be spurious and questionable; he committed no procedural lapses; complainant never questioned him during the trial and only raised issues after he failed to obtain a favorable judgment; the various orders he issued prove that he wanted to dispose of the case at the earliest possible time; the case was submitted for decision on February 4, 2003 and the judgment rendered on May 5, 2003, hence the 90-day period to decide was not violated; the complainant deliberately misled the OCA by failing to disclose in his complaint the Order dated February 4, 2003; and this was not the first time that the complainant tried to mislead the Court.^[9]

The OCA, in its Report dated March 29, 2004, recommended that:

a) the instant case be **RE-DOCKETED** as a regular administrative matter;

b) that respondent Judge Antonio T. Estoconing be **FINED** in the amount of Twenty Thousand Pesos (P20,000.00) with a **STERN WARNING** that commission of the same or similar acts will be dealt with more severely.

^[10]

The complaint is redocketed as A.M. No. MTJ-04-1562.

In its Resolution dated March 22, 2004, the Court consolidated A.M. No. MTJ-04-1554 and A.M. No. MTJ-04-1562.

Both complainant and respondent manifested that they are willing to submit the case for resolution based on the pleadings.^[11]

In sum, respondent is being charged by complainant with the following: (1) undue delay in rendering judgments in Crim. Case Nos. L-1355, H-121, H-124 and H-211; (2) misdeclaration of monthly reports; (3) gross ignorance of the law and rendering an unjust judgment; and (4) manifest partiality and bad faith under R.A. No. 3019, Sec. 3(e).

Undue delay. As to the charge of undue delay in rendering judgment, the Court finds that, except for Crim. Case No. H-211, respondent judge is guilty thereof and therefore should be disciplined accordingly.

The Constitution provides that all lower courts must decide or resolve cases or

matters brought before them three months from the time a case or matter is submitted for decision.^[12] The Code of Judicial Conduct also directs judges to dispose of the court's business promptly and decide cases within the required periods.^[13] This is in view of the right of all persons to the speedy disposition of their cases under Article III, Section 15 (1) and (2) of the 1987 Constitution.

Respondent judge failed to render decisions within the 90-day reglementary period as follows: Crim. Case No. L-1355 was submitted for decision on November 5, 2001 but was rendered only on November 18, 2002;^[14] Crim. Case Nos. H-121 and H-124 were submitted for decision on April 9, 2002 but the decisions thereon were promulgated on November 18, 2002.^[15] Evidently, respondent failed to comply with the required period.

The Court usually allows reasonable extensions of time to decide cases in view of the heavy caseload of the trial courts. If a judge is unable to comply with the 90-day reglementary period for deciding cases or matters, he can, for good reasons, ask for an extension and such request is generally granted.^[16] But respondent did not ask for any extension in these cases. Having failed to decide a case within the required period, without any order of extension granted by this Court, respondent is liable for gross inefficiency that merits administrative sanction.^[17]

Respondent's request to promulgate the abovementioned cases at the same time was denied by the OCA.^[18] Thus, he cannot use this excuse to exculpate himself from liability.

Municipal judges play important roles in our justice system. They are the front-line officers in the administration of justice. They are the visible representation of the law. It is, therefore, essential that they live up to the high standards demanded by the Code of Judicial Conduct.^[19]

As oft stated, justice delayed is justice denied. The honor and integrity of the judiciary is measured not only by the fairness and correctness of the decisions rendered, but also by the efficiency with which disputes are resolved. Judges are therefore mandated to perform their duties with utmost diligence in order to preserve the confidence of the public in the judiciary.^[20]

As to Crim. Case No. H-211, records show that the last Order issued by the respondent submitting the case for decision was dated February 4, 2003.^[21] While the case was originally submitted for decision on November 4, 2002 without defense evidence and was set for promulgation on January 20, 2003, the respondent, upon motion of the accused, admitted the memorandum of exhibits of the defense and gave the prosecution time to file its comment.^[22] On January 17, 2003, respondent issued another Order moving the promulgation of judgment to February 12, 2003 stating that it is giving the prosecution three days from receipt of said order to file its comment on the offer of evidence; otherwise the prosecution shall be deemed to have waived its right to file the same and the case shall be submitted for decision.^[23] On February 4, 2003, respondent issued its last Order^[24] admitting the comment and submitting the case for decision which was finally rendered on May 5, 2003.^[25]

What the Court sees in this criminal case is a situation where respondent reconsidered his previous action in submitting the case for decision without the defense evidence by admitting the memorandum of exhibits filed by accused and requiring the prosecution to comment thereon. The Court sees nothing irregular on this matter considering that what respondent admitted are not the exhibits but the "memorandum of exhibits." And when respondent admitted the comment and submitted the case for decision on February 4, 2003, the 90-day reglementary period should be reckoned from said date, and not from November 4, 2002. Respondent promulgated his decision on May 5, 2003 which is within the 90-day reglementary period. Hence, respondent cannot be held liable for undue delay as far as Crim. Case No. H-211 is concerned.

Misdeclaration of monthly reports. Respondent in his comment answered the charge of "misdeclaration of monthly reports" by saying that complainant, who was biased, partial and unfair, merely acted in retaliation since the judgments rendered by respondent were not favorable to him.^[26]

The OCA in its report noted that:

. . . respondent judge did not confirm or deny complainant's claim that he misdeclared in his Monthly Report of Cases that he had no cases submitted for decision...[O]ur verification with the Court Management office shows that Criminal Cases Nos. L-1355, H-121 and H-124 were not among those listed under Item No. VI (List of Cases Submitted for Decision but Not Yet Decided at the End of the Month) of the Monthly Report of Cases for February, March, June, July and August 2002 of MTCC, Branch 1, Dumaguete City, Negros Oriental.^[27]

This is in violation of Administrative Circular No. 61-2001, which took effect in January of 2002, directing judges to certify the correctness of the monthly report of cases, to be accomplished by the clerks of court, which must include a list of cases submitted for decision but not yet decided at the end of the month.

As found by the OCA, the cases subject of the present administrative complaints were not reflected in the required monthly reports particularly under the list of cases submitted for decision. Erroneous statistical accomplishment of the monthly report is equivalent to the submission of inaccurate report making the same a ground for disciplinary action.^[28] Proper and efficient court management is the responsibility of the judge.^[29]

Gross ignorance of the law and rendering unjust judgments.

Complainant claims that respondent is guilty of ignorance of the law when he denied the manifestation of the prosecution that it be allowed to present rebuttal evidence. Respondent's reason for the denial is that there were no issues and no new matters that were raised by the defense. Whether or not respondent committed grave abuse of discretion in so denying the prosecution to present rebuttal evidence is an issue that could have been determined in a petition for *certiorari* filed with the proper court and should not have been the subject of an administrative complaint.

The Court has carefully examined the decisions rendered by respondent in Criminal