

## EN BANC

**[ A.M. No. MTJ-03-1515 (formerly A.M. No. OCA IPI-98-591-MTJ), February 03, 2004 ]**

**DOLORES IMBANG, COMPLAINANT, VS. JUDGE DEOGRACIAS K. DEL ROSARIO, MCTC, BRANCH 3 PATNONGON, ANTIQUE, RESPONDENT.**

## DECISION

**CALLEJO, SR., J.:**

The instant administrative case arose when Dolores Imbang filed a sworn Letter-Complaint dated July 31, 1998<sup>[1]</sup> charging Judge Deogracias K. Del Rosario, Municipal Circuit Trial Court, Patnongan-Bugasong-Valderama, Patnongan, Antique with failure to decide a case within the 90-day reglementary period relative to Civil Case No. 318 entitled *Dolores Imbang v. Alice Guerra* for collection of sum of money with damages.

The complainant alleged that she is the plaintiff in Civil Case No. 318 pending before the *sala* of the respondent judge. During the hearing of September 22, 1997, the complainant, through counsel, presented her evidence *ex-parte* and the case was submitted for decision. According to the complainant:

My counsel filed several motions for the court to resolve the case on the following dates: December 1, 1997; January 19, 1998; March 19, 1998, and lastly on April 13, 1998. A copy of the last Motion is hereto attached.

However, until this date, or after a lapse of ten (10) months from the date the case was submitted for decision, the trial judge failed to resolve the case.<sup>[2]</sup>

The complaint was docketed as OCA IPI NO. 98-591-MTJ. In a 1st Indorsement<sup>[3]</sup> dated February 9, 1991, the Office of the Court Administrator referred the matter to the respondent and required the latter to comment within ten days from receipt thereof. The OCA thereafter issued a 1st Tracer on February 3, 2000 reiterating its order requiring the respondent to submit his comment. The respondent failed to comply. In a Letter<sup>[4]</sup> dated August 10, 2001, then Acting Court Administrator Zenaida N. Elepaxio reiterated the previous orders, otherwise, the OCA would recommend to the Court that the respondent judge be cited for contempt.

In a Letter<sup>[5]</sup> dated September 6, 2001, the respondent judge requested that he be given an extension of ten days within which to file his comment. The OCA granted the request, and advised the respondent that no further extension would be given.

<sup>[6]</sup> The respondent judge failed to file his comment within the period given.

In a Report dated May 9, 2003, the OCA opined that the respondent judge has clearly chosen to disregard the directives of the office. The OCA made the following recommendations:

**RECOMMENDATION:** Respectfully recommended that the above entitled case be REDOCKETED as a regular administrative matter and that:

1. Respondent be **FINED** in the amount of P5,000.00 for his obdurate defiance of the several directives of the Office of the Court Administrator;
2. Respondent be considered as having waived his right to defend himself in the said administrative case; and
3. Respondent be **FINED** P2,000.00 for delaying the administration of justice by failing to decide Civil Case No. 318 entitled "Dolores Imbang v. Alice Guerra."<sup>[7]</sup>

*The Respondent's Failure To  
Comply With The Lawful  
Directives Of The Court  
Constitutes Gross Misconduct  
And Insubordination*

The respondent's failure to comply with the Court's directive to file his comment to the letter-complaint against him constitutes a blatant display of his indifference to the lawful directives of the Court. As we held in *Martinez v. Zoleta*:<sup>[8]</sup>

. . . [T]he resolution of the Supreme Court requiring comment on an administrative complaint against officials and employees of the judiciary should not be construed as a mere request from the Court. Nor should it be complied with partially, inadequately or selectively. Respondents in administrative complaints should comment on all accusations or allegations against them in the administrative complaints because it is their duty to preserve the integrity of the judiciary. Moreover, the Court should not and will not tolerate future indifference of respondents to administrative complaints and to resolutions requiring comment on such administrative complaints.<sup>[9]</sup>

Five years has passed since the respondent was first directed to file his comment on the complaint against him. He has thus waived his right to defend himself against the complainant's accusations. Furthermore, his repeated failure to comply with the Court's directives constitutes gross misconduct and insubordination.<sup>[10]</sup> This, the Court cannot countenance. As a magistrate, the respondent should have known that he is the visible representation of the law, and more importantly, of justice. It is from him that the people draw their will and awareness to obey the law. For the judge to return that regard, he must be the first to abide by the law and weave an example for others to follow.<sup>[11]</sup> Consequently, the last person to refuse to adhere to the directives of the Court, or, in its stead, the Office of the Court Administrator, is the judge himself. No position is more demanding as regards moral righteousness and uprightness of any individual than a seat on the bench.<sup>[12]</sup>