510 Phil. 487

THIRD DIVISION

[A.M. NO. MTJ-05-1603, October 25, 2005]

JAIME R. SEVILLA COMPLAINANT, VS. JUDGE EDISON F. QUINTIN, METC, BRANCH 56, MALABON CITY, RESPONDENT.

D E C I S I O N

CARPIO MORALES, J.:

For granting alleged innumerable postponements resulting to unconscionable delay in the disposition of Criminal Case Nos. 5300-96 to 5503-96, all entitled "*People v. Genaro R. Sevilla*," for violation of Batas Pambansa Blg. 22, the therein private complainant Jaime R. Sevilla â"€ brother of the accused Genero R. Sevilla, administratively charges Malabon Metropolitan Trial Court (MeTC) Judge Edison F. Quintin (respondent).

By his complaint[1] filed on June 2, 2004 with the Office of the Court Administrator (OCA), complainant faults respondent with gross ignorance of the law, obvious bias, grave abuse of discretion, and indubitable willingness to be a conspirator in the accused's dilatory scheme to the prejudice of his cause by granting fifteen (15) indiscriminate and arbitrary postponements.[2]

Complainant alleges that the same questioned act constitutes a violation of Canon 1, Rule 1.0[2] of the Code of Judicial Conduct and Section 1, Rule 135 of the Revised Rules of Court and the spirit of 1991 Revised Rules on Summary Procedure, as amended by A.M. No. 00-11-01-SC which all call for a speedy and inexpensive resolution of B.P. 22 cases, and illustrates a corrupt practice prohibited under Section 3 (e) of R.A. 3019 for causing undue injury to a party, or preference in the discharge of judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence.[3]

Complainant likewise faults respondent for his grant on December 16, 2003 of the defense counsel's belated verbal "manifestation" to file demurrer to evidence â"€ even if no such demurrer was subsequently filed â"€ as contrary to Section 23, Rule 119 of the Rules of Court.[4]

By 1st Indorsement of June 29, 2004, the OCA required respondent to file his Comment on the complaint.[5]

In his Comment[6] filed on August 3, 2004, respondent denied the charges against him. He explains as follows:

The four (4) counts for violation of B.P. 22 were filed as early as November 19, 1996, and the initial proceedings thereon were handled by the former presiding judge of Branch 56, MeTC of Malabon City.[7] When he was appointed as the new

Presiding Judge of said branch, he set the cases for continuation of trial on March 1, 1999, and on September 30, 1999, the prosecution filed its formal offer of evidence.[8]

On July 22, 2000, a fire gutted the entire courthouse of Branch 56 and only case records bearing dates up to November 1999 were salvaged or retrieved.[9]

On December 12, 2000, complainant through the private prosecutor filed a petition for reconstitution of the subject cases. On the hearing of the petition for reconstitution on January 9, 2001, no party showed up, however.

In the meantime, the proceedings on the cases were *motu proprio* suspended pending the reconstitution of their original records.[10]

The cases were soon set for hearing on August 3, 2001.

The August 3, 2001 setting was reset seven times up to August 15, 2002[11] inclusive, on agreement of the parties, in view of the absence of their respective counsels.[12]

As to the other resettings of the hearing of the cases, respondent gives the following explanation:

> In the fifteen (15) resettings of hearing under question, there were only two (2) instances when the private prosecutor objected to the resetting - on September 19, 2002 and on August 7, 2003. In the first case, the court allowed the resetting of the hearing despite objection from the private prosecutor giving the accused (who was present) the last opportunity to present evidence in the next hearing, on condition that his failure to do so would be deemed a waiver of his right to present evidence and consider the case submitted for judgment on the basis only of the prosecution's evidence'.In the second case, the accused appeared without counsel since Atty. Barayang allegedly went to the hospital for a medical check-up; the private prosecutor moved that the case be submitted for judgment, but the court allowed the resetting to give the accused a last chance to present evidence and required Atty. Barayang to submit a duly verified medical certificate.
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> Two (2) settings [November 21, 2002 and February 11, 2003], despite the readiness of the private complainant and accused, were rescheduled for reason that the public prosecutor was absent due to sickness. Without the public prosecutor, no criminal proceedings can be conducted even if the private prosecutor is present unless the latter has secured an authority to prosecute the case even in the absence of the former. One (1) resetting [May 29, 2003] was due to the flood that rendered the court premises inaccessible. One (1) tentative resetting [December 16, 2003] was due to the fact that a motion for leave to file demurrer to evidence, without objection from the private prosecutor, was granted by the court. One (1) resetting [April 20, 2004] was during the continuation

of the direct testimony of accused due to the absence of the defense counsel, but this was with the conformity of the private complainant.[13] (Underscoring supplied)

Conceding that a judge must have control of court proceedings, respondent nevertheless proffers that it is also subject to the vagaries of circumstances.[14] *E.g.*, he draws attention to the fact that Branch 56 hears criminal cases twice a week and only in the mornings - the only schedule available to the public prosecutor.

On the charge that he is guilty of gross ignorance of the law for granting the belated verbal motion of the defense to file demurrer to evidence, respondent, drawing attention to the fact that the motion merited no objection from the prosecution, claims that he was merely moved by his desire to end, if warranted, the already protracted proceedings between brothers.[15]

In a Reply dated August 24, 2004, complainant counters that even if the private prosecutor was absent in all eight (8) hearings as long as the public prosecutor who has supervision and control of the prosecution of criminal cases was present, [16] it could not be said that he (complainant) was not ready for trial; that respondent's exhaustion of all means to forge an amicable settlement of a dispute between family members applies only in civil cases; and that respondent "went overboard in his discretion when he surmised that his (complainant's) only concern was to collect the debt . . ." for he (complainant) wanted to put his brother-accused behind bars.[17]

As to the non-objection by the prosecution to the motion of the defense to file demurrer to evidence, complainant stresses that respondent retains the power to dictate the course of court proceedings, hence, he can overrule or deny *motu proprio* motions which are obviously contrary to the Rules.[18]

By Report[19] dated June 14, 2005, the OCA observes that respondent had been very liberal in granting postponements, citing three different occasions when trial of the cases was postponed for failure of the defense counsel to appear without respondent ordering the defense counsel to explain his absence and why he should not be cited for contempt.

And for failing to rule on the formal offer of evidence by the prosecution, despite the lapse of more than eight (8) months from the filing by the defense of its comment and/or opposition thereto until the courtroom was gutted by fire on July 22, 2000, the OCA finds respondent's inaction condemnable as it does respondent's grant of the belated verbal "manifestation" of the counsel to file a demurrer to evidence on December 16, 2003, or more than four (4) years after the prosecution had rested its case on September 30, 1999.

The OCA accordingly recommends that for gross ignorance of the law and violation of Rule 3.05 of the Code of Judicial Conduct, respondent be fined in the amount of Twenty Thousand Pesos (P20,000.00).

As a rule, the grant or denial of a motion for postponement is addressed to the sound discretion of the court which should always be predicated on the consideration that more than the mere convenience of the courts or of the parties,

the ends of justice and fairness should be served thereby.[20] However, this discretion must be exercised wisely.[21]

> To be sure, the discretion of the trial court, "is not absolute nor beyond control." It must be sound, and exercised within reasonable bounds. Judicial discretion, by its very nature, involves the exercise of the judge's individual opinion and the law has wisely provided that its exercise be guided by well-known rules which, while allowing the judge rational latitude for the operation of his own individual views, prevent them from getting out of control. An uncontrolled or uncontrollable discretion on the part of a judge is a misnomer. It is a fallacy. [22]

In considering motions for postponements, two things must be borne in mind: (1) the reason for the postponement, and (2) the merits of the movant.[23]

A perusal of the records of the cases reveals that the hearings thereon were reset innumerably from August 3, 2001 until April 20, 2004 due to the absence of either the private or public prosecutor and/or the defense counsel.

The defense counsel did not thus have a monopoly of contracting absences. The private prosecutor whom complainant hired had had his share of absences. As admitted by complainant, the private prosecutor's last appearance was on September 19, 1999.[24] Instead, however, of dispensing with the services of the private prosecutor early on or as soon as the latter showed lack of dedication to the cases,[25] complainant tolerated his continued absences. And complainant interposed no objection to the consecutive resettings of the hearing of the cases and even expressed his conformity thereto by affixing his signature on the minutes thereof.

That complainant did not object to the continued postponement of the hearing of the cases for close to three (3) years does not, however, extenuate respondent.

For a judge should at all times remain in full control of the proceedings in his branch and should adopt a firm policy against improvident postponements.[26] Lengthy postponements of court hearings create delay in the administration of justice, thus undermining the people's faith in the judiciary from whom the prompt hearing of their supplications is anticipated and expected, and reinforcing in the mind of the litigants the impression that the wheels of justice grind ever so slowly.[27]

And they should always observe utmost diligence and dedication in the performance of their judicial functions and duties, dispose of the court's business promptly[28] and decide cases impartially with reasonable dispatch. So dictates the Code of Judicial Conduct, the pertinent rules of which read:

> Rule 1.02 - A judge should administer justice impartially and without delay.
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> Rule 3.05 - A judge shall dispose of the court's business promptly and decide cases within the required periods.